



FY2023 NDAA: Status of Legislative Activity

Updated December 29, 2022

By law ([31 U.S.C. §1105\(a\)](#)), the President is to send the federal budget request to Congress by the first Monday in February. In practice, Presidents sometimes send it later. On March 28, 2022, President Joseph R. Biden submitted the [FY2023 budget request](#), including proposed funding for the Department of Defense (DOD), nuclear weapons programs of the Department of Energy, and other national defense-related activities. The National Defense Authorization Act (NDAA) typically sets policy and authorizes appropriations for the vast majority of these activities. This product provides the status of congressional activity on National Defense Authorization Act for Fiscal Year 2023 proposals and enacted legislation (FY2023 NDAA; H.R. 7900; S. 4543; H.R. 7776; P.L. 117-263).

On June 6-8, 2022, in preparation of subcommittee and full committee markups, the seven subcommittees of the House Armed Services Committee (HASC) [released](#) draft legislative proposals (known as *marks*) for matters in the FY2023 NDAA under their respective jurisdictions. On June 8-9, the HASC subcommittees [considered](#) and reported their marks to the full committee. On June 20, Representative Adam Smith, Chair of HASC, [released](#) his draft legislative proposals (i.e., *Chairman's mark*) for portions of the bill not in the subcommittee marks. On June 22, the HASC began [considering](#) and marking up the legislation. On June 23, the committee [voted](#) 57-1 to order [H.R. 7900](#) reported to the House with an amendment in the nature of a substitute reflecting the product of the two-day markup. On July 1, the committee [filed](#) its report, H.Rept. 117-397, to accompany the legislation. On July 7, the committee [filed a supplemental report](#) that included the Congressional Budget Office's cost estimate for the bill. On July 12, the House Rules Committee [met](#) to report a structured rule for the House to consider H.R. 7900 and other legislation. On July [13-14](#), the House debated and considered [amendments](#) to H.R. 7900. On July 14, the House passed the measure, as amended, by a vote of 329-101.

Meanwhile, in the Senate, on June [13-14](#), 2022, the seven subcommittees of the Senate Armed Services Committee (SASC) marked up draft legislative proposals with recommendations for matters in the FY2023 NDAA under their respective jurisdictions. As in previous years, two of the markups were held in open sessions (Subcommittee on Readiness and Management Support, and Subcommittee on Personnel), and five were closed. On June 15-16, the full committee [considered](#) the legislation in a closed session. On June 16, Senators Jack Reed and Jim Inhofe, Chair and Ranking Member, respectively, of SASC, [announced](#) the committee voted 23-3 to order reported an original bill reflecting changes agreed to in markup. On July 18, SASC reported S. 4543 and [filed](#) the accompanying report S.Rept. 117-130. The Senate did not consider S. 4543. On October 11, the Senate proceeded to consider H.R. 7900, to which

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Senator Reed then offered a complete substitute amendment (S.Amdt. 5499, as modified) based on the text of S. 4543 and that also incorporated a number of additional proposals.

Similar to the FY2022 NDAA (P.L. 117-81), the House and Senate did not reach a stage at which a conference committee could be established to reconcile two versions of the bill. Instead, HASC and SASC leaders negotiated a bicameral agreement based on the two versions. On December 6, the committees announced the release of the [agreement](#), which was to be considered as a [House amendment](#) to a Senate amendment to an unrelated bill, H.R. 7776. On December 8, an explanatory statement to accompany the House amendment was published in [Part 3](#) of the House section of the *Congressional Record*. The final text of the NDAA provided that this statement was to be treated as if it were the formal joint explanatory statement issued by a conference committee. The same day, the House voted [350-80](#) to adopt H.Res. 1512, by which the House agreed to the House amendment and returned the bill to the Senate. On December 15, the Senate voted [83-11](#) to agree to the House amendment without any changes, allowing the measure to be enrolled for presentation to the President. On December 23, President Biden signed the James M. Inhofe National Defense Authorization Act for Fiscal Year 2023 into law (P.L. 117-263).

Table 1 shows the status of legislative activity on the FY2023 NDAA.

Table I. FY2023 NDAA: Status of Legislative Activity

House				Senate				Public Law
Bill #, Date Reported	Report #, Date	Vote # (yeas-nays), Date Passed	HASC-SASC Negotiated Proposal	Bill #, Date Reported	Report #, Date	Vote # (yeas-nays), Date Passed	HASC-SASC Negotiated Proposal	P.L. #, Date Signed
H.R. 7900, 7/1/22	H.Rept. 117-397 , 7/1/22	350 (329-101), 7/14/22						
				S. 4543, 7/18/22	S.Rept. 117-130 , 7/18/22			
House amendment to the Senate amendment to H.R. 7776, 12/8/22		516 (350-80), 12/8/22 (H.Res. 1512) ^a	Explanatory statement published in Part 3 of the <i>Congressional Record</i> ^b	House amendment to the Senate amendment to H.R. 7776, 12/8/22		396 (83-11), 12/15/22	Explanatory statement published in Part 3 of the <i>Congressional Record</i> ^b	P.L. 117-263, 12/23/22

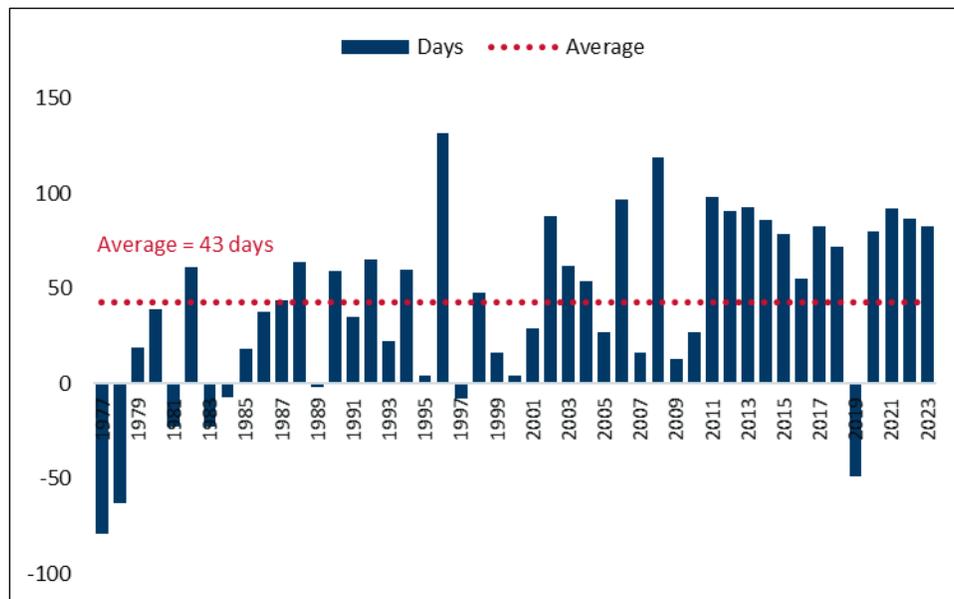
Source: CRS analysis of selected actions in Congress.gov.

Note:

- a. On December 8, 2022, the House voted 350-80 in favor of the bicameral agreement on the FY2023 NDAA by adopting H.Res. 1512.
- b. An explanatory statement to accompany the FY2023 NDAA was published in [Part 3](#) of the House section of the *Congressional Record*.

Figure 1 shows the number of days between the start of the fiscal year and enactment of the annual defense authorization act since FY1977, when the federal government transitioned to a fiscal year beginning October 1, 1976.

Figure I. Days between Start of Fiscal Year and Enactment of Annual Defense Authorization Acts, FY1977-FY2023
(in days)



Source: CRS analysis of dates of enactment of public law from CRS Report 98-756, *Defense Authorization and Appropriations Bills: FY1961-FY2021*, by Barbara Salazar Torreon and Sofia Plagakis; P.L. 117-81; and P.L. 117-263.

Note: Positive values indicate number of days between start of the fiscal year and enactment of annual defense authorization acts. Thus, the figure shows that since FY1977 annual defense authorization legislation has been enacted, on average, 43 days after the beginning of the fiscal year (i.e., early November). Negative values indicate number of days between enactment of annual defense authorization acts and start of fiscal year. Annual defense authorization legislation for the fiscal years 1979, 1989, 1996, 2008, 2016, and 2021 was enacted over a presidential veto.

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