



Jon Tester

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Montana
Democrat

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Scan for
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. H J Res 44 ATF Firearm Brace Rule (Rejected 49 to 50 on 6/22/2023, Roll Call 171). Formally disapproves of an unconstitutional ATF rule expanding the definition of a "short-barreled rifle." See U.S. Const., amend. 2.

2. Sen. Rand Paul's (R-Ky.) amendment to S 2226 Declaration of War (Rejected 16 to 83 on 7/19/2023, Roll Call 191). Recognizes that the North Atlantic Treaty "does not supersede the constitutional requirement that Congress declare war." See U.S. Const., Art. I, Sec. 8.

3. HR 5860 Continuing Resolution (Passed 88 to 9 on 9/30/2023, Roll Call 247). Appropriates federal funding at bloated fiscal 2023 levels. See U.S. Const., Art. I, Sec. 8.

4. HR 4366 Consolidated Appropriations Minibus (Passed 82 to 15 on 11/1/2023, Roll Call 284). Provides roughly \$279 billion in spending for three of the 12 fiscal 2024 appropriations bills. See U.S. Const., Art. I, Sec. 8.

5. S J Res 43 Student Loan Repayment Rule (Rejected 49 to 50 on 11/15/2023, Roll Call 310). Formally disapproves of an unconstitutional Department of Education rule to repay and forgive student loans. See U.S. Const., Art. I, Sec. 8.

6. Sen. Paul's (R-Ky.) amendment to HR 6363 Spending Reductions (Rejected 32 to 65 on 11/15/2023, Roll Call 311). Reduces funding in the bill for most federal agencies by 15 percent, and rescinds \$30 billion in IRS enforcement funds. See U.S. Const., Art. I, Sec. 8.



Sen. Jon Tester

Lifetime Score: 21%

Scorecard 118-2

118th Session Score: 20%

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 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 \$264,090 per taxpayer, as of January 9, 2024.



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Bill Descriptions for the Votes that Affect You

1. ATF Firearm Brace Rule

H. J. Res. 44 would formally disapprove of a January 2023 Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) rule expanding the definition of a “short-barreled rifle” to include those with stabilizing braces, and requiring such firearms to comply with various requirements under the National Firearms Act (NFA).

The ATF’s stabilizing-brace rule violates the Second Amendment-protected right to keep and bear arms. Furthermore, there is no constitutional basis for the ATF’s or NFA’s existence.

2. Declaration of War

During consideration of the fiscal 2024 National Defense Authorization Act (S. 2226), Senator Rand Paul (R-Ky.) offered an amendment “to express the sense of Congress that Article 5 of the North Atlantic Treaty does not supersede the constitutional requirement that Congress declare war before the United States engages in war.” Under Article 5, member nations of NATO “agree that an armed attack against one or more of them ... shall be considered an attack against them all and consequently they agree that, if such an armed attack occurs, each of them ... will assist the Party or Parties so attacked.”

According to the U.S. Constitution only Congress has the authority to declare war. U.S. membership in NATO increases the likelihood of the United States being dragged into a war that neither the American people nor Congress wants. Rather than allowing NATO and its UN parent to determine when we go to war, we should get out of both organizations.

3. Continuing Resolution

H.R. 5860, the “Continuing Appropriations Act, 2024 and Other Extensions Act,” would appropriate federal government funding at fiscal 2023 levels from October 1, 2023 through November 17, 2023. Additionally, it would appropriate \$16 billion in disaster relief for fiscal 2024 and extend federal authorization for multiple programs, including certain Medicare, Medicaid, and Federal Aviation Administration programs.

Congress needs to cut spending to avoid fiscal disaster. Additionally, Congress’ inability to promptly pass a 2024 budget, instead using a continuing appropriations bill that funds the federal government at bloated fiscal 2023 levels, illustrates the breakdown of the federal budgeting process.

4. Consolidated Appropriations Minibus

The Consolidated Appropriations Act, 2024 (H.R. 4366) would provide roughly \$279 billion in total discretionary spending for three of the 12 fiscal 2024 appropriations bills. This includes funding for Defense Department military construction projects; the Department of Veterans Affairs, Department of Agriculture, Food and Drug Administration, Department of Transportation, and Department of Housing and Urban Development; and various other agencies.

With the exception of the Department of Defense, none of these federal departments or agencies is authorized by the Constitution. Furthermore, in light of a \$33.9 trillion national debt and a \$1.7 trillion budget deficit, this appropriations bill is fiscally irresponsible.

5. Student Loan Repayment Rule

S. J. Res. 43 would formally disapprove of a Department of Education rule modifying Income Driven Repayment (IDR) plans for student-loan borrowers. This rule, unveiled shortly after the U.S. Supreme Court struck down a similar plan in *Biden v. Nebraska*, would reduce the amount borrowers pay and make it easier to forgive loans. Senator Bill Cassidy (R-La.) stated the rule “transfers ... \$559 billion in Federal student loans” to American taxpayers.

The federal government has no authority under the Constitution to subsidize or involve itself in higher education. Furthermore, the Department of Education’s rule merely transfers the cost of these unpaid loans to taxpayers, harming Americans and further eroding our nation’s fiscal situation.

6. Spending Reductions

During consideration of the Further Continuing Appropriations and Other Extensions Act (H.R. 6363), Senator Rand Paul (R-Ky.) offered an amendment to reduce funding in the bill by 15 percent, except for the Department of Defense, military construction, and the Department of Veterans Affairs, and to rescind \$30 billion in enforcement funds for the Internal Revenue Service.

Reining in government spending ought to be an urgent priority given that about 80 percent of the current federal bureaucracy is unconstitutional and the national debt surpassed \$34 trillion. Members of Congress must also be willing to take immediate action to eliminate all spending not specifically authorized by Article I, Section 8 of the U.S. Constitution. Their ongoing failure to do so is contributing to the decline of the American Republic.