

Congress shall have power to enforce this article by appropriate legislation.

### AMENDMENT XX.<sup>11</sup>

**SECTION 1.** The terms of the President and Vice President shall end at noon on the 20th day of January, and the terms of Senators and Representa-

§ 241. Commencement of terms of Pres., Vice Pres., Senators, and Representatives.

of 36 of the 48 States. The dates of these ratifications were: Illinois, June 10, 1919 (and that State readopted its resolution of ratification June 17, 1919); Michigan, June 10, 1919; Wisconsin, June 10, 1919; Kansas, June 16, 1919; New York, June 16, 1919; Ohio, June 16, 1919; Pennsylvania, June 24, 1919; Massachusetts, June 25, 1919; Texas, June 28, 1919; Iowa, July 2, 1919; Missouri, July 3, 1919; Arkansas, July 28, 1919; Montana, August 2, 1919; Nebraska, August 2, 1919; Minnesota, September 8, 1919; New Hampshire, September 10, 1919; Utah, October 2, 1919; California, November 1, 1919; Maine, November 5, 1919; North Dakota, December 1, 1919; South Dakota, December 4, 1919; Colorado, December 15, 1919; Kentucky, January 6, 1920; Rhode Island, January 6, 1920; Oregon, January 13, 1920; Indiana, January 16, 1920; Wyoming, January 27, 1920; Nevada, February 7, 1920; New Jersey, February 9, 1920; Idaho, February 11, 1920; Arizona, February 12, 1920; New Mexico, February 21, 1920; Oklahoma, February 28, 1920; West Virginia, March 10, 1920; Washington, March 22, 1920; Tennessee, August 28, 1920. Ratification was completed on August 28, 1920. The amendment was subsequently ratified by Connecticut, September 14, 1920 (and that State reaffirmed on September 21, 1920); Vermont, February 8, 1921; Delaware, March 6, 1923 (after having rejected the amendment on June 2, 1920); Maryland, March 29, 1941 (after having rejected the amendment on February 24, 1920; ratification certified February 25, 1958); Virginia, February 21, 1952 (after having rejected the amendment February 12, 1920); Alabama, September 8, 1953 (after having rejected the amendment September 22, 1919); Florida, May 13, 1969; South Carolina, July 1, 1969 (after having rejected the amendment on January 28, 1920); Georgia, February 20, 1970 (after having rejected the amendment on July 24, 1919); Louisiana, June 11, 1970 (after having rejected it on July 1, 1920); North Carolina, May 6, 1971; Mississippi, March 22, 1984 (after having rejected the amendment on March 29, 1920).

<sup>11</sup> See article I, section 4 of the Constitution. The 20th amendment to the Constitution was proposed to the legislatures of the several States by the 72d Congress, on March 3, 1932, and was declared in a proclamation by the Secretary of State dated February 6, 1933, to have been rati-

tives at noon on the 3d day of January, of the years in which such terms would have ended if this article had not been ratified; and the terms of their successors shall then begin.

SECTION 2. The Congress shall assemble at least once in every year, and such meeting shall begin at noon on the 3d day of January, unless they shall by law appoint a different day.

§ 242. Meeting of Congress.

Before the ratification of the 20th amendment Congress met on the first Monday in December as provided in article I, section 4, of the Constitution. For discussion of the term of Congress before and pursuant to the 20th amendment, see § 6, *supra* (accompanying art. I, sec. 2, cl. 1), and Deschler, ch. 1.

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fied by the legislatures of 36 of the 48 States. The dates of these ratifications were: Virginia, March 4, 1932; New York, March 11, 1932; Mississippi, March 16, 1932; Arkansas, March 17, 1932; Kentucky, March 17, 1932; New Jersey, March 21, 1932; South Carolina, March 25, 1932; Michigan, March 31, 1932; Maine, April 1, 1932; Rhode Island, April 14, 1932; Illinois, April 21, 1932; Louisiana, June 22, 1932; West Virginia, July 30, 1932; Pennsylvania, August 11, 1932; Indiana, August 15, 1932; Texas, September 7, 1932; Alabama, September 13, 1932; California, January 4, 1933; North Carolina, January 5, 1933; North Dakota, January 9, 1933; Minnesota, January 12, 1933; Montana, January 13, 1933; Nebraska, January 13, 1933; Oklahoma, January 13, 1933; Arizona, January 13, 1933; Kansas, January 16, 1933; Oregon, January 16, 1933; Wyoming, January 19, 1933; Delaware, January 19, 1933; Washington, January 19, 1933; South Dakota, January 20, 1933; Tennessee, January 20, 1933; Iowa, January 20, 1933; Idaho, January 21, 1933; New Mexico, January 21, 1933; Ohio, January 23, 1933; Utah, January 23, 1933; Missouri, January 23, 1933; Georgia, January 23, 1933. Ratification was completed on January 23, 1933. The amendment was subsequently ratified by Massachusetts, January 24, 1933; Wisconsin, January 24, 1933; Colorado, January 24, 1933; Nevada, January 26, 1933; Connecticut, January 27, 1933; New Hampshire, January 31, 1933; Vermont, February 2, 1933; Maryland, March 24, 1933; Florida, April 26, 1933.

The ratification of this amendment to the Constitution shortened the first term of President Franklin D. Roosevelt and Vice President John N. Garner, and the terms of all Senators and Representatives of the 73d Congress.

CONSTITUTION OF THE UNITED STATES  
[AMENDMENT XX]

§ 243

Pursuant to section 2 of the 20th amendment, a regular session of a Congress must begin at noon on January 3 of every year unless Congress sets a different date by law, and if the House is in session at that time the Speaker declares the House adjourned sine die without a motion from the floor, in order that the next regular session of that Congress, or the first session of the next Congress (as the case may be) may assemble at noon on that day (Jan. 3, 1980, pp. 37773, 37774; Jan. 3, 1996, pp. 35, 36; Jan. 3, 2012, p. 21498; Precedents (Wickham), ch. 1, § 2.6; Precedents (Wickham), ch. 1, § 2.5; Jan. 3, 2017, p. \_\_; Jan. 3, 2018, p. \_\_; Jan. 3, 2019, p. \_\_; Jan. 3, 2020, p. \_\_; Jan. 3, 2021, p. \_\_). The House has adjourned the second session of a Congress without motion at its expiration and convened the first session of the new Congress on a different date as prescribed by law (Jan. 3, 2009, p. 24812).

Since ratification, the following days for assembling have been established: Public Law 74–120, Jan. 5, 1937; Public Law 77–395, Jan. 5, 1942; Public Law 77–819, Jan. 6, 1943; Public Law 78–210, Jan. 10, 1944; Public Law 79–289, Jan. 14, 1946; Public Law 80–358, Jan. 6, 1948; Public Law 82–244, Jan. 8, 1952; Public Law 83–199, Jan. 6, 1954; Public Law 83–700, Jan. 5, 1955; Public Law 85–290, Jan. 7, 1958; Public Law 85–819, Jan. 7, 1959; Public Law 86–305, Jan. 6, 1960; Public Law 87–348, Jan. 10, 1962; Public Law 87–864, Jan. 9, 1963; Public Law 88–247, Jan. 7, 1964; Public Law 88–649, Jan. 4, 1965; Public Law 89–340, Jan. 10, 1966; Public Law 89–704, Jan. 10, 1967; Public Law 90–230, Jan. 15, 1968; Public Law 91–182, Jan. 19, 1970; Public Law 91–643, Jan. 21, 1971; Public Law 92–217, Jan. 18, 1972; Public Law 93–196, Jan. 21, 1974; Public Law 93–553, Jan. 14, 1975; Public Law 94–186, Jan. 19, 1976; Public Law 94–494, Jan. 4, 1977; Public Law 95–594, Jan. 15, 1979; Public Law 96–566, Jan. 5, 1981; Public Law 97–133, Jan. 25, 1982; Public Law 98–179, Jan. 23, 1984; Public Law 99–379, Jan. 21, 1986; Public Law 99–613, Jan. 6, 1987; Public Law 100–229, Jan. 25, 1988; Public Law 101–228, Jan. 23, 1990; Public Law 102–475, Jan. 5, 1993; Public Law 103–395, Jan. 4, 1995; Public Law 104–296, Jan. 7, 1997; Public Law 105–140, Jan. 27, 1998; Public Law 105–350, Jan. 6, 1999; Public Law 106–127, Jan. 24, 2000; Public Law 107–328, Jan. 7, 2003; Public Law 108–181, Jan. 20, 2004; Public Law 108–433, Jan. 4, 2005; Public Law 109–447, Jan. 4, 2007; Public Law 110–430, Jan. 6, 2009; Public Law 111–121, Jan. 5, 2010; Public Law 111–289, Jan. 5, 2011; Public Law 113–201, Jan. 6, 2015; Public Law 114–108, Jan. 4, 2016. Such laws for the convening of a second session of a Congress may provide for possible earlier assembly by joint-leadership recall (see, *e.g.*, Public Law 107–98, Jan. 23, 2002).

**SECTION 3.** If, at the time fixed for the beginning of the term of the President, the President elect shall have died, the Vice President elect shall become President. If a President shall not have been chosen before the time fixed for the beginning of his term, or if the President elect shall have failed to qualify, then the Vice President elect shall act as President until a President shall have qualified; and the Congress may by law provide for the case wherein neither a President elect nor a Vice President elect shall have qualified, declaring who shall then act as President, or the manner in which one who is to act shall be selected, and such person shall act accordingly until a President or Vice President shall have qualified.

§ 244. Death or disqualification of President-elect.

Congress provided by law in 1947 for the performance of the duties of the President in case of removal, death, resignation or inability, both of the President and Vice President (3 U.S.C. 19). Earlier succession statutes covering the periods 1792-1886 and 1887-1948 can be found in 18 Stat. 21, and 24 Stat. 1, respectively. Also see the 25th amendment to the Constitution, relating to vacancies in the Office of Vice President and Presidential inability.

§ 245. Statutory succession and the 25th amendment.

Before the 20th amendment there was no provision in the Constitution for a case wherein the President-elect was disqualified or had died.

**SECTION 4.** The Congress may by law provide for the case of the death of any of the persons from whom the House of Representatives may choose a President whenever the right of choice shall have devolved upon them, and for the case of the death of any of the persons from whom the Senate may choose a

§ 246. Congress to provide for case wherein death occurs among those from whom House chooses a President.

Vice President whenever the right of choice shall have devolved upon them.

The above section changes the 12th amendment insofar as it gives Congress the power to provide by law the manner in which the House should proceed in the event no candidate had a majority and one of the three highest on the list of those voted for as President had died.

SECTION 5. Sections 1 and 2 shall take effect on the 15th day of October following the ratification of this article.

SECTION 6. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States within seven years from the date of its submission.

#### AMENDMENT XXI.<sup>12</sup>

SECTION 1. The eighteenth article of amendment to the Constitution of the United States is hereby repealed.

§ 247. Repeal of prohibition.

<sup>12</sup>The 21st amendment to the Constitution of the United States was proposed to conventions of the several States by the 72d Congress on February 20, 1933, and was declared in a proclamation by the Acting Secretary of State dated December 5, 1933, to have been ratified by conventions in 36 of the 48 States. The dates of these ratifications were: Michigan, April 10, 1933; Wisconsin, April 25, 1933; Rhode Island, May 8, 1933; Wyoming, May 25, 1933; New Jersey, June 1, 1933; Delaware, June 24, 1933; Massachusetts, June 26, 1933; Indiana, June 26, 1933; New York, June 27, 1933; Illinois, July 10, 1933; Iowa, July 10, 1933; Connecticut, July 11, 1933; New Hampshire, July 11, 1933; California, July 24, 1933; West Virginia, July 25, 1933; Arkansas, August 1, 1933; Oregon, August 7, 1933; Alabama, August 8, 1933; Tennessee, August 11, 1933; Missouri, August 29, 1933; Arizona, September 5, 1933; Nevada, September 5, 1933; Vermont, September 23, 1933; Colorado, September 26, 1933; Washington, October 3, 1933; Minnesota, October 10, 1933; Idaho, October 17, 1933; Maryland, October 18, 1933; Virginia, October 25, 1933; New Mexico, November 2, 1933; Florida, November 14, 1933; Texas, November 24, 1933; Kentucky, November 27, 1933; Ohio, December 5, 1933; Pennsylvania, December 5, 1933; Utah, December 5, 1933. The amendment was subsequently ratified by Maine on December