

(b)(5)







**FOIA Requests Pending, as of 12/22/2016**

Requester	Case number	Media	Description	Date Request Received	Date of Search
Derick Kravitz	17-00528-F	Pro Publica	All agency briefing materials related to the Presidential transition for Agency Review Teams (also known as Agency Landing Teams). These materials include, but are not limited to, an agency's mission, vision and strategic goals; organizational chart; budget; human capital overview; current Presidential appointees; and an overview of priority issues facing the organization.	12/6/2016	
Stephen Braun	17-00538-F	AP	All emails sent to or sent from your agency employees in which the Internet domains "trump.com", "trumporg.com", "ptt.gov", "donaldjtrump.com" or "donaldtrump.com" are in email addresses in the To, From, CC, BCC, Subject or Body fields of the message. Email search will occur in early January. <i>FSC will contact requester to either limit the scope to PeTT issues or to exclude PeTT issues. Email search will occur in early January.</i>	12/08/2016	
Michael Stratford	17-00543-F	Politico	all documents prepared by the U.S. Department of Education for the President-elect's transition team. This includes all transition team briefing reports and other presentations or	12/16/2016	

			prepared by the Department of Education for the Trump administration's Agency Review Teams and incoming political appointees.		
Morisey	17-00530-F	MuckRock News	A copy of the primary briefing materials created by XXXX for purposes of the Presidential Transition Process, specifically any presentations created for or delivered to members of the Presidential Transition Team for the new Administration during November/December 2016.	12/6/2016	
Best	17-00546-F	Glomar Disclosure, Inc.	any and all materials produced for, received by or relating to President-Elect Donald Trump's Transition Team, including any questionnaires relating to the transition, the incoming administration or produced by any the Transition Team for your agency. Please also include any emails produced or received by your agency to or from any member or part of the transition team, as well as any emails which include any or all of the following terms or phrases: Trump, Transition, President-Elect, New Administration, New Boss <i>Email search will occur in early January.</i>	12/13/2016	
Kerr	17-00378-F	AP	...copies the U.S. Department of Education's 2016 Transition Team		

			documents prepared by the department for the President-elect's transition team. <i>FSC will contact requester to attempt to limit request to briefing material that goes to the Landing Team. Otherwise, in-bound briefs to Denise may have to be reviewed.</i>		
Carrie Levine	17-00558-F	Center for Public Integrity	Any records, documents, emails, questionnaires, memoranda or other correspondence or communications between agency officials and the Trump Presidential Transition Team, <i>FSC will contact requester to attempt to limit request to briefing material that goes to the Landing Team.</i>	12/14/2016	
Rachel Clattenburg	17-00557-F	Public Citizen	All records of communications <b>from or on behalf of the Trump-Pence Transition Team</b> to the Department of Education (DOE), for the period from November 8, 2016, through the date of processing this request.	12/14/2016	
Jack Stripling	17-00545-F	The Chronicle of Higher Education	<b>Any and all transition briefings</b> provided by the Department of Education to Donald J. Trump's transition team between Nov. 1, 2016 and Dec. 12, 2016.	12/12/2016	
Russ Kick	17-00334-F	Freelance	all "briefing materials and information relating to the Presidential transition"	11/13/2016	

			Briefing for the new administration		
Frank Wolfe	17-00354-F	Education Dailey/LRP Publications	... planning and coordination documents with the TrumpEducation transition team.		

## Use of Agency Resources to Support Presidential Transition

We adhere to the conclusion in our December 14, 1992 Memorandum that, under the Presidential Transition Act of 1963, an executive agency or department may provide office space, secretarial services, and other support services to members of the transition team from agency appropriations without reimbursement from the transition appropriation when the provision of such space and support by the agency, rather than by the transition team itself, would minimize disruption to the agency's operations caused by the transfer of the leadership of the agency.

Our conclusion in the 1992 Memorandum is not affected by the October 12, 2000 amendment to the Transition Act. Direct support services and office space for those workshops and orientations that the amendment authorizes should be provided by GSA out of the appropriation for the transition, unless their provision by a particular agency would minimize disruption of the agency's mission or operations

November 22, 2000

### MEMORANDUM OPINION FOR THE GENERAL COUNSEL GENERAL SERVICES ADMINISTRATION

This memorandum responds to your inquiry whether our 1992 opinion about the provision of office space and support services by executive agencies and departments for activities related to the transition of the President-elect continues to reflect our view of the law. Memorandum for C. Boyden Gray, Counsel for the President, from Timothy E. Flanigan, Assistant Attorney General, Office of Legal Counsel, *Re: Use of Agency Resources to Support the Presidential Transition* (Dec. 14, 1992) ("1992 Memorandum").<sup>1</sup> As discussed below, we adhere to the advice provided in that memorandum.

The 1992 Memorandum addresses the circumstances under which executive agencies and departments may provide office space and support services to members of the presidential transition team without reimbursement from the transition appropriation. The Presidential Transition Act of 1963, Pub. L. No. 88-277, 78 Stat. 153 (1964) (codified as amended at 3 U.S.C. § 102 note) ("Transition Act"), authorizes the General Services Administration ("GSA") to provide appropriate office space and support services to the transition team. At the same time, the Transition Act indicates that each individual agency's mission includes those activities necessary to minimize transition-related disruptions to the agency's work. Thus, general agency appropriations are available to further that mission. In reconciling the availability of both general agency and transition appropriations for transition-related office space and support services, we relied upon the principle of appropriations law that when Congress has provided for more than one appropriation in the same area, the appropriations generally are to be interpreted

---

<sup>1</sup>The 1992 Memorandum clarified advice we provided during the 1988 the presidential transition. See Memorandum for Arthur B. Culvahouse, Jr., Counsel to the President, from Douglas W. Kmiec, Assistant Attorney General, Office of Legal Counsel, *Re: Executive Agency Assistance to the Presidential Transition* (Jan. 3, 1989)

