



**FOIA Requester Service Center
Office of the General Counsel**

November 20, 2024

Elizabeth Haddix
American Oversight
1030 15th Street NW
Suite b255
Washington, 20005
foia@americanoversight.org

Dear Ms. Haddix:

This letter is the final response for your Freedom of Information Act (FOIA) request submitted to the U.S. General Services Administration's (GSA) FOIA Requester Service Center on October 22, 2024. Your request number is 2025-FOI-00125.

Your request seeks "[a]ny unsigned Memorandum of Understanding provided by the Trump transition team — formally known as Trump Vance 2025 Transition Incorporated —to the GSA and/or by the GSA to the Trump Transition Team."

GSA has completed its search and located two records (29 pages) responsive to your request. One record is being withheld in full and the other record is being withheld in part, with information protected pursuant to 5 U.S.C. § 552(b)(5). Exemption 5 of the FOIA permits an agency to withhold "inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency."

GSA has considered the foreseeable harm standard, which was codified by the FOIA Improvement Act of 2016, and the Attorney General's guidance, when processing these records.

If you are not satisfied with our response to your request, you may file an administrative appeal at GSA's Public Access Link (pal.gsa.gov), by email to GSA.FOIA@gsa.gov, or in writing to the following address:

U.S. General Services Administration
FOIA Requester Service Center (LG)
1800 F Street, NW
Washington, DC 20405

Your appeal must be postmarked or electronically transmitted within 90 days of the date on this letter. In addition, your correspondence must contain a brief statement regarding the basis of your appeal. Please enclose a copy of your initial request and this response

U.S. General Services Administration
1800 F Street NW
Washington, DC 20405
www.gsa.gov

letter. Both the appeal letter and envelope or online appeal submission should be prominently marked, "Freedom of Information Act Appeal."

This completes our action on this FOIA request. You may contact the GSA FOIA Public Liaison, David Eby at (202) 213-2745 or by email at david.eby@gsa.gov for any additional assistance and to discuss any aspect of your FOIA request.

Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001, email at ogis@nara.gov; telephone at (202) 741-5770; toll free at (877) 684-6448; or facsimile at (202) 741-5769.

Sincerely,

/s/

Amanda Jones
FOIA Program Manager
Senior Assistant General Counsel
Office of the General Counsel
General Services Administration



**MEMORANDUM OF UNDERSTANDING
BETWEEN
THE GENERAL SERVICES ADMINISTRATION
AND
[ELIGIBLE CANDIATE]**

Introduction

This Memorandum of Understanding (MOU) establishes the provision of services and facilities made available by the U.S. General Services Administration (GSA) to [Eligible President and Vice-President Candidate], who are Eligible Candidates in the 2024 general election for President and Vice President of the United States, respectively, as defined in the Presidential Transition Act, as amended (3 U.S.C. § 102 note). The services and facilities to be provided during the pre-election period are defined in Part I of this memorandum. Part II of this MOU establishes the provision of services and facilities made available by GSA to the Eligible Candidates if the Eligible Candidates are the Apparent Successful Candidates pursuant to the Presidential Transition Act, and paid out of funds appropriated by the Congress in accordance with the Presidential Transition Act. If the Eligible Candidates are not determined to be or treated as the Apparent Successful Candidates, Part II of this MOU will become null and void with the exception of how records of the Eligible Candidates are treated.

The location designated for use pursuant to Part I is the

(b)(5)

unless it needs to be reduced proportionally to accommodate a period of multiple Apparent Successful Candidates.

Part I Pre-Election

The GSA Administrator (Administrator), is authorized to provide to the Eligible Candidates, for use in connection with the Eligible Candidates' preparations for the assumption of official duties as President and Vice President, necessary services and facilities including: suitable office space appropriately equipped with furniture, furnishings, office supplies, and office machines and equipment, and telecommunications services. Other services required may be provided on a reimbursable basis. The space, supplies, and other services will be used exclusively and only for the Eligible Candidates' preparations for the assumption of official duties as

President and Vice President. The Pre-Election support and services in Part I are available from August 27, 2024, through November 5, 2024, unless extended for up to an additional 4 days pursuant to the provisions of the Presidential Transition Act regarding the beginning of a period of multiple Apparent Successful Candidates.

The Eligible Candidates have designated [Designee One] and [Designee Two] to act on the Eligible Candidates' behalf to make decisions as may be required in connection with the services and facilities to be provided under the Presidential Transition Act. This authority may be re-delegated by either of the aforementioned in writing, delivered to Aimee Whiteman, the GSA Federal Transition Coordinator, or Jonathan Foye, Director of GSA's Presidential Transition Support Team (Director). To the extent permitted by law, the aforementioned designees are to receive from GSA any inquiries or legal instruments regarding the records of the Eligible Candidates that are in the custody of GSA as far in advance of disclosure as reasonably possible.

In order that all requirements can be expeditiously provided for and necessary financial and other controls maintained, the following services made available by GSA are effective immediately. The provisions outlined below are not exhaustive, and questions may arise from time to time regarding specific situations. In those instances, the Eligible Candidates or the Eligible Candidates' representatives should consult with Jonathan Foye or directly with the appropriate GSA Transition Support Team member, as designated by Mr. Foye.

Office Space, Furniture, Equipment, and Supplies

GSA will provide office space and related services in support of office space to the Eligible Candidates and the Eligible Candidates' transition staff. GSA has identified in its inventory approximately 20,000 rentable square feet of office space on the (b)(5) [REDACTED], designed to house roughly 100 of the Eligible Candidate's staff members from August 27, 2024, through November 5, 2024, unless extended for 4 additional days pursuant to the Presidential Transition Act.

GSA has completed space planning and has developed a floor plan for the Eligible Candidates. GSA will also make furniture and office equipment available for use by the Eligible Candidates. As GSA received an appropriation for this period to cover space and services, there is no rent chargeable to the Eligible Candidates for this space.

All furniture and equipment for the Eligible Candidates will be in place by August 27, 2024. Therefore, any specific requests by the Eligible Candidates for changes to existing space and furniture layouts, or additional furniture or equipment, will result in additional costs that will be charged to the Eligible Candidates. Office equipment and supplies (other than laptops and smartphones) will not be removed from the premises without the express permission of the Administrator, the Federal Transition Coordinator, or the Director of the GSA Presidential Transition Support Team. All office equipment

(including laptops and smartphones), and supplies are the property of GSA, and all must be returned to GSA at the conclusion of the period covered by this MOU, except for consumable supplies (e.g., paper, pens) that were used. GSA will provide an initial stock of consumable supplies and will replenish as used. Consumable supplies required beyond what GSA stocks are considered special orders. A GSA-determined monetary allowance of \$15,000 will be provided to the Eligible Candidates for special orders. Any special orders purchased with these funds shall be purchased pursuant to applicable procurement statutes and regulations. Any special orders above the monetary allowance shall be reimbursed by the Eligible Candidates.

The space will be available from 6:00 am to 10:00 pm Eastern Standard Time (EST), Monday through Friday, and 10:00 am to 6:00 pm EST, Saturdays, Sundays, and Federal holidays. Use of the space after hours is permissible, but will be subject to overtime utility costs on a reimbursable basis and will require prior coordination with the Director of the GSA Presidential Transition Support Team. With the exception of emergency situations, GSA facility services will be available from 8:00 am to 6:00 pm EST, Monday through Friday, excluding Federal holidays. Consistent with the GSA Bulletin issued on November 5, 2019, (84 FR 59624) staff members of the Eligible Candidate are prohibited from sleeping in (b)(5). Pursuant to 41 C.F.R. 102-74.405, except where the Administrator, GSA Federal Transition Coordinator, or the Director of the GSA Presidential Transition Support Team has granted an exemption in writing, all persons entering in or on Federal property, including space allocated to the Eligible Candidates, are prohibited from being under the influence or using alcoholic beverages.

Because (b)(5) is a Federal building, GSA will work with the (b)(5)

Armed security guards will be onsite. GSA will notify the Eligible Candidates or the Eligible Candidates' representative of what information will be required regarding staff members to ensure all security access protocols are completed and staff members can access the facility and utilize the services. The Eligible Candidates or the Eligible Candidates' representative will ensure all required information is supplied and security protocols followed.

GSA will be providing similar support to other eligible candidates at (b)(5). Staff of the other eligible candidates will be assigned to different floors. Staff of the Eligible Candidates are not permitted to enter space dedicated to other eligible candidates. Badges will identify which areas a staff member is permitted to enter. GSA will provide security controls to ensure unauthorized entry does not occur outside of normal business hours. GSA will provide security controls to ensure unauthorized entry does not occur outside of normal business hours.

In the event the Eligible Candidates are not the Apparent Successful Candidates, pursuant to the Presidential Transition Act, as amended, the space must be vacated and returned within five (5) business days of determination, in good condition subject to

usual and reasonable wear and tear. All documents and personal property items of the Eligible Candidates and the Eligible Candidates' transition team must be removed by this date or they will be considered abandoned.

Telecommunications and IT Services

GSA will provide an architected infrastructure to deliver IT services and equipment for use by the Eligible Candidates, with installation included as part of the "turn-key" office space. GSA will supply software and equipment, and the equipment will be returned within five (5) business days of a determination that the Eligible Candidates are not the apparent successful candidates or treated as the apparent successful candidates. At the conclusion of five (5) business days, this equipment will be inventoried, and all data on these devices will be deleted. Attached is a list of items to be provided by GSA (Attachment). GSA will provide separate IT infrastructure systems for other eligible candidates.

The GSA Presidential Transition Support Team, in consultation with the Eligible Candidates' team, will establish procedures for distributing and collecting all Government property that is made available for use by the Eligible Candidates. The Eligible Candidates and the Eligible Candidates' staff hereby assume responsibility for loss of, or damage to, GSA's Government Furnished Equipment (GFE) under their control and agree to return all items in the same condition as received, reasonable wear and tear excepted.

The GSA Presidential Transition Support Team will establish a Service Desk for the convenience of the Eligible Candidates to provide IT support and other miscellaneous assistance, which will be further defined by GSA. GSA-provided network and resources, including Dot Gov email addresses, will better facilitate and adhere to agencies' post-election communications requirements. GSA will provide (b)(5)

(b)(5)
The Service Desk staff will be knowledgeable about GFE hardware, software, and tools, including multi-function devices (copier/printer/scanner/fax). Non-GFE equipment, also referred to as bring your own device (BYOD), can be (b)(5)

(b)(5)
Service Desk support will be available 24 hours, seven (7) days a week, with onsite support, Monday through Friday, 7:00 am to 7:00 pm EST, including Federal holidays.

Outbound international calls can be enabled as required. Costs incurred for international calls will be charged to the Eligible Candidates. All phones will receive inbound international calls at no cost. Conference calling is available through (b)(5)

Any specific requests by the Eligible Candidates for additional IT services, equipment, or personnel will result in additional costs that will be charged to the Eligible Candidates. GSA shall not unreasonably withhold permission from the Eligible Candidates Team to add additional software or services.

Eligible Candidates' staff members will be required to accept the IT Rules of Behavior to safeguard the assets and the integrity of the network infrastructure when they individually sign for and accept the GFE laptops and smartphones.

GSA will notify Eligible Candidates' Team of:

- Any suspected or confirmed cybersecurity event that could impact transition team data or accounts (including unauthorized access by GSA personnel or its service providers), within 24 hours;
- Any suspected or confirmed cybersecurity incident for which GSA is required to report the incident to another government agency (including CISA/US-CERT) or is required to report to Congress, within 1 hour of reporting to an outside agency/Congress; and
- Any interruption to IT services provided by GSA (e.g., those caused by an outage), within 1 hour of GSA becoming aware of the issue.

Eligible Candidates Records

All records generated and/or maintained by the Eligible Candidates and the Eligible Candidates' staff, including e-mail, phone, and visitor records, are considered records of the Eligible Candidates and not GSA records unless the record was sent, received, or created by GSA personnel to conduct GSA business. As such, these records are not Presidential Records or Federal Records and are not subject to the Presidential Records Act (PRA), Federal Records Act (FRA), and Freedom of Information Act (FOIA). GSA shall not, without the prior express written consent of the Eligible Candidates or the Eligible Candidates' designees or as required by law, access or take any actions regarding the Eligible Candidates' records, including the disclosure, retention, or deletion of such records, other than those outlined in this MOU.

GSA, its agents, and its service providers may access the Eligible Candidates' electronic records for the purpose of ensuring the system's integrity. GSA may provide other federal agencies access to the Eligible Candidates electronic records provided: (i) such access has the sole purpose of ensuring the system's integrity and the federal agency agrees to be bound by similar, but not less restrictive, terms regarding the

ownership, control, and disclosure of the Eligible Candidates' records; or (ii) if such access is required by law.

GSA will notify the Eligible Candidates in advance of any disclosure, unless prohibited by law.

The Eligible Candidates shall retain the right to wipe, remove, or otherwise delete any Eligible Candidates' records off of the devices or equipment prior to the return of the devices. Within ten (10) business days of receipt of such device or equipment, GSA shall inventory the devices and equipment. GSA shall then delete all records and confirm to the Eligible Candidates that all Eligible Candidates' records have been deleted from such devices or equipment. Updates on the deletions shall be provided, in writing, every thirty (30) business days until all devices and equipment are returned and wiped by GSA.

The Eligible Candidate shall retain the right to export and subsequently delete any Eligible Candidates' records at any time from the (b)(5) or other IT services provided by GSA. In the event the Eligible Candidates are not or are no longer the Apparent Successful Candidates, GSA shall take all necessary steps to facilitate such export, if requested, and deletion within fourteen (14) business days. GSA shall provide the Eligible Candidates a full and complete export, if requested, of Eligible Candidates records, provided that such export is either possible at no cost to GSA or that the cost of such export (such as the purchase of storage hardware or equipment) is funded by the Eligible Candidates, and GSA will subsequently delete all Eligible Candidates records within GSA's possession or control, including records in cloud services (b)(5) or any backups. Confirmation shall be provided, in writing, within thirty (30) calendar days of deletion.

GSA must, to the extent permissible by law, report to the Eligible Candidate any access to the Eligible Candidates' data that is inconsistent with this section.

Other Candidates

The Eligible Candidates acknowledge that GSA will offer similar services and terms to other eligible candidates as defined by the Presidential Transition Act, as amended. All information and assistance by GSA will be on an equal basis and without regard to political affiliation. The space for each eligible candidate will be physically separated with logically separated IT networks, and GSA will assign separate onsite staff, wherever practicable.

Other Funds

The Eligible Candidates may establish a separate fund as described in Section 3(h)(3) of the Presidential Transition Act, as amended, to support the Eligible Candidates'

activities in preparation for the assumption of official duties as President and Vice President. If the Eligible Candidates establish a separate fund, the Eligible Candidates must comply with the reporting and disclosure requirements of the Presidential Transition Act, as amended.

The Eligible Candidates, as a condition for receiving services and office space, shall not accept more than \$5,000 from any person, organization, or other entity for purposes of preparations for the Eligible Candidates' assumption of office as the President and Vice President.

Reports

As required by Sections 3 and 6 of the Presidential Transition Act, as amended, the Eligible Candidates shall disclose to the Administrator:

- (1) the date of contribution, source, amount, and expenditure thereof of all monetary contributions, including currency of the United States and of any foreign nation, checks, money orders, or any other negotiable instruments payable on demand, other than Federal funds, received either before or after November 5, 2024, for use in the Eligible Candidates' preparations for the assumption of office; and
- (2) all information concerning such contributions as the Administrator and Comptroller General may require for purposes of auditing both public and private funding used in connection with preparations for the assumption of office.

Disclosures made under paragraph (1) above shall be in the form of a report to the Administrator by February 19, 2025, and shall be made available to the public by the Administrator upon receipt.

Emergency Preparedness

It is critical that the Eligible Candidates be prepared to respond to any emergency situation that may occur during the transition period. The GSA Presidential Transition Support Team will provide the following support to assist with emergency preparedness planning: (1) an outline of continuity of operations (COOP) services; (2) mass notifications and accountability via the **(b)(5)**; (3) temporary workspace, upon request, during an actual COOP event, with requirements submitted via SF-2050 Reconstitution Questionnaire; (4) telework capability providing a "work from home" option; (5) regular updates regarding the status of facilities; and (6) a Senior Emergency Management point of contact (POC) to provide support to the Eligible Candidate. The Eligible Candidates should designate someone that is authorized to work with the GSA Emergency Management Officer to finalize its emergency preparedness planning. Office of Personnel Management (OPM) guidance for federal employee reporting should be utilized as an overall guide throughout any emergency or continuity event.

Ethics Plan

The Eligible Candidates will implement and enforce an ethics plan to guide the conduct of the transition beginning on the date on which the Eligible Candidates becomes the Apparent Successful Candidate for the offices of President and Vice President. The ethics plan shall include, at a minimum, the provisions required by the Presidential Transition Act, as amended. The ethics plan will be provided to GSA, which will make it publicly available on the Internet website of GSA by October 1, 2024.

Effective Dates

Part I of this MOU becomes effective upon signature by both GSA and the representative of the eligible candidate. Services and facilities provided by the Pre-Election portion of the agreement begin on August 27, 2024, or whenever this agreement is executed, and terminate on November 5, 2024, unless extended for up to an additional 4 days pursuant to the provisions of the Presidential Transition Act regarding the beginning of a period of multiple Apparent Successful Candidates.

Amendments

Any terms and conditions of this MOU, other than those reflecting existing laws or regulations, may be amended at any time by the mutual agreement of the parties in writing.

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Part II – Transition

Part II becomes effective when the Eligible Candidates are the Apparent Successful Candidates pursuant to the Presidential Transition Act.

The Presidential Transition Act, as amended, authorizes the Administrator to seek an appropriation for the purposes of the transition of the Executive Branch of the Government in an election year, some of which is designated specifically for use at the request of the Apparent Successful Candidates. For the 2024-2025 transition, the appropriation will determine the amount available for support pursuant to the Presidential Transition Act. The Presidential Transition Act funds may not be expended by the Administrator for obligations incurred by an Apparent Successful Candidate before November 5, 2024, or after March 20, 2025, except money specified for Appointee Orientation activities is available through September 30, 2025.

The Administrator is authorized to use Presidential Transition Act funds to provide to the Apparent Successful Candidate necessary services and facilities for use in connection with preparations for the assumption of official duties as President and Vice President including: suitable office space, appropriately equipped with furniture, furnishings, office machines and equipment, and office supplies; payment of the compensation of members of office staffs designated by an Apparent Successful Candidate; payment of expenses for the procurement of services of experts or consultants; payment of travel expenses and subsistence allowances, including lease of motor vehicles; IT and telecommunications services; mail services; and payment of expenses for printing and other administrative services.

As provided in the Presidential Transition Act, the Apparent Successful Candidates have authorized [Designee One] and [Designee Two] to act on their behalf to make decisions as may be required in connection with the services and facilities to be provided by the Administrator under the Presidential Transition Act. This authority may be re-delegated by either of the aforementioned in writing and delivered to Aimee Whiteman, the GSA Federal Transition Coordinator, or Jonathan Foye, Director of GSA's Presidential Transition Support Team (Director). To the extent permitted by law, the aforementioned designees are to receive from GSA any inquiries or legal instruments regarding the records of the Apparent Successful Candidates that are in the custody of GSA.

The following services made available by the GSA are effective when the Eligible Candidates becomes the Apparent Successful Candidates. The procedures outlined below are not exhaustive, and questions may arise from time to time regarding specific situations. In those instances, the Apparent Successful Candidates should consult with Jonathan Foye or directly with the appropriate GSA Transition Support Team member, as designated by Mr. Foye.

The Presidential Transition Act provides for the possibility of multiple apparent successful candidates after the election. If such a situation arises, the amount of support provided by GSA and the amount of money available to the Eligible Candidate may be limited by law. Provisions in this Part II will be limited by any statutory requirements and/or GSA's requirement to treat multiple Apparent Successful Candidates equally. This may result in the space and services listed below being reduced to accommodate additional multiple apparent successful candidates.

Control of Funds

[Designee One] and [Designee Two], or persons designated by any of them in writing to Ms. Whiteman and Mr. Foye, are designated as the "Fund Manager(s)" for the Office of the Apparent Successful Candidates. Only these individuals shall be authorized to execute and deliver documents for the expenditure or obligation of appropriated Presidential Transition Act funds. These individuals will work directly with the GSA Transition Support Team to ensure that all transactions are documented and processed in accordance with Federal law, GSA procedures, and this MOU, and will serve as the contacts for GSA on financial matters.

GSA will not pay any person or entity with Presidential Transition Act funds on behalf of the Office of the Apparent Successful Candidates, nor reimburse the Office of the Apparent Successful Candidates for expenses incurred by it, without the prior submission and approval of obligating documents from the Office of the Apparent Successful Candidates, executed by a person authorized under the preceding paragraph.

Accounting Services

Accounting records will be established and maintained by GSA to show the financial transactions of the Apparent Successful Candidates regarding the obligation and expenditure of Presidential Transition Act funds. In addition, GSA will prepare any reports required by the Apparent Successful Candidates, the Office of Management and Budget, the Department of the Treasury, or the Congress, excluding the reports described in Section 6 of the Presidential Transition Act of 1963, as amended, which are the responsibility of the Apparent Successful Candidates.

Personnel Services

The Administrator is authorized, upon documented request, to pay the compensation of members of the office staff designated by the Apparent Successful Candidates, or their designees, from the Presidential Transition Act funds. Payments shall be at rates determined by the Office of the Apparent Successful Candidates, but not to exceed the rate provided for by 5 U.S.C. § 5376, for Executive Level IV (\$191,900 for 2024). Persons receiving compensation, as members of the office staff under the Presidential Transition Act, other than those detailed from Federal agencies, are not held or

considered to be employees of the Federal Government. These individuals are ineligible for the Federal Employees' Retirement System (FERS), Civil Service Retirement System (CSRS), Federal Employees' Health Benefits (FEHB), and Federal Employees' Group Life Insurance (FEGLI).

Employment of Experts and Consultants

The Administrator is authorized to pay expenses for the procurement of services of experts, consultants, or organizations thereof for the Apparent Successful Candidates, as authorized for the head of any department by Section 15 of the Administrative Expenses Act of 1946, as amended (5 U.S.C. § 3109), at rates not to exceed \$613.12 per day for individuals.

Detail of Federal Employees

Any employee of any agency of any branch of the Federal Government, or an employee of a committee of either House of Congress, a joint committee of the Congress, or an individual Member of Congress, may be detailed to the Office of the Apparent Successful Candidates on a reimbursable basis with the consent of the head of the agency or, in the case of an employee in a position in the legislative branch, with the consent of the supervising Member of Congress. A detailed employee shall continue to receive compensation for his or her regular employment and retain the rights and privileges of such employment without interruption. A letter from the Office of the Apparent Successful Candidates requesting the detail assignment must be submitted to the head of the agency, with a copy to the GSA Presidential Transition Support Team.

Payroll Services

GSA may pay salaries for the employees of the Apparent Successful Candidates. Persons receiving compensation, as members of the Office of the Apparent Successful Candidates under the Presidential Transition Act, other than those detailed from Federal agencies, are not held or considered to be employees of the Federal Government. These individuals are ineligible for the Federal Employees' Retirement System (FERS), Civil Service Retirement System (CSRS), Federal Employees' Health Benefits (FEHB), and Federal Employees' Group Life Insurance (FEGLI).

The preferred method to process payroll is through reimbursement for eligible payroll expenses processed by a third-party payroll provider. If this process is chosen, the Office of the Apparent Successful Candidates will provide GSA with the name and payment processing instructions of the third-party payroll provider. GSA will only pay for permissible payroll expenses pursuant to the Presidential Transition Act and other applicable statutes and regulations related to pay, benefits, and taxes. The Office of the Apparent Successful Candidates will provide GSA a report of payroll to be disbursed, in a mutually agreed upon format, that includes employee names, base salaries, benefits, and taxes. The information must be submitted no later than three (3) business days

before payment is due to a third-party payroll provider. GSA will review the request and pay the third-party payroll provider to the extent permitted by law for each employee on the day that the Apparent Successful Candidates' payment is due to the third-party payroll provider. After payroll is actually disbursed, the Office of the Apparent Successful Candidates will provide another payroll report detailing names, salaries, benefits, and taxes paid. GSA will review the paid report and if any payment by GSA was in excess of that paid to an employee or in violation of any statute or regulation, GSA will be reimbursed by the Office of the Apparent Successful Candidates for that overpayment.

Office Space, Furniture, Equipment, and Supplies

GSA has identified in its inventory approximately 120,000 rentable square feet of space designed to house approximately 360 individuals between the election and inauguration at (b)(5)

The space has been prepared for use by the Apparent Successful Candidates the day after the election. If there is a period of multiple Apparent Successful Candidates as provided in the Presidential Transition Act, equal space will be provided, as best as possible, so that GSA may support multiple candidates. GSA will supply furniture and office equipment for use by the Office(s) of the Apparent Successful Candidates. The space will include a sensitive compartmented information facility (SCIF) suitable for review and discussion of classified information up to the TS/SCI level. The rent for this "turn-key" office space, including all customary charges and fees as defined in the Occupancy Agreement, is chargeable to the Presidential Transition Act funds unless exempted by the Administrator, in accordance with 40 U.S.C. 586(b)(3). The parties acknowledge and agree that if the Administrator grants a rent exemption and the Apparent Successful Candidates have remaining funds left after accounting for all expenditures against the Presidential Transition Act appropriation, then the Administrator will transfer the remaining funds to the GSA Federal Buildings Fund up to the value of the exempted rent.

GSA has completed its space planning layouts. All furniture and equipment (other than smartphones and laptops) for the Office of the Apparent Successful Candidates will be in place by November 6, 2024, unless a period of multiple Apparent Successful Candidates requires GSA to postpone the date in order to reallocate and rearrange the space. Therefore, any specific requests by the Office of the Apparent Successful Candidates for changes to existing space and furniture layouts, or additional furniture or equipment, will result in additional costs that will be charged to the Presidential Transition Act funds; and such additional costs will not be included in the rent, nor waived under any request for a rent exemption that may be granted by the Administrator.

The space will be available from 6:00 am to 10:00 pm Eastern Standard Time (EST), Monday through Friday, and 10:00 am to 6:00 pm EST, Saturdays, Sundays, and Federal holidays. Use of the space after hours is permissible, but will be subject to overtime utility costs on a reimbursable basis and will require prior coordination with the Director of the GSA Presidential Transition Support Team. With the exception of emergency situations, GSA facility services will be available from 8:00 am to 6:00 pm EST, Monday through Friday, excluding Federal holidays. Consistent with the GSA Bulletin issued on November 5, 2019, (84 FR 59624) staff members of Office of the Apparent Successful Candidates are prohibited from sleeping in (b)(5). Pursuant to 41 C.F.R. 102-74.405, except where the Administrator, GSA Federal Transition Coordinator, or the Director of the GSA Presidential Transition Support Team has granted an exemption in writing, all persons entering in or on Federal property, including space allocated to the Apparent Successful Candidates, are prohibited from being under the influence or using alcoholic beverages.

If the Office of the Apparent Successful Candidates requests additional space or space in a location outside Washington, D.C., the Administrator will attempt to obtain such space in the location requested after the election, and all associated costs will be charged to the Presidential Transition Act funds. This also applies to the extent that the Office of the Apparent Successful Candidate requests a sensitive compartmented information facility (SCIF) in a location outside of Washington, D.C. A rent exemption will not be considered for such additional space. Likewise, any additional costs associated with requests for overtime charges for building operations or additional cleaning requested by the Office of the Apparent Successful Candidates will be charged to the Presidential Transition Act funds and cannot be waived through any rent exemption. The provision of an additional location would be subject to a separate agreement with GSA.

Office supplies are available from the GSA Presidential Transition Support Team on a reimbursable basis.

Travel

The Presidential Transition Act permits the payment of travel expenses to individual travelers at the official invitation of the Office of the Apparent Successful Candidates and to the Office of the Apparent Successful Candidates employees to their duty stations if those duty stations are different from their principal places of business or residence. Presidential Transition Act funds are not available for the movement of household goods or the transportation of family members. All official travel by Office of the Apparent Successful Candidates employees and other persons invited to travel at the Office of the Apparent Successful Candidates' expense, which is arranged through GSA or Concur, under contract to GSA, shall be in accordance with GSA's Temporary Duty (TDY) Travel Policy, OAS 5700.1B. GSA, in preparation for support to the Office of the Apparent Successful Candidates, entered into a contract with Concur, which required fees be paid in advance. It is agreed that the Apparent Successful Candidates

found this action necessary and authorized the Presidential Transition Act appropriation to refund the money previously expended by GSA.

Telecommunications and IT Services

GSA will provide an architected infrastructure to meet telecommunications and IT services and equipment for use by the Office of the Apparent Successful Candidates, with installation included as part of the "turn-key" office space. GSA will supply software and equipment, and the equipment will be returned by March 20, 2025. This equipment will be inventoried, and all data on these devices will be deleted. Attached is a list of items to be provided by GSA (Attachment).

The GSA Presidential Transition Support Team, in consultation with the Apparent Successful Candidates' team, will establish procedures for distributing and collecting all Government Furnished Equipment (GFE) that is made available for use by the Office of the Apparent Successful Candidates. The Apparent Successful Candidates and their staff hereby assume responsibility for loss of, or damage to, GSA's GFE under their control and agree to return all items in the same condition as received, reasonable wear and tear excepted.

The GSA Presidential Transition Support Team will establish a service desk for the convenience of the Office of an Apparent Successful Candidate and their employees to provide IT support and other miscellaneous assistance, which will be further defined by GSA. GSA-provided network and resources, including Dot Gov email addresses, will better facilitate and adhere to agencies' post-election communications requirements.

GSA will provide

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The Service Desk staff will be knowledgeable on GFE hardware, software, and tools including multi-function devices (copier/printer/scanner/fax). Non-GFE equipment, also referred to as bring your own device (BYOD)

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Service Desk support will be available 24 hours, seven (7) days a week, with onsite support, Monday through Friday, 7:00 am to 7:00 pm EST, including Federal holidays.

Outbound international calls can be enabled as required. Costs incurred for international calls will be charged to the Office of the Apparent Successful Candidates. All phones will receive inbound international calls at no cost. Conference calling is available

through Microsoft Teams. Additionally, a 3,000 seat Webex Webinar license will be made available for use as well.

Any specific request by the Office of the Apparent Successful Candidates for additional IT services, equipment, or personnel will result in additional costs that will be charged to the Presidential Transition Act funds, and will not be included in the rent nor waived under any request for a rent exemption that may be granted by the Administrator. GSA shall not unreasonably withhold permission from Apparent Successful Candidates to add additional software or services.

Office of the Apparent Successful Candidates staff members will be required to accept the IT Rules of Behavior to safeguard the assets and the integrity of the network infrastructure when they individually sign for and accept GFE laptops and smartphones.

GSA will notify Apparent Successful Candidate's Team of:

- Any suspected or confirmed cybersecurity event that could impact transition team data or accounts (including unauthorized access by GSA personnel or its service providers), within 24 hours;
- Any suspected or confirmed cybersecurity incident for which GSA is required to report the incident to another government agency (including CISA/US-CERT) or is required to report to Congress, within 1 hour of reporting to an outside agency/Congress; and
- Any interruption to IT services provided by GSA (e.g., those caused by an outage), within 1 hour of GSA becoming aware of the issue.

Records

All records generated and/or maintained by the Office of the Apparent Successful Candidates, including e-mail, phone, and visitor records, are considered records of the Apparent Successful Candidates and not GSA records unless the record was sent, received, or created by GSA personnel to conduct GSA business. As such, these records are not Presidential Records or Federal Records and are not subject to the Presidential Records Act (PRA), Federal Records Act (FRA), and Freedom of Information Act (FOIA). GSA shall not, without the prior express written consent of the Office of the Apparent Successful Candidates or as required by law, access or take any actions regarding the electronic records of the Office of an Apparent Successful Candidates, including the disclosure, retention, or deletion of such records, other than those outlined in this MOU.

GSA, its agents, and its service providers may access the electronic records of the Office of an Apparent Successful Candidates for the purpose of ensuring the system's integrity. GSA may provide other federal agencies access to Office of the Apparent

Successful Candidates' electronic records provided: (i) such access has the sole purpose of ensuring the system's integrity and the federal agency agrees to be bound by similar, but not less restrictive, terms regarding the ownership, control, and disclosure of the records; or (ii) if such access is required by law.

GSA will notify the Eligible Candidates in advance of any disclosure, unless prohibited by law.

The Apparent Successful Candidates shall retain the right to wipe, remove, or otherwise delete any Office of the Apparent Successful Candidates records off of the devices or equipment prior to the return of the devices. Within ten (10) business days of receipt of such device or equipment, GSA shall inventory the devices and equipment. GSA shall then delete and confirm all Office of the Apparent Successful Candidates records have been deleted from such devices or equipment. Updates regarding deletion shall be provided, in writing every thirty (30) calendar days until all devices and equipment are returned and wiped by GSA.

The Apparent Successful Candidates shall retain the right to export and subsequently delete any Office of the Apparent Successful Candidates electronic records at any time from (b)(5) or other IT services provided by GSA other than those covered by the preceding paragraph. In the event the Apparent Successful Candidates are not the sole Apparent Successful Candidates, GSA shall take all necessary steps to facilitate such export, if requested, and deletion within fourteen (14) business days of the election or date of the Administrator's determination, whichever is later. At the Apparent Successful Candidates' request, GSA shall provide the Apparent Successful Candidates a full and complete export, if requested, of the Office of the Apparent Successful Candidates' records, provided that such export is either possible at no cost to GSA or that the cost of such export (such as the purchase of storage hardware or equipment) is funded by the Office of the Apparent Successful Candidates, and GSA will subsequently delete all Apparent Successful Candidates records within GSA's possession or control, including records in cloud services (b)(5) or any backups. Confirmation shall be provided, in writing, within thirty (30) calendar days of deletion.

GSA must report to the Apparent Successful Candidates any access to the Apparent Successful Candidates' data that is inconsistent with this section.

Mail

The GSA Presidential Transition Support Team will obtain support for mail services, the cost of which will be charged to the Presidential Transition Act funds. Support includes training on official government mail procedures for the Office of the Apparent Successful Candidates, collection, and delivery of official mail to the assigned zip code, leasing of metering equipment, and the purchase of special equipment for space. In addition, the United States Secret Service will provide off-site screening of incoming USPS mail and

that of alternate carriers, such as UPS and FedEx. In the case of a suspicious incoming mail item, the article will be isolated, and the United States Secret Service will be contacted for appropriate handling. Scanned mail will be delivered in a secure vehicle to

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Outgoing mail will be metered on-site and subsequently picked up and entered into the postal mail system. USPS can provide for special pickups upon request.

Reports

As required by Section 6 of the Presidential Transition Act, as amended, the Apparent Successful Candidates shall disclose to the Administrator:

- (1) the date of contribution, source, amount, and expenditure thereof of all monetary contributions, including currency of the United States and of any foreign nation, checks, money orders, or any other negotiable instruments payable on demand, other than Federal funds, received either before or after November 5, 2024, for use in their preparations for assumption of office; and
- (2) all information concerning such contributions as the Administrator and Comptroller General may require for purposes of auditing both public and private funding used in connection with preparations for assumption of office.

Disclosures made under paragraph (1) above shall be in the form of a report to the Administrator by February 19, 2025, and shall be made available to the public by the Administrator upon receipt.

The Apparent Successful Candidates, as a condition for receiving services and funds authorized by the Transition Act, shall not accept more than \$5,000 from any person, organization, or other entity for purposes of preparations for their assumption of office as the President and Vice President.

The Apparent Successful Candidates shall also, as a condition for receiving services and funds authorized by the Presidential Transition Act, make available to the public names, most recent employment, and information regarding the sources of funding which support the transition activities of all transition personnel (full-time or part-time, public or private or volunteer) who are members of the Office of the Apparent Successful Candidates' Federal department or agency transition teams. Such disclosures shall be made public before the initial transition team contact with a Federal department or agency and shall be updated as necessary as required under Section 6(b) of the Act.

Appointee Orientation and Transition Directory

The Presidential Transition Act directs GSA to prepare a Transition Directory and to coordinate orientation activities for individuals the Apparent Successful Candidates

intend* to nominate as department heads or appoint to key positions in the Executive Office of the President. For the 2024-2025 transition, the Administrator has requested \$1 million for orientation activities for the incoming Administration. The GSA Presidential Transition Support Team will assist the Office of the Apparent Successful Candidates in planning appointee orientation and, if requested, will contract with one or multiple third-party organizations for orientation services. The parties acknowledge and agree that the appropriated funds must be obligated for the purposes of the Presidential Transition Act not later than September 30, 2025. Therefore, the GSA strongly recommends that planning be substantially completed no later than June 2025, and that contracts be in place no later than August 31, 2025.

GSA launched the Transition Directory on November 1, 2023. The Transition Directory provides resources for candidates from the GSA, National Archives and Records Administration (NARA), Office of Government Ethics (OGE), and OPM. It is available at <https://www.gsa.gov/governmentwide-initiatives/presidential-transition-2024> and is continually updated with new information.

Emergency Preparedness

It is critical that the Office of the Apparent Successful Candidates be prepared to respond to any emergency situation that may occur during the transition period. The GSA Presidential Transition Support Team will provide the following support to assist with emergency preparedness planning: (1) an outline of continuity of operations (COOP) services; (2) mass notifications and accountability via the [REDACTED] (b)(5) [REDACTED]; (3) temporary workspace during an actual COOP event, with requirements submitted via SF-2050 Reconstitution Questionnaire; (4) telework capability providing a "work from home" option; (5) regular updates regarding the status of facilities; and (6) a Senior Emergency Management POC to provide support to the Office of the Apparent Successful Candidates. The Office of the Apparent Successful Candidates should designate someone authorized to work with the GSA Emergency Management Officer to finalize its emergency preparedness planning. OPM guidance for federal employee reporting should be utilized as an overall guide throughout any emergency or continuity event. Certain principals and senior staff will fall in with the White House COOP Plan, facilitated by the United States Secret Service.

Ethics Plan

Immediately upon becoming the Apparent Successful Candidates, the Apparent Successful Candidates will implement and enforce an ethics plan to guide the conduct of the transition. The ethics plan shall include, at a minimum, the provisions required by the Presidential Transition Act. The ethics plan will be provided to GSA, which will make it publicly available on the Internet website of GSA by October 1, 2024.

Effective Dates

Part II of this MOU becomes effective upon signature by both GSA and the representative of the Eligible Candidates and upon the Eligible Candidates becoming the Apparent Successful Candidates pursuant to the Presidential Transition Act, but no sooner than November 5, 2024, and this MOU terminates on March 20, 2025, (or earlier if the Eligible Candidates is no longer the Apparent Successful Candidates pursuant the Presidential Transition Act), except that this MOU shall be effective through September 30, 2025, with respect to "Appointee Orientation and Transition Directory" if the Apparent Successful Candidate assumes the office of the President.

Amendments

Any terms and conditions of this MOU, other than those reflecting existing laws or regulations, may be amended at any time by the mutual agreement of the parties in writing.

Authorization

The terms and conditions of this MOU are agreed to and approved by:

Eligible Candidates' Representative

General Services Administration

Signature

Signature

Print: _____

Print: _____

Date:

Date:

**ATTACHMENT 1
IT INFORMATION**

IT Information

GSA will provide Pre-Election and Office of the Apparent Successful Candidates staff with an IT infrastructure that will support their day-to-day operations. This document serves as an overview of Pre-Election and Office of the Apparent Successful Candidates end-user hardware and software. The following table provides a list of the end-user equipment and the respective quantities.

Pre-Election IT Information

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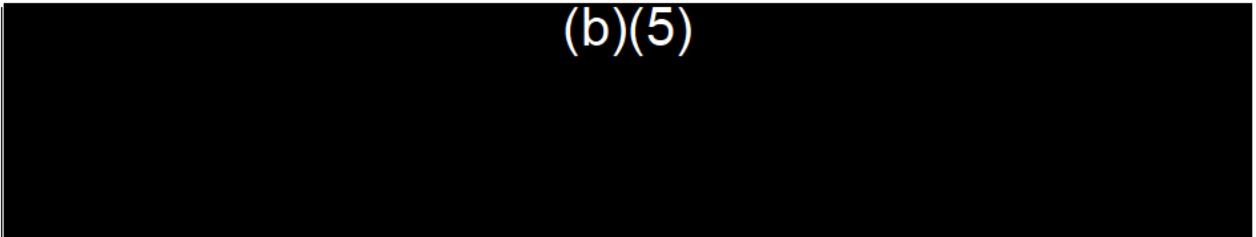


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Post-Election IT Information*

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***These numbers are subject to change and may be reduced to accommodate multiple apparent successful candidates.**

Post-Election IT Information (Supporting Two Parties)

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Workstation/GFE Applications

GSA will provide users with a (b)(5) r. Each laptop will be imaged with the following applications.

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