

## S. 316, a bill to repeal the authorizations for use of military force against Iraq

As reported by the Senate Committee on Foreign Relations on March 8, 2023

By Fiscal Year, Millions of Dollars	2023	2023-2028	2023-2033
Direct Spending (Outlays)	0	0	0
Revenues	0	0	0
Increase or Decrease (-) in the Deficit	0	0	0
Spending Subject to Appropriation (Outlays)	0	0	not estimated
Increases <i>net direct spending</i> in any of the four consecutive 10-year periods beginning in 2034?	No	Statutory pay-as-you-go procedures apply?	No
		<b>Mandate Effects</b>	
Increases <i>on-budget deficits</i> in any of the four consecutive 10-year periods beginning in 2034?	No	Contains intergovernmental mandate?	No
		Contains private-sector mandate?	No

S. 316 would repeal the statutory authorizations for U.S. military operations against Iraq. The Congress has authorized such operations twice over the past 30 years, first in 1991 and again in 2002.

The bill would repeal Public Law 102-1, which authorized the President to use U.S. Armed Forces to enforce U.N. Security Council resolutions regarding the 1991 Iraqi invasion of Kuwait. The President did not cite the legal authorities of P.L. 102-1 as the basis for launching U.S. military operations against Iraq but asserted that the deployment was consistent with the War Powers Act. The President subsequently reported to the Congress that combat operations had been suspended on February 28, 1991, following the liberation of Kuwait.

S. 316 also would repeal Public Law 107-243, which in 2002 authorized the President to use U.S. Armed Forces to defend the United States against the threat posed by Iraq and to enforce all relevant U.N. Security Council resolutions regarding Iraq. The current Administration has stated that ongoing military operations in Iraq no longer rely solely on the legal basis of P.L. 107-243. Rather, the Department of Defense has asserted that operations to protect U.S. Armed Forces in a combat theater are justified under Article II of the Constitution. Additionally, the department has stated that Article 51 of the U.N. Charter provides the right of self-defense to member nations involved in ongoing military operations.



On the basis of that information, CBO estimates that repealing the authorizing legislation would not affect spending to support current military operations in Iraq; thus, enacting S. 316 would not affect the federal budget.

The CBO staff contact for this estimate is Aldo Prospero. The estimate was reviewed by Chad Chirico, Deputy Director of Budget Analysis.

A handwritten signature in black ink, appearing to read 'Phillip L. Swagel'.

Phillip L. Swagel  
Director, Congressional Budget Office