



Derek Kilmer

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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**


1. HR 497 Forced Vaccinations (Passed 227 to 203 on 1/31/2022, Roll Call 98). Eliminates the Health and Human Services (HHS) Covid-19 vaccine mandate on healthcare providers furnishing items and services in Medicare- and Medicaid-certified facilities. See U.S. Const., Art. I, Sec. 1. **No**


2. H J Res 30 ESG Fiduciary Rule (Passed 216 to 204 on 2/28/2023, Roll Call 124). Overturns the Labor Department's rule allowing retirement-plan fiduciaries to use ESG. See U.S. Const., Art. I, Sec. 8. **No**


3. H Con Res 21 U.S. Military in Syria (Rejected 103 to 321 on 3/8/2023, Roll Call 136). Directs the president to remove U.S. armed forces from Syria within 180 days of the adoption of the resolution. See U.S. Const., Art. I, Sec. 8. **No**


4. HR 406 ASEAN Relations (Passed 388 to 33 on 3/23/2023, Roll Call 148). Formally recognizes ASEAN as an international organization, with the same diplomatic privileges enjoyed by other foreign embassies. **Yes**


5. Rep. Thomas Massie's (R-Ky.) amendment to HR 5 Terminating Department of Education **+\$607** (Rejected 161 to 265 on 3/24/2023, Roll Call 156). Expresses the sense of Congress that the Department of Education should be terminated. See U.S. Const., Art. I, Sec. 8. **No**


6. HR 3746 Bipartisan Debt-limit Deal (Passed 314 to 117 on 5/31/2023, Roll Call 243). 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. **Yes**




Rep. Derek Kilmer
Lifetime Score: 14%

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

1. Forced Vaccinations

H.R. 497, the “Freedom for Health Care Workers Act,” would eliminate the Health and Human Services (HHS) Covid-19 vaccine mandate on healthcare providers furnishing items and services in Medicare- and Medicaid-certified facilities. It would also prohibit HHS from publishing any substantially similar rule.

An executive branch agency, such as HHS, has no lawmaking power according to Article I, Section 1 of the Constitution, and therefore cannot impose vaccine mandates via executive decree. Even with an act of Congress, Covid-19 vaccine mandates would still be unconstitutional due to the lack of constitutional authority for Congress to pass a law mandating what you must put into your body.

2. 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.

3. U.S. Military in Syria

H. Con. Res. 21 would direct the president to remove U.S. armed forces from Syria within 180 days of the adoption of the resolution.

The military intervention in Syria was initiated by President Barack Obama without congressional approval, despite the fact that the power to declare war belongs to Congress.

4. ASEAN Relations

H.R. 406 would extend provisions of the International Organizations Immunities Act of 1945 to the Association of Southeast Asian Nations (ASEAN). If enacted, the United States would formally recognize ASEAN as an international organization, allowing a permanent ASEAN mission to the United States with the same diplomatic immunities of other foreign embassies.

ASEAN is a political and economic union, not an individual sovereign nation. A permanent ASEAN mission in the United States with the same status as embassies accelerates globalist designs of collectivizing nations into regional unions and eroding national sovereignty. Also, two of ASEAN's 10 members have Marxist-Leninist governments: Vietnam and Laos. This bill expands U.S. relations with the communist regimes that heavily influence ASEAN's policies.

5. Terminating Department of Education

Rep. Thomas Massie (R-Ky.) offered an amendment to H.R. 5 to express the sense of Congress that the authority of the Department of Education “to operate or administer any office or program related to elementary or secondary education should be terminated on or before December 31, 2023.”

Education is not the role of government, let alone among the limited powers enumerated for Congress in Article 1, Section 8 of the U.S. Constitution. A child’s education is the responsibility of, as well as a fundamental right of choice retained by, his or her parents. Forcing American citizens to fund a government-run K-12 school system violates their individual liberties.

6. Bipartisan Debt-limit Deal

H.R. 3746 suspends the debt limit through January 1, 2025 and caps “discretionary” spending for fiscal years 2024 and 2025. In fiscal 2024, defense spending would increase 3%, to \$886.4 billion, and nondefense spending would decrease 5%, to \$703.7 billion; both limits would increase 1% for fiscal 2025. Among other provisions, H.R. 3746 provides \$44.8 billion for the veterans’ toxic exposure fund and \$22 billion for a Commerce Department fund, rescinds \$27.7 billion in unspent federal Covid funds, and rescinds \$1.4 billion of the \$79.3 billion provided in 2022 for IRS enforcement. On April 28, 2023, 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.