To reassert the constitutional authority of Congress to determine the general applicability of the criminal laws of the United States, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. Schumer (for himself, Ms. Hirono, Mr. Schatz, Mr. Luján, Mr. Reed, Mr. Blumenthal, Mr. Carper, Mr. Welch, Mr. Hickenlooper, Mr. Casey, Mr. Coons, Mrs. Shaheen, Ms. Baldwin, Mr. Merkley, Mr. Cardin, Mr. Durbin, Ms. Warren, Mrs. Murray, Mr. Van Hollen, Mr. Markey, Ms. Duckworth, Ms. Klobuchar, Ms. Butler, Mr. Whitehouse, Mr. Sanders, Mr. Booker, Mrs. Gillibrand, Mr. Wyden, Mr. King, Mr. Heinrich, Ms. Stabenow, Mr. Padilla, Mr. Peters, Mr. Warnock, Ms. Smith, and Mr. Kelly) introduced the following bill; which was read twice and referred to the Committee on

A BILL

To reassert the constitutional authority of Congress to determine the general applicability of the criminal laws of the United States, and for other purposes.

1 Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

2 SECTION 1. SHORT TITLE.

3 This Act may be cited as the “No Kings Act”.

4 SEC. 2. FINDINGS AND PURPOSES.

5 (a) FINDINGS.—Congress finds that—
(1) no person, including any President, is above the law;

(2) Congress, under the Necessary and Proper Clause of section 8 of article I of the Constitution of the United States, has the authority to determine to which persons the criminal laws of the United States shall apply, including any President;

(3) the Constitution of the United States does not grant to any President any form of immunity (whether absolute, presumptive, or otherwise) from criminal prosecution, including for actions committed while serving as President;

(4) 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 President of the United States, who “would be amenable to personal punishment and disgrace” should his actions violate the laws of the United States;

(5) the United States District Court for the District of Columbia correctly concluded in United States v. Trump, No. 23–257 (TSC), 2023 WL 8359833 (D.D.C. December 1, 2023) that “former Presidents do not possess absolute federal criminal immunity for any acts committed while in office”,
that former Presidents “may be subject to federal investigation, indictment, prosecution, conviction, and punishment for any criminal acts undertaken while in office”, and that a “four-year service as Commander in Chief [does] not bestow on [a President] the divine right of kings to evade the criminal accountability that governs his fellow citizens”;

(6) similarly, the United States Court of Appeals for the District of Columbia Circuit correctly affirmed in United States v. Trump, 91 F.4th 1173 (D.C. Cir. 2024) that “separation of powers doctrine does not immunize former Presidents from federal criminal liability” for their official actions that “allegedly violated generally applicable criminal laws” and acknowledged that the Founding Fathers “stresse[d] that the President must be unlike the ‘king of Great Britain,’ who was ‘sacred and inviolable.’ The Federalist No. 69, at 337–38”;

(7) the Supreme Court of the United States, however, vacated the judgment of the court of appeals and incorrectly declared in Trump v. United States, No. 23–939, 2024 WL 3237603 (U.S. July 1, 2024) that “the President is absolutely immune from criminal prosecution for conduct within his exclusive sphere of constitutional authority” and that
a President “is entitled, at a minimum, to a presumptive immunity from prosecution for all his official acts”, assertions at odds with the plain text of the Constitution of the United States; and

(8) Congress has explicit and broad authority to make exceptions and regulations to the appellate jurisdiction of the Supreme Court of the United States under clause 2 of section 2 of article III of the Constitution of the United States.

(b) PURPOSES.—The purposes of this Act are to—

(1) reassert the constitutional authority of Congress to determine the general applicability of the criminal laws of the United States, including to Presidents and Vice Presidents;

(2) clarify that a President or Vice President is not entitled to any form of immunity from criminal prosecution for violations of the criminal laws of the United States unless specified by Congress; and

(3) impose certain limitations on the appellate jurisdiction of the Supreme Court of the United States to decide questions related to criminal immunity for Presidents and Vice Presidents.

SEC. 3. NO PRESIDENTIAL IMMUNITY FOR CRIMES.

(a) IN GENERAL.—
(1) NO IMMUNITY.—A President, former President, Vice President, or former Vice President shall not be entitled to any form of immunity (whether absolute, presumptive, or otherwise) from criminal prosecution for alleged violations of the criminal laws of the United States unless specified by Congress.

(2) CONSIDERATIONS.—A court of the United States may not consider whether an alleged violation of the criminal laws of the United States committed by a President or Vice President was within the conclusive or preclusive constitutional authority of a President or Vice President or was related to the official duties of a President or Vice President unless directed by Congress.

(b) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to immunize a President, former President, Vice President, or former Vice President from criminal prosecution for alleged violations of the criminal laws of the States.

SEC. 4. JUDICIAL REVIEW.

(a) CRIMINAL PROCEEDINGS.—Notwithstanding any other provision of law, for any criminal proceeding commenced by the United States against a President, former President, Vice President, or former Vice President for al-
leged violations of the criminal laws of the United States,
the following rules shall apply:

(1) The action shall be filed in the applicable
district court of the United States or the United
States District Court for the District of Columbia.

(2) The Supreme Court of the United States
shall have no appellate jurisdiction, on the basis that
an alleged criminal act was within the conclusive or
preclusive constitutional authority of a President or
Vice President or on the basis that an alleged crimi-
nal act was related to the official duties of a Presi-
dent or Vice President, to (or direct another court
of the United States to)—

(A) dismiss an indictment or any other
charging instrument;

(B) grant acquittal or dismiss or otherwise
terminate a criminal proceeding;

(C) halt, suspend, disband, or otherwise
impede the functions of any grand jury;

(D) grant a motion to suppress or bar evi-
dence or testimony, or otherwise exclude infor-
mation from a criminal proceeding;

(E) grant a writ of habeas corpus, a writ
of coram nobis, a motion to set aside a verdict
or judgment, or any other form of post-conviction or collateral relief;

(F) overturn a conviction;

(G) declare a criminal proceeding unconstitutional; or

(H) enjoin or restrain the enforcement or application of a law.

(b) CONSTITUTIONAL CHALLENGES.—Notwithstanding any other provision of law, for any civil action brought for declaratory, injunctive, or other relief to adjudicate the constitutionality, whether facially or as-applied, of any provision of this Act (including this section), or to bar or restrain the enforcement or application of any provision of this Act (including this section) on the ground of its unconstitutionality, the following rules shall apply:

(1) A plaintiff may bring a civil action under this subsection, and there shall be no other cause of action available.

(2) Only a President, former President, Vice President, or former Vice President shall have standing to bring a civil action under this subsection.

(3) A facial challenge to the constitutionality of any provision of this Act (including this section) may only be brought not later than 180 days after
the date of enactment of this Act. An as-applied challenge to the constitutionality of the enforcement or application of any provision of this Act (including this section) may only be brought not later than 90 days after the date of such enforcement or application.

(4) A court of the United States shall presume that a provision of this Act (including this section) or the enforcement or application of any such provision is constitutional unless it is demonstrated by clear and convincing evidence that such provision or its enforcement or application is unconstitutional.

(5) The civil action shall be filed in the United States District Court for the District of Columbia, which shall have exclusive jurisdiction of a civil action under this subsection. An appeal may be taken from the district court to the United States Court of Appeals for the District of Columbia Circuit, which shall have exclusive jurisdiction to hear an appeal in a civil action under this subsection.

(6) In a civil action under this subsection, a decision of the United States Court of Appeals for the District of Columbia Circuit shall be final and not appealable to the Supreme Court of the United States.
(7) The Supreme Court of the United States shall have no appellate jurisdiction to declare any provision of this Act (including this section) unconstitutional or to bar or restrain the enforcement or application of any provision of this Act (including this section) on the ground of its unconstitutionality.

(c) Clarifying Scope of Jurisdiction.—

(1) In general.—If an action at the time of its commencement is not subject to subsection (a) or (b), but an amendment, counterclaim, cross-claim, affirmative defense, or any other pleading or motion is filed such that the action would be subject to subsection (a) or (b), the action shall thereafter be conducted pursuant to subsection (a) or (b), as applicable.

(2) State courts.—An action subject to subsection (a) or (b) may not be heard in any State court.

(3) Sua sponte relief.—No court may issue relief sua sponte on the ground that a provision of this Act (including this section), or its enforcement or application, is unconstitutional.

SEC. 5. SEVERABILITY.

If any provision of this Act, or application of such provision to any person or circumstance, is held to be un-
1 constitutional, the remainder of this Act, and the application of the provisions of this Act to any person or circumstance shall not be affected thereby.