



# Mark Kelly

**Senator  
Arizona  
Democrat**

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Lifetime Score

This legislator voted constitutionally on **0%** of the votes shown below.

### CPH: Estimated cost per household.

★ Constitutional	✗ Unconstitutional	? Did not Vote	CPH	Vote
				No ✗
<b>1. H J Res 30 ESG Fiduciary Rule</b> (Passed 50 to 46 on 3/1/2023, Roll Call 35). Overturns the Labor Department's rule allowing retirement-plan fiduciaries to use ESG. See U.S. Const., Art. I, Sec. 8.				
				No ✗
<b>2. Senator Rand Paul's (R-Ky.) amendment to S 316 2001 AUMF Repeal</b> (Rejected 9 to 86 on 3/22/2023, Roll Call 65). Repeals the unconstitutional 2001 Authorization for Use of Military Force. See U.S. Const., Art. I, Sec. 8.				
				No ✗
<b>3. S J Res 10 Abortion</b> (Rejected 48 to 51 on 4/19/2023, Roll Call 90). Overturns the Department of Veterans Affairs rule allowing medical coverage for abortion counseling and procedures. See U.S. Const., amends. 5 & 14.				
			\$1	Yes ✗
<b>4. S 870 Federal Firefighter Grants</b> (Passed 95 to 2 on 4/20/2023, Roll Call 94). Unconstitutionally authorizes \$95 million annually through fiscal 2030 for the USFA, increasing funding levels by 24 percent. See U.S. Const., Art. I, Sec. 8.				
			+\$6,860	No ✗
<b>5. Sen. Paul's (R-Ky.) amendment to HR 3746 Spending Reductions</b> (Rejected 21 to 75 on 6/1/2023, Roll Call 136). Decreases federal spending from \$4.8 to \$3.9 trillion over four years. See U.S. Const., Art. I, Sec. 8.				
				Yes ✗
<b>6. HR 3746 Bipartisan Debt-limit Deal</b> (Passed 63 to 36 on 6/1/2023, Roll Call 146). Suspends the debt limit through January 1, 2025 and create caps on "discretionary" spending for fiscal years 2024 and 2025, among many other dubious changes. See U.S. Const., Art. I, Sec. 8.				



## CONGRESSIONAL SCORECARD

BASED ON THE U.S. CONSTITUTION

**Sen. Mark Kelly**  
Lifetime Score: 4%

**Scorecard 118-1**  
118th Session Score: 10%

The Congressional Scorecard is a nationwide educational program of The John Birch Society. Its purpose is to create an informed electorate on how members of Congress are voting. The Scorecard is nonpartisan; it does not promote any candidate or political party. Bills are selected for their constitutional implications and cost to the taxpayers.

**Please share this Scorecard in your district to inform people about the constitutionality of their congressman's votes.**

U.S. Constitution, Amendment I --- 11 C.F.R. §114(4)(c)(4) --- 616 F.2d 45 (2d Cir. 1980)

The following scorecard lists several key votes in the current 118th Congress (January 3, 2023 – January 3, 2025) and ranks congressmen based on his or her fidelity to constitutional and limited-government principles.

**Federal debt equals \$253,357 per taxpayer, as of July 21, 2023.**



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# Bill Descriptions for the Votes that Affect You

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## 1. ESG Fiduciary Rule

H. J. Res. 30 would reverse the December 2022 Labor Department rule modifying standards under the Employee Retirement Income Security Act to allow retirement-plan fiduciaries to consider environmental, social, and governance (ESG) factors in making investment decisions and exercising shareholder rights, including when voting on shareholder resolutions and board nominations.

“Woke” ESG policies, which corporations and governments are increasingly embracing, are aligned with the United Nations’ Agenda 2030. The UN’s Agenda 2030 is inherently contrary to the Constitution, and ESG promotes leftist policies including radical environmentalism, gun control, and the LGBT agenda. Plus, the U.S. Constitution does not authorize the federal government to regulate retirement plans.

## 2. 2001 AUMF Repeal

During consideration of the bill (S. 316) to repeal the 1991 and 2002 authorizations for the use of military force against Iraq, Senator Rand Paul (R-Ky.) offered an amendment to repeal the 2001 Authorization for Use of Military Force. Enacted in the wake of the 9/11 terrorist attacks, the 2001 AUMF authorized the president to use military force against the terrorists involved, including those who aided and harbored them, and was used as the legal authority for U.S. military entry into Afghanistan. But that was more than 20 years ago. Since that time, the 2001 AUMF has been used by presidents as a blank check for military interventions in more than 20 countries, from Afghanistan to Libya, Somalia, and Yemen.

The Constitution does not give the president a blank check to go to war without congressional approval.

## 3. Abortion

S. J. Res. 10 would reverse the September 2022 Department of Veterans Affairs rule allowing medical benefit coverage for abortion counseling and procedures. This rule overturned longstanding VA regulations excluding abortion from its coverage.

Taxpayers should not be required to subsidize abortion services. The Declaration of Independence affirms the right to life as the most fundamental, God-given, and inherent right, which is further protected by the Fifth and 14th Amendments of the U.S. Constitution.

## 4. Federal Firefighter Grants

S. 870 would authorize \$95 million annually through fiscal 2030 for the U.S. Fire Administration (USFA), increasing funding levels by 24 percent. S. 870 would also authorize \$3.4 million to create standards for assessing new firefighting technologies, reauthorize through fiscal 2030 two Federal Emergency Management Agency grant programs assisting local fire departments, and ban Chinese entities from receiving any of these funds.

The Constitution does not authorize any federal spending for firefighting. Furthermore, the strings that come attached to grants for local fire departments move the United States closer to federalizing firefighting.

## 5. Spending Reductions

During consideration of the bipartisan debt-limit deal (H.R. 3746), Senator Rand Paul (R-Ky.) offered a substitute amendment to increase the debt limit by \$500 billion (rather than suspend the limit through January 1, 2025) and limit federal outlays to \$4.8 trillion for fiscal 2024, decreasing this limit annually by five percent through fiscal 2028, at \$3.9 trillion.

Runaway, deficit-laden federal spending, most of which is unconstitutional, must be brought under control, and Paul’s proposal would have been a step in the right direction.

## 6. Bipartisan Debt-limit Deal

H.R. 3746 would suspend the debt limit through January 1, 2025 and create caps on “discretionary” spending for fiscal years 2024 and 2025. In fiscal 2024, defense spending would increase three percent, to \$886.4 billion, and nondefense spending would decrease five percent, to \$703.7 billion; both limits would increase by one percent for fiscal 2025. Among multiple other provisions, H.R. 3746 would provide \$44.8 billion for the veterans’ toxic exposure fund and \$22 billion for a Commerce Department fund, rescind \$27.7 billion in unspent federal Covid-related funds, rescind \$1.4 billion of the \$79.3 billion provided in 2022 for IRS enforcement. In an April 28, 2023 op-ed, Rep. Andy Biggs (R-Ariz.) stated, “Going off the cliff at the Republicans’ 60-mph or the Democrats’ 80-mph results in the same thing: A horrific crash.”

Continuing reckless spending and debt accumulation will result in economic catastrophe, and most federal spending is for programs not authorized by the Constitution.