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1 be deducted from such scorecards in 2023 and
2 added to such scorecards in 2025.

3 (2) FISCAL YEAR 2024.—For the purposes of
4 the annual report issued pursuant to section 5 of the
5 Statutory Pay-As-You-Go Act of 2010 (2 U.S.C.
6 934) after adjournment of the first session of the
7 118th Congress, and for determining whether a se-
8 questration order is necessary under such section,
9 the debit for the budget year on the 5-year score-
10 card, if any, and the 10-year scorecard, if any, shall
11 be deducted from such scorecards in 2024 and
12 added to such scorecards in 2025.

13 **DIVISION P—ELECTORAL COUNT**
14 **REFORM AND PRESIDENTIAL**
15 **TRANSITION IMPROVEMENT**

16 **SEC. 1. SHORT TITLE, ETC.**

17 This division may be cited as the “Electoral Count
18 Reform and Presidential Transition Improvement Act of
19 2022”.

20 **TITLE I—ELECTORAL COUNT**
21 **REFORM ACT**

22 **SEC. 101. SHORT TITLE.**

23 This title may be cited as the “Electoral Count Re-
24 form Act of 2022”.

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1 **SEC. 102. TIME FOR APPOINTING ELECTORS.**

2 (a) IN GENERAL.—Title 3, United States Code, is
3 amended by striking sections 1 and 2 and inserting the
4 following:

5 **“§ 1. Time of appointing electors**

6 “The electors of President and Vice President shall
7 be appointed, in each State, on election day, in accordance
8 with the laws of the State enacted prior to election day.”.

9 (b) ELECTION DAY.—Section 21 of title 3, United
10 States Code, is amended by redesignating subsections (a)
11 and (b) as paragraphs (2) and (3), respectively, and by
12 inserting before paragraph (2) (as so redesignated) the
13 following:

14 “(1) ‘election day’ means the Tuesday next
15 after the first Monday in November, in every fourth
16 year succeeding every election of a President and
17 Vice President held in each State, except, in the case
18 of a State that appoints electors by popular vote, if
19 the State modifies the period of voting, as neces-
20 sitated by force majeure events that are extraor-
21 dinary and catastrophic, as provided under laws of
22 the State enacted prior to such day, ‘election day’
23 shall include the modified period of voting.”.

24 (c) CONFORMING AMENDMENT.—The table of con-
25 tents for chapter 1 of title 3, United States Code, is

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1 amended by striking the item relating to section 1 and
2 inserting the following:

“1. Time of appointing electors.”.

3 **SEC. 103. CLARIFICATION WITH RESPECT TO VACANCIES IN**
4 **ELECTORAL COLLEGE.**

5 Section 4 of title 3, United States Code, is amended
6 by inserting “enacted prior to election day” after “by
7 law”.

8 **SEC. 104. CERTIFICATE OF ASCERTAINMENT OF APPOINT-**
9 **MENT OF ELECTORS.**

10 (a) DETERMINATION.—Section 5 of title 3, United
11 States Code, is amended to read as follows:

12 **“§ 5. Certificate of ascertainment of appointment of**
13 **electors**

14 “(a) IN GENERAL.—

15 “(1) CERTIFICATION.—Not later than the date
16 that is 6 days before the time fixed for the meeting
17 of the electors, the executive of each State shall
18 issue a certificate of ascertainment of appointment
19 of electors, under and in pursuance of the laws of
20 such State providing for such appointment and as-
21 certainment enacted prior to election day.

22 “(2) FORM OF CERTIFICATE.—Each certificate
23 of ascertainment of appointment of electors shall—

24 “(A) set forth the names of the electors
25 appointed and the canvass or other determina-

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1 tion under the laws of such State of the number
2 of votes given or cast for each person for whose
3 appointment any and all votes have been given
4 or cast;

5 “(B) bear the seal of the State; and

6 “(C) contain at least one security feature,
7 as determined by the State, for purposes of
8 verifying the authenticity of such certificate.

9 “(b) TRANSMISSION.—It shall be the duty of the ex-
10 ecutive of each State—

11 “(1) to transmit to the Archivist of the United
12 States, immediately after the issuance of a certifi-
13 cate of ascertainment of appointment of electors and
14 by the most expeditious method available, such cer-
15 tificate of ascertainment of appointment of electors;
16 and

17 “(2) to transmit to the electors of such State,
18 on or before the day on which the electors are re-
19 quired to meet under section 7, six duplicate-origi-
20 nals of the same certificate.

21 “(c) TREATMENT OF CERTIFICATE AS CONCLU-
22 SIVE.—For purposes of section 15:

23 “(1) IN GENERAL.—

24 “(A) CERTIFICATE ISSUED BY EXECU-
25 TIVE.—Except as provided in subparagraph

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1 (B), a certificate of ascertainment of appoint-
2 ment of electors issued pursuant to subsection
3 (a)(1) shall be treated as conclusive in Congress
4 with respect to the determination of electors ap-
5 pointed by the State.

6 “(B) CERTIFICATES ISSUED PURSUANT TO
7 COURT ORDERS.—Any certificate of ascertain-
8 ment of appointment of electors required to be
9 issued or revised by any State or Federal judi-
10 cial relief granted prior to the date of the meet-
11 ing of electors shall replace and supersede any
12 other certificates submitted pursuant to this
13 section.

14 “(2) DETERMINATION OF FEDERAL QUES-
15 TIONS.—The determination of Federal courts on
16 questions arising under the Constitution or laws of
17 the United States with respect to a certificate of as-
18 certainment of appointment of electors shall be con-
19 clusive in Congress.

20 “(d) VENUE AND EXPEDITED PROCEDURE.—

21 “(1) IN GENERAL.—Any action brought by an
22 aggrieved candidate for President or Vice President
23 that arises under the Constitution or laws of the
24 United States with respect to the issuance of the
25 certification required under section (a)(1), or the

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1 transmission of such certification as required under
2 subsection (b), shall be subject to the following
3 rules:

4 “(A) VENUE.—The venue for such action
5 shall be the Federal district court of the Fed-
6 eral district in which the State capital is lo-
7 cated.

8 “(B) 3-JUDGE PANEL.—Such action shall
9 be heard by a district court of three judges,
10 convened pursuant to section 2284 of title 28,
11 United States Code, except that—

12 “(i) the court shall be comprised of
13 two judges of the circuit court of appeals
14 in which the district court lies and one
15 judge of the district court in which the ac-
16 tion is brought; and

17 “(ii) section 2284(b)(2) of such title
18 shall not apply.

19 “(C) EXPEDITED PROCEDURE.—It shall be
20 the duty of the court to advance on the docket
21 and to expedite to the greatest possible extent
22 the disposition of the action, consistent with all
23 other relevant deadlines established by this
24 chapter and the laws of the United States.

1 “(D) APPEALS.—Notwithstanding section
2 1253 of title 28, United States Code, the final
3 judgment of the panel convened under subpara-
4 graph (B) may be reviewed directly by the Su-
5 preme Court, by writ of certiorari granted upon
6 petition of any party to the case, on an expe-
7 dited basis, so that a final order of the court on
8 remand of the Supreme Court may occur on or
9 before the day before the time fixed for the
10 meeting of electors.

11 “(2) RULE OF CONSTRUCTION.—This sub-
12 section—

13 “(A) shall be construed solely to establish
14 venue and expedited procedures in any action
15 brought by an aggrieved candidate for Presi-
16 dent or Vice President as specified in this sub-
17 section that arises under the Constitution or
18 laws of the United States; and

19 “(B) shall not be construed to preempt or
20 displace any existing State or Federal cause of
21 action.”.

22 (b) EXECUTIVE OF A STATE.—Section 21 of title 3,
23 United States Code, as amended by section 102(b), is
24 amended by striking paragraph (3) and inserting the fol-
25 lowing:

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1 “(3) ‘executive’ means, with respect to any
2 State, the Governor of the State (or, in the case of
3 the District of Columbia, the Mayor of the District
4 of Columbia), except when the laws or constitution
5 of a State in effect as of election day expressly re-
6 quire a different State executive to perform the du-
7 ties identified under this chapter.”.

8 (c) CONFORMING AMENDMENTS.—

9 (1) Section 9 of title 3, United States Code, is
10 amended by striking “annex to each of the certifi-
11 cates one of the lists of the electors” and inserting
12 “annex to each of the certificates of votes one of the
13 certificates of ascertainment of appointment of elec-
14 tors”.

15 (2) The table of contents for chapter 1 of title
16 3, United States Code, is amended by striking the
17 items relating to sections 5 inserting the following:

“5. Certificate of ascertainment of appointment of electors.”.

18 **SEC. 105. DUTIES OF THE ARCHIVIST.**

19 (a) IN GENERAL.—Section 6 of title 3, United States
20 Code, is amended to read as follows:

21 **“§ 6. Duties of Archivist**

22 “The certificates of ascertainment of appointment of
23 electors received by the Archivist of the United States
24 under section 5 shall—

25 “(1) be preserved for one year;

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1 “(2) be a part of the public records of such of-
2 fice; and

3 “(3) be open to public inspection.”.

4 (b) CONFORMING AMENDMENT.—The table of con-
5 tents for chapter 1 of title 3, United States Code, is
6 amended by striking the items relating to section 6 and
7 inserting the following:

 “6. Duties of Archivist.”.

8 **SEC. 106. MEETING OF ELECTORS.**

9 (a) TIME FOR MEETING.—Section 7 of title 3, United
10 States Code, is amended—

11 (1) by striking “Monday” and inserting “Tues-
12 day”; and

13 (2) by striking “as the legislature of such State
14 shall direct” and inserting “in accordance with the
15 laws of the State enacted prior to election day”.

16 (b) CLARIFICATION ON SEALING OF CERTIFICATES
17 OF VOTES.—Section 10 of such title is amended by strik-
18 ing “the certificates so made by them” and inserting “the
19 certificates of votes so made by them, together with the
20 annexed certificates of ascertainment of appointment of
21 electors”.

22 **SEC. 107. TRANSMISSION OF CERTIFICATES OF VOTES.**

23 (a) IN GENERAL.—Section 11 of title 3, United
24 States Code, is amended to read as follows:

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1 **“§ 11. Transmission of certificates by electors**

2 “The electors shall immediately transmit at the same
3 time and by the most expeditious method available the cer-
4 tificates of votes so made by them, together with the an-
5 nexed certificates of ascertainment of appointment of elec-
6 tors, as follows:

7 “(1) One set shall be sent to the President of
8 the Senate at the seat of government.

9 “(2) Two sets shall be sent to the chief election
10 officer of the State, one of which shall be held sub-
11 ject to the order of the President of the Senate, the
12 other to be preserved by such official for one year
13 and shall be a part of the public records of such of-
14 fice and shall be open to public inspection.

15 “(3) Two sets shall be sent to the Archivist of
16 the United States at the seat of government, one of
17 which shall be held subject to the order of the Presi-
18 dent of the Senate and the other of which shall be
19 preserved by the Archivist of the United States for
20 one year and shall be a part of the public records
21 of such office and shall be open to public inspection.

22 “(4) One set shall be sent to the judge of the
23 district in which the electors shall have assembled.”.

24 (b) CONFORMING AMENDMENT.—The table of con-
25 tents for chapter 1 of title 3, United States Code, is

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1 amended by striking the item relating to section 11 and
2 inserting the following:

“11. Transmission of certificates by electors.”.

3 **SEC. 108. FAILURE OF CERTIFICATE OF VOTES TO REACH**
4 **RECIPIENTS.**

5 (a) IN GENERAL.—Section 12 of title 3, United
6 States Code, is amended—

7 (1) by inserting “, after the meeting of the elec-
8 tors shall have been held,” after “When”;

9 (2) by striking “and list” each place it appears;

10 (3) by striking “in December, after the meeting
11 of the electors shall have been held,” and inserting
12 “in December,”;

13 (4) by striking “or, if he be absent” and insert-
14 ing “or, if the President of the Senate be absent”;

15 (5) by striking “secretary of State” and insert
16 “chief election officer”;

17 (6) by striking “lodged with him” and inserting
18 “lodged with such officer”;

19 (7) by striking “his duty” and inserting “the
20 duty of such chief election officer of the State”; and

21 (8) by striking “by registered mail” and insert-
22 ing “by the most expeditious method available”.

23 (b) CONTINUED FAILURE.—Section 13 of title 3,
24 United States Code, is amended—

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1 (1) by inserting “, after the meeting of the elec-
2 tors shall have been held,” after “When”;

3 (2) by striking “in December, after the meeting
4 of the electors shall have been held,” and inserting
5 “in December,”;

6 (3) by striking “or, if he be absent” and insert-
7 ing “or, if the President of the Senate be absent”;
8 and

9 (4) by striking “that list” and inserting “that
10 certificate”.

11 (c) **ELIMINATION OF MESSENGER’S PENALTY.**—

12 (1) **IN GENERAL.**—Title 3, United States Code,
13 is amended by striking section 14.

14 (2) **CONFORMING AMENDMENT.**—The table of
15 contents for chapter 1 of title 3, United States Code,
16 is amended by striking the item relating to section
17 14.

18 **SEC. 109. CLARIFICATIONS RELATING TO COUNTING ELEC-**

19 **TORAL VOTES.**

20 (a) **IN GENERAL.**—Section 15 of title 3, United
21 States Code, is amended to read as follows:

22 **“§ 15. Counting electoral votes in Congress**

23 **“(a) IN GENERAL.**—Congress shall be in session on
24 the sixth day of January succeeding every meeting of the
25 electors. The Senate and House of Representatives shall

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1 meet in the Hall of the House of Representatives at the
2 hour of 1 o'clock in the afternoon on that day, and the
3 President of the Senate shall be their presiding officer.

4 “(b) POWERS OF THE PRESIDENT OF SENATE.—

5 “(1) MINISTERIAL IN NATURE.—Except as oth-
6 erwise provided in this chapter, the role of the Presi-
7 dent of the Senate while presiding over the joint ses-
8 sion shall be limited to performing solely ministerial
9 duties.

10 “(2) POWERS EXPLICITLY DENIED.—The Presi-
11 dent of the Senate shall have no power to solely de-
12 termine, accept, reject, or otherwise adjudicate or re-
13 solve disputes over the proper certificate of ascer-
14 tainment of appointment of electors, the validity of
15 electors, or the votes of electors.

16 “(c) APPOINTMENT OF TELLERS.—At the joint ses-
17 sion of the Senate and House of Representatives described
18 in subsection (a), there shall be present two tellers pre-
19 viously appointed on the part of the Senate and two tellers
20 previously appointed on the part of the House of Rep-
21 resentatives by the presiding officers of the respective
22 chambers.

23 “(d) PROCEDURE AT JOINT SESSION GENERALLY.—

24 “(1) IN GENERAL.—The President of the Sen-
25 ate shall—

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1 “(A) open the certificates and papers pur-
2 porting to be certificates of the votes of electors
3 appointed pursuant to a certificate of ascertain-
4 ment of appointment of electors issued pursu-
5 ant to section 5, in the alphabetical order of the
6 States, beginning with the letter A; and

7 “(B) upon opening any certificate, hand
8 the certificate and any accompanying papers to
9 the tellers, who shall read the same in the pres-
10 ence and hearing of the two Houses.

11 “(2) ACTION ON CERTIFICATE.—

12 “(A) IN GENERAL.—Upon the reading of
13 each certificate or paper, the President of the
14 Senate shall call for objections, if any.

15 “(B) REQUIREMENTS FOR OBJECTIONS OR
16 QUESTIONS.—

17 “(i) OBJECTIONS.—No objection or
18 other question arising in the matter shall
19 be in order unless the objection or ques-
20 tion—

21 “(I) is made in writing;

22 “(II) is signed by at least one-
23 fifth of the Senators duly chosen and
24 sworn and one-fifth of the Members of

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1 the House of Representatives duly
2 chosen and sworn; and

3 “(III) in the case of an objection,
4 states clearly and concisely, without
5 argument, one of the grounds listed
6 under clause (ii).

7 “(ii) GROUNDS FOR OBJECTIONS.—
8 The only grounds for objections shall be as
9 follows:

10 “(I) The electors of the State
11 were not lawfully certified under a
12 certificate of ascertainment of ap-
13 pointment of electors according to sec-
14 tion 5(a)(1).

15 “(II) The vote of one or more
16 electors has not been regularly given.

17 “(C) CONSIDERATION OF OBJECTIONS AND
18 QUESTIONS.—

19 “(i) IN GENERAL.—When all objec-
20 tions so made to any vote or paper from a
21 State, or other question arising in the mat-
22 ter, shall have been received and read, the
23 Senate shall thereupon withdraw, and such
24 objections and questions shall be submitted
25 to the Senate for its decision; and the

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1 Speaker of the House of Representatives
2 shall, in like manner, submit such objec-
3 tions and questions to the House of Rep-
4 resentatives for its decision.

5 “(ii) DETERMINATION.—No objection
6 or any other question arising in the matter
7 may be sustained unless such objection or
8 question is sustained by separate concur-
9 ring votes of each House.

10 “(D) RECONVENING.—When the two
11 Houses have voted, they shall immediately
12 again meet, and the presiding officer shall then
13 announce the decision of the questions sub-
14 mitted. No vote or paper from any other State
15 shall be acted upon until the objections pre-
16 viously made to any vote or paper from any
17 State , and other questions arising in the mat-
18 ter, shall have been finally disposed of.

19 “(e) RULES FOR TABULATING VOTES.—

20 “(1) COUNTING OF VOTES.—

21 “(A) IN GENERAL.—Except as provided in
22 subparagraph (B)—

23 “(i) only the votes of electors who
24 have been appointed under a certificate of
25 ascertainment of appointment of electors

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1 issued pursuant to section 5, or who have
2 legally been appointed to fill a vacancy of
3 any such elector pursuant to section 4,
4 may be counted; and

5 “(ii) no vote of an elector described in
6 clause (i) which has been regularly given
7 shall be rejected.

8 “(B) EXCEPTION.—The vote of an elector
9 who has been appointed under a certificate of
10 ascertainment of appointment of electors issued
11 pursuant to section 5 shall not be counted if—

12 “(i) there is an objection which meets
13 the requirements of subsection
14 (d)(2)(B)(i); and

15 “(ii) each House affirmatively sus-
16 tains the objection as valid.

17 “(2) DETERMINATION OF MAJORITY.—If the
18 number of electors lawfully appointed by any State
19 pursuant to a certificate of ascertainment of ap-
20 pointment of electors that is issued under section 5
21 is fewer than the number of electors to which the
22 State is entitled under section 3, or if an objection
23 the grounds for which are described in subsection
24 (d)(2)(B)(ii)(I) has been sustained, the total number
25 of electors appointed for the purpose of determining

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1 a majority of the whole number of electors appointed
2 as required by the Twelfth Amendment to the Con-
3 stitution shall be reduced by the number of electors
4 whom the State has failed to appoint or as to whom
5 the objection was sustained.

6 “(3) LIST OF VOTES BY TELLERS; DECLARA-
7 TION OF WINNER.—The tellers shall make a list of
8 the votes as they shall appear from the said certifi-
9 cates; and the votes having been ascertained and
10 counted according to the rules in this subchapter
11 provided, the result of the same shall be delivered to
12 the President of the Senate, who shall thereupon an-
13 nounce the state of the vote, which announcement
14 shall be deemed a sufficient declaration of the per-
15 sons, if any, elected President and Vice President of
16 the United States, and, together with a list of the
17 votes, be entered on the Journals of the two
18 Houses.”.

19 (b) CONFORMING AMENDMENT.—The table of con-
20 tents for chapter 1 of title 3, United States Code, is
21 amended by striking the item relating to section 15 and
22 inserting the following:

“15. Counting electoral votes in Congress.”.

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1 **SEC. 110. RULES RELATING TO JOINT SESSION.**

2 (a) LIMIT OF DEBATE IN EACH HOUSE.—Section 17
3 of title 3, United States Code, is amended to read as fol-
4 lows:

5 **“§ 17. Same; limit of debate in each House**

6 “When the two Houses separate to decide upon an
7 objection pursuant to section 15(d)(2)(C)(i) that may have
8 been made to the counting of any electoral vote or votes
9 from any State, or other question arising in the matter—

10 “(1) all such objections and questions permitted
11 with respect to such State shall be considered at
12 such time;

13 “(2) each Senator and Representative may
14 speak to such objections or questions for up to five
15 minutes, and not more than once;

16 “(3) the total time for debate for all such objec-
17 tions and questions with respect to such State shall
18 not exceed two hours in each House, equally divided
19 and controlled by the Majority Leader and Minority
20 Leader, or their respective designees; and

21 “(4) at the close of such debate, it shall be the
22 duty of the presiding officer of each House to put
23 each of the objections and questions to a vote with-
24 out further debate.”.

25 (b) PARLIAMENTARY PROCEDURE.—Section 18 of
26 title 3, United States Code, is amended by inserting

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1 “under section 15(d)(2)(C)(i)” after “motion to with-
2 draw”.

3 (c) CONFORMING AMENDMENTS.—

4 (1) Sections 16 of title 3, United States Code,
5 is amended by striking “meeting” each place it ap-
6 pears in the text and in the heading and inserting
7 “session”.

8 (2) Sections 18 of title 3, United States Code,
9 is amended by striking “meeting” each place it ap-
10 pears in the text and in the heading and inserting
11 “session”.

12 (3) The table of contents for chapter 1 of title
13 3, United States Code, is amended—

14 (A) by striking “meeting” in the item re-
15 lating to section 16 and inserting “session”;
16 and

17 (B) by striking “meeting” in the item re-
18 lating to section 18 and inserting “session”.

19 **SEC. 111. SEVERABILITY.**

20 (a) IN GENERAL.—Title 3, United States Code, is
21 amended by inserting after section 21 the following new
22 section:

23 **“§ 22. Severability**

24 “If any provision of this chapter, or the applica-
25 tion of a provision to any person or circumstance, is

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1 held to be unconstitutional, the remainder of this
2 chapter, and the application of the provisions to any
3 person or circumstance, shall not be affected by the
4 holding.”.

5 (b) CONFORMING AMENDMENT.—The table of con-
6 tents for chapter 1 of title 3, United States Code, is
7 amended by adding at the end the following:

“22. Severability.”.

8 **TITLE II—PRESIDENTIAL**
9 **TRANSITION IMPROVEMENT ACT**

10 **SEC. 201. SHORT TITLE.**

11 This title may be cited as the “Presidential Transi-
12 tion Improvement Act”.

13 **SEC. 202. MODIFICATIONS TO PRESIDENTIAL TRANSITION**
14 **ACT OF 1963.**

15 (a) IN GENERAL.—Section 3 of the Presidential
16 Transition Act of 1963 (3 U.S.C. 102 note) is amended
17 by striking subsection (c) and inserting the following:

18 “(c)(1) APPARENT SUCCESSFUL CANDIDATES.—

19 “(A) IN GENERAL.—For purposes of this Act,
20 the ‘apparent successful candidate’ for the office of
21 President and Vice President, respectively, shall be
22 determined as follows:

23 “(i) If all but one eligible candidate for the
24 office of President and one eligible candidate
25 for the office of Vice President, respectively,

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1 concede the election, then the candidate for
2 each such office who has not conceded shall be
3 the apparent successful candidate for each such
4 office.

5 “(ii) If, on the date that is 5 days after the
6 date of the election, more than one eligible can-
7 didate for the office of President has not con-
8 ceded the election, then each of the remaining
9 eligible candidates for such office and the office
10 of Vice President who have not conceded shall
11 be treated as the apparent successful candidates
12 until such time as a single candidate for the of-
13 fice of President is treated as the apparent suc-
14 cessful candidate pursuant to clause (iii) or
15 clause (iv).

16 “(iii) If a single candidate for the office of
17 President or Vice President is determined by
18 the Administrator to meet the qualifications
19 under subparagraph (B), the Administrator
20 may determine that such candidate shall solely
21 be treated as the apparent successful candidate
22 for that office until such time as a single can-
23 didate for the office of President is treated as
24 the apparent successful candidate pursuant to
25 clause (iv).

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1 “(iv) If a single candidate for the office of
2 President or Vice President is the apparent suc-
3 cessful candidate for such office under subpara-
4 graph (C), that candidate shall solely be treated
5 as the apparent successful candidate for that
6 office.

7 “(B) INTERIM DISCRETIONARY QUALIFICA-
8 TIONS.—On or after the date that is 5 days after
9 the date of the election, the Administrator may de-
10 termine that a single candidate for the office of
11 President or Vice President shall be treated as the
12 sole apparent successful candidate for that office
13 pursuant to subparagraph (A)(iii) if it is substan-
14 tially certain the candidate will receive a majority of
15 the pledged votes of electors, based on consideration
16 of the following factors:

17 “(i) The results of the election for such of-
18 fice in States in which significant legal chal-
19 lenges that could alter the outcome of the elec-
20 tion in the State have been substantially re-
21 solved, such that the outcome is substantially
22 certain.

23 “(ii) The certified results of the election
24 for such office in States in which the certifi-
25 cation is complete.

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1 “(iii) The results of the election for such
2 office in States in which there is substantial
3 certainty of an apparent successful candidate
4 based on the totality of the circumstances.

5 “(C) MANDATORY QUALIFICATIONS.—

6 “(i) IN GENERAL.—Notwithstanding sub-
7 paragraph (A) or (B), a candidate shall be the
8 sole apparent successful candidate for the office
9 of President or Vice President pursuant to sub-
10 paragraph (A)(iv) for purposes of this Act if—

11 “(I) the candidate receives a majority
12 of pledged votes of electors of such office
13 based on certifications by States of their
14 final canvass, and the conclusion of any re-
15 counts, legal actions, or administrative ac-
16 tions pertaining to the results of the elec-
17 tion for such office;

18 “(II) in the case where subclause (I)
19 is not met, the candidate receives a major-
20 ity of votes of electors of such office at the
21 meeting and vote of electors under section
22 7 of title 3, United States Code; or

23 “(III) in the case where neither sub-
24 clause (I) or (II) is met, the candidate is
25 declared as the person elected to such of-

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1 fice at the joint session of Congress under
2 section 15 of title 3, United States Code.

3 “(ii) CLARIFICATION IF STATE UNABLE TO
4 CERTIFY ELECTION RESULTS OR APPOINTS
5 MORE THAN ONE SLATE OF ELECTORS.—For
6 purposes of subclauses (I) and (II) of clause (i),
7 if a State is unable to certify its election results
8 or a State appoints more than one slate of elec-
9 tors, the votes of the electors of such State
10 shall not count towards meeting the qualifica-
11 tions under such subclauses.

12 “(2) PERIOD OF MULTIPLE POSSIBLE APPARENT
13 SUCCESSFUL CANDIDATES.—During any period in which
14 there is more than one possible apparent successful can-
15 didate for the office of President—

16 “(A) the Administrator is authorized to provide,
17 upon request, to each remaining eligible candidate
18 for such office and the office of Vice President de-
19 scribed in paragraph (1)(A)(ii) access to services
20 and facilities pursuant to this Act;

21 “(B) the Administrator, in conjunction with the
22 Federal Transition Coordinator designated under
23 section 4(c) and the senior career employee of each
24 agency and senior career employee of each major
25 component and subcomponent of each agency des-

1959

1 ignated under subsection (f)(1) to oversee and imple-
2 ment the activities of the agency, component, or sub-
3 component relating to the Presidential transition,
4 shall make efforts to ensure that each such can-
5 didate is provided equal access to agency informa-
6 tion and spaces as requested pursuant to this Act;

7 “(C) the Administrator shall provide weekly re-
8 ports to Congress containing a brief summary of the
9 status of funds being distributed to such candidates
10 under this Act, the level of access to agency informa-
11 tion and spaces provided to such candidates, and the
12 status of such candidates with respect to meeting
13 the qualifications to be the apparent successful can-
14 didate for the office of President or Vice President
15 under subparagraph (B) or (C) of paragraph (1);
16 and

17 “(D) if a single candidate for the office of
18 President or Vice President is treated as the appar-
19 ent successful candidate for such office pursuant to
20 subparagraph (A)(iii) or (A)(iv) of paragraph (1),
21 not later than 24 hours after such treatment is ef-
22 fective, the Administrator shall make available to the
23 public a written statement that such candidate is
24 treated as the sole apparent successful candidate for
25 such office for purposes of this Act, including a de-

1960

1 scription of the legal basis and reasons for such
2 treatment based on the qualifications under subpara-
3 graph (B) or (C) of paragraph (1), as applicable.

4 “(3) DEFINITION.—In this subsection, the term ‘eli-
5 gible candidate’ has the meaning given that term in sub-
6 section (h)(4).”.

7 (b) CONFORMING AMENDMENTS.—The Presidential
8 Transition Act of 1963 (3 U.S.C. 102 note) is amended—

9 (1) in section 3—

10 (A) in the heading, by striking “**PRESI-**
11 **DENTS-ELECT AND VICE-PRESIDENTS-**
12 **ELECT**” and inserting “**APPARENT SUCCESS-**
13 **FUL CANDIDATES**”;

14 (B) in subsection (a)—

15 (i) in the matter preceding paragraph

16 (1)—

17 (I) by striking “each President-
18 elect, each Vice-President-elect” and
19 inserting “each apparent successful
20 candidate for the office of President
21 and Vice President (as determined by
22 subsection (c))”; and

23 (II) by striking “the President-
24 elect and Vice-President-elect” and in-
25 serting “each such candidate”;

1961

1 (ii) in paragraph (1)—

2 (I) by striking “the President-
3 elect, the Vice-President-elect” and in-
4 serting “the apparent successful can-
5 didate”; and

6 (II) by striking “the President-
7 elect or Vice-President-elect” and in-
8 serting “the apparent successful can-
9 didate”;

10 (iii) in paragraphs (2), (3), (4), and
11 (5), by striking “the President-elect or
12 Vice-President-elect” each place it appears
13 and inserting “the apparent successful
14 candidate”;

15 (iv) in paragraph (4)(B), by striking
16 “the President-elect, the Vice-President-
17 elect, or the designee of the President-elect
18 or Vice-President-elect” and inserting “the
19 apparent successful candidate or their des-
20 ignee”;

21 (v) in paragraph (8), in subparagraph
22 (A)(v) and (B), by striking “the President-
23 elect” and inserting “the apparent success-
24 ful candidate for the office of President”;
25 and

1962

1 (vi) in paragraph (10)—

2 (I) by striking “any President-
3 elect, Vice-President-elect, or eligible
4 candidate” and inserting “any appar-
5 ent successful candidate or eligible
6 candidate”; and

7 (II) by striking “the President-
8 elect and Vice President-elect” and in-
9 serting “the apparent successful can-
10 didates”;

11 (C) in subsection (b)—

12 (i) in paragraph (1), by striking “the
13 President-elect or Vice-President-elect, or
14 after the inauguration of the President-
15 elect as President and the inauguration of
16 the Vice-President-elect as Vice President”
17 and inserting “the apparent successful
18 candidates, or after the inauguration of the
19 apparent successful candidate for the office
20 of President as President and the inau-
21 guration of the apparent successful can-
22 didate for the office of Vice President as
23 Vice President”; and

24 (ii) in paragraph (2), by striking “the
25 President-elect, Vice-President-elect” and

1963

1 inserting “the apparent successful can-
2 didate”;

3 (D) in subsection (d)—

4 (i) in the first sentence, by striking
5 “Each President-elect” and inserting
6 “Each apparent successful candidate for
7 the office of President”; and

8 (ii) in the second sentence, by striking
9 “Each Vice-President-elect” and inserting
10 “Each apparent successful candidate for
11 the office of Vice-President”;

12 (E) in subsection (e)—

13 (i) in the first sentence, by striking
14 “Each President-elect and Vice-President-
15 elect” and inserting “Each apparent suc-
16 cessful candidate”; and

17 (ii) in the second sentence, by striking
18 “any President-elect or Vice-President-
19 elect may be made upon the basis of a cer-
20 tificate by him or the assistant designated
21 by him” and inserting “any apparent suc-
22 cessful candidate may be made upon the
23 basis of a certificate by the candidate or
24 their designee”;

25 (F) in subsection (f)—

1964

1 (i) in paragraph (1), by striking “The
2 President-elect” and inserting “Any appar-
3 ent successful candidate for the office of
4 President”; and

5 (ii) in paragraph (2), by striking “in-
6 auguration of the President-elect as Presi-
7 dent and the inauguration of the Vice-
8 President-elect as Vice President” and in-
9 serting “inauguration of the apparent suc-
10 cessful candidate for the office of President
11 as President and the inauguration of the
12 apparent successful candidate for the office
13 of Vice President as Vice President”;

14 (G) in subsection (g), by striking “In the
15 case where the President-elect is the incumbent
16 President or in the case where the Vice-Presi-
17 dent-elect is the incumbent Vice President” and
18 inserting “In the case where an apparent suc-
19 cessful candidate for the office of President is
20 the incumbent President or in the case where
21 an apparent successful candidate for the office
22 of Vice President is the incumbent Vice Presi-
23 dent”;

24 (H) in subsection (h)—

1965

1 (i) in paragraph (2)(B)(iv), by strik-
2 ing “the President-elect or Vice-President-
3 elect” and inserting “an apparent success-
4 ful candidate”; and

5 (ii) in paragraph (3)(B)(iii), by strik-
6 ing “the President-elect or Vice-President-
7 elect” and inserting “an apparent success-
8 ful candidate”; and

9 (I) in subsection (i)(3)(C)—

10 (i) in clause (i), by striking “the inau-
11 guration of the President-elect as Presi-
12 dent and the inauguration of the Vice-
13 President-elect as Vice President” and in-
14 sserting “the inauguration of the apparent
15 successful candidate for the office of Presi-
16 dent as President and the inauguration of
17 the apparent successful candidate for the
18 office of Vice President as Vice President”;
19 and

20 (ii) in clause (ii), by striking “upon
21 request of the President-elect or the Vice-
22 President-elect” and inserting “upon re-
23 quest of the apparent successful can-
24 didate”;

25 (2) in section 4—

1966

1 (A) in subsection (e)—

2 (i) in paragraph (1)(B), by striking
3 “the President-elect and Vice-President-
4 elect” and inserting “the apparent success-
5 ful candidates (as determined by section
6 3(c))”; and

7 (ii) in paragraph (4)(B), by striking
8 “the President-elect is inaugurated” and
9 inserting “the apparent successful can-
10 didate for the office of President is inaugu-
11 rated”; and

12 (B) in subsection (g)—

13 (i) in paragraph (3)(A), by striking
14 “the President-elect” and inserting “the
15 apparent successful candidate for the office
16 of President”; and

17 (ii) in paragraph (3)(B)(ii)(III), by
18 striking “the President-elect” and insert-
19 ing “the apparent successful candidate for
20 the office of President”;

21 (3) in section 5, in the first sentence, by strik-
22 ing “Presidents-elect and Vice-Presidents-elect” and
23 inserting “apparent successful candidates (as deter-
24 mined by section 3(c))”;

25 (4) in section 6—

1967

1 (A) in subsection (a)—

2 (i) in paragraph (1)—

3 (I) by striking “The President-
4 elect and Vice-President-elect” and in-
5 serting “Each apparent successful
6 candidate (as determined by section
7 3(c))”; and

8 (II) by striking “the President-
9 elect or Vice-President-elect” and in-
10 serting “the apparent successful can-
11 didate”;

12 (ii) in paragraph (2), by striking “The
13 President-elect and Vice-President-elect”
14 and inserting “Each apparent successful
15 candidate”; and

16 (iii) in paragraph (3)(A), by striking
17 “inauguration of the President-elect as
18 President and the Vice-President-elect as
19 Vice President” and inserting “inaugura-
20 tion of the apparent successful candidate
21 for the office of President as President and
22 the apparent successful candidate for the
23 office of Vice-President as Vice President”;

24 (B) in subsection (b)(1)—

1968

1 (i) in the matter preceding subpara-
2 graph (A), by striking “The President-elect
3 and Vice-President-elect” and inserting
4 “Each apparent successful candidate”; and

5 (ii) in subparagraph (A), by striking
6 “the President-elect or Vice-President-
7 elect’s” and inserting “the apparent suc-
8 cessful candidate’s”; and

9 (C) in subsection (c), by striking “The
10 President-elect and Vice-President-elect” and
11 inserting “Each apparent successful candidate”;
12 and

13 (5) in section 7(a)(1), by striking “the Presi-
14 dent-elect and Vice President-elect” and inserting
15 “the apparent successful candidates”.

16 **DIVISION Q—AVIATION**
17 **RELATED MATTERS**

18 **SEC. 101. ADVANCED AIR MOBILITY INFRASTRUCTURE**
19 **PILOT PROGRAM.**

20 (a) ESTABLISHMENT.—Not later than 180 days after
21 the date of enactment of this section, the Secretary shall
22 establish a pilot program to provide grants that assist an
23 eligible entity to plan for the development and deployment
24 of infrastructure necessary to facilitate AAM operations,
25 locally and regionally, within the United States.