

The NDAA process, explained

The National Defense Authorization Act (NDAA) authorizes appropriations and establishes policy for the Department of Defense (DOD), nuclear weapons programs at the Department of Energy (DOE), defense intelligence programs, and other defense activities of the federal government (e.g., military construction projects, homeland security programs).

The Defense Department is one of the only remaining agencies that gets such a yearly authorization. Fiscal Year 2020 marked the 59th consecutive year that Congress enacted the authorization bill. As such, the NDAA is often viewed as a reliable vehicle for many Members on a range of policy issues. The bill itself does not provide actual budget authority, which occurs in the annual appropriations bills that follow a similar cycle to the NDAA, but rather authorizes programs, projects, and policies to be carried out with Congressionally appropriated funds.

In recent years, the bill has authorized defense appropriations in excess of \$700 billion. While the exact timeline can vary from year to year depending on politics and policy, the annual enactment of the NDAA is a result of close adherence to a process and consistent schedule for almost six decades ([view as an infographic](#)):

- In early February, the Executive Branch releases its Presidential Budget Request (PBR), which details a proposed budget for the upcoming fiscal year starting on October 1, as compiled by federal agencies, the Office of Management and Budget (OMB), and the White House. The PBR, as its name denotes, is indeed just a request, but it is used by Congress as a frame for their authorization and appropriations bills.
- Following the release of the PBR, the House and Senate Armed Services Committees (HASC and SASC) hold hearings with officials from the Defense Department, military services, the NNSA and Energy Department, other related government agencies, and subject matter experts from academia and civil society on the budget and programs for the upcoming fiscal year. During this time, the staff of the two committees begin to draft their base bills.
- Typically, sometime between April and June, the respective Armed Services Committees release their proposed bills, referred to as the “Chairman’s mark,” which they then review, amend, and pass through the subcommittees and full committees. The HASC has tended to hold their markup process in public, while the SASC more often considers their bill in private. In addition to the bill itself, committees also publish accompanying reports and summaries that provide greater detail and clarity of the bill’s text. Advocates and constituents can lobby committee staff and members to include specific provisions or amendments to the bill during this time.
- After the bills are passed in committee, the full House and Senate consider the bill on the floor. This is another time in which advocates and constituents can issue vote recommendations and lobby offices on specific amendments and overall passage of the bill.
 - In the House, all Members can submit proposed NDAA amendments to the House Rules Committee. The Rules committee, along with guidance from HASC leadership, creates a rule structuring floor debate and decides which amendments will receive votes on the floor, which will be bundled into a package amendment (normally, noncontroversial or bipartisan amendments), and which amendments are not in order. Debate and votes are then held on the amendments and final bill is considered and voted on the floor by the full House.
 - In the Senate, Members can submit proposed amendments to the Majority Leader who then provides structure for floor debate, typically under multiple unanimous consent agreements. The Majority Leader, in conjunction with SASC leadership, frequently prepares a number of unobjectionable amendments to be considered in a “manager’s package” on the

floor. Senate leadership often also allows for debate and votes on a number of more controversial amendments, which could be subject to cloture votes. After all floor debate and amendment considerations are held, then the full Senate moves to vote on cloture and final passage of the bill.

- Typically, after one or both chambers pass their versions of the NDAA, the White House's OMB issues a Statement of Administrative Policy (SAP) to indicate support or opposition to the legislation and various provisions within it. The SAP sometimes includes an explicit veto threat over one or more specific concerns in the bill in order to try to influence the final compromise version of the bill.
- After both chambers have passed their bills, the two versions then go into "conference," in which the leadership of both committees, select House and Senate Members (mostly from HASC and SASC) who are appointed by leadership, and their respective personal and committee staff work to reconcile differences between the two bills and negotiate on a final compromise version. The timeline for this process can vary depending on the level of discrepancy between the two bills, but they typically aim to complete conference before the end of the fiscal year (September 30). During this period, advocates and constituents can push for certain provisions to be added or blocked from the final bill. Once the conference committees agreed to a final bill and report, the compromise bill returns to each chamber for final debate (it is not subject to amendments) and passage.
- Once passed by the House and Senate, the final bill is sent to President for signature before it becomes law. While rare, a presidential veto of the NDAA is always a possibility, having occurred [five times](#) since 1961 and most recently as fiscal year 2016. Three of the five vetoes were related to nuclear weapons or missile defense programs.