



LEGISLATIVE ANALYSIS

PROGRESSIVE CAUCUS ACTION FUND

What's on Congress' To-Do List? Must-Pass Bills in 2023

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The table below describes must-pass bills Congress will likely consider in 2023, based on statements from congressional leaders and historical precedent. This list should not be considered exhaustive, and predictions regarding the timing for these bills should not be considered definitive. Rather, the information below reflects known congressional priorities at the time of publication in October 2023.

To learn more about what makes a bill “must-pass” and how members of Congress have used must-pass bills to advance their priorities, check out [Understanding Must-Pass Bills](#).

| Must-Pass Bill for 2023 | Why is it "Must-Pass"? | What Opportunities Does this Bill Present? | When Will this Bill Expire? | Current Status |
|---|---|--|---|---|
| Fiscal Year (FY) 2024 Appropriations | Congress passes 12 appropriations bills every year to fund federal agencies and programs, such as the National Institutes of Health or the Title X family planning program. However, this | Members of Congress can use appropriations bills to increase funding for government programs they care about or cut funding for programs they oppose. Additionally, members can request "community | Congress passed and President Biden signed a short-term spending bill (a continuing resolution, or CR) on September 30, narrowly avoiding a shutdown until November 17, 2023 . | Before the current CR expires on November 17, Congress must pass all 12 appropriations bills for FY 2024 or another stopgap measure. So far, the House has passed four spending |

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| | <p>funding expires annually, typically at the end of the fiscal year (September 30). If Congress fails to pass another appropriations bill before that expiration date, the government shuts down.</p> | <p>project funding"—better known as "earmarks"—to finance projects in their states and districts. Finally, members may try to add or remove appropriations “riders,” provisions that attach policy directives or conditions on funding.</p> | | <p>bills on a partisan basis, while the Senate has not passed any. However, the Senate <i>has</i> moved every spending bill through committee with nearly unanimous support from both parties.</p> |
| <p>National Defense Authorization Act (NDAA)</p> | <p>The NDAA authorizes funding and sets policies for U.S. military programs. The NDAA also allows Congress a yearly opportunity to adapt these programs to changing circumstances globally, such as climate change or the pandemic; address emerging servicemember needs; and mandate information from the Defense Department. Congress has passed an NDAA every year since 1961 to take advantage of these opportunities and avoid criticisms</p> | <p>Members might attempt to boost or cut funding for programs they support or oppose, or require reforms. For example, a member may work to restrict military equipment transfers to state and local law enforcement under the 1033 program. Members may also seek to cut the overall defense budget—now more than \$850 billion. Additionally, the NDAA provides a chance to debate U.S. military activities, like war authorizations, weapons sales, or funding for other militaries—and whether</p> | <p>Congress typically finalizes the coming year’s NDAA in December. For example, the FY 2022 NDAA became law on December 27, 2021, while the FY 2023 NDAA became law on December 23, 2022.</p> | <p>The House approved its version of the NDAA on July 14 by a vote of 219-210. The Senate approved its version of the NDAA on July 27 by a vote of 86-11. At this point in the process, the two chambers will typically convene a conference committee comprised of representatives and senators to resolve differences between the House and Senate bills. House leaders assigned members to this conference committee in</p> |

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| | that members are "soft" on national security issues. | those activities should continue. | | September, but the Senate has not. |
| The "Farm Bill" | Congress passes this comprehensive legislation on food and agricultural policy roughly every five years to prevent critical programs like nutrition assistance from expiring . The last farm bill, the Agriculture Improvement Act (P.L. 115-34) , was signed into law on December 20, 2018, and must be renewed in 2023. | Given its broad scope, Congress can tackle several priorities via the farm bill. For example, members may work to strengthen anti-hunger programs to address racial and ethnic inequities around food access. Alternatively, members might target consolidation in the farming industry to protect small farmers, or improve conservation programs to combat climate change. | The authorizations in the most recent farm bill expire at the end of FY 2023 (September 30) . However, Congress has previously passed an extension to give itself extra time to negotiate a new five-year farm bill. As a result, the 2013 farm bill became law on February 7, 2014, and the 2018 farm bill became law on December 20, 2018. | Neither the House nor Senate agriculture committee has released a draft for the 2023 farm bill or scheduled a markup. |
| Federal Aviation Administration (FAA) Reauthorization | FAA reauthorization bills greenlight funding and set policies for the FAA. The last reauthorization, the FAA Reauthorization Act (P.L. 115-254) , expires at the end of FY 2023 (September 30) . A reauthorization will allow Congress to | Congress may use the FAA reauthorization bill to tackle air travel issues that the pandemic exacerbated, such as lengthy flight delays. Members could also direct funding towards district projects, like airport infrastructure improvements. | The short-term spending bill Congress passed on September 30 extended expiring FAA authorities through December 31, 2023 . | The House passed its version of the FAA reauthorization on July 20 by a vote of 351-69 . Senators introduced their FAA reauthorization bill in June, but have not voted on the measure. Congress has |

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| | <p>address issues that have emerged in civilian aviation over the past five years. Given Americans' widespread dependence on air travel, Congress will likely take advantage of this opportunity to deal with problems in this space.</p> | <p>Additionally, members could update safety standards and protections for workers, such as required rest periods for pilots or flight attendants. Finally, because the FAA reauthorization renews excise taxes on cargo, fuel, and passengers, reporting indicates that some members may try to use the bill to modify other tax code provisions, such as expanding the Child Tax Credit.</p> | | <p>previously failed to pass a long-term FAA reauthorization. Congress passed 23 short-term FAA authorizations between 2007 and 2012, three between 2015 and 2017, and the authorization lapsed entirely in 2011. As such, Congress may allow the FAA's authorization to lapse or pass another short-term bill to allow more time for negotiations on a long-term reauthorization.</p> |
| <p>Foreign Intelligence Surveillance Act (FISA) Reauthorization</p> | <p>FISA first became law in 1978 and created guidelines the U.S. government must follow while collecting foreign intelligence. It is now used for domestic surveillance. Certain FISA provisions concerning information collection about people</p> | <p>FISA reauthorizations have previously renewed debates around government surveillance and civil liberties. As such, members of Congress may use the FISA reauthorization as an opportunity to rein in what they consider excessive and unlawful</p> | <p>The expiring FISA provisions sunset on December 31, 2023.</p> | <p>In March, the House Permanent Select Committee on Intelligence announced that a bipartisan member working group would begin educating colleagues about FISA authorities and consider reforms to</p> |

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| | <p>outside the United States, who communicate with individuals in the United States, expire this year. Some members of Congress and administration officials may advocate extending those authorities to protect national security.</p> | <p>government surveillance.</p> | | <p>protect civil liberties. Meanwhile, in April, the House Judiciary Committee held a subcommittee hearing on “fixing FISA.” Also in March, Biden administration officials testified regarding FISA’s importance in the Senate Judiciary Committee and Select Committee on Intelligence. On September 28, 2023, the Privacy and Civil Liberties Oversight Board, a government oversight agency, released a report calling for FISA reforms.</p> <p>While neither chamber has announced a timeline for considering FISA reauthorization, stakeholders expect to see legislation reauthorizing FISA,</p> |

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| | | | | including legislation with reforms to FISA, and committee hearings to begin this fall. |