

NO KINGS ACT

Majority Leader Schumer

On July 1, 2024, the U.S. Supreme Court [overturned](#) the most basic premise of our constitutional order—that no one is above the law. In deciding *Trump v. the United States*, the MAGA Supreme Court held that the President of the United States is entitled to an unprecedented level of immunity as long as he argues that he is acting in his official capacity as President. This brazen ruling contradicts American values, history, and the plain text of the Constitution. In *The Federalist No. 69*, Alexander Hamilton wrote that there must be a difference between the “sacred and inviolable” king of Great Britain and the U.S. President, who “would be amenable to personal punishment and disgrace” should his actions violate the law of the land. Nevertheless, the Supreme Court has ensured that, going forward, the President will be a king above the law. Thankfully, Congress has the constitutional authority—and duty—to check the Supreme Court when the justices err. No President should be above the law. The *No Kings Act* would affirm that the President is not immune to legal accountability.

The *No Kings Act* would:

Reaffirm that Presidents and Vice Presidents do not have immunity for actions that violate U.S. criminal law. No President or Vice President (former or sitting) would be entitled to immunity from criminal prosecution for actions that violate the criminal laws of the United States. The bill would clarify that Congress, not the Supreme Court, determines to whom federal criminal laws may be applied.

Remove the Supreme Court’s appellate jurisdiction for all actions challenging the constitutionality of this legislation. The bill would allow Presidents and Vice Presidents to challenge the constitutionality of the *No Kings Act* in the United States District Court for the District of Columbia. Any appeal would be handled by the United States Court of Appeals for the District of Columbia Circuit. Using the Exceptions Clause of Article III of the Constitution, Congress would preclude the Supreme Court from hearing any appeals to these challenges. It would further remove the Supreme Court’s appellate jurisdiction to interfere with any criminal proceedings involving Presidents or Vice Presidents on the basis that an alleged criminal act was an official action.

Establish additional jurisdictional and procedural guardrails. The bill would allow the United States to bring criminal actions against a President or Vice President in any applicable district court or the United States District Court for the District of Columbia. It would also create a presumption of constitutionality for the *No Kings Act* unless a party establishes its unconstitutionality with clear and convincing evidence. Lastly, the bill would create statutes of limitations of 180 days for facial constitutional challenges and 90 days for as-applied constitutional challenges.