

Don't Brief the Trump Team:

**How the GSA and the FBI Secretly
Shared Trump Transition Team Records**

U.S. Senate Committee on Homeland Security
and Governmental Affairs

U.S. Senate Committee on Finance
Majority Staff Report

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Committee on Homeland Security and Governmental Affairs
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EXECUTIVE SUMMARY

The United States is renowned for its peaceful transitions of power. Since at least the early 1960s, presidential candidates have received government assistance in forming and administering their transition teams. Government assistance to transition teams is crucial to “promot[ing] the orderly transfer of the executive power in connection with the expiration of the term of office of a President and the inauguration of a new President.”¹ In providing this support, Congress soberly assessed that “[t]he national interest requires that such transitions in the office of the President be accomplished so as to assure continuity in the faithful execution of the laws and in the conduct of any affairs of the Federal Government, both domestic and foreign,” and that “[a]ny disruption occasioned by the transfer of executive power could produce results detrimental to the safety and well-being of the United States and its people.”² Every major presidential candidate over the past five decades—both winners and losers in the general election—has made use of government assistance to support his or her transition team under the assumption that government employees were cooperating with the team in good faith.

That presumption of good faith was called into question in 2016. This majority staff report tells an important, yet overlooked, story about how the Federal Bureau of Investigation (FBI) and Special Counsel Robert Mueller’s Office (Special Counsel) secretly sought and received access to the private records of Donald J. Trump’s presidential transition team, Trump for America, Inc. They did so despite the terms of a memorandum of understanding between the Trump transition team and the General Services Administration (GSA)—the executive agency responsible for providing services to both candidates’ transition teams—that those records were the transition team’s private property that would not be retained at the conclusion of the transition.³ At the time of the events highlighted by this report, Denise Turner Roth, an Obama appointee, was Administrator of GSA until Timothy Horne’s appointment as acting Administrator on January 20, 2017. Mr. Horne served until Emily Murphy was sworn in as GSA Administrator on December 12, 2017.⁴

Even after the Trump transition team learned about the FBI’s secret preservation request, the GSA nevertheless refused to provide the Trump transition team copies of its own records.⁵ Instead, after denying the Trump transition team its basic legal rights to control its own information, including the opportunity to protect privileged or confidential information, the GSA turned those same records over to the Special Counsel without requiring any legal process, such as a subpoena or warrant.⁶

¹ Presidential Transition Act of 1963, Pub. L. No. 88-277, § 2, 78 Stat. 153, 153 (1964).

² *Id.* at 153–54.

³ *See infra* Section I.

⁴ Timothy O. Horne, Acting Administrator, U.S. Gen. Serv. Admin., ACT-IAC Advancing Government, <https://www.actiac.org/timothy-o-horne>; Emily W. Murphy, Administrator, U.S. Gen. Serv. Admin., <https://www.gsa.gov/about-us/organization/leadership-directory/administrator>.

⁵ *See infra* Section IV.

⁶ *See infra* Section V.

On December 19, 2017, the Committee on Homeland Security and Governmental Affairs received a letter from Kory Langhofer, Trump for America’s General Counsel, explaining that the GSA provided Trump for America’s records to the Special Counsel without giving prior notice, obtaining its consent, or providing it an opportunity to review the records for privilege or relevance.⁷ The Committees’ review of the information provided by the GSA and the FBI confirmed this conduct and further revealed several other problems with the GSA’s stewardship of the Trump transition records.⁸ The Committees’ findings include:

- On February 15, 2017, after watching the news about Lt. Gen. Michael Flynn’s resignation as national security advisor, GSA officials proactively contacted the FBI (through the GSA’s Office of the Inspector General) to ask if they should preserve the Trump transition team records;⁹
 - In response, the FBI asked the GSA to preserve all Trump transition team records associated with Lt. Gen. Flynn;
 - The GSA then decided to preserve *all* remaining transition team records even though the GSA assured Trump for America in their memorandum of understanding that transition team records would not be retained;
 - The GSA decided not to tell the White House about this decision;¹⁰ and
 - The GSA decided not to tell counsel for Trump for America about this decision;
- The GSA preserved all remaining Trump transition team records for months even though the GSA did not receive a formal preservation request until June 12, 2017;¹¹
- After Trump for America learned about the preservation, the GSA refused to provide it with copies of all remaining transition team records; and
- In August 2017, the Special Counsel sought and received the production of all remaining transition team records for 13 different Trump for America officials, including then-CIA Director Mike Pompeo, then-national security advisor to the vice president Keith Kellogg, and Jared Kushner;¹²

⁷ Letter to Chairman Ron Johnson and Ranking Member Claire McCaskill, S. Comm. on Homeland Sec. & Governmental Affairs, and Chairman Trey Gowdy and Ranking Member Elijah Cummings, H. Comm. on Oversight and Gov’t Reform, from Kory Langhofer, Counsel to Trump for America, Inc. (Dec. 16, 2017).

⁸ Over the course of this investigation, the GSA produced thousands of lightly redacted pages that were responsive to requests made by both Committees. In contrast, the FBI produced heavily redacted documents, including some of the same documents that the GSA produced with no or minimal redactions. For this reason, the Committees had little insight into the internal communications at the FBI about this matter, especially as compared to GSA. Accordingly, this majority staff report relies almost exclusively on the GSA records related to this matter.

⁹ See *infra* Section II.

¹⁰ See *infra* Section III.

¹¹ See *infra* Section II.

¹² See *infra* Section V.

- The Special Counsel requested these records through two letterhead memoranda from FBI Assistant General Counsel Kevin Clinesmith,¹³ not with a subpoena or search warrant; and
- The GSA produced these records to the Special Counsel without affording Trump for America an opportunity to review the records for relevancy or privilege.

More specifically, as reflected in other work by the Committees and other related investigations, this is yet another example of the disparate treatment the Trump campaign and administration received from the federal bureaucracy. For example, the U.S. Department of Justice Inspector General’s report about the FBI’s investigation of the Trump campaign described the FBI’s use of a transition team briefing as an opportunity to investigate the campaign itself.¹⁴ Similarly, rather than provide the Trump campaign a defensive briefing about its counterintelligence concerns, as the FBI did for the Clinton campaign, the FBI quickly dismissed and never reconsidered that possibility.¹⁵ Instead, the FBI opened a full counterintelligence investigation into the Trump campaign and deployed, among other investigative techniques, confidential human sources, and Foreign Intelligence Surveillance Act warrants targeting Trump campaign officials.¹⁶

Perhaps the most fitting contrast to the GSA’s decision to preserve Trump transition team records concerns the Special Counsel’s Office itself. Recent public disclosures revealed that 15 phones belonging to attorneys in the Special Counsel’s Office were conveniently wiped of all data for various reasons.¹⁷ The destruction of the data on those devices not only risked violating the rights of future criminal defendants but also impeded oversight efforts by the Inspector General and Congress.¹⁸ In other words, around the same time that the Special Counsel’s Office encouraged the GSA and others to bend the rules to provide it with records that should not have

¹³ On August 19, 2020, Clinesmith pleaded guilty to a one-count criminal information alleging that he made and used a false writing and document during his work on the FBI’s investigation of the Trump campaign. *See* Matt Zapotosky & Ann Marimow, *Ex-FBI lawyer admits to falsifying document in probe of Trump’s campaign*, Wash. Post (Aug. 19, 2020), https://www.washingtonpost.com/national-security/kevin-clinesmith-fbi-pleads-guilty/2020/08/19/6c0dec54-e0a0-11ea-8dd2-d07812bf00f7_story.html; Criminal Information, *U.S. v. Clinesmith*, 1:20-cr-165 (Aug. 14, 2020), <https://int.nyt.com/data/documenttools/kevin-clinesmith-court-documents-filed-by-john-durham/73f2632106afc317/full.pdf>; *see also* U.S. Department of Justice (DOJ) Office of the Inspector General (OIG), *Review of Four FISA Applications and Other Aspects of the FBI’s Crossfire Hurricane Investigation* 254-56 (Dec. 2019), <https://www.justice.gov/storage/120919-examination.pdf>.

¹⁴ *See* DOJ OIG FISA Report at 340–44.

¹⁵ *See id.* at 55–56, 75–77; Letter from Stephen Boyd, Assistant Attorney Gen., to Chairman Lindsey Graham, et al. (Aug. 21, 2020), <https://www.judiciary.senate.gov/imo/media/doc/2020-08-21%20Submission%20SJC%20SSCI.pdf>.

¹⁶ *See* DOJ OIG FISA Report at 305–344.

¹⁷ *See generally* DOJ documents produced under the Freedom of Information Act (FOIA) (Sept. 4, 2020), https://www.justice.gov/oip/foia-library/general_topics/communications_strzok_and_page_09_04_20/download.

¹⁸ Letter from Chairman Ron Johnson, Chairman, S. Comm. on Homeland Sec. & Governmental Affairs, to Michael Horowitz, U.S. DOJ Inspector Gen. (Sept. 11, 2020), <https://www.politico.com/f/?id=00000174-7f74-d809-a9f5-ff766ff60000>.

existed—and to do so secretly—the investigating attorneys were also deleting information from their phones that may have been relevant to any criminal case they later charged.

At bottom, the GSA and the FBI undermined the transition process by preserving Trump transition team records contrary to the terms of the memorandum of understanding, hiding that fact from the Trump transition team, and refusing to provide the team with copies of its own records. These actions have called into question the GSA’s role as a neutral service provider, and those doubts have consequences. Future presidential transition teams must have confidence that their use of government resources and facilities for internal communications and deliberations—including key decisions such as nominations, staffing, and significant policy changes—will not expose them to exploitation by third parties, including political opponents. Government officials who break those promises compromise faith in the system and risk the effectiveness of the transition process.

The Committee on Homeland Security and Governmental Affairs has already taken one step to address these issues. Chairman Johnson introduced the Presidential Transition Enhancement Act to codify the memorandum of understanding between the GSA and presidential transition teams, to require that either party provide advance notice of any intention to deviate from the memorandum, and to ensure that presidential transition teams designate a representative for receiving any third party inquiries or legal process concerning transition records held by the GSA. On March 3, 2020, President Trump signed the Presidential Transition Enhancement Act into law.¹⁹ Although legislative fixes are important, they are not always sufficient. The purpose of this staff report is transparency, to provide the public an understanding of how exactly the transition process was corrupted in 2016 so that it does not happen again.

¹⁹ Presidential Transition Enhancement Act of 2019, Pub. L. No. 116-121, 134 Stat. 138 (2020); *see also* residential Transition Enhancement Act of 2018, 115th Cong. (2019).

I. BACKGROUND: LEGAL OWNERSHIP OF PRESIDENTIAL TRANSITION TEAM RECORDS

In 2016, then-candidate Donald J. Trump established Trump for America, Inc. as his transition organization.²⁰ Presidential transition teams are private entities responsible for certain pre- and post-election activities. Under federal law, transition teams may privately fund their transition operations, operating as a 501(c)(4) organization, while also receiving authorized appropriations.²¹ For these reasons, transition teams are not subject to the Federal Records Act²² or the Presidential Records Act,²³ and therefore the records they generate are the private property of the organization.²⁴ Consequently, as a matter of practice, transition teams typically destroy their records after presidential elections or inaugurations.

This practice is typically reflected in a memorandum of understanding between the transition team and the General Services Administration (GSA), the federal agency charged with providing office space and communications services to presidential transition teams.²⁵ For example, in 2008, the GSA agreed with the transition team for then-Senator Barack Obama to repurpose GSA-supplied software and equipment for other GSA users or clients.²⁶ The memorandum of understanding between the GSA and the transition team for Mitt Romney was more explicit, stating that “all such property will be repurposed, after removal of any sensitive data and/or full hard drive cleanup, to GSA users or clients after the election if there is no transition or the inauguration if there is a transition.”²⁷ In 2016, the memorandum between the GSA and Trump for America expressly addressed what the GSA would do with the electronic devices it provided to Trump for America:

GSA will provide an architected infrastructure to meet telecommunications and IT services and equipment for use by the Office of the President-elect, with installation included as part of the “turn-key” office space. GSA will supply software and equipment, and the equipment will be returned by February 19,

²⁰ Letter from Christopher J. Christie, Transition Chairman, Trump for America, Inc., to Timothy Horne, Fed. Transition Coordinator, Gen. Serv. Admin. (Aug. 1, 2016) [GSA 004583].

²¹ Pre-Election Presidential Transition Act of 2010, Pub. L. No. 111-283, § 2, 124 Stat. 3045, 3046-47 (2010); *see also* 3 U.S.C. § 102 note.

²² 44 U.S.C. § 3101.

²³ 44 U.S.C. § 2201.

²⁴ Mem. from Laurence Brewer, Chief Records Officer, Nat’l Archives & Records Admin., to federal agency records officers on guidance relating to president-elect transition team materials (Nov. 16, 2016), *available at* <https://www.archives.gov/records-mgmt/memos/ac09-2017> (“The materials that [presidential-elect transition team] members create or receive are not Federal or Presidential records, but are considered private materials.”).

²⁵ 3 U.S.C. § 102 note.

²⁶ Mem. of Understanding between the Obama-Biden Transition Project and Gen. Serv. Admin. (Nov. 5, 2008).

²⁷ Mem. of Understanding between Gen. Serv. Admin. and R2P Inc. (Sept. 17, 2012).

2017. This equipment will be inventoried and all data on these devices will be deleted.²⁸

In addition to this express promise about how transition team records would be handled, GSA officials affirmed repeatedly—internally,²⁹ to Trump for America,³⁰ to the FBI,³¹ and to the Special Counsel³²—that Trump for America records were private property.

II. CONTRARY TO THE MEMORANDUM OF UNDERSTANDING, THE GSA PRESERVED TRUMP TRANSITION TEAM RECORDS.

Despite a clear understanding that Trump for America owned its records and an express promise about how those records would be handled at the conclusion of the transition, GSA officials—at the urging of the FBI and Office of the Special Counsel—nonetheless decided to preserve and disclose those records to various investigative entities, all while concealing these facts from Trump for America. This decision not only violated the memorandum of understanding and past practice, but it also deprived Trump for America of its legal rights and the opportunity to review its own records for privileged or otherwise confidential information before it was disclosed to third parties.³³

By January 26, 2017, pursuant to the terms of the memorandum, the GSA was well underway in removing data from information technology equipment and software that Trump for America officials had returned to the GSA.³⁴ However, beginning on February 15, 2017, that

²⁸ Mem. of Understanding between the Gen. Serv. Admin. and Donald J. Trump, at 10 (2016). The parties amended the MOU on January 19, 2017, requiring GSA-supplied IT equipment to be returned by March 31, 2017.

²⁹ Email from Seth Greenfeld to Lenny Loewentritt (June 1, 2017, 10:53 EDT) [GSA 000812] (“[T]he records are actually [Trump transition] records and not GSA records (although, obviously, we have physical custody).”).

³⁰ Email from Seth Greenfeld to Brandon Van Grack, Special Assistant U.S. Attorney, U.S. Dep’t of Justice (June 9, 2017, 10:12 EDT) [GSA 003788] (“I personally explained to some different members of the Presidential Transition Team that GSA does not view the records generated in conducting [transition] business as GSA records subject to the Federal Records Act or FOIA and that GSA deletes the records when the Transition is over.”).

³¹ Email from Seth Greenfeld to Sally Moyer, Assistant Gen. Counsel, Fed. Bureau of Investigation (June 2, 2017, 08:36 EDT) [GSA 000810] (“GSA does not view these as GSA records for Federal Records Act and FOIA purposes but rather [Trump transition] records which happen to be in GSA’s custody.”).

³² Email from Seth Greenfeld to Lenny Loewentritt (June 8, 2017, 11:27 EDT) [GSA 000304] (summarizing a phone conversation with assistant special counsel Brandon Van Grack: “I explained GSA’s support in Transition (e.g., office space, equipment, and other administrative support), and that GSA does not view the records in question as GSA records in both a Federal Records Act and FOIA context. Therefore, I see GSA simply as in custody of the documents, but that they are PTT documents”).

³³ Email from Erik Simmons to Claudia Nadig, Brett Armstrong, Deputy Associate Admin. for Resilience and Interagency Programs, Off. of Mission Assurance, Gen. Serv. Admin., Duane Smith, Lenny Loewentritt, Seth Greenfeld, and Steve Grewal (Aug. 24, 2017, 11:11 EDT) [GSA 004391]; *see also* Letter from Kory Langhofer, Counsel, Trump for America, Inc., to Chairman Ron Johnson, Chairman, S. Comm. on Homeland Sec. & Governmental Affairs (Dec. 16, 2017).

³⁴ Email from Erik Simmons to Seth Greenfeld (Jan. 26, 2017, 05:47 EST) (“When we start to de-install equipment, we normally delete all system files. ... I wanted to ensure that there is nothing that we need to retain because once the system is wiped, there is no way to recover any of that data.”) [GSA 004284]; Email from Seth Greenfeld to Erik

changed. As GSA Associate General Counsel Seth Greenfeld summarized in a later email, “given the news cycles, GSA decided it was prudent to inquire about preservation during the machine wiping process, so we reached out to the [GSA] I[n]spector G[eneral], who contacted the FBI or DOJ and got the ball rolling for GSA’s preservation of records.”³⁵ In other words, on their own initiative, certain GSA officials asked the GSA’s Office of the Inspector General (OIG) to ask the FBI if Trump transition team records should be preserved because of what they read in the news. According to GSA OIG counsel Ed Martin, the “news cycle” that sparked this concern was the resignation of then-national security advisor Lt. Gen. Michael Flynn.³⁶

On February 15, 2017, Mr. Martin emailed Mr. Greenfeld, “[p]er our conversation, the OIG recommends you preserve all transition team records.”³⁷ Later that day, Mr. Greenfeld wrote to GSA Deputy General Counsel Lenny Loewentritt:

This deviates from what we told the PTT would be GSA’s practice. We told the [transition team] that we do not store information after the Transition and we sanitize machines when they are returned to us. I already instructed the GSA’s Support Team to preserve all the information at the request of DOJ (through our OIG), but do we need something more formal from DOJ or the OIG, or is Mr. Martin’s e-mail enough? I want to make sure any evidence is available but I also want to make sure GSA is not open to some type of complaint. I do not care about “bad press”, but want to make sure we are not violating anything more serious.³⁸

On February 15, 2017, because certain GSA officials were concerned by the news about the resignation of Lt. Gen. Flynn, the GSA began preserving *all* Trump for America records based on a phone call between the GSA Inspector General and the FBI. The GSA has not identified, and the Committees have not been able to determine, the GSA official who first suggested that Trump transition team records be preserved and how that suggestion made its way to the GSA’s OIG.

The GSA did not receive “something more formal” from the FBI until March 9, 2017, when FBI General Counsel Jim Baker sent an email requesting preservation.³⁹ In that email, Baker requested only the preservation of “all stored communications, records, and electronic media associated with General Michael Flynn,” as well as “a cellular telephone, laptop, call logs,

Simmons (Jan. 26, 2017, 08:31 EST) (stating, “You are referring to the actual content on machines and PTT personnel’s information (e.g., content of the actual e-mail exchanges or the substance of a Word document), right? If so, there is no requirement for GSA to capture and retain that information.”) [GSA 004284].

³⁵ Email from Seth Greenfeld to Lenny Loewentritt (June 8, 2017, 11:27 EDT) [GSA 000304].

³⁶ Interview with Ed Martin (Sep. 10, 2020) (notes on file with the Comms.).

³⁷ Email from Edward Martin, Counsel, Gen. Serv. Admin. Off. of Inspector Gen., to Seth Greenfeld (Feb. 15, 2017, 10:22 EST) [GSA 003396].

³⁸ Email from Seth Greenfeld to Lenny Loewentritt (Feb. 15, 2017, 16:19 EST) [GSA 003397].

³⁹ Email from James A. Baker, Gen. Counsel, Fed. Bureau of Investigation, to Lenny Loewentritt (Mar. 9, 2017, 14:16 EST) [GSA 000278].

and email communications used by or associated with General Flynn.”⁴⁰ But Baker also made another request of the GSA. Specifically, for the remainder of the Trump transition team records, Baker conveyed that “the FBI requests that the GSA confer with the Senate Select Committee on Intelligence (SSCI) and the House Permanent Select Committee on Intelligence (HPSCI) before disposing of those materials.”⁴¹ Baker did not elaborate on the intelligence committees’ interest in those records, nor did he explain why the FBI was making such a request on behalf of those committees.

By mid- to late-May 2017, the GSA continued to preserve *all* Trump for America records despite not having received a formal preservation request from any investigative body. As far as the Committees can tell, the GSA did not receive a formal preservation request for Trump for America records until June 12, 2017, when it received a preservation request from SSCI.⁴² At some point before then, at a date that could not be determined based on the records produced to the Committees, the FBI apparently asked the GSA to expand its preservation beyond Lt. Gen. Flynn and to include all remaining GSA records.⁴³ However, the FBI did not send the GSA a formal preservation request until June 22, 2017, which, at that time, was a request by the Special Counsel’s Office.

On June 2, 2017, the FBI sent a letter to Mr. Loewentritt stating, “[b]ased on our conversation [yesterday], the FBI is interested in obtaining further information to determine what information you possess which may be related to our investigation.”⁴⁴ In the cover email conveying this letter, FBI Supervisory Special Agent Mary Gleason wrote, “Thank you again for your time yesterday. Based on our discussion, we prepared the attached request for

⁴⁰ Email from James A. Baker to Lenny Loewentritt (Mar. 9, 2017, 14:16 EST) [GSA 000278].

⁴¹ Email from James A. Baker to Lenny Loewentritt (Mar. 9, 2017, 14:16 EST) [GSA 000278]. On February 17, 2017, the Senate Select Committee on Intelligence wrote a letter to the GSA requesting that it preserve information “in furtherance of the Committee’s ongoing investigation into Russian actions targeting the 2016 U.S. elections and democratic processes globally.” However, due to a processing error, GSA OGC was unaware of this request until June 12, 2017.

⁴² Based on emails produced to the Committee from the GSA, it appears the first contact between the GSA and the Senate Select Committee on Intelligence was on or shortly before May 23, 2017. See Email from Seth Greenfeld to Lenny Loewentritt and Eugenia Ellison (May 23, 2017, 11:11 EDT) [GSA 003889]

⁴³ For example, on May 22, 2017, an Assistant U.S. Attorney wrote to Mr. Loewentritt, “In terms of our second letter, we would ask that you simply preserve, as you are already doing and put on hold any production. In terms of any other issues, the FBI will be the best resource to guide your preservation/production.” Email from Ari Redbord to Lenny Loewentritt (May 22, 2017, 18:49 EDT) [GSA 001354]. However, the records received by the Committee do not seem to include a “second letter” or, for that matter, a “first letter,” as referenced by Mr. Redbord. Additionally, on May 26, 2017, FBI attorney Sally Moyer wrote to the GSA, “I was able to coordinate with both the DC [sic] US [sic] Attorney’s Office and the Special Counsel. We ask that you continue to preserve the stored communications, records, and electronic media as previously requested in a manner that maintains the integrity of both the content and the metadata of the information.” Email from Sally Moyer, Chief, Counterintelligence Law Unit I, Fed. Bureau of Investigation, to Lenny Loewentritt, Seth Greenfeld, and Janet Harney, Associate Gen. Counsel, Gen. Serv. Admin. (May 26, 2017, 17:41 EDT) [GSA 000586].

⁴⁴ Letter from John A. Brown to Brett Armstrong (June 1, 2017) [GSA 004859].

information.”⁴⁵ Neither the email nor the letter addressed the preservation of Trump transition team records. The records produced to the Committees do not appear to include any record reflecting the content of the June 1, 2017 discussion between the FBI and the GSA.

Nonetheless, on June 16, 2017, the GSA issued the following internal agency preservation notice to its information technology support staff:

[D]o not destroy any potentially relevant information pertaining to the electronic records created, used, or accessed by [presidential transition team] personnel which GSA may have in its possession or has access through GSA contracts or other mechanisms. “Potentially relevant information” includes any tangible thing, whether electronically stored or not, that relates to the matter.⁴⁶

The notice also stated:

It is acknowledged that GSA has been preserving this information since a February 15, 2017, e-mail from [Mr. Greenfeld] to Erik Simmons and Aimee Whiteman...and that all cleansing of laptop computers and cellular phones ceased, that equipment is securely stored, GSA copied e-mails and other records from the Google cloud and is preserving it, and GSA is maintaining contracts and accounts in an active status with Google to ensure information is available if needed.⁴⁷

On June 22, 2017, the FBI finally sent a formal preservation request letter for Trump transition team records to the GSA.⁴⁸ The letter to the GSA stated:

Based on our conversation on 06/01/2017, and consistent with our follow up letterhead memoranda dated 06/01/2017,⁴⁹ the FBI has determined that items in the possession of GSA may contain information relevant to our investigative efforts. The FBI therefore formally requests that GSA immediately preserves all Documents and Responsive Materials in their current format, so as to preserve their forensic integrity, which are potentially relevant to our investigative efforts that are in the possession, custody, or control of GSA. . . . All Documents and Responsive Materials should be preserved even if destruction of documents or records might, but for this request, be permissible. Additionally, this request to

⁴⁵ Email from Mary Gleason, Supervisory Special Agent, Counterintelligence Division, Fed. Bureau of Investigation, to Lenny Loewentritt, Brett Armstrong, Sally Moyer, and Kevin Clinesmith (June 2, 2017, 13:11 EDT) [GSA 001327].

⁴⁶ Mem. from Seth Greenfeld to David Shive, Steve Grewal, and Erik Simmons (June 16, 2017) [GSA 5013].

⁴⁷ *Id.*

⁴⁸ Letter from ██████████ to William Brazis, Gen. Counsel, Def. Info. Sys. Admin. [sic], U.S. Dep’t of Def. (June 22, 2017) [GSA 4779-80]; Letter from ██████████ to Lenny Loewentritt, (June 22, 2017) [GSA 004827].

⁴⁹ Mem. from John Brown, FBI Special Agent in Charge, to Brett Armstrong (June 1, 2017) [FBI000167].

preserve Documents and Responsive Materials applies to potentially privileged material.⁵⁰

In summary, contrary to the express terms of its memorandum of understanding with Trump for America, the GSA began preserving transition team records on February 15, 2017, based on a phone call between the GSA OIG and the FBI. Moreover, even though the basis for the request was the news of the resignation of Lt. Gen. Flynn, the GSA began preserving all remaining Trump for America records. On March 9, 2017, FBI General Counsel James Baker sent the GSA an email requesting the preservation of records related to Lt. Gen. Flynn, but he also asked the GSA to “confer” with the Senate and House intelligence committees about all other remaining Trump transition team records. Based on the record produced to the Committees, there does not appear to have been an informal conferral between the GSA and the FBI or a Congressional committee until late May 2017. In other words, for several months, the GSA preserved all remaining Trump for America records without a formal preservation request, which was eventually received on June 22, 2017. Even though the legal status and disposition of presidential transition team records was well established, the GSA and the FBI brushed those rights, rules, and precedent aside, through informal calls and emails, in their quest to investigate Trump campaign, transition, and administration officials.

III. THE GSA INTENTIONALLY WITHHELD NOTIFICATION FROM TRUMP FOR AMERICA OF ITS DECISION TO PRESERVE TRANSITION RECORDS IN VIOLATION OF THE TERMS OF THE MEMORANDUM OF UNDERSTANDING.

There were several opportunities for the GSA to notify Trump for America about its decision to preserve all transition team records; however, GSA purposefully withheld this information from Trump for America for months, at first on its own initiative and then pursuant to requests by the FBI.

When the GSA’s Senior Assistant General Counsel Seth Greenfeld first directed the GSA staff to stop deleting Trump transition team records from its equipment, one GSA official asked, “Any responsibility for us to inform the [White House] that this request has been made? I ask because their understanding of the situation is that everything gets deleted/destroyed when equipment is turned in and the transition ends.”⁵¹ Mr. Greenfeld replied, “At this time, I recommend against briefing anyone at the White House.”⁵² The next morning, Mr. Greenfeld wrote, “I spoke with Lenny Loewentritt yesterday and [Acting Administrator] Tim Horne was in his office, and they agreed with me. Also, I e-mailed the General Counsel for the IG so they are aware too of our position.”⁵³

⁵⁰ Letter from ██████████ to Lenny Loewentritt (June 22, 2017) [GSA 004827].

⁵¹ Email from Aimee Whiteman to Seth Greenfeld and Erik Simmons (Feb. 15, 2017, 16:36 EST) [GSA 002497].

⁵² Email from Seth Greenfeld to Aimee Whiteman and Erik Simmons (Feb. 15, 2017, 16:57 EST) [GSA 004274].

⁵³ Email from Seth Greenfeld to Aimee Whiteman and Erik Simmons (Feb. 16, 2017, 08:28 EST) [GSA 004263].

Over a month later, on March 23, 2017, Mr. Greenfeld noted in an email exchange with Mr. Simmons that the “White House Counsel’s Office is aware” that the GSA continued to store GSA equipment containing Trump transition team records.⁵⁴ From the records produced, the Committees have not been able to determine when or how the GSA informed White House Counsel about the preservation of transition team records, and whether that awareness included the full range and scope of the several different preservation requests from the FBI. In an interview with Committee staff, Mr. Greenfeld could not recall a communication with White House Counsel’s Office that he referenced in his March 23, 2017 email.⁵⁵

On April 11, 2017, Kory Langhofer, counsel for Trump for America, contacted the GSA to discuss the possible preservation of certain Trump for America records.⁵⁶ Another GSA official, Anne Marie Davis, responded to Mr. Langhofer, “we would NOT delete any information from today [Tuesday] thru Monday.”⁵⁷ Ms. Davis did not inform Mr. Langhofer that the GSA was already preserving all transition team records. Moreover, by telling Mr. Langhofer that the GSA would not destroy Trump for America records for a week, Ms. Davis did not provide Mr. Langhofer with any reason to doubt that the GSA was destroying Trump for America records pursuant to the terms of the memorandum of understanding, even though the GSA decided two months earlier to preserve all remaining Trump for America records. Further, on April 17, 2017, Mr. Simmons told Mr. Langhofer that the GSA “had wiped 80% of the hardware and [he] would need to contact OGC if they needed more information.”⁵⁸ Again, by noting that the Trump for America records were nearly all destroyed, GSA officials not only failed to notify Trump for America of the ongoing preservation efforts, but also intentionally misled its counsel by suggesting that the destruction of records pursuant to the memorandum was ongoing and nearly complete.

On April 26, 2017, Mr. Langhofer sent the GSA a request to preserve all remaining Trump for America records because it had received document requests from the Senate Select Committee on Intelligence and these records were also implicated in a civil lawsuit.⁵⁹ A month later, on May 18, 2017, Mr. Langhofer emailed Mr. Greenfeld “to confirm that the GSA has halted the wiping of [transition team] emails, hard drives, and cell phones as we discussed briefly

⁵⁴ Email from Seth Greenfeld to Erik Simmons (Mar. 23, 2017, 16:06 EDT) [GSA 002618].

⁵⁵ Interview with Seth Greenfeld (Apr. 5, 2018) (On file with the Comms.).

⁵⁶ On February 22, 2020, a GSA official emailed Mr. Langhofer about the “final shutdown” of the transition networks and explained that “February 28th is a hard shutdown of the network: We have no flexibility on that date as we are bound by what is outlined in the MOU extension ... [and] [t]herefore, requests for file downloads and transfers should be submitted to support@it.ptt.gov by [close of business] Friday at the latest.” GSA 004088. That same day, Mr. Langhofer requested that the GSA preserve a subset of his records (those entitled “President Trump Transition Guide”), and all emails and documents for Charles Gantt (TFA CFO) and Monica Block (Trump for America Dir. of Operations). Email from Kory Langhofer to GSA et al. (Feb. 22, 2017, 4:25 PM) [GSA 004087] *see also* email from Erik Simmons to Kory Langhofer (Feb. 23, 2017, 7:25 PM EDT) (confirming preservation request).

⁵⁷ Email from Anne Marie Davis to Erik Simmons and Seth Greenfeld (Apr. 11, 2017, 18:06 EDT) [GSA 002588].

⁵⁸ Email from Erik Simmons to Seth Greenfeld (Apr. 17, 2017, 15:14 EDT) [GSA 002567].

⁵⁹ *See* Email from Seth Greenfeld to Erik Simmons (Apr. 26, 2017, 15:31 EDT) [GSA 004051].

a couple weeks ago.”⁶⁰ Mr. Greenfeld replied, “GSA is not wiping any additional devices and has not since we last spoke.”⁶¹ By stating that the GSA had not wiped any devices “since we last spoke,” Mr. Greenfeld ignored the fact that the GSA had been preserving all of those records since February 15, 2017. Yet again, this statement misleadingly suggested to Trump for America’s counsel that the GSA had not been preserving transition team records prior to April 17, 2017. In an internal email that same day, Mr. Greenfeld confirmed for his colleagues that the GSA was not entirely forthcoming with Trump for America’s counsel: “GSA never told [Mr. Langhofer] of the DOJ/FBI request to us. We simply informed him of the fact that about 80% of the machines were previously wiped[.]”⁶²

Based on the records produced, the Committees have not identified the GSA’s basis for withholding from Trump for America the relevant facts relating to the preservation request by the FBI. But on May 26, 2017, Ms. Moyer wrote to Mr. Loewentritt, “[the FBI has] no objection to you indicating to others who request the [transition team] materials that you are under preservation obligations from the Department of Justice/FBI.”⁶³ Despite this explicit authorization, the GSA failed to immediately correct the record and only informed Trump for America on June 5, 2017—10 days later—that the FBI had requested the preservation of all transition team records on February 15, 2017.⁶⁴

IV. FOR WEEKS, THE GSA REFUSED TO PROVIDE TRUMP FOR AMERICA WITH ACCESS TO ITS OWN RECORDS.

On May 18, 2017, Trump for America sent its first request to the GSA for the production of transition team records.⁶⁵ Specifically, Kory Langhofer, counsel for Trump for America, asked the GSA “to save all the email and Google Drive data to an external hard drive and then have it FedEx’ed to [him].”⁶⁶ Mr. Langhofer also asked the GSA for a list of the transition team members’ equipment that had not erased and whether the wiped equipment could still be accessed for a forensic review.⁶⁷

Mr. Greenfeld forwarded Mr. Langhofer’s request for Trump transition team records and information to other GSA attorneys:

I am not sure we want to turn over hard drives or forensic reviews as that could be what DOJ, the FBI, or others want to do with our machines, and if Kory

⁶⁰ Email from Kory Langhofer to Seth Greenfeld (May 18, 2017, 03:04 EDT) [GSA 004050].

⁶¹ Email from Seth Greenfeld to Kory Langhofer (May 18, 2017, 08:18 EDT) [GSA 004046].

⁶² Email from Seth Greenfeld to Lenny Loewentritt and Janet Harney (May 18, 2017, 09:56 EDT) [GSA 000707].

⁶³ Email from Sally Moyer to Lenny Loewentritt and Seth Greenfeld (May 26, 2017, 21:41 EDT) [GSA 001123].

⁶⁴ Email from Seth Greenfeld to Kory Langhofer (June 5, 2017, 10:05 EDT) [GSA 003797].

⁶⁵ Email from Kory Langhofer to Seth Greenfeld (May 18, 2017, 15:47 EDT) [GSA 003988].

⁶⁶ *Id.*

⁶⁷ *Id.*

[Langhofer]’s folks go first, evidence could be lost or changed. I am comfortable making a copy of everything and giving it to him, but I am not sure how to respond to the other questions.⁶⁸

In response, however, Mr. Loewentritt counseled Mr. Greenfeld to be even less forthcoming with Trump for America.⁶⁹ According to Mr. Greenfeld, “[Mr. Loewentritt] said I should just tell Kory that the machines are not available to him and not answer any follow-up questions. I’m sure there will be follow-up questions. If Kory [Langhofer] presses, I may tell him that he can always have the party asking for the access contact GSA.”⁷⁰

On May 19, 2017, Trump for America contacted the GSA again about their request for transition team records and information. Mr. Greenfeld wrote to Mr. Loewentritt:

I forwarded you a voice-mail message from Kory Langhofer. He is now asking for a copy of all the GSA records GSA has copied for the [transition team]. I have not responded, but I feel like I owe him some type of reply by Monday at the latest, as his message said he is under some time crunch now and I feel badly simply ignoring him. Please let me know what you want to say or if I should continue to not respond as we discussed yesterday.⁷¹

Mr. Loewentritt responded to Mr. Greenfeld, “we have a call with the appropriate Government folks on Monday. Till then we should not respond.”⁷²

The next day, May 20, 2017, Trump for America again contacted the GSA requesting its own transition team records and information.⁷³ Mr. Greenfeld forwarded this email to Mr. Loewentritt, writing:

Below is another e-mail from Kory. I will need to give him some answer today so please ask the FBI when you speak with them. He knows GSA has everything backed up, and he is just asking for copies; GSA will not release the actual machines or grant access to the actual system so there is no way they or anyone

⁶⁸ Email from Seth Greenfeld to Lenny Loewentritt, Janet Harney, and Eugenia Ellison (May 18, 2017, 16:04 EDT) [GSA 003982].

⁶⁹ Email from Seth Greenfeld to Janet Harney, Lenny Loewentritt, and Eugenia Ellison (May 18, 2017, 16:50 EDT) [GSA 003970].

⁷⁰ Email from Seth Greenfeld to Janet Harney, Lenny Loewentritt, and Eugenia Ellison (May 18, 2017, 16:50 EDT) [GSA 003970].

⁷¹ Email from Seth Greenfeld to Lenny Loewentritt (May 19, 2017, 15:52 EDT) [GSA 000012].

⁷² Email from Lenny Loewentritt to Seth Greenfeld and Janet Harney (May 19, 2017, 16:13 EDT) [GSA 003223]. The Committee has been unable to identify to whom Mr. Loewentritt was referring as “the appropriate Government folks.”

⁷³ Email from Kory Langhofer to Seth Greenfeld (May 20, 2017, 17:21 EDT) [GSA 00028].

else can tamper with evidence. In addition, these are actually their records so I am having a hard time seeing an argument to withhold copies from them.⁷⁴

Mr. Loewentritt continued to look to the FBI for guidance. Mr. Loewentritt forwarded this email to other GSA officials, stating, “this private attorney is continuously demanding to see the documents that we have on the matter. We need to have the call with our friends in the [Sensitive Compartmented Information Facility (SCIF)] to get direction from the DOJ/FBI.”⁷⁵ The records produced to the Committees do not indicate why any conversation about these records, most of which were unclassified, needed to occur in a SCIF, a specialized room for accessing and discussing classified information.

Mr. Langhofer followed up with Mr. Greenfeld later that day about the Trump transition team records, asking “[h]ow quickly can the IT folks get us a copy of all the data? We have one pending documents request and need to know how to negotiate re: our deadline for document production.”⁷⁶ The next morning, Mr. Greenfeld sent this request to Mr. Simmons,⁷⁷ who responded “quickly.”⁷⁸ Mr. Greenfeld emailed to Mr. Langhofer later that day, “I am hopeful I can have something for you by tomorrow afternoon. I will follow-up with you though.”⁷⁹ Minutes later, Mr. Greenfeld wrote an email to himself, which stated:

Note to self-Lenny and Eugenia said they spoke with Sally [Moyer] (FBI) earlier and she had no concern with releasing a copy of the [transition team] records to the [transition team], but she does not want anyone to actually touch the machines. Also, she will follow-up in writing to Lenny. This is what we are waiting for.⁸⁰

Later that day, Mr. Greenfeld asked Mr. Loewentritt, “I was curious if you received the follow-up from Sally [Moyer] yet? I know the [transition team] attorney is anxious to get the copies.”⁸¹ Mr. Loewentritt replied, “not a word yet.”⁸² Mr. Greenfeld asked Mr. Loewentritt the next day, May 24, 2017, “Still nothing from Sally [Moyer]?”⁸³

⁷⁴ Email from Seth Greenfeld to Lenny Loewentritt (May 22, 2017, 08:37 EDT) [GSA 000027].

⁷⁵ Email from Lenny Loewentritt to Brett Armstrong, Bobby Carter, and Janet Harney (May 22, 2017, 09:41 EDT) [GSA 000234].

⁷⁶ Email from Kory Langhofer to Seth Greenfeld (May 22, 2017, 18:26 EDT) [GSA 003864].

⁷⁷ Email from Seth Greenfeld to Erik Simmons (May 22, 2017, 08:50 EDT) [GSA 003897] (“How long would it take to make a copy of the [transition team] documents? We are not currently authorized to release anything to anyone, but if we get the green light, how quickly can we get a copy to the [transition team]? Can you make a copy now and just hold it in the event we get permission to release it to them?”).

⁷⁸ Email from Erik Simmons to Seth Greenfeld (May 23, 2017, 09:08 EDT) [GSA 003895].

⁷⁹ Email from Kory Langhofer to Seth Greenfeld (May 22, 2017, 18:26 EDT) [GSA 003864].

⁸⁰ Email from Seth Greenfeld to self (May 23, 2017, 12:25 EDT) [GSA 003864].

⁸¹ Email from Seth Greenfeld to Lenny Loewentritt (May 23, 2017, 16:55 EDT) [GSA 003849].

⁸² Email from Lenny Loewentritt to Seth Greenfeld (May 23, 2017, 16:56 EDT) [GSA 003849].

⁸³ Email from Seth Greenfeld to Lenny Loewentritt (May 24, 2017, 12:01 EDT) [GSA 003849].

Two days later, on May 26, 2017, Mr. Loewentritt wrote to Ms. Moyer, “Sally, we spoke this past week about requests for documents from the attorney representing the Trump transition, Kory Langhofer, from Statecraft PLLC. We are still awaiting guidance. If we need to chat again, please let me know.”⁸⁴ Ms. Moyer replied:

I apologize for the delay. As I just explained to Brett [Armstrong], I was able to coordinate with both the DC US Attorney’s Office and the Special Counsel. We ask that you continue to preserve the stored communications, records, and electronic media as previously requested in a manner that maintains the integrity of both the content and the metadata of the information. We have no objection to you indicating to others who request the materials that you are under preservation obligations from the Department of Justice/FBI.⁸⁵

Although Ms. Moyer’s May 26, 2017 email did not directly answer the GSA’s question about whether it could release copies of transition team records to Trump for America, it did make clear that the FBI had no objection to the GSA informing Trump for America of the record preservation requests. Based on the records produced to the Committees, neither the GSA nor the FBI expressly identified a legal basis for withholding that information from Trump for America for several months.

For the next several weeks, however, the GSA continued to debate whether it should provide Trump for America with copies of its own records. On May 31, 2017, Mr. Greenfeld wrote to Mr. Simmons, “I was told the FBI does not object to us releasing copies to the Transition folks (Kory).”⁸⁶ Mr. Greenfeld then wrote in an email to himself:

Lenny told me last week that Sally [Moyer] indicated on a phone call that she had no objection to GSA sharing a copy of the documents downloaded from the cloud with the [transition team] as long as the integrity of the machines and metadata was preserved. I instructed GSA IT to provide a copy of the documents to the [transition team] but ensure no one accesses the machines or accounts themselves.⁸⁷

The next day, June 1, 2017, Mr. Simmons emailed Mr. Greenfeld, “I was just in a meeting with Lenny [Loewentritt] and he told me NOT to send anything out [to Trump for America] at this time until you guys have further discussions with DOJ. Please let me know once you have the green light. . . . Will you send an update to Kory [Langhofer]?”⁸⁸ Mr.

⁸⁴ Email from Lenny Loewentritt to Sally Moyer, Seth Greenfeld, and Janet Harney (May 26, 2017, 14:01 EDT) [GSA 000173].

⁸⁵ Email from Sally Moyer to Lenny Loewentritt, Seth Greenfeld, and Janet Harney (May 26, 2017, 17:41 EDT) [GSA 000173].

⁸⁶ Email from Seth Greenfeld to Erik Simmons (May 31, 2017, 08:37 EDT) [GSA 000572].

⁸⁷ Email from Seth Greenfeld to self (May 31, 2017, 09:01 EDT) [GSA 003827].

⁸⁸ Email from Erik Simmons to Seth Greenfeld (June 1, 2017, 10:29 EDT) [GSA 003822].

Greenfeld replied: “Sure, but I will also talk to Lenny because he told me Sally [Moyer] from the FBI told him last week on the phone that we could send the copies.”⁸⁹ Mr. Greenfeld then wrote to Mr. Loewentritt:

Erik Simmons just informed me that you said he cannot send a copy of the [transition team]’s documents to the [transition team]? You told me last week that Sally Moyer from the FBI did not object as long as no one accessed the actual machines. Why are we changing course now? They are getting copies only and no one is accessing any equipment. There is no chance of anyone tampering with any evidence or potential evidence. They are simply getting copies of their own records of which GSA already has a copy. Did Erik misunderstand?⁹⁰

Mr. Greenfeld then added:

In addition, if we are not releasing the copies at the request of the FBI or DOJ, I think they need to give us the legal basis as the records are actually [transition team] records and not GSA records (although, obviously, we have physical custody). If GSA is sued for these by the [transition team], I do not think GSA should simply defend itself with: “The FBI asked us not to do it.”⁹¹

The next day, June 2, 2017, Mr. Greenfeld contacted Ms. Moyer directly. After making clear that “GSA does not view these as GSA records . . . but rather [transition team] records which happen to be in GSA’s custody,” he asked Ms. Moyer whether FBI “object[s] to GSA providing a copy to [Trump for America]?”⁹² Records produced to the Committees do not show that Ms. Moyer ever responded to this email.

Having been promised the Trump for America records by May 24, 2017, Mr. Langhofer emailed Mr. Greenfeld on June 5, 2017, writing “[w]e still have not received the package.”⁹³ Mr. Greenfeld replied:

I am very sorry, but it still has not been mailed, although the copy is ready to go. GSA is at present subject to a Department of Justice / FBI preservation obligation and is, at this time, not permitted to send you the copy. I am trying to shake this loose for you as I see no reason why the copy cannot be provided, but until GSA receives express permission, it will not be mailed. As soon as GSA receives the go ahead, it will be expressed to you.⁹⁴

⁸⁹ Email from Seth Greenfeld to Erik Simmons (June 1, 2017, 10:35 EDT) [GSA 003817].

⁹⁰ Email from Seth Greenfeld to Lenny Loewentritt (June 1, 2017, 10:46 EDT) [GSA 003816].

⁹¹ Email from Seth Greenfeld to Lenny Loewentritt (June 1, 2017, 10:53 EDT) [GSA 003814].

⁹² Email from Seth Greenfeld to Sally Moyer (June 2, 2017, 08:36 EDT) [GSA 000810].

⁹³ Email from Kory Langhofer to Seth Greenfeld (June 5, 2017, 09:17 EDT) [GSA 003803].

⁹⁴ Email from Seth Greenfeld to Kory Langhofer (June 5, 2017, 10:05 EDT) [GSA 003797].

This appears to be the first time that the GSA notified Mr. Langhofer or anyone at Trump for America of the records preservation that the GSA initiated on February 15, 2017. Mr. Greenfeld then pressed Ms. Moyer about this matter again:

Does the FBI object to GSA providing a copy of the [transition team] records to one of the [transition team]’s attorney [sic]? I see no legal reason to not provide them, but I was asked to confirm with you based on some conversations of which I was not involved. Please let me know if it is OK to provide the copy or not.⁹⁵

Based on the records produced to the Committees, Ms. Moyer did not respond to this email. Hours later, Mr. Greenfeld emailed Ms. Moyer yet again:

Kory Langhofer, the attorney for the [transition team] asking for a copy of the [transition team] documents, reached out to me again today asking for the copies. He said they are under a document preservation and production request from the [Senate Select Committee on Intelligence]. They also expect a request from DOJ. As you wrote in an e-mail a week or so ago, I informed him that GSA is under a document preservation request from DOJ/FBI, and we did not mail him the copy of the records. He will be calling you to see about how this should be addressed for them with [Senate Select Committee on Intelligence] and possibly getting a copy of the records as they think there may be some privileges.⁹⁶

Ms. Moyer responded, “Is Mr. Langhofer requesting a copy of hard copy documents or would he like a digital copy of the devices or cloud services? Unfortunately, any copies of the latter would have an impact on our forensics review.”⁹⁷ Mr. Greenfeld responded, “He is requesting an electronic copy of the documents from the cloud, which I believe were made by GSA before the formal requests were made by DOJ/FBI so they are available on a thumb-drive. ... [I]t is simply providing a copy of the copy GSA made.”⁹⁸ Ms. Moyer then replied that she would “re-engage with the US Attorney’s Office and Special Counsel.”⁹⁹ The records produced to the Committees do not reflect whether Ms. Moyer and Mr. Greenfeld discussed this matter further.

On June 8, 2017, however, Mr. Greenfeld spoke with Special Counsel attorney Brandon Van Grack and memorialized that phone conversation in an email to Mr. Loewentritt:

I spoke with Brandon Van[]Grack . . . from Special Counsel Mueller’s staff. We spoke about the document request from the [transition team] attorney and how GSA views the records. I explained . . . that GSA does not view the records in

⁹⁵ Email from Seth Greenfeld to Sally Moyer (June 5, 2017, 09:39 EDT) [GSA 000799].

⁹⁶ Email from Seth Greenfeld to Sally Moyer (June 5, 2017, 14:36 EDT) [GSA 003799].

⁹⁷ Email from Sally Moyer to Seth Greenfeld (June 5, 2017, 17:51 EDT) [GSA 000783].

⁹⁸ Email from Seth Greenfeld to Sally Moyer (June 5, 2017, 18:22 EDT) [GSA 00783].

⁹⁹ Email from Sally Moyer to Seth Greenfeld (June 5, 2017, 22:23 EDT) [GSA 00783].

question as GSA records in both a Federal Records Act and FOIA context. Therefore, I see GSA simply as in custody of the documents, but that they are [transition team] documents. . . . Mr. Van[]Grack and I spoke about others' access to the records and I said I saw three buckets, (1) [transition team], (2) general public, and (3) law enforcement. I stated I saw these as [transition team] records and they should be given copies as I see no legal reason at this time to withhold the records from [transition team]. . . . Mr. Van[]Grack thanked me, said our conversation was extremely helpful and informative, and that he will speak with others there and get back to me regarding the [transition team]'s request[.]¹⁰⁰

On June 20, 2017, Mr. Langhofer yet again inquired about the status of Trump for America's request and explained, "We are eager to start reviewing and producing emails."¹⁰¹ Mr. Greenfeld replied the next morning, "Unfortunately, I have not heard anything yet, and we are frustrated too."¹⁰² Mr. Greenfeld then emailed to Mr. Van Grack, "We are just curious if there is an update for us. The [transition team] is anxious to get the copies so it can begin reviewing the documents and produce records to Congress. I understand they are getting some pressure from the Hill."¹⁰³

According to a June 21, 2017, email written by Mr. Greenfeld:

Brandon [Van Grack] from DOJ called me back this morning. . . . While [DOJ] will not specifically instruct GSA to release or not release copies to the [transition team] (or anyone else), it will be up to GSA to interpret the request and choose a course of action that is consistent, which means we should be able to release the copies to the [transition team]. I recommend waiting for the actual document from the FBI though so we can read exactly what it says.¹⁰⁴

The next day, on June 22, 2017—more than four months after informally asking the GSA to preserve all transition team records—the FBI sent the GSA "an official preservation letter" for transition team records.¹⁰⁵ Mr. Greenfeld emailed to GSA officials the next morning, "This is

¹⁰⁰ Email from Seth Greenfeld to Lenny Loewentritt (June 8, 2017, 11:27 EDT) [GSA 001296].

¹⁰¹ Email from Kory Langhofer to Seth Greenfeld, Richard Beckler, Mike Morrissey, Mitchell Stein Carey, Thomas Basile, Statecraft Law PLLC, Chris Murray, and Lenny Loewentritt (June 20, 2017, 18:36 EDT) [GSA 000320].

¹⁰² Email from Seth Greenfeld to Kory Langhofer, Richard Beckler, Mike Morrissey, Thomas Basile, Chris Murray, and Lenny Loewentritt (June 21, 2017, 08:24 EDT) [GSA 003759].

¹⁰³ Email from Seth Greenfeld to Brandon Van Grack, Investigator, Off. of the Special Counsel, U.S. Dep't of Justice (June 21, 2017, 08:27 EDT) [GSA 003758].

¹⁰⁴ Email from Seth Greenfeld to Lenny Loewentritt and Richard Beckler (June 21, 2017, 11:27 EDT) [GSA 003757].

¹⁰⁵ Email from Mary Gleason to Lenny Loewentritt, Brett Armstrong, Brandon Van Grack, [REDACTED], and Kevin Clinesmith (June 22, 2017, 19:41 EDT) [GSA 00141]; *see also* Letter from [REDACTED] to Lenny Loewentritt, (June 22, 2017) [GSA 004827].

what Brandon [Van Grack] described to me on the phone, so I do not see a problem with GSA sending copies to Kory [Langhofer] as it does not conflict with this letter.”¹⁰⁶ A couple of hours later, Mr. Greenfeld emailed Mr. Langhofer stating, “Your package is on the way,” and provided the tracking information for the shipment of the copy of transition team records.¹⁰⁷

In total, apparently pursuant to instructions from the FBI, the GSA denied Trump for America access to copies of its own records for five weeks. Moreover, several months after it began preserving all transition records, the GSA was still trying to understand the FBI’s legal basis for refusing to share copies of the preserved records with Trump for America. As Senior Assistant General Counsel Greenfeld acknowledged on June 1, 2017, “[the FBI] need[s] to give us the legal basis as the records are actually [transition team] records and not GSA records (although, obviously, we have physical custody)” because, “[i]f GSA is sued for these by the [transition team], I do not think GSA should simply defend itself with: ‘The FBI asked us not to do it.’”¹⁰⁸

V. ALTHOUGH THE GSA ASSESSED THAT A SUBPOENA OR WARRANT WAS REQUIRED FOR THE FBI TO ACCESS TRUMP FOR AMERICA RECORDS, THE GSA ULTIMATELY CONSENTED TO THE PRODUCTION OF THOSE RECORDS TO THE FBI WITHOUT ANY LEGAL PROCESS.

Although the GSA repeatedly discussed with the FBI and Department of Justice the need for a subpoena or search warrant to access Trump for America’s PTT records, the GSA ultimately transferred custody and control of those records to the FBI without any legal process.

- On June 8, 2017, in an email Mr. Greenfeld sent to memorialize a conversation with Brandon Van Grack, he wrote, “as for law enforcement access to the records, I stated that I thought a subpoena was necessary as they are not GSA’s records (as I detailed before) and that a subpoena will remove evidence admissibility issues if there is a prosecution of someone in the future, but I ultimately defer to law enforcement on the issue of a need for a subpoena.”¹⁰⁹
- On June 13, 2017, Mr. Greenfeld wrote to Duane Smith, Assistant General Counsel at the GSA:

GSA has records related to what our agency did with respect to Lt Gen [sic] Flynn (e.g. equipment furnished). GSA is also in possession of

¹⁰⁶ Email from Seth Greenfeld to Lenny Loewentritt, Duane Smith, Richard Beckler, Claudia Nadig, and Eugenia Ellison (June 23, 2017, 08:18 EDT) [GSA 000288].

¹⁰⁷ Email from Seth Greenfeld to Kory Langhofer (June 23, 2017, 11:11 EDT) [GSA 000869].

¹⁰⁸ Email from Seth Greenfeld to Lenny Loewentritt (June 1, 2017, 10:53 EDT) [GSA 003814].

¹⁰⁹ Email from Seth Greenfeld to Lenny Loewentritt (June 8, 2017, 11:27 EDT) [GSA 00781].

[transition team] records. GSA will probably need a subpoena to produce those [transition team] records as they are not records from a Federal Records Act or FOIA standpoint, and we will need to coordinate with DOJ/FBI. ... GSA will need to coordinate with White House prior to any response too, which I am sure Lenny already noted. They definitely have an interest in this and may want to try to articulate a separation of powers/executive privilege on something[.]¹¹⁰

- On June 16, 2017, the GSA again spoke with a Special Counsel attorney about access to the Trump transition team records:

[GSA Acting General Counsel] Richard [Beckler] explained that GSA . . . does not consider [transition team records] to be GSA records, and GSA does not claim ownership or know what information is detailed in the records or subject to a claim of privilege as GSA has never looked at the content of the material, and GSA thinks the DOJ/FBI, SSCI, White House, and [transition team] need to discuss how records in GSA’s possession will be addressed as GSA is just like a warehouse. ... Brandon [Van Grack] explained that the FBI and Special Counsel are working hand in hand ... [and that] DOJ will decide how to proceed and if records are requested from GSA, a subpoena will be issued or a search warrant will be executed[.]¹¹¹

- On June 23, 2017, Mr. Greenfeld wrote to David Shive, the GSA’s Chief Information Officer, about Trump for America’s transition records, “For [FBI] to get [transition team records], there may need to be a subpoena and possibly a search warrant.”¹¹²

On August 23, 2017, FBI Assistant General Counsel Kevin Clinesmith sent the GSA a letterhead memorandum “formally requesting GSA to provide FBI with all Documents and Responsive Materials attributed to the individual users identified below.”¹¹³ The nine Trump for America officials identified by the FBI were Daniel Gelbinovich, Sarah Flaherty, Michael G. Flynn, Michael T. Flynn, Keith Kellogg, Jared Kushner, K.T. McFarland, Jason Miller, and Michael Pompeo.¹¹⁴

Despite the several prior intra- and interagency conversations about the legal process thought to be necessary for the FBI to access records that the GSA did not own, the FBI provided

¹¹⁰ Email from Seth Greenfeld to Duane Smith (June 13, 2017, 18:20 EDT) [GSA 003780].

¹¹¹ Email from Seth Greenfeld to Richard Beckler and Lenny Loewentritt (June 16, 2017, 17:22 EDT) [GSA 000283].

¹¹² Email from Seth Greenfeld to David Shive, Steve Grewal, and Lenny Loewentritt (June 23, 2017, 11:26 EDT) [GSA 003349].

¹¹³ Mem. from Kevin Clinesmith to Brett Armstrong, et al. (Aug. 23, 2017) [GSA004814-15].

¹¹⁴ *Id.*

no such legal process. The request directed “that GSA prioritize providing any e-mail communications associated with the individual users’ accounts. To all extents feasible, the FBI requests GSA to provide the e-mail communications in an initial production as soon as possible and thereafter produce any other remaining Document and Responsive Materials in a second production.”¹¹⁵ This request also added, “[t]he FBI anticipates that additional Documents and Responsive Materials associated with other individual users will be requested in the future. Accordingly, the FBI requests that GSA continue to comply with the June 22, 2017 preservation letter for all accounts associated with the [transition team].”¹¹⁶

Brett Armstrong, the GSA official who received this letterhead memorandum, forwarded it to a GSA colleague, writing, “Looks like the attorneys were having further discussion with the FBI. They sent this letter just now. You were not an addressee. Lenny [Loewentritt] has called a meeting this afternoon and invited us.”¹¹⁷ Notably, when the FBI requested these productions, neither GSA Acting General Counsel Richard Beckler (illness)¹¹⁸ nor the lead assistant general counsel on this issue, Seth Greenfeld (vacation),¹¹⁹ were available.

The next morning, August 24, 2017, Mr. Simmons informed GSA officials, “As per the August 23, 2017[] letter from the FBI, I have transferred the 9 requested [transition team] e-mail zip files to Mary Gleason (FBI). This information was given to her via flash drive and attached is the signed property receipt.”¹²⁰ Later that day, “the FBI contacted [Mr. Simmons] and requested that [the GSA] transfer several laptops and phones to them that were associated with their August 23, 2017 letter. This hardware was given to them and attached is the signed property receipt. ... [W]e plan to transfer additional hardware to the FBI next week.”¹²¹

On August 25, 2017, the FBI emailed the GSA to memorialize a conversation between itself and the Defense Information Systems Agency (DISA) about the secure equipment provided to GSA for the transition team to process classified information. According to this email:

DISA concurs with the following same procedures for obtaining that equipment as we have established for FBI requests to GSA; namely. [sic] it will be provided to the FBI via consent, the FBI will maintain custodial possession only; and then

¹¹⁵ Letter from ██████████ to Brett Armstrong (Aug. 23, 2017) [GSA 004814].

¹¹⁶ *Id.*

¹¹⁷ Email from Brett Armstrong to Bobby Carter (Aug. 23, 2017, 12:21 EDT) [GSA 003542].

¹¹⁸ Letter to Chairman Ron Johnson and Ranking Member Claire McCaskill, S. Comm. on Homeland Sec. & Governmental Affairs, and Chairman Trey Gowdy and Ranking Member Elijah Cummings, H. Comm. on Oversight and Gov’t Reform, from Kory Langhofer, Counsel to Trump for America, Inc. (Dec. 16, 2017).

¹¹⁹ Mr. Greenfeld confirmed that he was on leave the week of Aug. 21, 2017. Interview with Seth Greenfeld (Apr. 5, 2018) (On file with the Comms.).

¹²⁰ Email from Erik Simmons to Claudia Nadig, Brett Armstrong, Duane Smith, Lenny Loewentritt, Seth Greenfeld, and Steve Grewal (Aug. 24, 2017, 11:11 EDT) [GSA 002046].

¹²¹ Email from Erik Simmons to Brett Armstrong, Claudia Nadig, Bobby Carter, Duane Smith, Lenny Loewentritt, Seth Greenfeld, and Steve Grewal (Aug. 25, 2017, 13:11 EDT) [GSA 001590].

the FBI will seek legal process prior to gaining access to any devices held within custodial possession.¹²²

Although the GSA repeatedly discussed the need for legal process before turning over Trump transition team records, by late August, GSA officials seem to have changed their minds. This email reflects an agreement between the FBI and the GSA whereby the GSA “consent[ed]” to transfer custody of records it did not own to the FBI, and then the FBI would “seek legal process” to gain access to these devices.¹²³ The records produced to the Committees do not appear to reflect the terms of this agreement, nor do they address the legal basis pursuant to which the GSA produced records and devices it did not own while at the same time recognizing that the FBI must use legal process to access the Trump transition team records.

On August 30, 2017, FBI Assistant General Counsel Kevin Clinesmith sent the GSA a second letterhead memorandum “formally requesting GSA to provide FBI with all Documents and Responsive Materials attributed to the individual users identified below.”¹²⁴ The four Trump for America officials identified by the FBI were Sean Spicer, Reince Priebus, Stephen Bannon, and Marshall Billingslea.¹²⁵ In the cover email, the FBI explained:

We have an additional four individuals we are currently interested it [sic]. . . . If possible, can you at least have their emails downloaded by tomorrow when I pick up the other information? . . . [W]e want to have it available when they swear out a warrant before then.¹²⁶

The GSA produced these transition team materials to the FBI on the afternoon of August 31, 2017.¹²⁷ The Committee has not identified records reflecting any additional consultation or deliberation among GSA officials prior to producing these transition team records to the FBI.

Although the FBI’s August 30, 2017 cover email referenced applying for a search warrant, the Committees are aware of only one court-ordered disclosure of records, specifically, information related to the transition records of Lt. Gen. Flynn, K.T. McFarland, Michael Flynn’s son, and Daniel Gelbinovich.¹²⁸ The records produced by the GSA and the FBI to the

¹²² Email from Kevin Clinesmith to Brett Armstrong, Duane Smith, Lenny Loewentritt, Claudia Nadig, Seth Greenfeld, Mary Gleason, Richard Grove, Off. of Gen. Counsel, Def. Info. Sys. Agency, U.S. Dep’t of Def. (Aug. 25, 2017, 21:12 EDT) [GSA 001928].

¹²³ Email from Kevin Clinesmith to Brett Armstrong, et al. (Aug. 25, 2017) [GSA 001460].

¹²⁴ Mem. from Kevin Clinesmith to Brett Armstrong, et al. (Aug. 30, 2017) [GSA004816-17].

¹²⁵ *Id.*

¹²⁶ Email from Mary Gleason to Brett Armstrong, Erik Simmons, and Kevin Clinesmith (Aug. 30, 2017, 14:55 EDT) [GSA 002270].

¹²⁷ Email from Erik Simmons to Brett Armstrong, Claudia Nadig, Bobby Carter, Duane Smith, Lenny Loewentritt, Seth Greenfeld and Steve Grewal (Sept. 1, 2017, 09:57 EDT) [GSA 000971].

¹²⁸ Order, *In re Application of the U.S. for an Order Pursuant to 18 U.S.C. § 2703(d) Directed at Google Related to [the transition email accounts for those four individuals]*, 1:17-mc-2005 (D.D.C. Aug. 18, 2017) [GSA004400-4404] (ordering the disclosure of customer/subscriber information but not content).

Committees do not reflect when the GSA notified Trump for America of the production of its records to the FBI but, during a staff interview, Mr. Greenfeld stated that he notified Trump for American in late November or December 2017 after Mr. Langhofer requested access to transition team devices.¹²⁹ Mr. Langhofer told the Committees that Trump for America learned of these productions on December 12 and 13, 2017.¹³⁰

VI. CONCLUSION

The GSA's memorandum of understanding with the Trump transition team assured that, among other promises, it would not retain transition records. Moreover, throughout the transition and the ensuing investigations, the GSA unequivocally acknowledged the Trump transition team's legal ownership over its own transition records. But the GSA did not honor this promise or protect the legal rights of the Trump transition team.

Instead, on February 15, 2017, after GSA officials saw news reports about the resignation of then-national security advisor Lt. Gen. Michael Flynn, the GSA proactively contacted the FBI about preserving all remaining Trump transition team records. After conferring with the FBI, the GSA immediately began to preserve those records. Notably, around that same time, GSA officials also decided that they would not inform either the White House or the Trump transition team about the decision to preserve records contrary to the express terms of the memorandum of understanding. Regardless of the propriety of preserving *all* remaining transition records because of concerns regarding *one* former transition official, the decision not to inform the Trump transition team—the lawful owner of those records—deprived that team of the opportunity to make timely and meaningful decisions about how to protect its interests in those records.

Around the same time, the GSA ignored the Trump transition team's requests for copies of its own records. In mid-May 2017, the Trump transition team requested copies of its own records but, for reasons that were never explained, the GSA did not provide copies for five weeks. In early June 2017, the Trump transition team finally learned that the GSA had preserved its records, but it would not receive notice of the production of those records to the FBI until late 2017. Finally, in August 2017, the Special Counsel's Office requested and received access to the transition records for 13 transition officials, four of whom were then-current officials in the Trump administration, including then-CIA Director Mike Pompeo and Jared Kushner. The GSA did not inform the Trump transition team about the production of its records to the FBI. For months, neither the GSA nor the FBI were forthcoming with the Trump transition team.

This conduct undermines the GSA's role as a neutral provider of services to presidential transition teams. These actions provide a basis for future transition teams to question or even

¹²⁹ Interview with Seth Greenfeld (Apr. 5, 2018) (On file with the Comms.).

¹³⁰ Letter to Chairman Ron Johnson and Ranking Member Claire McCaskill, S. Comm. on Homeland Sec. & Governmental Affairs, and Chairman Trey Gowdy and Ranking Member Elijah Cummings, H. Comm. on Oversight and Gov't Reform, from Kory Langhofer, Counsel to Trump for America, Inc. (Dec. 16, 2017).

doubt the services offered by the GSA, which risks the effectiveness of the transfer of power from one administration to the next. Although Congress has enacted one piece of legislation to address these issues, legislative fixes will never be perfect. The purpose of this report is transparency. Shining a light on how the process was corrupted against the Trump transition team is likely to expose other areas of weakness that may need correction. It also should serve as a stark warning so that it will never happen again.



AC 09.2017

November 16, 2016

MEMORANDUM TO FEDERAL AGENCY RECORDS OFFICERS: Guidance Relating to President-Elect Transition Team Materials

The President-elect's Transition Team (PETT) represents the President-elect during the 2016-2017 Presidential transition. The materials that PETT members create or receive are not Federal or Presidential records, but are considered private materials. However, transition briefing materials created by a Federal agency and agency communications with the PETT are Federal records and must be managed in accordance with an approved agency records schedule.

If a PETT member is appointed to an agency position as part of the new Administration, the status of PETT materials that the individual brings to the agency may change at that time. If PETT materials are incorporated as agency working files, they become records under either the Federal Records Act (FRA), for individuals working at Federal agencies, or the Presidential Records Act (PRA), for individuals working in PRA creating entities of the Executive Office of the President. If the PETT materials are kept separate from Federal agency files or from files of a PRA entity, then they remain private materials.

If you have any questions concerning this guidance, please contact the appraisal archivist assigned to work with your agency.

LAURENCE BREWER

Chief Records Officer
for the U.S. Government

The U.S. National Archives and Records Administration

1-86-NARA-NARA or 1-866-272-6272

United States Senate

COMMITTEE ON
HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS
WASHINGTON, DC 20510-6250

CHRISTOPHER R. HIXON, STAFF DIRECTOR
MARGARET E. DAUM, MINORITY STAFF DIRECTOR

December 19, 2017

The Honorable Emily W. Murphy
Administrator
General Services Administration
1800 F Street, NW
Washington, DC 20405

Dear Administrator Murphy:

I write concerning allegations that General Services Administration (GSA) personnel, prior to your confirmation as Administrator,¹ failed to recognize and protect the privileged and confidential nature of materials generated during the presidential transition and provided them to the Special Counsel's Office without the consent of or notice to the transition entity that owns these records, Trump for America, Inc. (TFA), a private 501(c)(4) entity.² These allegations raise concerns that GSA personnel disregarded federal statutes governing presidential transitions, thereby potentially undermining the framework for future presidential transitions. As chairman of the Senate committee with jurisdiction over presidential transitions,³ I appreciate your assistance with this matter.

The Presidential Transition Act of 1963, as amended, is meant to facilitate the peaceful and efficient transfer of executive power, something that is often referred to as a "hallmark of American democracy."⁴ While the Act provides GSA a prominent role in the transition process, GSA acts merely as a facilitator of office space, supplies, and services.⁵ The Act permits presidential transition teams to operate as a private entity rather than a government component.⁶ The National Archives and Records Administration considers records of the presidential transition team to be private records—not federal or presidential records.⁷ GSA does not have authority over the transition's operations, its employees, or its records.

¹ General Services Administration, press release, "Senate Confirms Emily Murphy to Head GSA" (Dec. 5, 2017) available at <https://www.gsa.gov/about-us/newsroom/news-releases/senate-confirms-emily-murphy-to-head-gsa>.

² Letter from to Sens. Ron Johnson and Claire McCaskill, Chair and Ranking Member, S. Comm. on Homeland Security and Governmental Affairs, and Reps. Trey Gowdy and Elijah Cummings, Chair and Ranking Member, H. Comm. on Oversight and Government Reform, from Kory Langhofer, Counsel to Trump for America, Inc., (Dec. 16, 2017).

³ S. Rule XXV(k)(1).

⁴ S. Comm. Rep. No. 114-94, The Presidential Transitions Improvements Act of 2015, at 2, <https://www.congress.gov/114/crpt/srpt94/CRPT-114srpt94.pdf>.

⁵ 3 U.S.C. §102 note.

⁶ 3 U.S.C. § 102 note.

⁷ Memorandum from Laurence Brewer, Chief Records Officer, National Archives and Records Administration to federal agency records officers on guidance relating to president-elect transition team materials (Nov. 16, 2016), available at <https://www.archives.gov/records-mgmt/memos/ac09-2017>.

TFA operated as a private 501(c)(4) to support the transition operations of President-elect Trump after his election and prior to his inauguration.⁸ Records generated during the transition are not records owned by GSA.⁹ Rather, transition records are private records, subject to all appropriate confidentiality interests. As the facilitator of the transition process, GSA must recognize that “[a]ny threat of premature disclosure or other inhibition of the candid policy recommendation between agencies and transition teams would greatly impair the quality of transition efforts.”¹⁰

According to the allegations received by the Committee, the GSA’s General Counsel’s office provided records owned by TFA to the Special Counsel’s Office without the consent of or notice to TFA.¹¹ The GSA’s General Counsel’s office allegedly provided these records without the execution of a search warrant or a subpoena; instead, it produced the material voluntarily in response to a request letter.¹² In defending these actions, GSA’s Deputy General Counsel Lenny Loewentritt suggested that GSA maintained a degree of control over the records, stating that transition team members entered into agreements acknowledging possible GSA “monitoring and auditing of devices.”¹³ The GSA General Counsel’s office allegedly did not review the material for privilege or relevancy before providing records to the Special Counsel’s Office.¹⁴ In addition, according to the allegations, the Special Counsel’s Office failed to implement methods—such as “taint teams” or “ethics walls”—to protect any privileged material.¹⁵

The importance of effective and trustworthy presidential transitions to the health of the country cannot be overstated. In 2015, I joined Senator Thomas R. Carper in sponsoring the Edward “Ted” Kaufman and Michael Leavitt Presidential Transitions Improvements Act of 2015.¹⁶ This law enacted important updates to transition rules that were meant to strengthen presidential transitions, including compliance with the law. For example, the law directed GSA to designate a Federal Transition Coordinator, tasked with negotiating a memorandum of understanding (MOU) with the transition representative of each eligible candidate on the conditions of access to employees, facilities, and documents of agencies by transition staff.¹⁷

Presidential transition teams also enter into an MOU with the outgoing administration, in part, “to protect the confidentiality of transition information made available to the

⁸ Drew Harwell & Lisa Rein, *Who’s helping pay for President-elect Trump’s transition effort? You are.*, Wash. Post, Nov. 23, 2016.

⁹ Memorandum from Laurence Brewer, *supra* note 7.

¹⁰ U.S. Dep’t of Justice, FOIA Update: FOIA Counselor: Transition Team FOIA Issues (Jan. 1, 1988).

¹¹ Letter from Langhofer, *supra* note 2.

¹² *Id.*

¹³ Chris Geidner, *Key Officials Push Back Against Trump Campaign’s Claim That A Federal Office Illegally Turned Over Emails to Special Counsel*, BuzzFeed News, Dec. 17, 2017, available at https://www.buzzfeed.com/chrisgeidner/the-trump-campaign-claims-a-federal-office-illegally-turned?utm_term=.ywQQG46Dv#.uwdR552NMG.

¹⁴ *Id.*

¹⁵ Letter from Langhofer, *supra* note 2.

¹⁶ Pub. L. 114–136, 130 Stat. 304 (Mar. 18, 2016).

¹⁷ *Id.*

Government.”¹⁸ For example, the MOU between the Bush Administration and the Obama-Biden Transition Project stated:

It will likely be necessary for members of the [presidential transition team] to share with the Administration information that they wish to be kept confidential. Accordingly, to the extent permitted by law, the Administration agrees to protect the confidentiality of information provided to it on a confidential basis by the [presidential transition team].¹⁹

GSA’s alleged actions could have serious ramifications for presidential transitions in the future. An incoming administration must be ready to govern on day one. Any threat to the close coordination between the transition and outgoing administration could create vulnerabilities to governance, readiness, and national security.²⁰ In minimizing vulnerabilities caused by a transition, the Justice Department has advised “afford[ing] the confidentiality necessary for candid and effective/transition team communications.”²¹ The allegations received by the Committee—namely that GSA turned over TFA privileged material, and that material later become public—could discourage future transitions from trusting GSA to secure its confidential information.

Therefore, in order to understand GSA’s response to the Special Counsel’s request for TFA’s private records, I respectfully request that you please provide the following information:

1. A description of steps taken by GSA to determine the appropriateness of providing privileged TFA documents to the Special Counsel’s Office, including the identity of the GSA staff member who authorized the production of TFA documents to the Special Counsel’s Office, and the identity of the GSA staff member designated as the Federal Transition Coordinator;
2. A copy of the Memorandum of Understanding to which TFA and GSA entered to guide the transition process from the Obama Administration to the Trump Administration;
3. Any training or guidance provided to GSA and career staff assisting presidential transition teams on the private nature of transition team’s records and the legal protections of these private materials;
4. All documents and communications between or among GSA, the Department of Justice, and the Special Counsel’s Office, referring or relating to the production of records generated during the presidential transition for President-elect Donald J. Trump;

¹⁸ Partnership for Public Service, Presidential Transition Guide, Appendix 1.1 Memorandum of understanding between George W. Bush White House and Obama-Biden Transition Project, available at <http://presidentialtransition.org/>.

¹⁹ *Id.*

²⁰ See S. Comm. Rep. No. 114-94, *supra* note 4.

²¹ U.S. Dep’t of Justice, FOIA Update: FOIA Counselor: Transition Team FOIA Issues (Jan. 1, 1988).

The Honorable Emily W. Murphy

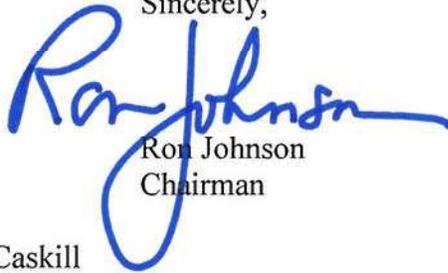
December 19, 2017

Page 4 of 4

5. All documents and communications between or among GSA and TFA referring or relating to the production of records generated during the presidential transition for President-elect Donald J. Trump; and
6. All documents and communications between GSA employees or contractors referring or relating to the production of records generated during the presidential transition for President-elect Donald J. Trump.

Please provide the requested information no later than 5:00 p.m. on January 3, 2018.
Thank you for your attention to this important matter.

Sincerely,

A handwritten signature in blue ink that reads "Ron Johnson". The signature is fluid and cursive, with the first name "Ron" being particularly prominent.

Ron Johnson
Chairman

cc: The Honorable Claire McCaskill
Ranking Member

Enclosure

Folder: [REDACTED]

Subject: Re: Preservation of PTT Records
Date: Wed, 15 Feb 2017 16:36:07 -0500
From: Aimee Whiteman - WPB [REDACTED]
To: Seth Greenfeld - LG [REDACTED]
Cc: Erik Simmons - IDRC [REDACTED] >
Message-ID: <-2023533141976081617@unknownmsgid>
MD5: 4432359f41fb9066ecc9da9098e403c0

Thanks, Seth.

Any responsibility for us to inform the WH that this request has been made? I ask because their understanding of the situation is that everything gets deleted/destroyed when equipment is turned in and the transition ends.

Thanks for keeping us in the loop. Can we huddle briefly tomorrow about any other impacts?

Sent from my iPhone

> On Feb 15, 2017, at 4:13 PM, Seth Greenfeld - LG [REDACTED] wrote:

>

> At the request of the Department of Justice, via our Office of Inspector General, please preserve all records of the Presidential Transition Team. Electronic equipment including cell phones, laptops, and tablets returned to GSA should be preserved and no information should be wiped from their memories. Also, I know that the network is scheduled to be shut down in about 2 weeks. What happens with that information (e.g., e-mails, documents)? Is there a way to preserve it or copy it? For machines already sanitized, is there a way to recover that information? At this time there is no end date to this DOJ "hold" request. If you have any questions, please let me know.

>

>

> Seth S. Greenfeld

> Senior Assistant General Counsel

> General Law Division, Office of General Counsel

> U.S. General Services Administration

> [REDACTED]

>

>

> CONFIDENTIALITY NOTICE:

>

> This e-mail message and any attachments to this e-mail message may contain confidential information belonging to the sender which is legally privileged. The information is intended only for the use of the individual or entity to whom it is addressed. Please do not forward this message without permission. If you are not the intended recipient or the employee or agent responsible for delivering it to the intended recipient, you are hereby notified that any disclosure, copying, distribution or the taking of any action in reliance on the contents of this transmission is strictly prohibited. If you have received this transmission in error, please notify me immediately by telephone or return e-mail and delete and destroy the original e-mail message, any attachments thereto and all copies thereof.

Folder: [REDACTED]

Subject: Fwd: Meeting to Discuss Document Retention and Final Network Shutdown
Date: Tue, 11 Apr 2017 18:06:38 -0400
From: Anne Marie Davis - IDRC [REDACTED]
To: Erik Simmons [REDACTED], Seth Greenfeld [REDACTED]
Message-ID: <CAAu8NvfRdNVX2Sdak5LfgPziJHpVcpCCfcwCz22nUtN_-WW08Q@mail.gmail.com>
MD5: a1a482ce236d40cdf61c2f6e9b024dfa

Hi Erik and Seth... Kory just called moments before he sent this email below. Although I tried to put him off until Monday, he said there was some time sensitivity because they just received a letter from an individual (not an entity) to preserve PTT emails/texts/docs. I told him we would NOT delete any information from today thru Monday - which seem to satisfy his urgency until Monday.

Seth since there is a legal letter received by Kory for PTT info, I figured you might also need to be part of the discussion.

Thank you

Anne Marie Davis
Office of the Deputy CIO
Office of GSA IT
General Services Administration
[REDACTED] desk
[REDACTED] cell

----- Forwarded message -----

From: Kory Langhofer <[REDACTED]>
Date: Tue, Apr 11, 2017 at 5:51 PM
Subject: Re: Meeting to Discuss Document Retention and Final Network Shutdown
To: Anne Marie Davis - IDRC [REDACTED], Erik Simmons [REDACTED], Seth Greenfeld - LG [REDACTED]

Thanks, Anne Marie. As discussed, no additional data will be destroyed between now and when Erik returns on Monday - sdet's set up a call then. What time works best for you all on Monday?

Kory Langhofer

STATECRAFT PLLC

649 North Fourth Avenue, First Floor

Phoenix, Arizona 85003

Desk: [REDACTED]

Cell: [REDACTED]

This transmission may be protected by the attorney-client privilege or the attorney work product doctrine. If you are not the intended recipient, please delete all copies of the transmission and advise the sender immediately.

Folder [REDACTED]

From: Anne Marie Davis - IDRC <[REDACTED]>
Date: Tuesday, April 11, 2017 at 6:49 AM
To: Kory Langhofer <[REDACTED]>
Cc: Erik Simmons <[REDACTED]>
Subject: Re: FW: Meeting to Discuss Document Retention and Final Network Shutdown

Hi Kory. It's best we wait for Erik for this conversation. He will be back Monday.

Thank you

Anne Marie Davis

Office of the Deputy CIO

Office of GSA IT

General Services Administration

[REDACTED] desk

[REDACTED] cell

Folder: [REDACTED]

Subject: RE: GSA Preservation
Date: Mon, 22 May 2017 18:49:47 +0000
From: "Redbord, Ari (USADC)" [REDACTED]
To: Lennard Loewentritt - L [REDACTED]
Cc: "Edelstein, Julie (NSD) (JMD)" [REDACTED] "Chawla, Tejpal (USADC)" [REDACTED]
Message-ID: <82345a25f82b4839a378c1f466156421@USAHUBSML215.usa.doj.gov>
MD5: 804341905e88896142cc13929e390826

Lenny,

In terms of our second letter, we would ask that you simply preserve, as you are already doing and put on hold any production. In terms of any other issues, the FBI will be the best resource to guide your preservation/production.

Thanks so much,

Ari

From: Lennard Loewentritt - L [mailto:[REDACTED]]
Sent: Monday, May 22, 2017 2:48 PM
To: Redbord, Ari (USADC) [REDACTED]
Subject: Re: GSA Preservation

Thanks so much Ari. I do have some issues that we do need to discuss from the SCIF. Our folks are trying to hook up with the FBI folks to further discuss.

Lenny

On Mon, May 22, 2017 at 12:59 PM, Redbord, Ari (USADC) [REDACTED] wrote:

Lenny,

Apologies for not being in touch sooner. As promised, I am putting you in touch with Mike Condon and Sally Moyer of the FBI. I believe that they may be in a better position to answer some of your questions related to FBI requests and pending investigations. Mike indicated to me that if he could not handle he would be sure to put you in touch with someone who can answer your questions. Thanks again for all your help.

Ari

Folder [REDACTED]

Subject: Fwd: FBI Request for Documents and Responsive Materials
Date: Wed, 23 Aug 2017 12:21:06 -0400
From: Brett Armstrong - D1R [REDACTED]
To: Robert J Carter - D [REDACTED]
Message-ID: <-6054157833787204548@unknownmsgid>
MD5: 957f08c40cdba4ada545877a90486d8b
Attachments: NoName_1 ; LHM_to_GSA_-_Request_1.pdf

Bob

Looks like the attorneys were having further discussion with the FBI. They sent this letter just now. You were not an addressee.

Lenny has called a meeting this afternoon and invited us. I will dial in.

LMK if you need anything or want to discuss.

Brett

Sent from my iPhone

Begin forwarded message:

From: "Clinesmith, Kevin E. (OGC) (FBI)" [REDACTED]
Date: August 23, 2017 at 11:59:18 EDT
To: [REDACTED]
Cc: Duane Smith [REDACTED]; Lennard Loewentritt - L [REDACTED];
Claudia Nadig - LG [REDACTED]; Seth Greenfeld - LG [REDACTED]; "Gleason,
Mary F. (CD) (FBI)" [REDACTED]
Subject: FBI Request for Documents and Responsive Materials

Mr. Armstrong:

Attached, please find a request for the GSA to provide certain documents and responsive materials within its possession to the FBI. I have discussed this matter extensively with the GSA attorneys cc'ed on this e-mail and they can provide additional details to you. In addition, please do not hesitate to reach out to either myself or SSA Mary Gleason, who is also cc'ed, with any questions you may have for the FBI.

As always, the FBI greatly appreciates GSA's ongoing assistance.

Kind regards,

Kevin

Kevin E. Clinesmith
Assistant General Counsel
National Security and Cyber Law Branch
Desk: [REDACTED]

Confidentiality Statement: This message is transmitted to you by the Office of the General Counsel of the Federal Bureau of Investigation. The message, along with any attachments, may be confidential and legally privileged. If you are not the intended recipient of this message, please destroy it promptly without further retention or dissemination (unless otherwise required by law). Please notify the sender of the error by a separate e-mail or by calling [REDACTED]

Folder [REDACTED]

Subject: Invitation: Discussion on DOJ & Senate Letters @ Thu Jun 15, 2017 4:30pm - 5pm
Date: Tue, 13 Jun 2017 19:40:25 +0000
From: Paul Detitta - D1R [REDACTED]
To: [REDACTED]
Message-ID: <001a113f9c4c6a135a0551dc9bbd@google.com>
MD5: db3c02593f8d06d73dc650c972f45e4f
Attachments: invite.ics

[more details »](#)

Discussion on DOJ & Senate Letters

Bobby Carter is requesting a meeting to discuss the recent letters regarding PTT. The attached documents are FOUO/CUI and should not be shared beyond those with a need to know. They will form the basis of our discussion.

When Thu Jun 15, 2017 4:30pm – 5pm Eastern Time
Where SCIF Room [REDACTED] ([map](#))
Calendar [REDACTED]
Who
OMOX [REDACTED] organizer
OMOX [REDACTED]
OMOX [REDACTED]
OMOX [REDACTED]
OMOX [REDACTED]
OMOX [REDACTED]
OMOX [REDACTED]
OMOX [REDACTED]

Attachments [Senate Letter \(FOUO\).pdf](#)
[DOJ Letter \(FOUO\).pdf](#)

Going? [Yes](#) - [Maybe](#) - [No](#) [more options »](#)

Invitation from [Google Calendar](#)

You are receiving this email at the account [REDACTED] because you are subscribed for invitations on calendar [REDACTED]

To stop receiving these emails, please log in to <https://www.google.com/calendar/> and change your notification settings for this calendar.

Forwarding this invitation could allow any recipient to modify your RSVP response. [Learn More.](#)

Folder [REDACTED]

Subject: Fwd: Document Preservation
Date: Thu, 18 May 2017 09:56:20 -0400
From: Seth Greenfeld - LG [REDACTED]
To: Lennard Loewentritt - L [REDACTED] Janet Harney - LP
Message-ID: <CAKUJRM6qbeP5fcx+nOibBRDQ9up_rpZeq2nE3fDOgMBQLUfiBg@mail.gmail.com>
MD5: 4dcb71f7e68643801f8a5432e5b256aa

Here is the latest e-mail exchange we just spoke about. Kory is a PTT lawyer. He reached out a little while ago regarding a record hold based on a private litigation matter. I do not know any specifics of this second request referenced below. GSA never told him of the DOJ/FBI request to us. We simply informed him of the fact that about 80% of the machines were previously wiped but GSA has all of the records archived now.

Seth S. Greenfeld
Senior Assistant General Counsel
General Law Division, Office of General Counsel
U.S. General Services Administration
[REDACTED]

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----- Forwarded message -----

From: Seth Greenfeld - LG [REDACTED]
Date: Thu, May 18, 2017 at 9:37 AM
Subject: Re: Document Preservation
To: Kory Langhofs [REDACTED]

Yes, I was told it is being archived. If there is a question as to where and how to access it, I will have to speak with our IT folks.

Seth S. Greenfeld
Senior Assistant General Counsel
General Law Division, Office of General Counsel
U.S. General Services Administration
[REDACTED]

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On Thu, May 18, 2017 at 9:27 AM, Kory Langhofer [REDACTED] wrote:

Great; thank you. And the Google drive and email are being preserved as well?

Kory Langhofer

STATECRAFT PLLC

[649 North Fourth Avenue First Floor](#)

[Phoenix, Arizona 85003](#)

Desk: [REDACTED]

Cell: [REDACTED]

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On May 18, 2017, at 5:18 AM, Seth Greenfeld - LG [REDACTED] wrote:

GSA is not wiping any additional devices and has not since we last spoke.

Seth S. Greenfeld
Senior Assistant General Counsel
General Law Division, Office of General Counsel
U.S. General Services Administration
[REDACTED]

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Folder [REDACTED]

this transmission in error, please notify me immediately by telephone or return e-mail and delete and destroy the original e-mail message, any attachments thereto and all copies thereof.

On Wed, May 17, 2017 at 11:04 PM, Kory Langhofer [REDACTED] wrote:

Seth:

Trump for America received another document preservation request today. Consequently, I'm writing to confirm that the GSA has halted the wiping of PTT emails, hard drives, and cell phones as we discussed briefly a couple weeks ago. Please let me know right away if for some reason that process has resumed.

Many thanks,
Kory

Kory Langhofer

STATECRAFT PLLC

[649 North Fourth Avenue First Floor](#)

[Phoenix, Arizona 85003](#)

Desk: [REDACTED]

Cell: [REDACTED]

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Great; thank you. And the Google drive and email are being preserved as well?

Kory Langhofer

STATECRAFT PLLC

[649 North Fourth Avenue First Floor](#)

[Phoenix, Arizona 85003](#)

Desk: [REDACTED]

Cell: [REDACTED]

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GSA is not wiping any additional devices and has not since we last spoke.

Seth S. Greenfeld
Senior Assistant General Counsel
General Law Division, Office of General Counsel
U.S. General Services Administration
[REDACTED]

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Folder: [REDACTED]

Subject: FBI Property Receipt
Date: Thu, 24 Aug 2017 11:11:20 -0400
From: Erik Simmons - IDRC [REDACTED]
To: Claudia Nadig - LG [REDACTED]
Cc: Brett Armstrong - D [REDACTED], Duane Smith [REDACTED],
Lennard Loewentritt - L [REDACTED], Seth Greenfeld - LG
[REDACTED], Steve Grewal - ID [REDACTED]
Message-ID: <CAH5mZ+=KORYmwQQQ3oOSETYhAjjau2deF8g53dmqbrEFfcPQw@mail.gmail.com>
MD5: f372afa6d9fd5a29404883fb97373f04
Attachments: Flash Drive Property Receipt - 8-24-17.pdf

Claudia,

As per the August 23, 2017, letter from the FBI, I have transferred the 9 requested PTT e-mail zip files to Mary Gleason (FBI). This information was given to her via flash drive and attached is the signed property receipt.

Please let me know if you have any questions or concerns.

Thanks.

Erik

Folder: [REDACTED]

Subject: Re: Re: Meeting to Discuss Document Retention and Final Network Shutdown
Date: Mon, 17 Apr 2017 15:14:13 -0400
From: Erik Simmons - IDRC [REDACTED]
To: Seth Greenfeld - LG [REDACTED]
Cc: Airnee Whiteman - WPB [REDACTED]
Message-ID: <CAHSmZ=LV09a-WdxCXaTfjX53mi_tHFWkvvODXxEbtL_W_uLokw@mail.gmail.com>
MD5: c759f39b87a3a25d516646d3730208d6

Seth,

We had the conference call with Kory (he had another one of his law partners on the phone...Kory had to run to another meeting). They were interested in the retention of the transition email and text messages. I told them that we had wiped 80% of the hardware and they would need to contact OGC if they needed more information.

I would suspect that you will be getting a call from Kory soon.

Please let me know if you need any additional information.

Thanks.

Erik

On Tue, Apr 11, 2017 at 9:12 AM, Seth Greenfeld - LG [REDACTED] wrote:

[REDACTED]

Seth S. Greenfeld
Senior Assistant General Counsel
General Law Division, Office of General Counsel
U.S. General Services Administration
[REDACTED]

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Folder: [REDACTED]

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On Mon, Apr 10, 2017 at 7:24 PM, Erik Simmons - IDRC [REDACTED] wrote:

Seth,

[REDACTED]
Thanks.

Erik

----- Forwarded message -----

From: "Kory Langhofer" [REDACTED]

Date: Apr 10, 2017 6:42 PM

Subject: Re: Meeting to Discuss Document Retention and Final Network Shutdown

To: "Erik Simmons - IDRC" [REDACTED]

Cc:

Hello, Erik. I have some questions re: document preservation for the PTT (basically about status of the data deletions). Do you have any availability tomorrow between noon and 1:30 Eastern?

Kory Langhofer

STATECRAFT PLLC

649 North Fourth Avenue, First Floor

Phoenix, Arizona 85003

[REDACTED]
Cell: [REDACTED]

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From: Erik Simmons - IDRC [REDACTED]

Date: Thursday, February 23, 2017 at 7:14 AM

To: Kory Langhofer [REDACTED]

Cc: Kory Langhofer [REDACTED], Anne Marie Davis [REDACTED],

Charles Gantt [REDACTED], Bronwyn Haltom [REDACTED],

Aimee Whiteman - WPB [REDACTED], Carl Abella - ID-C [REDACTED],

Ashley Culbertson - ID-C [REDACTED], Ken Nahigian
[REDACTED]

Subject: Re: Meeting to Discuss Document Retention and Final Network Shutdown

Kory,

Thanks. We will get started.

Please let me know if you have any questions or concerns.

Thanks.

Erik

On Feb 23, 2017 8:36 AM, "Kory Langhofer" [REDACTED] wrote:

Yes, confirmed. And I'm not sure who will be there on Tuesday, so perhaps it's best to FedEx the flash drives to me, Charles, and Ken.

Kory Langhofer

STATECRAFT PLLC

649 North Fourth Avenue, First Floor

Phoenix, Arizona 85003

Desk: [REDACTED]

Cell: [REDACTED]

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On Feb 23, 2017, at 3:58 AM, Erik Simmons - IDRC [REDACTED] wrote:

Kory,

Just confirming what you have requested:

- 1) Kory Langhofer - Everything in shared Google Drive Folder entitled "President Trump Transition Guide"
- 2) Monica Block - All Emails and Google Drive Documents
- 3) Charles Gantt - All Email and Google Drive Documents

Folder: [REDACTED]

Please confirm. We will put these on the encrypted flash drives that were purchased to support this effort.

Once we are finished, will there be someone coming to pick these up? I will confirm with the team, but I believe we should have these ready by Tuesday morning (2/28/17).

Thanks.

Erik

On Wed, Feb 22, 2017 at 7:41 PM, Kory Langhofer [REDACTED] wrote:

Great. You all shouldn't hesitate to call me with any questions re: preservation.

Kory Langhofer

STATECRAFT PLLC

649 North Fourth Avenue, First Floor

Phoenix, Arizona 85003

Desk: [REDACTED]

Cell: [REDACTED]

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On Feb 22, 2017, at 5:40 PM, Aimee Whiteman - WPE [REDACTED] wrote:

No, I don't think we need a meeting if that's the universe of your request. The IT team may have some follow ups to ensure they are capturing all of your requests but i defer to you them on that.

Thanks for your quick feedback on this.

Aimee

Folder: [REDACTED]

Sent from my iPhone

On Feb 22, 2017, at 4:25 PM, Kory Langhofer [REDACTED] wrote:

Ken, Charles, and I have been discussing this, and here is where the PTT is landing. We'd like to preserve (a) everything that's in my (shared) Google folder entitled "President Trump Transition Guide," and (b) all the emails and documents for Charles Gantt and Monica Block.

If that's the plan, do we need to have a call tomorrow?

On Wed, Feb 22, 2017 at 1:00 PM Charles Gantt [REDACTED] wrote:

the invite was for 1:30 i believe.

On Wed, Feb 22, 2017 at 2:45 PM, Ken Nahigian [REDACTED] wrote:

1 pm is not great for me tomorrow but will try to make it work. I kind of feel like you were pretty thorough below, Aimee.

If we want to bypass the call Kory/Charles and i can put our heads together and determine what we want to do on document retention -- and mostly Kory, as it's his purview.

Is that the best course of action?

Kenneth R. Nahigian

General Counsel & Dir. Public Policy

Nahigian Strategies, LLC

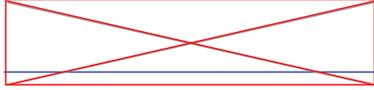
1455 Pennsylvania Ave, NW, Suite 100

Washington DC 20004

[REDACTED] (c)

www.nahigianstrategies.com

Folder: [REDACTED]



On Wed, Feb 22, 2017 at 2:10 PM, Aimee Whiteman - WPB [REDACTED] wrote:

Hi All,

Since we've fielded a couple of questions about the final shutdown of the network and how it impacts document retention, I thought it best if we all met to ensure everyone is on the same page. Erin is going to send out an invite for 1pm tomorrow. If that isn't ideal, let us know what time works best for you.

A couple of highlights:

- | February 28th is a hard shutdown of the network: We have no flexibility on that date as we are bound by what is outlined in the MOU extension. No additional requests can be made by the PTT after January 20th to change the provision of services.
- | Any and all emails and files generated by PTT users are available to be downloaded and saved to hard drives for continued work after February 28th (if approved by PTT Exec Director and Legal). However, users will no longer be able to log in to their Google account to retrieve those emails and files after February 28th. Therefore, requests for file downloads and transfers should be submitted to [REDACTED] by COB Friday at the latest.

In short, anything you want to keep can be kept. As a matter of fact, EVERYTHING can be kept (all emails and Google files) but we need to understand that request now so we can align resources to make sure everything gets done by the 28th.

Looking forward to chatting about other details tomorrow.

Thanks,

Aimee

Folder: [REDACTED]

--

Charles Gantt, CFA
Chief Financial Officer
Trump for America, Inc.

Cell: [REDACTED]

--

Kory Langhofer
Attorney, General Counsel's Office
Presidential Transition Team
Mobile: [REDACTED]
[REDACTED]

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Folder: [REDACTED]

Subject: Re: IT Records Retention
Date: Thu, 26 Jan 2017 08:31:13 -0500
From: Seth Greenfeld - LG [REDACTED]
To: Erik Simmons - IDRC [REDACTED]
Message-ID: <CAKUJRM4xO41b5vDh9DTswwp0jN_+72DztXA3SL+sGoQSe+aW9Q@mail.gmail.com>
MD5: e9aab40714bdee3be914eed7bbc2dfc

You are referring to the actual content on machines and PTT personnel's information (e.g., content of actual e-mail exchanges or the substance of a Word document), right? If so, there is no requirement for GSA to capture and retain that information. However, there is a requirement for you and your team to maintain records regarding what you actually did (e.g., contract with Google for e-mail, purchased and provided XX number of computers, and so forth). If you have any specific questions, please let me know.

Seth S. Greenfeld
Senior Assistant General Counsel
General Law Division, Office of General Counsel
U.S. General Services Administration
[REDACTED]

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On Thu, Jan 26, 2017 at 5:47 AM, Erik Simmons - IDRC [REDACTED] wrote:

Seth,

As we wind down the transition effort, I wanted to check with you to see if there are any specific requirements for IT Records Retention. When we start to de-install equipment, we normally delete all system files (logs, system configurations, etc.). I wanted to ensure that there is nothing that we need to retain because once the system is wiped, there is no way to recover any of that data.

Please let me know how we should proceed.

Thanks.

Erik

Folder: [REDACTED]

Subject: Re: PTT Documents
Date: Thu, 1 Jun 2017 10:29:29 -0400
From: Erik Simmons - IDRC [REDACTED]
To: Seth Greenfeld - LG [REDACTED]
Message-ID: <CAHSmZ=LVTfzrNh7MDQnUfkrwz_SmtFHMzO_u8Bvy_A9gLhKmZQ@mail.gmail.com>
MD5: 5141e5df38af1ef4a544851ea6cfa5e3

Seth,

I was just in a meeting with Lenny and he told me to NOT send anything out at this time until you guys have further discussions with DOJ.

Please let me know once you have the green light...

Will you send an update to Kory?

Thanks.

Erik

On Wed, May 31, 2017 at 8:39 AM, Seth Greenfeld - LG [REDACTED] wrote:

If you can send it that would be great. I will let Kory know it can go in the mail tomorrow and ask him for the address. I will copy you on the e-mail. Thanks.

Seth S. Greenfeld
Senior Assistant General Counsel
General Law Division, Office of General Counsel
U.S. General Services Administration
[REDACTED]

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On Wed, May 31, 2017 at 8:37 AM, Erik Simmons - IDRC [REDACTED] wrote:

Seth,

The copy is ready, but I am not in the office today. I will be back tomorrow.
Will you be sending it or do you need me to send?

Folder: [REDACTED]

Thanks.

Erik

On May 31, 2017 8:25 AM, "Seth Greenfeld - LG" [REDACTED] wrote:

I was told that the FBI does not object to us releasing copies to the Transition folks (Kory). Is the copy ready to go and can we get it in the mail (possibly over-night or 2-day delivery) to Kory? Thanks.

Seth S. Greenfeld
Senior Assistant General Counsel
General Law Division, Office of General Counsel
U.S. General Services Administration
[REDACTED]

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On Tue, May 23, 2017 at 1:21 PM, Erik Simmons - IDRC [REDACTED] wrote:

Thanks.. Please let me know when you have the final release.

Erik

On Tue, May 23, 2017 at 12:48 PM, Seth Greenfeld - LG [REDACTED] wrote:

That is fine. Kory has a colleague in DC he was hoping could pick it up in person, but we can always FedEx it or something. I am still waiting for authorization to release it anyway. Hoping to have that later today.

Seth S. Greenfeld
Senior Assistant General Counsel
General Law Division, Office of General Counsel
U.S. General Services Administration
[REDACTED]

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On Tue, May 23, 2017 at 12:29 PM, Erik Simmons - IDRC [REDACTED] wrote:

Seth,

What are the chances that we can push this to Thursday when I'm back in the office? I would prefer to wait until then and make the hand off personally.

Also, I need to locate the thumb drive... My training does not end until then....

Please let me know.

Thanks.

Erik

On Tue, May 23, 2017 at 12:21 PM, Seth Greenfeld - LG [REDACTED] wrote:

The PTT will want it tomorrow. I am just waiting for the all clear to release it to them. Kory Langhofer said he will have a colleague stop in to get it. Is there a fee for the thumb-drives or whatever it was put on? GSA should probably charge them unless it is so minuscule it costs more for us to process the payment than it is worth. For example, in FOIA the cut-off is \$25. Thanks.

Seth S. Greenfeld
Senior Assistant General Counsel
General Law Division, Office of General Counsel
U.S. General Services Administration
[REDACTED]

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Folder: [REDACTED]

destroy the original e-mail message, any attachments thereto and all copies thereof.

On Tue, May 23, 2017 at 9:08 AM, Erik Simmons - IDRC [REDACTED] wrote:

Seth,

We are running another archive copy of the Republican PTT domain that contains all of the data. That archive should be finished by COB today and we will have a copy that can be accessed fairly quickly.

Bottom line....we can get the information quickly.

Thanks.

Erik

On Tue, May 23, 2017 at 8:50 AM, Seth Greenfeld - LG [REDACTED] wrote:

Good morning. How long would it take to make a copy of the PTT documents? We are not currently authorized to release anything to anyone, but if we get the green light, how quickly can we get a copy to the PTT? Can you make a copy now and just hold it in the event we get permission to release it to them? Thanks.

Seth S. Greenfeld
Senior Assistant General Counsel
General Law Division, Office of General Counsel
U.S. General Services Administration
[REDACTED]

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Folder: [REDACTED] _____

Folder: [REDACTED]

Subject: Re: PTT Documents
Date: Tue, 23 May 2017 09:08:39 -0400
From: Erik Simmons - IDRC [REDACTED]
To: Seth Greenfeld - LG [REDACTED]
Message-ID: <CAHSmZ=Kiuss51-JjXxsRZVMF=c+GqhH0x+EJCSXqz=a7=W6ZsQ@mail.gmail.com>
MD5: c1c83f395fa55a3dc16d2a4733007258

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Seth S. Greenfeld
Senior Assistant General Counsel
General Law Division, Office of General Counsel
U.S. General Services Administration
[REDACTED]

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Folder: [REDACTED]

Subject: Out of the Office - Training Re: PTT Documents
Date: Tue, 23 May 2017 05:50:47 -0700
From: "Erik Simmons - IDRC" [REDACTED]
To: [REDACTED]
Message-ID: <CAHSmZ=J+rQL3on8Lx9EDp1UHZ9zsWe93_2f1uBJdab+_aw8LKA@mail.gmail.com>
MD5: 3241ac897a50bfd8c9d4f29e1ff8bf3c

I will be out of the office in training from Monday, May 22, 2017 through Wednesday, May 24, 2017. I will be monitoring messages while I'm away and will respond as soon as possible.

Thanks.

Erik Simmons

Folder: [REDACTED]

Subject: Re: Re: Meeting to Discuss Document Retention and Final Network Shutdown
Date: Mon, 17 Apr 2017 15:14:13 -0400
From: Erik Simmons - IDRC [REDACTED]
To: Seth Greenfeld - LG [REDACTED]
Cc: Airnee Whiteman - WPB [REDACTED]
Message-ID: <CAHSmZ=LV09a-WdxCXaTfjX53mi_tHFWkvvODXxEbtL_W_uLokw@mail.gmail.com>
MD5: c759f39b87a3a25d516646d3730208d6

Seth,

We had the conference call with Kory (he had another one of his law partners on the phone...Kory had to run to another meeting). They were interested in the retention of the transition email and text messages. I told them that we had wiped 80% of the hardware and they would need to contact OGC if they needed more information.

I would suspect that you will be getting a call from Kory soon.

Please let me know if you need any additional information.

Thanks.

Erik

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[REDACTED]

Seth S. Greenfeld
Senior Assistant General Counsel
General Law Division, Office of General Counsel
U.S. General Services Administration
[REDACTED]

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Folder: [REDACTED]

Subject: Re: PTT Documents
Date: Thu, 1 Jun 2017 10:29:29 -0400
From: Erik Simmons - IDRC [REDACTED]
To: Seth Greenfeld - LG [REDACTED]
Message-ID: <CAHSmZ=LVTfzrNh7MDQnUfkrwz_SmtFHMzO_u8Bvy_A9gLhKmZQ@mail.gmail.com>
MD5: 5141e5df38af1ef4a544851ea6cfa5e3

Seth,

I was just in a meeting with Lenny and he told me to NOT send anything out at this time until you guys have further discussions with DOJ.

Please let me know once you have the green light...

Will you send an update to Kory?

Thanks.

Erik

On Wed, May 31, 2017 at 8:39 AM, Seth Greenfeld - LG [REDACTED] wrote:

If you can send it that would be great. I will let Kory know it can go in the mail tomorrow and ask him for the address. I will copy you on the e-mail. Thanks.

Seth S. Greenfeld
Senior Assistant General Counsel
General Law Division, Office of General Counsel
U.S. General Services Administration
[REDACTED]

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On Wed, May 31, 2017 at 8:37 AM, Erik Simmons - IDRC <[REDACTED]> wrote:

Seth,

The copy is ready, but I am not in the office today. I will be back tomorrow.
Will you be sending it or do you need me to send?

Folder: [REDACTED]

Subject: Re: PTT Documents
Date: Tue, 23 May 2017 09:08:39 -0400
From: Erik Simmons - IDRC [REDACTED]
To: Seth Greenfeld - LG [REDACTED]
Message-ID: <CAHSmZ=Kiuss51-JjXxsRZVMF=c+GqhH0x+EJCSXqz=a7=W6ZsQ@mail.gmail.com>
MD5: c1c83f395fa55a3dc16d2a4733007258

Seth,

We are running another archive copy of the Republican PTT domain that contains all of the data. That archive should be finished by COB today and we will have a copy that can be accessed fairly quickly.

Bottom line....we can get the information quickly.

Thanks.

Erik

On Tue, May 23, 2017 at 8:50 AM, Seth Greenfeld - LG [REDACTED] wrote:

Good morning. How long would it take to make a copy of the PTT documents? We are not currently authorized to release anything to anyone, but if we get the green light, how quickly can we get a copy to the PTT? Can you make a copy now and just hold it in the event we get permission to release it to them? Thanks.

Seth S. Greenfeld
Senior Assistant General Counsel
General Law Division, Office of General Counsel
U.S. General Services Administration
[REDACTED]

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Folder: [REDACTED]

Subject: Fwd: Follow up from FBI
Date: Tue, 16 May 2017 11:52:07 -0400
From: Lennard Loewentritt - L [REDACTED]
To: [REDACTED] Robert Carter - DP
Message-ID: <CAEhyDpgqnsuYHwvmBArijfrvLLT_U+UbEApbsOfiX61EPN1xww@mail.gmail.com>
MD5: 5bf2de2db43312a7b4cda2c8f9d93c07

----- Forwarded message -----

From: Baker, James A. (OGC) (FBI) [REDACTED]
Date: Thu, Mar 9, 2017 at 2:16 PM
Subject: Follow up from FBI
To: [REDACTED]

Lenny,

I am writing to follow up on a conversation last week between one of your attorneys, Seth Greenfeld, and Pete Strzok of the FBI's Counterintelligence Division. As Pete indicated, the FBI requests that the GSA preserve all stored communications, records, and electronic media associated with General Michael Flynn. It is our understanding that the GSA may have a cellular telephone, laptop, call logs, and email communications used by or associated with General Flynn, and we ask that you preserve these devices and this information until further notice. We will follow up through your office with any specific requests for production as needed.

In addition, with respect to the other materials that we understand remain in the GSA's possession, such as devices and information associated with other members of the presidential transition team, the FBI requests that the GSA confer with the Senate Select Committee on Intelligence (SSCI) and the House Permanent Select Committee on Intelligence (HPSCI) before disposing of those materials.

Thank you for bringing this to our attention and working with us to preserve this material. Please call me if you have any questions.

Jim

James A. Baker
General Counsel
Federal Bureau of Investigation
935 Pennsylvania Avenue, N.W.
Washington, D.C. 20535
[REDACTED] (direct)

Folder: [REDACTED]

Subject: Upcoming FBI Request for Documents and Responsive Materials
Date: Fri, 25 Aug 2017 21:12:11 +0000
From: "Clinesmith, Kevin E. (OGC) (FBI)" [REDACTED]
To: [REDACTED]
Cc: Duane Smith [REDACTED], Lennard Loewentritt - L [REDACTED], Claudia Nadig - LG [REDACTED], Seth Greenfeld - LG [REDACTED], "Gleason, Mary F. (CD) (FBI)" [REDACTED], "Grove, Richard E Jr CIV DISA GC (US)" [REDACTED]

Message-ID: <CY1P110MB0103D86D744087E77395A930CF9B0@CY1P110MB0103.NAMP110.PROD.OUTLOOK.COM>
MD5: e81daad824da6d8fef8b82844df58d50

Good evening, everyone.

Today, Mary and I have a conversation with Richard Grove, DISA OGC (and who is cc'ed), concerning the computer equipment held by GSA that DISA provided service for. Richard indicated that DISA concurs with following same procedures for obtaining that equipment as we have established for FBI requests to GSA; namely. it will be provided to the FBI via consent, the FBI will maintain custodial possession only; and then the FBI will seek legal process prior to gaining access to any devices held within custodial possession.

To that end, please know that the FBI will be submitted a request for some of this equipment in short order. If anyone has any concerns or questions, please do not hesitate to raise them in this e-mail or arrange a time for a telephone call.

Thank you,

Kevin E. Clinesmith
Assistant General Counsel
Federal Bureau of Investigation
National Security and Cyber Law Branch

Folder [REDACTED]

Subject: Re: Copy of PTT Documents
Date: Mon, 5 Jun 2017 13:17:56 +0000
From: Kory Langhofer [REDACTED]
To: Seth Greenfeld - LG [REDACTED]
Cc: Erik Simmons - IDRC [REDACTED]
Message-ID: <0122A135-777C-46A9-8836-05CFC6D52E78@statecraftlaw.com>
MD5: 07f4a700450d99b072d7e757f88927cd

Hello, Seth. We still have not received the package. Can IT provide a tracking number?

Kory Langhofer

STATECRAFT PLLC

[649 North Fourth Avenue, First Floor](#)

[Phoenix, Arizona 85003](#)

Desk: [REDACTED]

Cell: [REDACTED]

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On May 31, 2017, at 5:43 AM, Seth Greenfeld - LG [REDACTED] wrote:

Good morning. I am sorry GSA was not able to get you a copy of the PTT records yet. It is ready to go and can be express mailed to you. I copied Erik Simmons from our IT staff as he will actually be the one sending it to you. Would you like it sent to your office? I have:

Kory Langhofer
STATECRAFT PLLC
649 North Fourth Ave., First Fl.
Phoenix, AZ 85003

Seth S. Greenfeld
Senior Assistant General Counsel
General Law Division, Office of General Counsel
U.S. General Services Administration
[REDACTED]

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Folder: [REDACTED]

Subject: Document Preservation
Date: Thu, 18 May 2017 03:04:27 +0000
From: Kory Langhofer [REDACTED]
To: Seth Greenfeld - LG [REDACTED]
Message-ID: <86A88379-B17C-442F-83C3-8767A3F8B845@statecraftlaw.com>
MD5: a4936c18ef2199939d87dc1786e90b3b

Seth:

Trump for America received another document preservation request today. Consequently, I'm writing to confirm that the GSA has halted the wiping of PTT emails, hard drives, and cell phones as we discussed briefly a couple weeks ago. Please let me know right away if for some reason that process has resumed.

Many thanks,
Kory

Kory Langhofer
STATECRAFT PLLC
649 North Fourth Avenue, First Floor<x-apple-data-detectors://0/0>
Phoenix, Arizona 85003<x-apple-data-detectors://0/0>
Desk [REDACTED]
Cell: [REDACTED]

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Folder: [REDACTED]

Subject: Re: Document Preservation
Date: Mon, 22 May 2017 15:13:32 -0400
From: Janet Harney - LP [REDACTED]
To: Lennard Loewentritt - L [REDACTED]
Cc: [REDACTED], Eugenia Ellison - LG [REDACTED], Robert Carter - DP [REDACTED]
Message-ID: <CAHMyOfAD-KMwDYGMgBseQi9umb7zpuWeORKv2b1TZonWsseDrQ@mail.gmail.com>
MDS: bed5409aa2a8212b45e9cef25f375585

Lenny:

I just saw this now -- forwarding to Eugenia per a cc as this is the matter involving Presidential Transition Team and therefore I defer to LG. Sorry I have not expertise to offer on this one.

Janet

On Mon, May 22, 2017 at 9:41 AM, Lennard Loewentritt - L [REDACTED] wrote:

Brett, this private attorney is continuously demanding to see the documents that we have on the matter. We need to have the call with our friends in the SCIF to get direction from the DOJ/FBI.

Lenny

----- Forwarded message -----

From: Seth Greenfeld - LG [REDACTED]
Date: Mon, May 22, 2017 at 8:37 AM
Subject: Fwd: Document Preservation
To: Lennard Loewentritt - L [REDACTED]

Good morning. Below is another e-mail from Kory. I will need to give him some answer today so please ask the FBI when you speak with them. He knows GSA has everything backed up, and he is just asking for copies; GSA will not release the actual machines or grant access to the actual system so there is no way they or anyone else can tamper with evidence. In addition, these are actually their records so I am having a hard time seeing an argument to withhold copies from them.

Seth S. Greenfeld
Senior Assistant General Counsel
General Law Division, Office of General Counsel
U.S. General Services Administration
[REDACTED]

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From: Kory Langhofer [REDACTED]
Date: Sat, May 20, 2017 at 5:21 PM
Subject: Re: Document Preservation
To: Seth Greenfeld - LG [REDACTED]

Hello, Seth. A follow up on the first point below: I'll have a colleague in Washington on Tuesday and Wednesday and, in order to facilitate our review and production of emails and documents to third parties, I'd like for my colleague to be able to pick up and transport back to Arizona a hard drive with all the email and Google drive data on it. Would it be possible for IT to have that ready by Tuesday or Wednesday morning? (I left you a VM about this yesterday, but wanted to follow up by email in case you're not checking VMs over the weekend.) Thanks again for your assistance. -Kory

Kory Langhofer

STATECRAFT PLLC

649 North Fourth Avenue, First Floor

Phoenix, Arizona 85003

Desk: [REDACTED]

Cell: [REDACTED]

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From: Kory Langhofer [REDACTED]
Date: Thursday, May 18, 2017 at 12:47 PM
To: Seth Greenfeld - LG [REDACTED]
Subject: Re: Document Preservation

Great; thank you. Three things:

1. I would be inclined to save all the email and Google Drive data to an external hard drive and then have it FedEx'ed to me, if that works on your end. But no need to resolve that today.
2. Is it possible for IT to give us a list of which users' phones and laptops are still available to be reviewed/searched? Basically, which users' phones and/or laptops have been recovered from the user but not erased?
3. What happened to the hard drives and phones that have been erased? Are the hard drives or memories still physically available for a forensic review, if necessary?

Sorry for all these questions, but I'd just like to make sure we're taking all the steps possible to preserve data.

-Kory

Kory Langhofer

STATECRAFT PLLC

649 North Fourth Avenue, First Floor

Folder [REDACTED]

Phoenix, Arizona 85003

Desk: [REDACTED]

Cell: [REDACTED]

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From: Seth Greenfeld - LG [REDACTED]
Date: Thursday, May 18, 2017 at 12:38 PM
To: Kory Langhofer [REDACTED]
Subject: Re: Document Preservation

I was told it is about 328 GB. It is too large to transmit so we will have to figure out how to download and get it to you, but that can be addressed when needed. We can put it on something and USPS mail it.

Seth S. Greenfeld

Senior Assistant General Counsel

General Law Division, Office of General Counsel

U.S. General Services Administration

[REDACTED]

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On Thu, May 18, 2017 at 3:17 PM, Seth Greenfeld - LG [REDACTED] wrote:

I will ask and let you know.

Folder: [REDACTED]

Seth S. Greenfeld

Senior Assistant General Counsel

General Law Division, Office of General Counsel

U.S. General Services Administration

[REDACTED]

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On Thu, May 18, 2017 at 3:05 PM, Kory Langhofer [REDACTED] wrote:

Do you know how many gigabytes or terabytes of data we have in email and on the Google Drive? We may need to download all of it to facilitate some keyword searches, and I'm trying to get a sense of how to tackle that project.

Kory Langhofer

STATECRAFT PLLC

649 North Fourth Avenue, First Floor

Phoenix, Arizona 85003

Desk: [REDACTED]

Cell: [REDACTED]

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From: Seth Greenfeld - LG [REDACTED]

Date: Thursday, May 18, 2017 at 6:37 AM

To: Kory Langhofer [REDACTED]

Subject: Re: Document Preservation

Yes, I was told it is being archived. If there is a question as to where and how to access it, I will have to speak with our IT folks.

Seth S. Greenfeld

Senior Assistant General Counsel

General Law Division, Office of General Counsel

U.S. General Services Administration

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On Thu, May 18, 2017 at 9:27 AM, Kory Langhofer [REDACTED] wrote:

Great; thank you. And the Google drive and email are being preserved as well?

Kory Langhofer

STATECRAFT PLLC

649 North Fourth Avenue, First Floor

Phoenix, Arizona 85003

Desk: [REDACTED]

Cell: [REDACTED]

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Folder: [REDACTED]

On May 18, 2017, at 5:18 AM, Seth Greenfeld - LG [REDACTED] wrote:

GSA is not wiping any additional devices and has not since we last spoke.

Seth S. Greenfeld

Senior Assistant General Counsel

General Law Division, Office of General Counsel

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On Wed, May 17, 2017 at 11:04 PM, Kory Langhofer [REDACTED] wrote:

Seth:

Trump for America received another document preservation request today. Consequently, I'm writing to confirm that the GSA has halted the wiping of PTT emails, hard drives, and cell phones as we discussed briefly a couple weeks ago. Please let me know right away if for some reason that process has resumed.

Many thanks,

Kory

Kory Langhofer

STATECRAFT PLLC

Folder: [REDACTED]

649 North Fourth Avenue, First Floor

Phoenix, Arizona 85003

Desk: [REDACTED]

Cell: [REDACTED]

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Folder: [REDACTED]

Subject: Fwd: Document Preservation
Date: Tue, 23 May 2017 12:25:15 -0400
From: Seth Greenfeld - LG [REDACTED]
To: "Seth Greenfeld (LG)" [REDACTED]
Message-ID: <CAKUJRM6fbykjpOd+5QOwuM38gn9S18D1nM03xbu2-dk0fUQmA@mail.gmail.com>
MD5: 0a4c35c608b45f6b1e16cd9e62641f4f

Note to self -- Lenny and Eugenia said they spoke with Sally (FBI) earlier and she had no concern with releasing a copy of the PTT records to the PTT, but she does not want anyone to actually touch the machines. Also, she will follow-up in writing to Lenny. That is what we are waiting for.

----- Forwarded message -----

From: Seth Greenfeld - LG [REDACTED]
Date: Tue, May 23, 2017 at 12:23 PM
Subject: Re: Document Preservation
To: Kory Langhofer [REDACTED]

I am hopeful I can have something for you by tomorrow afternoon. I will follow-up with you though.

Seth S. Greenfeld
Senior Assistant General Counsel
General Law Division, Office of General Counsel
U.S. General Services Administration
[REDACTED]

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On Mon, May 22, 2017 at 6:26 PM, Kory Langhofer [REDACTED] wrote:

Understood. How quickly can the IT folks get us a copy of all the data? We have one pending documents request and need to know how to negotiate re: our deadline for document production. Thanks in advance.

Kory Langhofer

STATECRAFT PLLC

[649 North Fourth Avenue, First Floor](#)

Folder: [REDACTED]

[Phoenix, Arizona 85003](#)

Desk: [REDACTED]

Cell: [REDACTED]

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On May 22, 2017, at 3:22 PM, Seth Greenfeld - LG [REDACTED] wrote:

Good afternoon. We will not be able to provide you a copy tomorrow. Sorry.

Seth

On May 22, 2017 9:09 AM, "Seth Greenfeld - LG" [REDACTED] wrote:

Good morning. I will have to get back to you. Sorry.

Seth S. Greenfeld
Senior Assistant General Counsel
General Law Division, Office of General Counsel
U.S. General Services Administration
[REDACTED]

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On Sat, May 20, 2017 at 5:21 PM, Kory Langhofer [REDACTED] wrote:

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Kory Langhofer

Folder: [REDACTED]

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Phoenix, Arizona 85003

Desk: [REDACTED]

Cell: [REDACTED]

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Date: Thursday, May 18, 2017 at 12:47 PM
To: Seth Greenfeld - LG [REDACTED]
Subject: Re: Document Preservation

Great; thank you. Three things:

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2. Is it possible for IT to give us a list of which users' phones and laptops are still available to be reviewed/searched? Basically, which users' phones and/or laptops have been recovered from the user but not erased?
3. What happened to the hard drives and phones that have been erased? Are the hard drives or memories still physically available for a forensic review, if necessary?

Sorry for all these questions, but I'd just like to make sure we're taking all the steps possible to preserve data.

-Kory

Kory Langhofer

STATECRAFT PLLC

649 North Fourth Avenue, First Floor

Phoenix, Arizona 85003

Desk: [REDACTED]

Cell: [REDACTED]

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From: Seth Greenfeld - LG [REDACTED]
Date: Thursday, May 18, 2017 at 12:38 PM
To: Kory Langhofer [REDACTED]
Subject: Re: Document Preservation

Folder: [REDACTED]

I was told it is about 328 GB It is too large to transmit so we will have to figure out how to download and get it to you, but that can be addressed when needed We can put it on something and USPS mail it

Seth S. Greenfeld

Senior Assistant General Counsel

General Law Division, Office of General Counsel

U.S. General Services Administration

[REDACTED]

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On Thu, May 18, 2017 at 3:17 PM, Seth Greenfeld - LG [REDACTED] wrote:

I will ask and let you know.

Seth S. Greenfeld

Senior Assistant General Counsel

General Law Division, Office of General Counsel

U.S. General Services Administration

[REDACTED]

Folder: [REDACTED]

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On Thu, May 18, 2017 at 3:05 PM, Kory [REDACTED] wrote:

Do you know how many gigabytes or terabytes of data we have in email and on the Google Drive? We may need to download all of it to facilitate some keyword searches, and I'm trying to get a sense of how to tackle that project.

Kory Langhofer

STATECRAFT PLLC

649 North Fourth Avenue, First Floor

Phoenix, Arizona 85003

Desk: [REDACTED]

Cell: [REDACTED]

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From: Seth Greenfeld - LG [REDACTED]

Date: Thursday, May 18, 2017 at 6:37 AM

To: Kory Langhofer [REDACTED]

Subject: Re: Document Preservation

Yes, I was told it is being archived. If there is a question as to where and how to access it, I will have to speak with our IT folks.

Seth S. Greenfeld

Folder: [REDACTED]

Senior Assistant General Counsel

General Law Division, Office of General Counsel

U.S. General Services Administration

[REDACTED]

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On Thu, May 18, 2017 at 9:27 AM, Kory Langhofer [REDACTED] wrote:

Great; thank you. And the Google drive and email are being preserved as well?

Kory Langhofer

STATECRAFT PLLC

649 North Fourth Avenue, First Floor

Phoenix, Arizona 85003

Desk: [REDACTED]

Cell: [REDACTED]

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On May 18, 2017, at 5:18 AM, Seth Greenfeld - LG [REDACTED] wrote:

GSA is not wiping any additional devices and has not since we last spoke.

Folder: [REDACTED]

Seth S. Greenfeld

Senior Assistant General Counsel

General Law Division, Office of General Counsel

U.S. General Services Administration

[REDACTED]

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On Wed, May 17, 2017 at 11:04 PM, Kory Langhofer [REDACTED] wrote:

Seth:

Trump for America received another document preservation request today. Consequently, I'm writing to confirm that the GSA has halted the wiping of PTT emails, hard drives, and cell phones as we discussed briefly a couple weeks ago. Please let me know right away if for some reason that process has resumed.

Many thanks,

Kory

Kory Langhofer

STATECRAFT PLLC

649 North Fourth Avenue, First Floor

Phoenix, Arizona 85003

Desk: [REDACTED]

Cell: [REDACTED]

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Folder: [REDACTED]

doctrine. If you are not the intended recipient, please delete all copies of the transmission and advise the sender immediately.

Folder: [REDACTED]

Subject: Re: Copy of PTT Documents
Date: Mon, 5 Jun 2017 13:17:56 +0000
From: Kory Langhofer [REDACTED]
To: Seth Greenfeld - LG [REDACTED]
Cc: Erik Simmons - IDRC [REDACTED]
Message-ID: <0122A135-777C-46A9-8836-05CFC6D52E78@statecraftlaw.com>
MD5: 07f4a700450d99b072d7e757f88927cd

Hello, Seth. We still have not received the package. Can IT provide a tracking number?

Kory Langhofer

STATECRAFT PLLC

[649 North Fourth Avenue, First Floor](#)

[Phoenix, Arizona 85003](#)

Desk: [REDACTED]

Cell: [REDACTED]

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On May 31, 2017, at 5:43 AM, Seth Greenfeld - LG [REDACTED] wrote:

Good morning. I am sorry GSA was not able to get you a copy of the PTT records yet. It is ready to go and can be express mailed to you. I copied Erik Simmons from our IT staff as he will actually be the one sending it to you. Would you like it sent to your office? I have:

Kory Langhofer
STATECRAFT PLLC
649 North Fourth Ave., First Fl.
Phoenix, AZ 85003

Seth S. Greenfeld
Senior Assistant General Counsel
General Law Division, Office of General Counsel
U.S. General Services Administration
[REDACTED]

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Folder: [REDACTED]

Subject: Re: Document Preservation
Date: Thu, 18 May 2017 19:47:30 +0000
From: Kory Langhofer [REDACTED]
To: Seth Greenfeld - LG [REDACTED]
Message-ID: <0DB6C37B-A5C1-4735-B1C4-7C7BA9F109E7@statecraftlaw.com>
MD5: 6cf82192434b9933c476d4b53f848b51

Great; thank you. Three things:

1. I would be inclined to save all the email and Google Drive data to an external hard drive and then have it FedEx'ed to me, if that works on your end. But no need to resolve that today.
2. Is it possible for IT to give us a list of which users' phones and laptops are still available to be reviewed/searched? Basically, which users' phones and/or laptops have been recovered from the user but not erased?
3. What happened to the hard drives and phones that have been erased? Are the hard drives or memories still physically available for a forensic review, if necessary?

Sorry for all these questions, but I'd just like to make sure we're taking all the steps possible to preserve data.

-Kory

Kory Langhofer
STATECRAFT PLLC
649 North Fourth Avenue, First Floor
Phoenix, Arizona 85003
Desk: [REDACTED]
Cell: [REDACTED]

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From: Seth Greenfeld - LG [REDACTED]
Date: Thursday, May 18, 2017 at 12:38 PM
To: Kory Langhofer [REDACTED]
Subject: Re: Document Preservation

I was told it is about 328 GB. It is too large to transmit so we will have to figure out how to download and get it to you, but that can be addressed when needed. We can put it on something and USPS mail it.

Seth S. Greenfeld
Senior Assistant General Counsel
General Law Division, Office of General Counsel
U.S. General Services Administration
[REDACTED]

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Folder: [REDACTED]

this transmission in error, please notify me immediately by telephone or return e-mail and delete and destroy the original e-mail message, any attachments thereto and all copies thereof.

----- Forwarded message -----

From: Kory Langhofer [REDACTED]
Date: Sat, May 20, 2017 at 5:21 PM
Subject: Re: Document Preservation
To: Seth Greenfeld - LG [REDACTED]

Hello, Seth. A follow up on the first point below: I'll have a colleague in Washington on Tuesday and Wednesday and, in order to facilitate our review and production of emails and documents to third parties, I'd like for my colleague to be able to pick up and transport back to Arizona a hard drive with all the email and Google drive data on it. Would it be possible for IT to have that ready by Tuesday or Wednesday morning? (I left you a VM about this yesterday, but wanted to follow up by email in case you're not checking VMs over the weekend.) Thanks again for your assistance. -Kory

Kory Langhofer

STATECRAFT PLLC

649 North Fourth Avenue, First Floor

Phoenix, Arizona 85003

Desk [REDACTED]

Cell: [REDACTED]

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From: Kory Langhofer [REDACTED]
Date: Thursday, May 18, 2017 at 12:47 PM
To: Seth Greenfeld - LG [REDACTED]
Subject: Re: Document Preservation

Great; thank you. Three things:

1. I would be inclined to save all the email and Google Drive data to an external hard drive and then have it FedEx'ed to me, if that works on your end. But no need to resolve that today.
2. Is it possible for IT to give us a list of which users' phones and laptops are still available to be reviewed/searched? Basically, which users' phones and/or laptops have been recovered from the user but not erased?
3. What happened to the hard drives and phones that have been erased? Are the hard drives or memories still physically available for a forensic review, if necessary?

Sorry for all these questions, but I'd just like to make sure we're taking all the steps possible to preserve data.

-Kory

Kory Langhofer

STATECRAFT PLLC

649 North Fourth Avenue, First Floor

Folder [REDACTED]

Subject: Fwd: Document Preservation
Date: Tue, 23 May 2017 12:25:15 -0400
From: Seth Greenfeld - LG [REDACTED]
To: "Seth Greenfeld (LG)" [REDACTED]
Message-ID: <CAKUJRM6fbykjpOd+5QOwuM38gn9S18D1nM03xbu2-dk0fUQmA@mail.gmail.com>
MD5: 0a4c35c608b45f6b1e16cd9e62641f4f

Note to self -- Lenny and Eugenia said they spoke with Sally (FBI) earlier and she had no concern with releasing a copy of the PTT records to the PTT, but she does not want anyone to actually touch the machines. Also, she will follow-up in writing to Lenny. That is what we are waiting for.

----- Forwarded message -----

From: Seth Greenfeld - LG [REDACTED]
Date: Tue, May 23, 2017 at 12:23 PM
Subject: Re: Document Preservation
To: Kory Langhofer [REDACTED]

I am hopeful I can have something for you by tomorrow afternoon. I will follow-up with you though.

Seth S. Greenfeld
Senior Assistant General Counsel
General Law Division, Office of General Counsel
U.S. General Services Administration
[REDACTED]

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On Mon, May 22, 2017 at 6:26 PM, Kory Langhofer [REDACTED] wrote:

Understood. How quickly can the IT folks get us a copy of all the data? We have one pending documents request and need to know how to negotiate re: our deadline for document production. Thanks in advance.

Kory Langhofer

STATECRAFT PLLC

[649 North Fourth Avenue, First Floor](#)

Folder: [REDACTED]

Subject: Fwd: Document Preservation
Date: Mon, 22 May 2017 09:41:27 -0400
From: Lennard Loewentritt - L [REDACTED]
To: [REDACTED] Robert Carter - DP
Cc: janet Harney [REDACTED]
Message-ID: <CAEhyDpg3aMLxUtb0efVeNh3+QhQF_MmZ0DVvyKFE9vyOKgdGA@mail.gmail.com>
MDS: 12c5602e23c6d936390963c5e115d61d

Brett, this private attorney is continuously demanding to see the documents that we have on the matter. We need to have the call with our friends in the SCIF to get direction from the DOJ/FBI.

Lenny

----- Forwarded message -----

From: Seth Greenfeld - LG [REDACTED]
Date: Mon, May 22, 2017 at 8:37 AM
Subject: Fwd: Document Preservation
To: Lennard Loewentritt - L [REDACTED]

Good morning. Below is another e-mail from Kory. I will need to give him some answer today so please ask the FBI when you speak with them. He knows GSA has everything backed up, and he is just asking for copies; GSA will not release the actual machines or grant access to the actual system so there is no way they or anyone else can tamper with evidence. In addition, these are actually their records so I am having a hard time seeing an argument to withhold copies from them.

Seth S. Greenfeld
Senior Assistant General Counsel
General Law Division, Office of General Counsel
U.S. General Services Administration
[REDACTED]

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From: Kory Langhofer [REDACTED]
Date: Sat, May 20, 2017 at 5:21 PM
Subject: Re: Document Preservation
To: Seth Greenfeld - LG [REDACTED]

Hello, Seth. A follow up on the first point below: I'll have a colleague in Washington on Tuesday and Wednesday and, in order to facilitate our review and production of emails and documents to third parties, I'd like for my colleague to be able to pick up and transport back to Arizona a hard drive with all the email and Google drive data on it. Would it be possible for IT to have that ready by Tuesday or Wednesday morning? (I left you a VM about this yesterday, but wanted to follow up by email in case

Folder: [REDACTED]

you're not checking VMs over the weekend.) Thanks again for your assistance. -Kory

Kory Langhofer

STATECRAFT PLLC

649 North Fourth Avenue, First Floor

Phoenix, Arizona 85003

Desk: [REDACTED]

Cell: [REDACTED]

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From: Kory Langhofer [REDACTED]
Date: Thursday, May 18, 2017 at 12:47 PM
To: Seth Greenfeld - LG [REDACTED]
Subject: Re: Document Preservation

Great; thank you. Three things:

1. I would be inclined to save all the email and Google Drive data to an external hard drive and then have it FedEx'ed to me, if that works on your end. But no need to resolve that today.
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Sorry for all these questions, but I'd just like to make sure we're taking all the steps possible to preserve data.

-Kory

Kory Langhofer

STATECRAFT PLLC

649 North Fourth Avenue, First Floor

Phoenix, Arizona 85003

Desk: [REDACTED]

Cell: [REDACTED]

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From: Seth Greenfeld - LG [REDACTED]
Date: Thursday, May 18, 2017 at 12:38 PM

Folder: [REDACTED]

To: Kory Langhofer [REDACTED]
Subject: Re: Document Preservation

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Seth S. Greenfeld
Senior Assistant General Counsel
General Law Division, Office of General Counsel
U.S. General Services Administration
[REDACTED]

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On Thu, May 18, 2017 at 3:17 PM, Seth Greenfeld - LG <[REDACTED]> wrote:

I will ask and let you know.

Seth S. Greenfeld
Senior Assistant General Counsel
General Law Division, Office of General Counsel

Folder: [REDACTED]

U.S. General Services Administration

[REDACTED]

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On Thu, May 18, 2017 at 3:05 PM, Kory Langhofer <[REDACTED]> wrote:

Do you know how many gigabytes or terabytes of data we have in email and on the Google Drive? We may need to download all of it to facilitate some keyword searches, and I'm trying to get a sense of how to tackle that project.

Kory Langhofer

STATECRAFT PLLC

649 North Fourth Avenue, First Floor

Phoenix, Arizona 85003

Desk: [REDACTED]

Cell: [REDACTED]

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From: Seth Greenfeld - LG [REDACTED]

Date: Thursday, May 18, 2017 at 6:37 AM

To: Kory Langhofer [REDACTED]

Subject: Re: Document Preservation

Yes, I was told it is being archived. If there is a question as to where and how to access it, I will have to speak with our IT folks.

Folder: [REDACTED]

Seth S. Greenfeld

Senior Assistant General Counsel

General Law Division, Office of General Counsel

U.S. General Services Administration

[REDACTED]

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Kory Langhofer

STATECRAFT PLLC

649 North Fourth Avenue, First Floor

Phoenix, Arizona 85003

Desk: [REDACTED]

Cell: [REDACTED]

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Folder: [REDACTED]

Seth S. Greenfeld

Senior Assistant General Counsel

General Law Division, Office of General Counsel

U.S. General Services Administration

[REDACTED]

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Many thanks,

Kory

Kory Langhofer

STATECRAFT PLLC

649 North Fourth Avenue, First Floor

Phoenix, Arizona 85003

Desk: [REDACTED]

Folder: [REDACTED]

Cell: [REDACTED]

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Folder: [REDACTED]

Subject: Fwd: Document Preservation
Date: Mon, 22 May 2017 09:41:27 -0400
From: Lennard Loewentritt - L [REDACTED]
To: [REDACTED], Robert Carter - DP
Cc: janet Harney [REDACTED]
Message-ID: <CAEhyDpg3aMLxUtb0efVeNh3+QhQF_MmZ0DVvyKFE9vyOKgdGA@mail.gmail.com>
MDS: 12c5602e23c6d936390963c5e115d61d

Brett, this private attorney is continuously demanding to see the documents that we have on the matter. We need to have the call with our friends in the SCIF to get direction from the DOJ/FBI.

Lenny

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From: Seth Greenfeld - LG [REDACTED]
Date: Mon, May 22, 2017 at 8:37 AM
Subject: Fwd: Document Preservation
To: Lennard Loewentritt - L [REDACTED]

Good morning. Below is another e-mail from Kory. I will need to give him some answer today so please ask the FBI when you speak with them. He knows GSA has everything backed up, and he is just asking for copies; GSA will not release the actual machines or grant access to the actual system so there is no way they or anyone else can tamper with evidence. In addition, these are actually their records so I am having a hard time seeing an argument to withhold copies from them.

Seth S. Greenfeld
Senior Assistant General Counsel
General Law Division, Office of General Counsel
U.S. General Services Administration
[REDACTED]

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From: Kory Langhofer [REDACTED]
Date: Sat, May 20, 2017 at 5:21 PM
Subject: Re: Document Preservation
To: Seth Greenfeld - LG [REDACTED]

Hello, Seth. A follow up on the first point below: I'll have a colleague in Washington on Tuesday and Wednesday and, in order to facilitate our review and production of emails and documents to third parties, I'd like for my colleague to be able to pick up and transport back to Arizona a hard drive with all the email and Google drive data on it. Would it be possible for IT to have that ready by Tuesday or Wednesday morning? (I left you a VM about this yesterday, but wanted to follow up by email in case

Folder [REDACTED]

From: Moyer, Sally A (OGC) (FBI)
Sent: Friday, May 26, 2017 5:41 PM
To: 'Lennard Loewentritt - L' [REDACTED]
Cc: Seth Greenfeld [REDACTED]; Janet Harney [REDACTED]
Subject: RE: Any guidance yet?

Lenny –

I apologize for the delay. As I just explained to Brett, I was able to coordinate with both the DC US Attorney's Office and the Special Counsel. We ask that you continue to preserve the stored communications, records, and electronic media as previously requested in a manner that maintains the integrity of both the content and the metadata of the information. We have no objection to you indicating to others who request the materials that you are under preservation obligations from the Department of Justice/FBI. As I discussed with Brett, we hope to set up a call next week to discuss production of the materials being preserved.

Please let me know if you have any questions.

Thanks,
Sally

Sally A Moyer
Chief, Counterintelligence Law Unit I
National Security & Cyber Law Branch
Office of the General Counsel
Federal Bureau of Investigation
[REDACTED]

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From: Lennard Loewentritt - L [mailto:[REDACTED]]
Sent: Friday, May 26, 2017 2:01 PM
To: Moyer, Sally A. (OGC) (FBI) [REDACTED]
Cc: Seth Greenfeld [REDACTED]; Janet Harney [REDACTED]
Subject: Any guidance yet?

Sally, we spoke this past week about requests for documents from the attorney representing the Trump transition, Kory Langhofer, from Statecraft PLLC. We are still awaiting guidance. If we need to chat again, please let me know. My direct line is [REDACTED].

Thanks for your help.

Lenny Loewentritt
Deputy General Counsel
General Services Administration.

Folder: [REDACTED]

--

Brett Armstrong
Deputy Associate Administrator
for Resilience & Interagency Programs
Office of Mission Assurance
U.S. General Services Administration
1800 F Street, NW Washington, DC 20405

[REDACTED]

--

Brett Armstrong
Deputy Associate Administrator
for Resilience & Interagency Programs
Office of Mission Assurance
U.S. General Services Administration
1800 F Street, NW Washington, DC 20405

[REDACTED] Direct 24/

--

Brett Armstrong
Deputy Associate Administrator
for Resilience & Interagency Programs
Office of Mission Assurance
U.S. General Services Administration
1800 F Street, NW Washington, DC 20405

[REDACTED] Direct 24/7

--

Brett Armstrong
Deputy Associate Administrator
for Resilience & Interagency Programs
Office of Mission Assurance
U.S. General Services Administration
1800 F Street, NW Washington, DC 20405

[REDACTED] Direct 24/7

Folder: [REDACTED]

From: Moyer, Sally A (OGC) (FBI)
Sent: Friday, May 26, 2017 5:41 PM
To: 'Lennard Loewentritt - L' [REDACTED]
Cc: Seth Greenfeld [REDACTED]; Janet Harney [REDACTED]
Subject: RE: Any guidance yet?

Lenny –
I apologize for the delay. As I just explained to Brett, I was able to coordinate with both the DC US Attorney's Office and the Special Counsel. We ask that you continue to preserve the stored communications, records, and electronic media as previously requested in a manner that maintains the integrity of both the content and the metadata of the information. We have no objection to you indicating to others who request the materials that you are under preservation obligations from the Department of Justice/FBI. As I discussed with Brett, we hope to set up a call next week to discuss production of the materials being preserved.

Please let me know if you have any questions.

Thanks,
Sally

Sally A Moyer
Chief, Counterintelligence Law Unit I
National Security & Cyber Law Branch
Office of the General Counsel
Federal Bureau of Investigation
[REDACTED]

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From: Lennard Loewentritt - L [mailto:[REDACTED]]
Sent: Friday, May 26, 2017 2:01 PM
To: Moyer, Sally A. (OGC) (FBI) [REDACTED]
Cc: Seth Greenfeld [REDACTED] <[REDACTED]@gov>; Janet Harney [REDACTED]
Subject: Any guidance yet?

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Thanks for your help.

Lenny Loewentritt
Deputy General Counsel
General Services Administration.

Folder: [REDACTED]

Subject: Re: Follow-up from Sally?
Date: Wed, 24 May 2017 12:01:02 -0400
From: Seth Greenfeld - LG [REDACTED]
To: Lennard Loewentritt - L [REDACTED]
Message-ID: <CAKUJRM4-P=JqU_9ObrwETYZ4iO9sTZY8XR-bo0iK7ZSAHxoxPg@mail.gmail.com>
MD5: e97c9a80bfb4cd7d77de9f8cbe445782

Still nothing from Sally?

Seth

On Tue, May 23, 2017 at 4:56 PM, Lennard Loewentritt - L [REDACTED] wrote:

not a word yet.

On Tue, May 23, 2017 at 4:55 PM, Seth Greenfeld - LG [REDACTED] wrote:

I was curious if you received the follow-up from Sally yet? I know the PTT attorney is anxious to get the copies. Thanks.

Seth

Folder: [REDACTED]

Subject: Re: PTT Records Request
Date: Fri, 19 May 2017 16:13:08 -0400
From: Lennard Loewentritt - L [REDACTED]
To: Seth Greenfeld - LG [REDACTED]
Cc: janet Harney [REDACTED]
Message-ID: <CAEhyDpiYEwPOaUqHc=y+Gj4sYs=zeA+aN2rYQbhsjfy6ZPz7A@mail.gmail.com>
MD5: e0f144c9c620d27bddf7ab2b914ae328

Seth, we have a call with the appropriate Government folks on Monday. Till then we should not respond .

Lenny

On Fri, May 19, 2017 at 3:52 PM, Seth Greenfeld - LG [REDACTED] wrote:

I forwarded you a voice-mail message from Kory Langhofer. He is now asking for a copy of all the GSA records GSA has copied for the PTT. I have not responded, but I feel like I owe him some type of reply by Monday at the latest, as his message said he is under some time crunch now and I feel badly simply ignoring him. Please let me know what you want me to say or if I should continue to not respond as we discussed yesterday. Thanks.

Seth S. Greenfeld
Senior Assistant General Counsel
General Law Division, Office of General Counsel
U.S. General Services Administration
[REDACTED]

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Folder: [REDACTED]

Subject: Request for more Information
Date: Wed, 30 Aug 2017 14:55:17 +0000
From: MFG [REDACTED]
To: [REDACTED] Erik Simmons - IDRC
Cc: "Clinesmith, Kevin E. (OGC) (FBI)" [REDACTED]
Message-ID: <BN1P110MB0049E1050E8A92CDC1286EAEC9C0@BN1P110MB004.NAMP110.PROD.OU
TLOOK.COM>
MD5: 75fad88945cb71e672fa8d925b78345c
Attachments: GSA Request.pdf

Erik-

We have an additional four individuals we are currently interested in. Attached is a new letter requesting the information. If possible, can you at least have their emails downloaded by tomorrow when I pick up the other information? You indicated you will be out until next Tuesday so we want to have it available when they swear out a warrant before then. If you can get the documents and devices too – that would be great but I want to manage expectations so just let me know what is or is not possible.

I am also working on purchasing thumb drives. As we are moving this week I may not get them until next week. Thanks for your patience! Please call with any questions on the attached.

Mary

Mary F. Gleason
Federal Bureau of Investigation
Desk [REDACTED]
Cell: [REDACTED]

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Folder: [REDACTED]

Subject: FW: FBINET to UNET Uploaded Files
Date: Fri, 2 Jun 2017 13:11:28 +0000
From: "Gleason, Mary F. (CD) (FBI)" [REDACTED]
To: [REDACTED]
Cc: "Moyer, Sally A. (OGC) (FBI)" [REDACTED], "Clinesmith, Kevin E. (OGC) (FBI)" [REDACTED]
Message-ID: <973e21a97a3b473aa4cc3b4ccfde721f@HQV2-UEMBX-413.FBI.GOV>
MD5: a33c60e07cb0d0dc51ca71831bdf43e3
Attachments: GSA_Memo.pdf

Good morning-

Thank you again for your time yesterday. Based on our discussion, we prepared the attached request for information. Please review it at your convenience and call us with any questions or concerns. Have a great weekend.

Mary

SSA Mary F. Gleason
Cell: [REDACTED]
Desk: [REDACTED]

Folder: [REDACTED]

Subject: RE: Any guidance yet?
Date: Fri, 26 May 2017 21:41:19 +0000
From: "Moyer, Sally A. (OGC) (FBI)" [REDACTED]
To: Lennard Loewentritt - L [REDACTED]
Cc: Seth Greenfeld [REDACTED], Janet Harney [REDACTED]
Message-ID: <030d9ab3100642a5a29b39efbcb911e5@HQV2-UEMBX-410.FBI.GOV>
MD5: 9e05bf9a9399dbf65728c095f8190bcf

Lenny –

I apologize for the delay. As I just explained to Brett, I was able to coordinate with both the DC US Attorney's Office and the Special Counsel. We ask that you continue to preserve the stored communications, records, and electronic media as previously requested in a manner that maintains the integrity of both the content and the metadata of the information. We have no objection to you indicating to others who request the materials that you are under preservation obligations from the Department of Justice/FBI. As I discussed with Brett, we hope to set up a call next week to discuss production of the materials being preserved.

Please let me know if you have any questions.

Thanks,
Sally

Sally A Moyer
Chief, Counterintelligence Law Unit I
National Security & Cyber Law Branch
Office of the General Counsel
Federal Bureau of Investigation
[REDACTED]

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From: Lennard Loewentritt - L [mailto:[REDACTED]]
Sent: Friday, May 26, 2017 2:01 PM
To: Moyer, Sally A. (OGC) (FBI) [REDACTED]
Cc: Seth Greenfeld [REDACTED]; Janet Harney [REDACTED]
Subject: Any guidance yet?

Sally, we spoke this past week about requests for documents from the attorney representing the Trump transition, Kory Langhofer, from Statecraft PLLC. We are still awaiting guidance. If we need to chat again, please let me know. My direct line is [REDACTED]

Thanks for your help.

Lenny Loewentritt
Deputy General Counsel
General Services Administration.

Folder [REDACTED]

Subject: Any guidance yet?
Date: Fri, 26 May 2017 18:08:12 -0400
From: Janet Harney - LP [REDACTED]
To: Eugenia Ellison - LG [REDACTED]
Cc: "Lennard Loewentritt (L)" [REDACTED], Seth Greenfeld - LG [REDACTED]
Message-ID: <CAHMyOfCaGJ3ScAH2bQb5g6zLKrUb6nLDk=SwE-qA6Rt1Dvc5QA@mail.gmail.com>
MDS: c811f2718dd7985703bdd2c60205dd82

Eugenia:

Forwarding as I did not see you as a recipient.

Janet

----- Forwarded message -----
From: "Moyer, Sally A. (OGC) (FBI)" [REDACTED]
Date: May 26, 2017 5:41 PM
Subject: RE: Any guidance yet?
To: "Lennard Loewentritt - L" [REDACTED]
Cc: "Seth Greenfeld" [REDACTED], "janet Harney" [REDACTED]

Lenny –

I apologize for the delay. As I just explained to Brett, I was able to coordinate with both the DC US Attorney's Office and the Special Counsel. We ask that you continue to preserve the stored communications, records, and electronic media as previously requested in a manner that maintains the integrity of both the content and the metadata of the information. We have no objection to you indicating to others who request the materials that you are under preservation obligations from the Department of Justice/FBI. As I discussed with Brett, we hope to set up a call next week to discuss production of the materials being preserved.

Please let me know if you have any questions.

Thanks,
Sally

Sally A Moyer
Chief, Counterintelligence Law Unit I
National Security & Cyber Law Branch
Office of the General Counsel
Federal Bureau of Investigation
[REDACTED]

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From: Lennard Loewentritt - L [REDACTED]
Sent: Friday, May 26, 2017 2:01 PM
To: Moyer, Sally A. (OGC) (FBI) [REDACTED]
Cc: Seth Greenfeld [REDACTED]; janet Harney [REDACTED]
Subject: Any guidance yet?

Sally, we spoke this past week about requests for documents from the attorney representing the

Folder: [REDACTED]

Trump transition, Kory Langhofer, from Statecraft PLLC. We are still awaiting guidance. If we need to chat again, please let me know. My direct line is [REDACTED]

Thanks for your help.

Lenny Loewentritt

Deputy General Counsel

General Services Administration.

Folder [REDACTED]

Subject: RE: Any guidance yet?
Date: Fri, 26 May 2017 21:41:19 +0000
From: "Moyer, Sally A. (OGC) (FBI)" [REDACTED]
To: Lennard Loewentritt - L [REDACTED]
Cc: Seth Greenfeld [REDACTED], Janet Harney [REDACTED]
Message-ID: <030d9ab3100642a5a29b39efbcb911e5@HQV2-UEMBX-410.FBI.GOV>
MD5: 9e05bf9a9399dbf65728c095f8190bcf

Lenny –

I apologize for the delay. As I just explained to Brett, I was able to coordinate with both the DC US Attorney's Office and the Special Counsel. We ask that you continue to preserve the stored communications, records, and electronic media as previously requested in a manner that maintains the integrity of both the content and the metadata of the information. We have no objection to you indicating to others who request the materials that you are under preservation obligations from the Department of Justice/FBI. As I discussed with Brett, we hope to set up a call next week to discuss production of the materials being preserved.

Please let me know if you have any questions.

Thanks,
Sally

Sally A Moyer
Chief, Counterintelligence Law Unit I
National Security & Cyber Law Branch
Office of the General Counsel
Federal Bureau of Investigation
[REDACTED]

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From: Lennard Loewentritt - L [mailto:[REDACTED]]
Sent: Friday, May 26, 2017 2:01 PM
To: Moyer, Sally A. (OGC) (FBI) [REDACTED]
Cc: Seth Greenfeld [REDACTED]; Janet Harney [REDACTED]
Subject: Any guidance yet?

Sally, we spoke this past week about requests for documents from the attorney representing the Trump transition, Kory Langhofer, from Statecraft PLLC. We are still awaiting guidance. If we need to chat again, please let me know. My direct line is [REDACTED].

Thanks for your help.

Lenny Loewentritt
Deputy General Counsel
General Services Administration.

Folder: [REDACTED]

Subject: RE: Any guidance yet?
Date: Fri, 26 May 2017 21:41:19 +0000
From: "Moyer, Sally A. (OGC) (FBI)" [REDACTED]
To: Lennard Loewentritt - L [REDACTED]
Cc: Seth Greenfeld [REDACTED], Janet Harney [REDACTED]
Message-ID: <030d9ab3100642a5a29b39efbcb911e5@HQV2-UEMBX-410.FBI.GOV>
MD5: a56e24f2ede0a2c9fa001894a5c2d48e

Lenny-

I apologize for the delay. As I just explained to Brett, I was able to coordinate with both the DC US Attorney's Office and the Special Counsel. We ask that you continue to preserve the stored communications, records, and electronic media as previously requested in a manner that maintains the integrity of both the content and the metadata of the information. We have no objection to you indicating to others who request the materials that you are under preservation obligations from the Department of Justice/FBI. As I discussed with Brett, we hope to set up a call next week to discuss production of the materials being preserved.

Please let me know if you have any questions.

Thanks,
Sally

Sally A. Moyer
Chief, Counterintelligence Law Unit I
National Security & Cyber Law Branch
Office of the General Counsel
Federal Bureau of Investigation
[REDACTED]

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From: Lennard Loewentritt - L [mailto:[REDACTED]]
Sent: Friday, May 26, 2017 2:01 PM
To: Moyer, Sally A. (OGC) (FBI) [REDACTED]
Cc: Seth Greenfeld [REDACTED]; Janet Harney [REDACTED]
Subject: Any guidance yet?

Sally, we spoke this past week about requests for documents from the attorney representing the Trump transition, Kory Langhofer, from Statecraft PLLC. We are still awaiting guidance. If we need to chat again, please let me know. My direct line is [REDACTED]

Thanks for your help.

Lenny Loewentritt

Deputy General Counsel

General Services Administration.

Folder: [REDACTED]

Subject: Re: Document Preservation
Date: Fri, 26 May 2017 20:27:11 +0000
From: Kory Langhofer [REDACTED]
To: Seth Greenfeld - LG [REDACTED]
Message-ID: <F7003860-7C0E-4D43-8034-30A26F66B77A@statecraftlaw.com>
MD5: 90c143d8cceb8f70931c181983e89a87

Hello, Seth. Following up on this (I left you a VM too). Our presumptive deadline for document production is on Wednesday, so I'm very interested in learning when we can get documents from the GSA, so that we can in turn negotiate a new deadline for our document production. Please get back to me (or have someone from IT get back to me) as quickly as possible. Thanks in advance.

Kory Langhofer
STATECRAFT PLLC
649 North Fourth Avenue, First Floor
Phoenix, Arizona 85003
Desk: [REDACTED]
Cell: [REDACTED]

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From: Seth Greenfeld - LG [REDACTED]
Date: Tuesday, May 23, 2017 at 9:23 AM
To: Kory Langhofer [REDACTED]
Subject: Re: Document Preservation

I am hopeful I can have something for you by tomorrow afternoon. I will follow-up with you though.

Seth S. Greenfeld
Senior Assistant General Counsel
General Law Division, Office of General Counsel
U.S. General Services Administration
[REDACTED]

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On Mon, May 22, 2017 at 6:26 PM, Kory Langhofer [REDACTED] wrote:

Understood. How quickly can the IT folks get us a copy of all the data? We have one pending documents request and need to know how to negotiate re: our deadline for document production. Thanks in advance.

Kory Langhofer
STATECRAFT PLLC
649 North Fourth Avenue, First Floor
Phoenix, Arizona 85003
Desk: [REDACTED]
Cell: [REDACTED]

Folder: [REDACTED]

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On May 22, 2017, at 3:22 PM, Seth Greenfeld - LG

[REDACTED] wrote:

Good afternoon. We will not be able to provide you a copy tomorrow. Sorry.

Seth

On May 22, 2017 9:09 AM, "Seth Greenfeld - LG"

[REDACTED] wrote:

Good morning. I will have to get back to you. Sorry.

Seth S. Greenfeld
Senior Assistant General Counsel
General Law Division, Office of General Counsel
U.S. General Services Administration
[REDACTED]

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On Sat, May 20, 2017 at 5:21 PM, Kory Langhofer

[REDACTED] wrote:

Hello, Seth. A follow up on the first point below: I'll have a colleague in Washington on Tuesday and Wednesday and, in order to facilitate our review and production of emails and documents to third parties, I'd like for my colleague to be able to pick up and transport back to Arizona a hard drive with all the email and Google drive data on it. Would it be possible for IT to have that ready by Tuesday or Wednesday morning? (I left you a VM about this yesterday, but wanted to follow up by email in case you're not checking VMs over the weekend.) Thanks again for your assistance. -Kory

Kory Langhofer
STATECRAFT PLLC
649 North Fourth Avenue, First Floor
Phoenix, Arizona 85003
Desk: [REDACTED]
Cell: [REDACTED]

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From: Kory Langhofer [REDACTED]
Date: Thursday, May 18, 2017 at 12:47 PM
To: Seth Greenfeld - LG [REDACTED]
Subject: Re: Document Preservation

Great; thank you. Three things:

1. I would be inclined to save all the email and Google Drive data to an external hard drive and then have it FedEx'ed to me, if that works on your end. But no need to resolve that today.

Folder: [REDACTED]

2. Is it possible for IT to give us a list of which users' phones and laptops are still available to be reviewed/searched? Basically, which users' phones and/or laptops have been recovered from the user but not erased?
3. What happened to the hard drives and phones that have been erased? Are the hard drives or memories still physically available for a forensic review, if necessary?

Sorry for all these questions, but I'd just like to make sure we're taking all the steps possible to preserve data.

-Kory

Kory Langhofer
STATECRAFT PLLC
649 North Fourth Avenue, First Floor
Phoenix, Arizona 85003
Desk: [REDACTED]
Cell: [REDACTED]

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From: Seth Greenfeld - LG [REDACTED]
Date: Thursday, May 18, 2017 at 12:38 PM
To: Kory Langhofer [REDACTED]
Subject: Re: Document Preservation

I was told it is about 328 GB. It is too large to transmit so we will have to figure out how to download and get it to you, but that can be addressed when needed. We can put it on something and USPS mail it.

Seth S. Greenfeld
Senior Assistant General Counsel
General Law Division, Office of General Counsel
U.S. General Services Administration
[REDACTED]

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On Thu, May 18, 2017 at 3:17 PM, Seth Greenfeld - LG [REDACTED] wrote:
I will ask and let you know.

Seth S. Greenfeld
Senior Assistant General Counsel
General Law Division, Office of General Counsel
U.S. General Services Administration

Folder [REDACTED]

[REDACTED]

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On Thu, May 18, 2017 at 3:05 PM, Kory Langhofer

[REDACTED] wrote:

Do you know how many gigabytes or terabytes of data we have in email and on the Google Drive? We may need to download all of it to facilitate some keyword searches, and I'm trying to get a sense of how to tackle that project.

Kory Langhofer
STATECRAFT PLLC
649 North Fourth Avenue, First Floor
Phoenix, Arizona 85003
Desk: [REDACTED]
Cell: [REDACTED]

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From: Seth Greenfeld - LG [REDACTED]
Date: Thursday, May 18, 2017 at 6:37 AM
To: Kory Langhofer [REDACTED]
Subject: Re: Document Preservation

Yes, I was told it is being archived. If there is a question as to where and how to access it, I will have to speak with our IT folks.

Seth S. Greenfeld
Senior Assistant General Counsel
General Law Division, Office of General Counsel
U.S. General Services Administration
[REDACTED]

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On Thu, May 18, 2017 at 9:27 AM, Kory Langhofer

[REDACTED] wrote:

Great; thank you. And the Google drive and email are being preserved as well?

Folder: [REDACTED]

Kory Langhofer
STATECRAFT PLLC
649 North Fourth Avenue, First Floor
Phoenix, Arizona 85003
Desk: [REDACTED]
Cell: [REDACTED]

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On May 18, 2017, at 5:18 AM, Seth Greenfeld - LG

[REDACTED] wrote:
GSA is not wiping any additional devices and has not since we last spoke.

Seth S. Greenfeld
Senior Assistant General Counsel
General Law Division, Office of General Counsel
U.S. General Services Administration
[REDACTED]

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On Wed, May 17, 2017 at 11:04 PM, Kory Langhofer

[REDACTED] wrote:
Seth:

Trump for America received another document preservation request today. Consequently, I'm writing to confirm that the GSA has halted the wiping of PTT emails, hard drives, and cell phones as we discussed briefly a couple weeks ago. Please let me know right away if for some reason that process has resumed.

Many thanks,
Kory

Kory Langhofer
STATECRAFT PLLC
649 North Fourth Avenue, First Floor
Phoenix, Arizona 85003
Desk: [REDACTED]
Cell: [REDACTED]

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Folder: [REDACTED]

Subject: RE: Any guidance yet?
Date: Fri, 26 May 2017 21:41:19 +0000
From: "Moyer, Sally A. (OGC) (FBI)" [REDACTED]
To: Lennard Loewentritt - [REDACTED]
Cc: Seth Greenfeld [REDACTED] Janet Harney [REDACTED]
Message-ID: <030d9ab3100642a5a29b39efbcb911e5@HQV2-UEMBX-410.FBI.GOV>
MD5: a56e24f2ede0a2c9fa001894a5c2d48e

Lenny-

I apologize for the delay. As I just explained to Brett, I was able to coordinate with both the DC US Attorney's Office and the Special Counsel. We ask that you continue to preserve the stored communications, records, and electronic media as previously requested in a manner that maintains the integrity of both the content and the metadata of the information. We have no objection to you indicating to others who request the materials that you are under preservation obligations from the Department of Justice/FBI. As I discussed with Brett, we hope to set up a call next week to discuss production of the materials being preserved.

Please let me know if you have any questions.

Thanks,
Sally

Sally A. Moyer
Chief, Counterintelligence Law Unit I
National Security & Cyber Law Branch
Office of the General Counsel
Federal Bureau of Investigation
[REDACTED]

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From: Lennard Loewentritt - [REDACTED]
Sent: Friday, May 26, 2017 2:01 PM
To: Moyer, Sally A. (OGC) (FBI) [REDACTED]
Cc: Seth Greenfeld [REDACTED] Janet Harney [REDACTED]
Subject: Any guidance yet?

Sally, we spoke this past week about requests for documents from the attorney representing the Trump transition, Kory Langhofer, from Statecraft PLLC. We are still awaiting guidance. If we need to chat again, please let me know. My direct line is [REDACTED]

Thanks for your help.

Lenny Loewentritt

Deputy General Counsel

General Services Administration.

Folder: [REDACTED]

Subject: RE: Transition Team Attorney Contacting You
Date: Mon, 5 Jun 2017 22:23:22 +0000
From: "Moyer, Sally A. (OGC) (FBI)" [REDACTED]
To: Seth Greenfeld - LG [REDACTED]
Message-ID: <93884881e26442c1b9b4d5960226a9cb@HQV2-UEMBX-410.FBI.GOV>
MD5: 3b24f69c04b11b512d3eb57c46c705fd

Ok. That's helpful. Thank you. I'll re-engage with the U S A attorney's Office and Special Counsel.

From: Seth Greenfeld - LG [REDACTED]
Sent: Monday, June 05, 2017 6:22 PM
To: Moyer, Sally A. (OGC) (FBI) [REDACTED]
Subject: RE: Transition Team Attorney Contacting You

He is requesting an electronic copy of the documents from the cloud, which, I believe, were made by GSA before the formal requests were made by DOJ/FBI so they are available on a thumb-drive. GSA does not need to access anything at this time to make the copies; it is simply providing a copy of the copy GSA made.

Seth

On Jun 5, 2017 5:51 PM, "Moyer, Sally A. (OGC) (FBI)" [REDACTED] wrote:

Thanks, Seth. Is Mr. Langhofer requesting a copy of hard copy documents or would he like a digital copy of the devices or cloud services? Unfortunately, any copies of the latter would have an impact on our forensics review.

From: Seth Greenfeld - LG [mailto:[REDACTED]]
Sent: Monday, June 05, 2017 2:37 PM
To: Moyer, Sally A. (OGC) (FBI) [REDACTED]
Subject: Transition Team Attorney Contacting You

Good afternoon. Kory Langhofer, the attorney for the Presidential Transition Team asking for a copy of the PTT documents, reached out to me again today asking for the copies. He said they are under a document preservation and production request from the Senate Select Committee on Intelligence. They also expect a request from DOJ. As you wrote in an e-mail a week or so ago, I informed him that GSA is under a document preservation request from DOJ/FBI, and we did not mail him the copy of the records. He will be calling you to see about how this should be addressed for them with the Senate Committee and possibly getting a copy of the records as they think there may be some privileges (e.g., attorney-client or Executive Privilege (which I personally have a hard time seeing as it is pre-inauguration)).

Folder: [REDACTED]

Seth S. Greenfeld

Senior Assistant General Counsel

General Law Division, Office of General Counsel

U.S. General Services Administration

[REDACTED]

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Folder [REDACTED]

Subject: RE: Transition Team Attorney Contacting You
Date: Mon, 5 Jun 2017 22:23:22 +0000
From: "Moyer, Sally A. (OGC) (FBI)" [REDACTED]
To: Seth Greenfeld - LG [REDACTED]
Message-ID: <93884881e26442c1b9b4d5960226a9cb@HQV2-UEMBX-410.FBI.GOV>
MD5: 3b24f69c04b11b512d3eb57c46c705fd

Ok. That's helpful. Thank you. I'll re-engage with the U S A attorney's Office and Special Counsel.

From: Seth Greenfeld - LG [REDACTED]
Sent: Monday, June 05, 2017 6:22 PM
To: Moyer, Sally A. (OGC) (FBI) [REDACTED]
Subject: RE: Transition Team Attorney Contacting You

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Seth

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Sent: Monday, June 05, 2017 2:37 PM
To: Moyer, Sally A. (OGC) (FBI) [REDACTED]
Subject: Transition Team Attorney Contacting You

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Folder: [REDACTED]

Subject: Re: Preservation of PTT Records
Date: Wed, 15 Feb 2017 16:57:38 -0500
From: Seth Greenfeld - LG [REDACTED]
To: Aimee Whiteman - WPB [REDACTED]
Cc: Erik Simmons - IDRC [REDACTED]
Message-ID: <CAKUJRM58Yjfz4SrwoJevE9R9mRWSkSvtZqXBKcLv8y86cztkMw@mail.gmail.com>
MD5: f97cd7177cc0b5c75cda045d574d1027

At this time, I recommend against briefing anyone at the White House. I asked a similar question to the General Counsel, and this may be one where DOJ and OIG need to decide, as presumably some folks in the WH are subjects of the investigation so they (DOJ) may not want anyone there to know. Also, they may never look at anything and give us the "all clear" to resume cleaning the IT stuff in a week or two. If I hear any differently, I will let you know.

Seth S. Greenfeld
Senior Assistant General Counsel
General Law Division, Office of General Counsel
U.S. General Services Administration
[REDACTED]

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On Wed, Feb 15, 2017 at 4:36 PM, Aimee Whiteman - WPB [REDACTED] wrote:
Thanks, Seth.

Any responsibility for us to inform the WH that this request has been made? I ask because their understanding of the situation is that everything gets deleted/destroyed when equipment is turned in and the transition ends.

Thanks for keeping us in the loop. Can we huddle briefly tomorrow about any other impacts?

Sent from my iPhone

> On Feb 15, 2017, at 4:13 PM, Seth Greenfeld - LG [REDACTED] wrote:

>

> At the request of the Department of Justice, via our Office of Inspector General, please preserve all records of the Presidential Transition Team. Electronic equipment including cell phones, laptops, and tablets returned to GSA should be preserved and no information should be wiped from their memories. Also, I know that the network is scheduled to be shut down in about 2 weeks. What happens with that information (e.g., e-mails, documents)? Is there a way to preserve it or copy it? For machines already sanitized, is there a way to recover that information? At this time there is no end date to this DOJ "hold" request. If you have any questions, please let me know.

>

>

- > Seth S. Greenfeld
- > Senior Assistant General Counsel
- > General Law Division, Office of General Counsel
- > U.S. General Services Administration

> [REDACTED]

>

>

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Folder: [REDACTED]

Subject: Re: Preservation of PTT Records
Date: Thu, 16 Feb 2017 08:28:42 -0500
From: Seth Greenfeld - LG [REDACTED]
To: Aimee Whiteman - WPB [REDACTED]
Cc: Erik Simmons - IDRC [REDACTED]
Message-ID: <CAKUJRM5zWZ2BRWJ5OiWy=U+BYHPT13CZYnS3um4xZGnXYh61w@mail.gmail.com>
MD5: c7d2a7dc4dbaef0a7bfd9b86aa361810

I spoke with Lenny Loewentritt yesterday and Tim Horne was in his office, and they agreed with me. Also, I e-mailed the General Counsel for the IG so they are aware too of our position.

Seth S. Greenfeld
Senior Assistant General Counsel
General Law Division, Office of General Counsel
U.S. General Services Administration
[REDACTED]

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On Wed, Feb 15, 2017 at 7:04 PM, Aimee Whiteman - WPB [REDACTED] wrote:

Okay. Thank you.

Keep us posted.

Have a good night.

Aimee

Sent from my iPhone

On Feb 15, 2017, at 4:57 PM, Seth Greenfeld - LG [REDACTED] wrote:

At this time, I recommend against briefing anyone at the White House. I asked a similar question to the General Counsel, and this may be one where DOJ and OIG need to decide, as presumably some folks in the WH are subjects of the investigation so they (DOJ) may not want anyone there to know. Also, they may never look at anything and give us the "all clear" to resume cleaning the IT stuff in a week or two. If I hear any differently, I will let you know.

Folder: [REDACTED]

Seth S. Greenfeld
Senior Assistant General Counsel
General Law Division, Office of General Counsel
U.S. General Services Administration
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> Seth S. Greenfeld
> Senior Assistant General Counsel
> General Law Division, Office of General Counsel
> U.S. General Services Administration

> [REDACTED]

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Folder: [REDACTED]

Subject: Re: Preservation of PTT Records
Date: Wed, 15 Feb 2017 16:57:38 -0500
From: Seth Greenfeld - LG [REDACTED]
To: Aimee Whiteman - WPB [REDACTED]
Cc: Erik Simmons - IDRC [REDACTED]
Message-ID: <CAKUJRM58Yjfz4SrwoJevE9R9mRWSkSvtZqXBKcLv8y86cztkMw@mail.gmail.com>
MD5: f97cd7177cc0b5c75cda045d574d1027

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Seth S. Greenfeld
Senior Assistant General Counsel
General Law Division, Office of General Counsel
U.S. General Services Administration
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Sent from my iPhone

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>

>

Folder: [REDACTED]

Subject: Fwd: RE: Presidential Transition MOU
Date: Sun, 11 Jun 2017 19:32:57 -0400
From: Seth Greenfeld - LG [REDACTED]
To: [REDACTED]
Message-ID: <CAKUJRM6brgR3HYXCdOTqg8Yfp3zjT0JxEZc_QnkHJTV7TCM0YA@mail.gmail.com>
MD5: 499ef3bf9bfd35c6b8d220bac5e799f3

----- Forwarded message -----

From: "BVG [REDACTED]"
Date: Jun 9, 2017 6:41 PM
Subject: RE: Presidential Transition MOU
To: "Seth Greenfeld - LG" [REDACTED]
Cc:

Seth, I have one follow-up question, which I'm hoping we could briefly discuss before you leave. If it's too late, we can just connect on Thursday. If not, please call my cell phone at [REDACTED]

Thank you!
Brandon

From: Seth Greenfeld - LG [mailto:[REDACTED]]
Sent: Friday, June 9, 2017 10:12 A M
To: B V G<[REDACTED]>
Subject: Presidential Transition MOU

Good morning. As you requested, attached is a copy of the MOU between President Trump's Transition Team and GSA. IT support is addressed on page 3 (for pre-election support) and on page 10 (for post-election, actual transition period support). Both contain the following regarding returning IT assets to GSA: "This equipment will be inventoried and all data on these devices will be deleted." In addition, I know that I personally explained to some different members of the Presidential Transition Team that GSA does not view the records generated in conducting PTT business as GSA records subject to the Federal Records Act or FOIA and that GSA deletes the records when the Transition is over. I am confident others at GSA also conveyed this same message to PTT personnel if the topic arose. I probably have some e-mail communication documenting some of the communications. Please let me know if you would like me to search for such e-mails or if you need anything else. I will be out of the office next Monday-Wednesday and back on Thursday.

Seth S. Greenfeld
Senior Assistant General Counsel
General Law Division, Office of General Counsel
U.S. General Services Administration
[REDACTED]

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Folder: [REDACTED]

Subject: Update?
Date: Wed, 21 Jun 2017 08:27:51 -0400
From: Seth Greenfeld - LG [REDACTED]
To: BVG [REDACTED]
Message-ID: <CAKUJRM4E4uH+vkKfSK3We9vD-W_uK_-mD7WnLs=u8HVQa+HnyA@mail.gmail.com>
MD5: 36c3cd6720b3ffa5422a3770acb582df

Good morning, Brandon. We are just curious if there is an update for us. The PTT is anxious to get the copies so it can begin reviewing the documents and produce records to Congress. I understand they are getting some pressure from the Hill. I told them I would ask for a status update. Thanks.

Seth S. Greenfeld
Senior Assistant General Counsel
General Law Division, Office of General Counsel
U.S. General Services Administration
[REDACTED]

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Folder [REDACTED]

Subject: Re: FBI Preservation Letter for PTT Materials
Date: Fri, 23 Jun 2017 11:26:46 -0400
From: Seth Greenfeld - LG [REDACTED]
To: David Shive - I [REDACTED]
Cc: Steve Grewal - ID [REDACTED], Lennard Loewentritt - L

Message-ID: <CAKUJRM7K+b++889XbDELgF8n7AyPh8a3PJH-gSs7R7QY==gdXw@mail.gmail.com>
MD5: 40830c0b17fa67239f7124b8d7e27e1c

I copied Lenny on this. I am out of the office all of next week, so he will need to be involved with the call.

What is the deviation? They are simply asking that hardware be segregated and preserved at this time. For them to actually get it, there may need to be a subpoena and possibly a search warrant. If GSA has the hardware secured and access limited, that is OK. In addition, chain of custody is an evidentiary issue which is something the FBI and DOJ will need to address. It is not really a GSA issue, except that we are the witnesses that need to testify. I am happy to discuss though.

Seth S. Greenfeld
Senior Assistant General Counsel
General Law Division, Office of General Counsel
U.S. General Services Administration
[REDACTED]

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On Fri, Jun 23, 2017 at 11:17 AM, David Shive - I [REDACTED] wrote:

Thanks for this, Seth.

I would like to spin up a meeting with FBI about chain-of-custody for the technical hardware components. We are deviating from established precedent and I would like to hear from them why that is.

Happy to discuss with you all internally first...
DAS

Chief Information Officer
U.S. General Services Administration

Folder: [REDACTED]

Subject: Re: PTT Documents
Date: Thu, 1 Jun 2017 10:35:05 -0400
From: Seth Greenfeld - LG [REDACTED]
To: Erik Simmons - IDRC [REDACTED]
Message-ID: <CAKUJRM4FEQJBBh7gT9Vh28TJY8iJOUVGqC9nV2GcCtZg6zOp4A@mail.gmail.com>
MD5: 33fd8daedeb0f29d046243cb8813eb1

Sure, but I will also talk to Lenny because he told me Sally from the FBI told him last week on the phone that we could send the copies.

Seth

On Thu, Jun 1, 2017 at 10:29 AM, Erik Simmons - IDRC [REDACTED] wrote:

Seth,

I was just in a meeting with Lenny and he told me to NOT send anything out at this time until you guys have further discussions with DOJ.

Please let me know once you have the green light...

Will you send an update to Kory?

Thanks.

Erik

On Wed, May 31, 2017 at 8:39 AM, Seth Greenfeld - LG [REDACTED] wrote:

If you can send it that would be great. I will let Kory know it can go in the mail tomorrow and ask him for the address. I will copy you on the e-mail. Thanks.

Seth S. Greenfeld
Senior Assistant General Counsel
General Law Division, Office of General Counsel
U.S. General Services Administration
[REDACTED]

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On Wed, May 31, 2017 at 8:37 AM, Erik Simmons - IDRC [REDACTED] wrote:

Seth,

The copy is ready, but I am not in the office today. I will be back tomorrow.

Will you be sending it or do you need me to send?

Thanks.

Erik

On May 31, 2017 8:25 AM, "Seth Greenfeld - LG" [REDACTED] wrote:

I was told that the FBI does not object to us releasing copies to the Transition folks (Kory). Is the copy ready to go and can we get it in the mail (possibly over-night or 2-day delivery) to Kory? Thanks.

Seth S. Greenfeld
Senior Assistant General Counsel
General Law Division, Office of General Counsel
U.S. General Services Administration
[REDACTED]

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On Tue, May 23, 2017 at 1:21 PM, Erik Simmons - IDRC [REDACTED] wrote:

Thanks.. Please let me know when you have the final release.

Erik

On Tue, May 23, 2017 at 12:48 PM, Seth Greenfeld - LG [REDACTED] wrote:

That is fine. Kory has a colleague in DC he was hoping could pick it up in person, but we can always FedEx it or something. I am still waiting for authorization to release it anyway. Hoping to have that later today.

Folder: [REDACTED]

Seth S. Greenfeld
Senior Assistant General Counsel
General Law Division, Office of General Counsel
U.S. General Services Administration
[REDACTED]

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On Tue, May 23, 2017 at 12:29 PM, Erik Simmons - IDR [REDACTED] wrote:

Seth,

What are the chances that we can push this to Thursday when I'm back in the office? I would prefer to wait until then and make the hand off personally.

Also, I need to locate the thumb drive... My training does not end until then....

Please let me know.

Thanks.

Erik

On Tue, May 23, 2017 at 12:21 PM, Seth Greenfeld - LG [REDACTED] wrote:

The PTT will want it tomorrow. I am just waiting for the all clear to release it to them. Kory Langhofer said he will have a colleague stop in to get it. Is there a fee for the thumb-drives or whatever it was put on? GSA should probably charge them unless it is so minuscule it costs more for us to process the payment than it is worth. For example, in FOIA the cut-off is \$25. Thanks.

Seth S. Greenfeld
Senior Assistant General Counsel
General Law Division, Office of General Counsel
U.S. General Services Administration
[REDACTED]

Folder: [REDACTED]

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On Tue, May 23, 2017 at 9:08 AM, Erik Simmons - IDRC [REDACTED] wrote:

Seth,

We are running another archive copy of the Republican PTT domain that contains all of the data. That archive should be finished by COB today and we will have a copy that can be accessed fairly quickly.

Bottom line....we can get the information quickly.

Thanks.

Erik

On Tue, May 23, 2017 at 8:50 AM, Seth Greenfeld - LG [REDACTED] wrote:

Good morning. How long would it take to make a copy of the PTT documents? We are not currently authorized to release anything to anyone, but if we get the green light, how quickly can we get a copy to the PTT? Can you make a copy now and just hold it in the event we get permission to release it to them? Thanks.

Seth S. Greenfeld
Senior Assistant General Counsel
General Law Division, Office of General Counsel
U.S. General Services Administration
[REDACTED]

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Folder: [REDACTED]

Subject: Re: Disconnection of Remaining PTT Mobile Devices
Date: Thu, 23 Mar 2017 16:06:40 -0400
From: Seth Greenfeld - LG [REDACTED]
To: Erik Simmons - IDRC [REDACTED]
Message-ID: <CAKUJRM5Jk6TmP-61rC_5bUZeboqyJAvWxuztC_Vz=b9knvf82Q@mail.gmail.com>
MD5: 0fbf5902713094053c64822775a6e525

Those are probably not going anywhere anytime soon. Based on the FBI e-mail to our General Counsel, GSA decided that it will sit on the computers for a little while. The Senate or House Intelligence Committees may request them for their investigations. The A Suite concurred and White House Counsel's Office is aware. I hope someone informed Dave and GSA IT, but maybe not, and I am guessing the message did not work its way to you.

Seth S. Greenfeld
Senior Assistant General Counsel
General Law Division, Office of General Counsel
U.S. General Services Administration
[REDACTED]

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On Thu, Mar 23, 2017 at 3:19 PM, Erik Simmons - IDRC [REDACTED] wrote:

Correct. We are not wiping any of the devices.
I hope they say something soon...we have \$1.2 Million dollars in laptops sitting on the shelf.
GSA IT wants access to this hardware as soon as possible for refresh purposes.

|
No idea. I am surprised they have not already, especially given recent news, but I guess they operate on their own timeline and have other things to look into. They may never come back to GSA for information.

Seth S. Greenfeld
Senior Assistant General Counsel
General Law Division, Office of General Counsel
U.S. General Services Administration
[REDACTED]

Folder: [REDACTED]

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On Thu, Mar 23, 2017 at 2:04 PM, Erik Simmons - IDRC [REDACTED] wrote:

Seth,

Just an FYI - All of these lines will be disconnected on Monday, March 27th. We submitted the disconnect order today.

Question: Any word on when the FBI will reach out to me?

Thanks.

Erik

On Thu, Mar 23, 2017 at 10:00 AM, Seth Greenfeld - LG [REDACTED] wrote:

Thank you.

Seth S. Greenfeld
Senior Assistant General Counsel
General Law Division, Office of General Counsel
U.S. General Services Administration
[REDACTED]

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Folder: [REDACTED]

On Thu, Mar 23, 2017 at 9:55 AM, Erik Simmons - IDRC [REDACTED] wrote:

Seth,

I wanted to let you know that we are planning to disconnect the service on the remaining PTT cell phones and iPads (see attached). We will not execute any additional remote wipes of the equipment so we can preserve any of the data that may be relevant on the devices (assuming that we get them back).

Please let me know if you have any concerns.

Thanks.

Erik

Folder: [REDACTED]

Subject: PTT Documents
Date: Tue, 23 May 2017 08:50:24 -0400
From: Seth Greenfeld - LG [REDACTED]
To: Erik Simmons - IDRC [REDACTED]
Message-ID: <CAKUJRM5+b5PV++5DA5KRSPBEvWU=Pt-rP0r7DSrpHmF5hCmGbQ@mail.gmail.com>
MD5: 7896e141318fb26103e8c13e801f9f2b

Good morning. How long would it take to make a copy of the PTT documents? We are not currently authorized to release anything to anyone, but if we get the green light, how quickly can we get a copy to the PTT? Can you make a copy now and just hold it in the event we get permission to release it to them? Thanks.

Seth S. Greenfeld
Senior Assistant General Counsel
General Law Division, Office of General Counsel
U.S. General Services Administration
[REDACTED]

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Folder: [REDACTED]

Subject: Re: PTT Documents
Date: Wed, 31 May 2017 08:39:05 -0400
From: Seth Greenfeld - LG [REDACTED]
To: Erik Simmons - IDRC [REDACTED]
Message-ID: <CAKUJRM7a8hwt06SZeYe4CdnUG06DK-Abc1UkenEHEGmZULGHsw@mail.gmail.com>
MD5: c78a24abaab93d15c0cee81703dd30a1

If you can send it that would be great. I will let Kory know it can go in the mail tomorrow and ask him for the address. I will copy you on the e-mail. Thanks.

Seth S. Greenfeld
Senior Assistant General Counsel
General Law Division, Office of General Counsel
U.S. General Services Administration
[REDACTED]

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On Wed, May 31, 2017 at 8:37 AM, Erik Simmons - IDRC [REDACTED] wrote:

Seth,
The copy is ready, but I am not in the office today. I will be back tomorrow.
Will you be sending it or do you need me to send?
Thanks.

Erik
On May 31, 2017 8:25 AM, "Seth Greenfeld - LG" [REDACTED] wrote:

I was told that the FBI does not object to us releasing copies to the Transition folks (Kory). Is the copy ready to go and can we get it in the mail (possibly over-night or 2-day delivery) to Kory? Thanks.

Seth S. Greenfeld
Senior Assistant General Counsel
General Law Division, Office of General Counsel
U.S. General Services Administration
[REDACTED]

Folder: [REDACTED]

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On Tue, May 23, 2017 at 1:21 PM, Erik Simmons - IDRC [REDACTED] wrote:

Thanks.. Please let me know when you have the final release.

Erik

On Tue, May 23, 2017 at 12:48 PM, Seth Greenfeld - LG [REDACTED] wrote:

That is fine. Kory has a colleague in DC he was hoping could pick it up in person, but we can always FedEx it or something. I am still waiting for authorization to release it anyway. Hoping to have that later today.

Seth S. Greenfeld
Senior Assistant General Counsel
General Law Division, Office of General Counsel
U.S. General Services Administration
[REDACTED]

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On Tue, May 23, 2017 at 12:29 PM, Erik Simmons - IDRC [REDACTED] wrote:

Seth,

What are the chances that we can push this to Thursday when I'm back in the office? I would prefer to wait until then and make the hand off personally.

Also, I need to locate the thumb drive... My training does not end until then....

Folder: [REDACTED]

Please let me know.

Thanks.

Erik

On Tue, May 23, 2017 at 12:21 PM, Seth Greenfeld - LG [REDACTED] wrote:

The PTT will want it tomorrow. I am just waiting for the all clear to release it to them. Kory Langhofer said he will have a colleague stop in to get it. Is there a fee for the thumb-drives or whatever it was put on? GSA should probably charge them unless it is so minuscule it costs more for us to process the payment than it is worth. For example, in FOIA the cut-off is \$25. Thanks.

Seth S. Greenfeld
Senior Assistant General Counsel
General Law Division, Office of General Counsel
U.S. General Services Administration
[REDACTED]

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On Tue, May 23, 2017 at 9:08 AM, Erik Simmons - IDRC [REDACTED] wrote:

Seth,

We are running another archive copy of the Republican PTT domain that contains all of the data. That archive should be finished by COB today and we will have a copy that can be accessed fairly quickly.

Bottom line....we can get the information quickly.

Thanks.

Erik

Folder: [REDACTED]

On Tue, May 23, 2017 at 8:50 AM, Seth Greenfeld - LG [REDACTED] wrote:

Good morning. How long would it take to make a copy of the PTT documents? We are not currently authorized to release anything to anyone, but if we get the green light, how quickly can we get a copy to the PTT? Can you make a copy now and just hold it in the event we get permission to release it to them? Thanks.

Seth S. Greenfeld
Senior Assistant General Counsel
General Law Division, Office of General Counsel
U.S. General Services Administration
[REDACTED]

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Folder: [REDACTED]

Subject: Re: PTT Documents
Date: Thu, 1 Jun 2017 10:35:05 -0400
From: Seth Greenfeld - LG [REDACTED]
To: Erik Simmons - IDRC [REDACTED]
Message-ID: <CAKUJRM4FEQJBBh7gT9Vh28TJY8iJOUVGqC9nV2GcCtZg6zOp4A@mail.gmail.com>
MD5: 33fd8daedeb0f29d046243cb8813eb1

Sure, but I will also talk to Lenny because he told me Sally from the FBI told him last week on the phone that we could send the copies.

Seth

On Thu, Jun 1, 2017 at 10:29 AM, Erik Simmons - IDRC [REDACTED] wrote:

Seth,

I was just in a meeting with Lenny and he told me to NOT send anything out at this time until you guys have further discussions with DOJ.

Please let me know once you have the green light...

Will you send an update to Kory?

Thanks.

Erik

On Wed, May 31, 2017 at 8:39 AM, Seth Greenfeld - LG [REDACTED] wrote:

If you can send it that would be great. I will let Kory know it can go in the mail tomorrow and ask him for the address. I will copy you on the e-mail. Thanks.

Seth S. Greenfeld
Senior Assistant General Counsel
General Law Division, Office of General Counsel
U.S. General Services Administration
[REDACTED]

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Folder: [REDACTED]

Subject: Re: PTT Documents
Date: Wed, 31 May 2017 08:39:05 -0400
From: Seth Greenfeld - LG [REDACTED]
To: Erik Simmons - IDRC [REDACTED]
Message-ID: <CAKUJRM7a8hwt06SZeYe4CdnUG06DK-Abc1UkenEHEGmZULGHsw@mail.gmail.com>
MD5: c78a24abaab93d15c0cee81703dd30a1

If you can send it that would be great. I will let Kory know it can go in the mail tomorrow and ask him for the address. I will copy you on the e-mail. Thanks.

Seth S. Greenfeld
Senior Assistant General Counsel
General Law Division, Office of General Counsel
U.S. General Services Administration
[REDACTED]

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On Wed, May 31, 2017 at 8:37 AM, Erik Simmons - IDRC [REDACTED] wrote:

Seth,
The copy is ready, but I am not in the office today. I will be back tomorrow.
Will you be sending it or do you need me to send?
Thanks.

Erik
On May 31, 2017 8:25 AM, "Seth Greenfeld - LG" [REDACTED] wrote:

I was told that the FBI does not object to us releasing copies to the Transition folks (Kory). Is the copy ready to go and can we get it in the mail (possibly over-night or 2-day delivery) to Kory? Thanks.

Seth S. Greenfeld
Senior Assistant General Counsel
General Law Division, Office of General Counsel
U.S. General Services Administration
[REDACTED]

Folder: [REDACTED]

Subject: Re: Document Preservation
Date: Thu, 18 May 2017 16:50:32 -0400
From: Seth Greenfeld - LG [REDACTED]
To: Janet Harney - LP [REDACTED]
Cc: Lennard Loewentritt - L [REDACTED], Eugenia Ellison - LG

Message-ID: <CAKUJRM56_bZhMVyJeCAa17OOGV-rhLfWSzoAZnppeLqclfLVJg@mail.gmail.com>
MDS: 7638e6f441029fde63ccd6713712fd48

Spoke with Lenny. He said I should just tell Kory that the machines are not available to him and not answer any follow-up questions. I'm sure there will be follow-up questions. If Kory presses, I may tell him that he can always have the party asking for the access contact GSA. I do not even want to mention law enforcement, although I have a strong suspicion that it is from a law enforcement agency.

Seth S. Greenfeld
Senior Assistant General Counsel
General Law Division, Office of General Counsel
U.S. General Services Administration
[REDACTED]

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On Thu, May 18, 2017 at 4:43 PM, Janet Harney - LP [REDACTED] wrote:

Seth:

I just returned to my office from a meeting. I hope you connected with Lenny and Eugenia.

Janet

On Thu, May 18, 2017 at 4:04 PM, Seth Greenfeld - LG [REDACTED] wrote:

This is my recent e-mail exchange with Kory Langhofer, one of the PTT attorneys. I am starting to think his second document preservation request is a Government investigation and not a private lawsuit, and he is asking to preserve all materials for investigators. I am not sure we want to turn over hard drives for forensic reviews as that could be what DOJ, the FBI, or others want to do with our machines, and if Kory's folks go first, evidence could be lost or changed. I am comfortable making a copy of everything and giving it to him, but I am not sure how to respond to the other questions. I will walk down to speak with you.

Seth

Folder: [REDACTED]

----- Forwarded message -----

From: **Kory Langhofer** [REDACTED]
Date: Thu, May 18, 2017 at 3:47 PM
Subject: Re: Document Preservation
To: Seth Greenfeld - LG [REDACTED]

Great; thank you. Three things:

1. I would be inclined to save all the email and Google Drive data to an external hard drive and then have it FedEx'ed to me, if that works on your end. But no need to resolve that today.
2. Is it possible for IT to give us a list of which users' phones and laptops are still available to be reviewed/searched? Basically, which users' phones and/or laptops have been recovered from the user but not erased?
3. What happened to the hard drives and phones that **have** been erased? Are the hard drives or memories still physically available for a forensic review, if necessary?

Sorry for all these questions, but I'd just like to make sure we're taking all the steps possible to preserve data.

-Kory

Kory Langhofer

STATECRAFT PLLC

649 North Fourth Avenue, First Floor

Phoenix, Arizona 85003

Desk: [REDACTED]

Cell: [REDACTED]

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From: Seth Greenfeld - LG [REDACTED]
Date: Thursday, May 18, 2017 at 12:38 PM
To: Kory Langhofer [REDACTED]
Subject: Re: Document Preservation

I was told it is about 328 GB. It is too large to transmit so we will have to figure out how to download and get it to you, but that can be addressed when needed. We can put it on something and USPS mail it.

Seth S. Greenfeld

Senior Assistant General Counsel

Folder: [REDACTED]

General Law Division, Office of General Counsel

U.S. General Services Administration

[REDACTED]

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On Thu, May 18, 2017 at 3:17 PM, Seth Greenfeld - LG [REDACTED] wrote:

I will ask and let you know.

Seth S. Greenfeld

Senior Assistant General Counsel

General Law Division, Office of General Counsel

U.S. General Services Administration

[REDACTED]

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Folder: [REDACTED]

is strictly prohibited. If you have received this transmission in error, please notify me immediately by telephone or return e-mail and delete and destroy the original e-mail message, any attachments thereto and all copies thereof.

On Thu, May 18, 2017 at 3:05 PM, Kory Langhofer [REDACTED] wrote:

Do you know how many gigabytes or terabytes of data we have in email and on the Google Drive? We may need to download all of it to facilitate some keyword searches, and I'm trying to get a sense of how to tackle that project.

Kory Langhofer

STATECRAFT PLLC

649 North Fourth Avenue, First Floor

Phoenix, Arizona 85003

Desk: [REDACTED]

Cell: [REDACTED]

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From: Seth Greenfeld - LG [REDACTED]

Date: Thursday, May 18, 2017 at 6:37 AM

To: Kory Langhofer [REDACTED]

Subject: Re: Document Preservation

Yes, I was told it is being archived. If there is a question as to where and how to access it, I will have to speak with our IT folks.

Seth S. Greenfeld

Senior Assistant General Counsel

General Law Division, Office of General Counsel

U.S. General Services Administration

[REDACTED]

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On Thu, May 18, 2017 at 9:27 AM, Kory Langhofer [REDACTED] wrote:

Great; thank you. And the Google drive and email are being preserved as well?

Kory Langhofer

STATECRAFT PLLC

649 North Fourth Avenue, First Floor

Phoenix, Arizona 85003

Desk: [REDACTED]

Cell: [REDACTED]

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On May 18, 2017, at 5:18 AM, Seth Greenfeld - LG [REDACTED] wrote:

GSA is not wiping any additional devices and has not since we last spoke.

Seth S. Greenfeld

Senior Assistant General Counsel

General Law Division, Office of General Counsel

U.S. General Services Administration

[REDACTED]

Folder: [REDACTED]

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On Wed, May 17, 2017 at 11:04 PM, Kory Langhofer [REDACTED] wrote:

Seth:

Trump for America received another document preservation request today. Consequently, I'm writing to confirm that the GSA has halted the wiping of PTT emails, hard drives, and cell phones as we discussed briefly a couple weeks ago. Please let me know right away if for some reason that process has resumed.

Many thanks,

Kory

Kory Langhofer

STATECRAFT PLLC

649 North Fourth Avenue, First Floor

Phoenix, Arizona 85003

Desk: [REDACTED]

Cell: [REDACTED]

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Folder: [REDACTED]

Subject: Re: Document Preservation
Date: Thu, 18 May 2017 16:50:32 -0400
From: Seth Greenfeld - LG [REDACTED]
To: Janet Harney - LP [REDACTED]
Cc: Lennard Loewentritt - L [REDACTED], Eugenia Ellison - LG
Message-ID: <CAKUJRM56_bZhMVyJeCAa17OOGV-rhLfWSzoAZnppeLqclfLVJg@mail.gmail.com>
MDS: 7638e6f441029fde63ccd6713712fd48

Spoke with Lenny. He said I should just tell Kory that the machines are not available to him and not answer any follow-up questions. I'm sure there will be follow-up questions. If Kory presses, I may tell him that he can always have the party asking for the access contact GSA. I do not even want to mention law enforcement, although I have a strong suspicion that it is from a law enforcement agency.

Seth S. Greenfeld
Senior Assistant General Counsel
General Law Division, Office of General Counsel
U.S. General Services Administration
[REDACTED]

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Seth:

I just returned to my office from a meeting. I hope you connected with Lenny and Eugenia.

Janet

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This is my recent e-mail exchange with Kory Langhofer, one of the PTT attorneys. I am starting to think his second document preservation request is a Government investigation and not a private lawsuit, and he is asking to preserve all materials for investigators. I am not sure we want to turn over hard drives for forensic reviews as that could be what DOJ, the FBI, or others want to do with our machines, and if Kory's folks go first, evidence could be lost or changed. I am comfortable making a copy of everything and giving it to him, but I am not sure how to respond to the other questions. I will walk down to speak with you.

Seth

Folder: [REDACTED]

Subject: Re: Copy of PTT Documents
Date: Mon, 5 Jun 2017 10:05:47 -0400
From: Seth Greenfeld - LG [REDACTED]
To: Kory Langhofer [REDACTED]
Message-ID: <CAKUJRM4BBxRgFscJzaWt7S0q6L0fwFoUwG65of_ZTHWTg71DRA@mail.gmail.com>
MD5: 589412c8834d292704dee70f541dd400

I am very sorry, but it still has not been mailed, although the copy is ready to go. GSA is at present subject to a Department of Justice / FBI preservation obligation and is, at this time, not permitted to send you the copy. I am trying to shake this loose for you as I see no reason why the copy cannot be provided, but until GSA receives express permission, it will not be mailed. As soon as GSA receives the go ahead, it will be expressed to you. Again, I apologize.

Seth S. Greenfeld
Senior Assistant General Counsel
General Law Division, Office of General Counsel
U.S. General Services Administration
[REDACTED]

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On Mon, Jun 5, 2017 at 9:17 AM, Kory Langhofer [REDACTED] wrote:

Hello, Seth. We still have not received the package. Can IT provide a tracking number?

Kory Langhofer

STATECRAFT PLLC

[649 North Fourth Avenue, First Floor](#)

[Phoenix, Arizona 85003](#)

Desk: [REDACTED]

Cell: [REDACTED]

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On May 31, 2017, at 5:43 AM, Seth Greenfeld - LG [REDACTED] wrote:

Good morning. I am sorry GSA was not able to get you a copy of the PTT records yet. It is ready to go

Folder: [REDACTED]

and can be express mailed to you. I copied Erik Simmons from our IT staff as he will actually be the one sending it to you. Would you like it sent to your office? I have:

Kory Langhofer
STATECRAFT PLLC
649 North Fourth Ave., First Fl.
Phoenix, AZ 85003

Seth S. Greenfeld
Senior Assistant General Counsel
General Law Division, Office of General Counsel
U.S. General Services Administration
[REDACTED]

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Folder: [REDACTED]

Subject: Re: UPS Ship Notification, Tracking Number 1ZV77600NT93341288
Date: Mon, 28 Aug 2017 14:02:20 -0400
From: Seth Greenfeld - LG [REDACTED]
To: Kory Langhofer [REDACTED]
Message-ID: <CAKUJRM6Ghrx_nqffk7gtBfjTCnH9edw5wU+7z0Rxx0upv=k8gw@mail.gmail.com>
MD5: 02e4b62f845f8fe8edf8af7e3d492bc4

I will ask. Sorry about that.

Seth S. Greenfeld
Senior Assistant General Counsel
General Law Division, Office of General Counsel
U.S. General Services Administration
[REDACTED]

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On Mon, Aug 28, 2017 at 1:58 PM, Kory Langhofer [REDACTED] wrote:

Hi, Seth. The flash drives opened successfully; thanks for helping with that.

It looks like we're still missing a handful of names (spanning parts of the Js and Ks). I've attached an updated spreadsheet listing all the files we've received and identifying the gap; the missing segment is at line 504.

Would you mind asking your IT folks to look at that one more time? Apologies for the iterative requests, but I'm pretty sure the congressional committees or the FBI would notice if we produced nothing from those custodians.

Thanks in advance,

Kory

Kory Langhofer

STATECRAFT PLLC

Folder [REDACTED]

649 North Fourth Avenue, First Floor

Phoenix, Arizona 85003

Desk: [REDACTED]

Cell: [REDACTED]

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From: Seth Greenfeld - LG [REDACTED]
Date: Monday, August 28, 2017 at 6:54 AM
To: Kory Langhove [REDACTED]
Subject: Re: UPS Ship Notification, Tracking Number 1ZV77600NT93341288

Guess you were not going to guess this one. It is: L3tsTransferData

Seth S. Greenfeld

Senior Assistant General Counsel

General Law Division, Office of General Counsel

U.S. General Services Administration

[REDACTED]

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Folder [REDACTED]

On Mon, Aug 28, 2017 at 9:35 AM, Kory Langhofer [REDACTED] wrote:

The first set of flash drives didn't have a password.

Kory Langhofer

STATECRAFT PLLC

649 North Fourth Avenue, First Floor

Phoenix, Arizona 85003

Desk: [REDACTED]

Cell: [REDACTED]

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On Aug 28, 2017, at 5:44 AM, Seth Greenfeld - LG [REDACTED] wrote:

Did you try the password that was used on the other one? If that doesn't work, I will ask our IT folks because they never mentioned a new password to me.

Seth S. Greenfeld

Senior Assistant General Counsel

General Law Division, Office of General Counsel

U.S. General Services Administration

[REDACTED]

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Folder: [REDACTED]

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On Sun, Aug 27, 2017 at 6:04 PM, Kory Langhofer [REDACTED] wrote:

Hello, Seth. Our IT folks apparently need a password to open the new thumb drives- but don't see one in my email archives or the papers that were enclosed with the thumb drives. Do your IT guys know what password they used? (The hint is just "Data.")

It's probably best if they call my cell with the password, rather than emailing it (for obvious reasons).

Kory Langhofer

STATECRAFT PLLC

649 North Fourth Avenue, First Floor

Phoenix, Arizona 85003

Desk: [REDACTED]

Cell: [REDACTED]

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From: Seth Greenfeld - LG [REDACTED]
Date: Wednesday, August 9, 2017 at 5:26 AM
To: Kory Langhofer [REDACTED]
Subject: Re: UPS Ship Notification, Tracking Number 1ZV77600NT93341288

I was told he has e-mails after December 6 and it should be on the files you receive today. There is another thumb drive that for some reason was not included in the package mailed earlier this week, so it will go out today. I think it is Monica Block's e-mail as I was just told "mailfile for Block."

Seth S. Greenfeld

Folder [REDACTED]

Senior Assistant General Counsel

General Law Division, Office of General Counsel

U.S. General Services Administration

[REDACTED]

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On Tue, Aug 8, 2017 at 4:14 PM, Kory Langhofer [REDACTED] wrote:

Great; thank you.

Kory Langhofer

STATECRAFT PLLC

649 North Fourth Avenue, First Floor

Phoenix, Arizona 85003

Desk: [REDACTED]

Cell: [REDACTED]

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On Aug 8, 2017, at 1:13 PM, Seth Greenfeld - LG [REDACTED] wrote:

I was hoping you received them today, but I guess not. I was told they were mailed yesterday, but I did not know if they went out overnight or 2-3 day. I guess I have my answer now. I will ask for a tracking number. I will also ask about General Flynn's e-mail.

Folder: [REDACTED]

Seth S. Greenfeld

Senior Assistant General Counsel

General Law Division, Office of General Counsel

U.S. General Services Administration

[REDACTED]

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On Tue, Aug 8, 2017 at 4 08 PM, Kory Langhofer [REDACTED] wrote:

Hello, Seth. Just checking on this.

Separately, the files that we received only contain Michael Flynn's emails though and including December 6, 2016, and nothing thereafter. Do you think your team can determine whether that was an exporting error or whether that is, in fact, the end of his email archives?

Thanks in advance,

Kory

Kory Langhofer

STATECRAFT PLLC

649 North Fourth Avenue, First Floor

Phoenix, Arizona 85003

Desk: [REDACTED]

Folder: [REDACTED]

Cell: [REDACTED]

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On Aug 1, 2017, at 10:39 AM, Seth Greenfeld - LG [REDACTED] wrote:

Good afternoon (or morning, in Arizona). GSA will have new copies out to you this week -- hopefully.

Seth

On Fri, Jul 28, 2017 at 4:37 PM, Seth Greenfeld - LG [REDACTED] wrote:

I will check with them.

Seth S. Greenfeld

Senior Assistant General Counsel

General Law Division, Office of General Counsel

U.S. General Services Administration

[REDACTED]

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Folder: [REDACTED]

On Fri, Jul 28, 2017 at 4:32 PM, Kory Langhofer [REDACTED] wrote:

Hello, Seth. While working through the data that you all provided last month, we discovered two issues. First, it appears that we're missing two ranges of names for PTT users. (Roughly speaking, the ranges include the users whose first names begin with letters J-L or T-Z.) Second, one of the zip files appears to be corrupted or damaged and won't open. I've attached a spreadsheet detailing what we received and what is missing or damaged/corrupted.

Would you mind asking your IT department to send the missing segments and another copy of the corrupted file? Many thanks.

-Kory

Kory Langhofer

STATECRAFT PLLC

649 North Fourth Avenue, First Floor

Phoenix, Arizona 85003

Desk: [REDACTED]

Cell: [REDACTED]

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From: Seth Greenfeld - LG [REDACTED]
Date: Friday, June 23, 2017 at 11:11 AM
To: Kory Langhofer [REDACTED]
Subject: Fwd: UPS Ship Notification, Tracking Number 1ZV77600NT93341288

Your package is on the way. Here is the tracking information.

Seth S. Greenfeld

Senior Assistant General Counsel

General Law Division, Office of General Counsel

Folder: [REDACTED]

U S. General Services Administration

[REDACTED]

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----- Forwarded message -----

From: UPS Quantum View [REDACTED]
Date: Fri, Jun 23, 2017 at 2:06 PM
Subject: UPS Ship Notification, Tracking Number 1ZV77600NT93341288
To: [REDACTED]



You have a package coming.

Scheduled Delivery Date: Monday, 06/26/2017

This message was sent to you at the request of GSA CO WASHINGTON DC L to notify you that the shipment information below has been transmitted to UPS. The physical package may or may not have actually been tendered to UPS for shipment. To verify the actual transit status of your shipment, click on the tracking link below.

Shipment Details

From: GSA CO WASHINGTON DC L

Tracking Number: [1ZV77600NT93341288](#)

Ship To: Mr. Kory Langhofer
Statecraft PLLC
649 North Fourth Avenue
First Floor
PHOENIX, AZ 850031663
US

Number of Packages: 1

Scheduled Delivery: 06/26/2017

Shipment Type: Letter



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[Contact UPS](#)

•

Folder: [REDACTED]

Subject: Re: Document Preservation
Date: Thu, 18 May 2017 08:18:19 -0400
From: Seth Greenfeld - LG [REDACTED]
To: Kory Langhofer [REDACTED]
Message-ID: <CAKUJRM4TYFzKYLLZF7dEnFOG0KXr5RO3qxWJ0ZeXDFgCoSXrrQ@mail.gmail.com>
MD5: f7da4044947546d361d7e69e86799727

GSA is not wiping any additional devices and has not since we last spoke.

Seth S. Greenfeld
Senior Assistant General Counsel
General Law Division, Office of General Counsel
U.S. General Services Administration
[REDACTED]

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On Wed, May 17, 2017 at 11:04 PM, Kory Langhofer [REDACTED] wrote:

Seth:

Trump for America received another document preservation request today. Consequently, I'm writing to confirm that the GSA has halted the wiping of PTT emails, hard drives, and cell phones as we discussed briefly a couple weeks ago. Please let me know right away if for some reason that process has resumed.

Many thanks,
Kory

Kory Langhofer

STATECRAFT PLLC

[649 North Fourth Avenue, First Floor](#)

[Phoenix, Arizona 85003](#)

Desk: [REDACTED]

Cell: [REDACTED]

Folder: [REDACTED]

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Folder: [REDACTED]

Subject: Re: Copy of PTT Documents
Date: Mon, 5 Jun 2017 10:05:47 -0400
From: Seth Greenfeld - LG [REDACTED]
To: Kory Langhofer [REDACTED]
Message-ID: <CAKUJRM4BBxRgFscJzaWt7S0q6L0fwFoUwG65of_ZTHWTg71DRA@mail.gmail.com>
MD5: 589412c8834d292704dee70f541dd400

I am very sorry, but it still has not been mailed, although the copy is ready to go. GSA is at present subject to a Department of Justice / FBI preservation obligation and is, at this time, not permitted to send you the copy. I am trying to shake this loose for you as I see no reason why the copy cannot be provided, but until GSA receives express permission, it will not be mailed. As soon as GSA receives the go ahead, it will be expressed to you. Again, I apologize.

Seth S. Greenfeld
Senior Assistant General Counsel
General Law Division, Office of General Counsel
U.S. General Services Administration
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On Mon, Jun 5, 2017 at 9:17 AM, Kory Langhofer [REDACTED] wrote:

Hello, Seth. We still have not received the package. Can IT provide a tracking number?

Kory Langhofer

STATECRAFT PLLC

[649 North Fourth Avenue, First Floor](#)

[Phoenix, Arizona 85003](#)

Desk: [REDACTED]

Cell: [REDACTED]

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On May 31, 2017, at 5:43 AM, Seth Greenfeld - LG [REDACTED] wrote:

Good morning. I am sorry GSA was not able to get you a copy of the PTT records yet. It is ready to go

Folder: [REDACTED]

On Fri, Jul 28, 2017 at 4:32 PM, Kory Langhofer [REDACTED] wrote:

Hello, Seth. While working through the data that you all provided last month, we discovered two issues. First, it appears that we're missing two ranges of names for PTT users. (Roughly speaking, the ranges include the users whose first names begin with letters J-L or T-Z.) Second, one of the zip files appears to be corrupted or damaged and won't open. I've attached a spreadsheet detailing what we received and what is missing or damaged/corrupted.

Would you mind asking your IT department to send the missing segments and another copy of the corrupted file? Many thanks.

-Kory

Kory Langhofer

STATECRAFT PLLC

649 North Fourth Avenue, First Floor

Phoenix, Arizona 85003

Desk: [REDACTED]

Cell: [REDACTED]

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From: Seth Greenfeld - LG [REDACTED]
Date: Friday, June 23, 2017 at 11:11 AM
To: Kory Langhofer [REDACTED]
Subject: Fwd: UPS Ship Notification, Tracking Number 1ZV77600NT93341288

Your package is on the way. Here is the tracking information.

Seth S. Greenfeld

Senior Assistant General Counsel

General Law Division, Office of General Counsel

Folder: [REDACTED]

Subject: Fwd: Preservation of Transition Team Records
Date: Wed, 15 Feb 2017 16:19:23 -0500
From: Seth Greenfeld - LG [REDACTED]
To: Lennard Loewentritt - L [REDACTED]
Message-ID: <CAKUJRM7CARbZrPnVQOTTTD3ZNsDAihqeU1iTjuW45d+5Qo3iGw@mail.gmail.com>
MD5: 80a71c1bff7877d25cfe7a3b4a9a88a6

This deviates from what we told the PTT would be GSA's practice. We told the PTT that we do not store information after the Transition and we sanitize machines when they are returned to us. I already instructed the GSA's Support Team to preserve all the information at the request of DOJ (through our OIG), but do we need something more formal from DOJ or the OIG, or is Mr. Martin's e-mail enough? I want to make sure any evidence is available but I also want to make sure GSA is not open to some type of complaint. I do not care about "bad press", but want to make sure we are not violating anything more serious. Are you comfortable with Mr. Martin's e-mail being our basis for preservation? I am, but want to make sure I am not missing anything.

Seth S. Greenfeld
Senior Assistant General Counsel
General Law Division, Office of General Counsel
U.S. General Services Administration
[REDACTED]

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From: Seth Greenfeld - LG [REDACTED]
Date: Wed, Feb 15, 2017 at 4:08 PM
Subject: Re: Preservation of Transition Team Records
To: [REDACTED]
Cc: [REDACTED]

Thank you for the update. I will inform the GSA Presidential Transition Support Team to continue to hold all PTT electronic records at the request of DOJ. This will be laptops, cell phones, tablets, and the network. As the network contracts are set to expire soon and the original plan was to simply wipe the system since the materials are not Federal records, we will need to see how we can preserve that information. I also understand that some machines have been scrubbed of material, so I am not sure if there is a way for someone to retrieve that material if it is wanted, but I will ask that question too.

Seth S. Greenfeld

Folder: [REDACTED]

Senior Assistant General Counsel
General Law Division, Office of General Counsel
U.S. General Services Administration
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On Wed, Feb 15, 2017 at 3:20 PM, [REDACTED] wrote:
Seth:

Just tried to call you. The IG called over to DOJ. She was not given a point of contact concerning this issue but was asked to relay DOJ's request that you preserve the transition team records. If for some reason you cannot preserve the records, please give me advanced notice. Thanks

Ed
Edward J. Martin
Counsel
Office of the Inspector General
General Services Administration
[REDACTED] (office)

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From: Edward J. Martin/JC/CO/GSAIG
To: [REDACTED]
Cc: [REDACTED]
Date: 02/15/2017 10:22 AM
Subject: Preservation of Transition Team Records

Seth:

Per our conversation, the OIG recommends you preserve all transition team records. We will try to get you a DOJ point of contact for further guidance on this issue.

Ed
Edward J. Martin
Counsel
Office of the Inspector General
General Services Administration
[REDACTED] (office)

Folder: [REDACTED]

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Folder: [REDACTED]

Subject: Re: Copy of PTT Records to PTT
Date: Thu, 1 Jun 2017 10:53:35 -0400
From: Seth Greenfeld - LG [REDACTED]
To: Lennard Loewentritt - L [REDACTED]
Message-ID: <CAKUJRM69OGc=DFJ54kTuzb3duZpuM-SbY5jn7cB65RqK1AxWSw@mail.gmail.com>
MD5: 475cb97d48685afff294222ee2fb7165

In addition, if we are not releasing the copies at the request of the FBI or DOJ, I think they need to give us the legal basis as the records are actually PTT records and not GSA records (although, obviously, we have physical custody). If GSA is sued for these by the PTT, I do not think GSA should simply defend itself with: "The FBI asked us not to do it."

Seth S. Greenfeld
Senior Assistant General Counsel
General Law Division, Office of General Counsel
U.S. General Services Administration
[REDACTED]

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On Thu, Jun 1, 2017 at 10:46 AM, Seth Greenfeld - LG [REDACTED] wrote:

Erik Simmons just informed me that you said he cannot send a copy of the PTT's documents to the PTT? You told me last week that Sally Moyer from the FBI did not object as long as no one accessed the actual machines. Why are we changing course now? They are getting copies only and no one is accessing any equipment. There is no chance of anyone tampering with any evidence or potential evidence. They are simply getting copies of their own records of which GSA already has a copy. Did Erik misunderstand?

Seth S. Greenfeld
Senior Assistant General Counsel
General Law Division, Office of General Counsel
U.S. General Services Administration
[REDACTED]

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Folder: [REDACTED]

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Folder [REDACTED]

Subject: Fwd: Call with Special Counsel Staffer
Date: Thu, 8 Jun 2017 11:37:47 -0400
From: Lennard Loewentritt - L [REDACTED]
To: Richard Beckler - L [REDACTED]
Message-ID: <8984562360414142970@unknownmsgid>
MD5: 1f11a703f19c31c1d33517426cbcccb3

Sent from my iPhone
Begin forwarded message:

From: Seth Greenfeld - LG [REDACTED]
Date: June 8, 2017 at 11:27:06 AM EDT
To: Lennard Loewentritt - L [REDACTED]
Subject: Call with Special Counsel Staffer

I spoke with Brandon VanGrack (not sure of the spelling of his name) from Special Counsel Mueller's staff. We spoke about the document request from the PTT attorney and how GSA views the records. I explained GSA's support in Transition (e.g., provide office space, equipment, and other administrative support), and that GSA does not view the records in question as GSA records in both a Federal Records Act and FOIA context. Therefore, I see GSA simply as in custody of the documents, but that they are PTT documents. I also explained normally GSA would destroy the records and wipe the machines, but given the news cycles, GSA decided it was prudent to inquire about preservation during the machine wiping process, so we reached out to the IG, who contacted the FBI or DOJ and got the ball rolling for GSA's preservation of records. The records were copied and are on a thumb-drive so no access to anything else needs to be done right now to provide copies.

Mr. VanGrack and I spoke about others' access to the records and I said I saw three buckets, (1) PTT, (2) general public, and (3) law enforcement. I stated I saw these as PTT records and they should be given copies as I see no legal reason at this time to withhold the records from the PTT. Then I explained that I do not think the general public has a right to these documents from GSA based on my position regarding the Federal Records Act and FOIA, as well as some FOIA case law on the topic. Finally, as for law enforcement access to the records, I stated that I thought a subpoena was necessary as they are not GSA's records (as detailed before) and that a subpoena will remove evidence admissibility issues if there is a prosecution of someone in the future, but I ultimately defer to law enforcement on the issue of a need for a subpoena.

We also briefly spoke about the PTT's request. I explained that my understanding is that they initially had a civil matter which they thought would be easily won by motion, but then they received a document preservation and production request which I was told from the Senate Intelligence Committee which led to the request for the copies. I was also told the PTT expected a DOJ/FBI/Special Counsel request. In addition, I mentioned that the PTT did mention access to machines, but I explained GSA will not allow that given the possible impact on evidence.

Mr. VanGrack thanked me, said our conversation was extremely helpful and informative, and that he will speak with others there and get back to me regarding the PTT's request and possibly what they may want from us.

If you have any questions, please let me know.

Seth

Folder [REDACTED]

Subject: Fwd: PTT Records Request
Date: Fri, 19 May 2017 16:34:51 -0400
From: Lennard Loewentritt - L [REDACTED]
To: Robert Carter - DP [REDACTED]
Message-ID: <CAEhyDpg+nKwnm1h41f3tzPqtXeLCTtmzCasarUYvUTv+EfcGpQ@mail.gmail.com>
MD5: 1e10d7c7134402430a7c6f44bc5956a0

----- Forwarded message -----

From: Lennard Loewentritt - L [REDACTED]
Date: Fri, May 19, 2017 at 4:34 PM
Subject: Fwd: PTT Records Request
To: [REDACTED], Robert Carter - DP
[REDACTED]

----- Forwarded message -----

From: Seth Greenfeld - LG [REDACTED]
Date: Fri, May 19, 2017 at 3:52 PM
Subject: PTT Records Request
To: Lennard Loewentritt - L [REDACTED]

I forwarded you a voice-mail message from Kory Langhofer. He is now asking for a copy of all the GSA records GSA has copied for the PTT. I have not responded, but I feel like I owe him some type of reply by Monday at the latest, as his message said he is under some time crunch now and I feel badly simply ignoring him. Please let me know what you want me to say or if I should continue to not respond as we discussed yesterday. Thanks.

Seth S. Greenfeld
Senior Assistant General Counsel
General Law Division, Office of General Counsel
U.S. General Services Administration
[REDACTED]

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Folder: [REDACTED]

Subject: Re: Follow-up from Sally?
Date: Wed, 24 May 2017 12:01:02 -0400
From: Seth Greenfeld - LG [REDACTED]
To: Lennard Loewentritt - L [REDACTED]
Message-ID: <CAKUJRM4-P=JqU_9ObrwETYZ4iO9sTZY8XR-bo0iK7ZSAHxoxPg@mail.gmail.com>
MD5: e97c9a80bfb4cd7d77de9f8cbe445782

Still nothing from Sally?

Seth

On Tue, May 23, 2017 at 4:56 PM, Lennard Loewentritt - L [REDACTED] wrote:

not a word yet.

On Tue, May 23, 2017 at 4:55 PM, Seth Greenfeld - LG [REDACTED] wrote:

I was curious if you received the follow-up from Sally yet? I know the PTT attorney is anxious to get the copies. Thanks.

Seth

Folder: [REDACTED]

Subject: Re: Follow-up from Sally?
Date: Wed, 24 May 2017 12:01:02 -0400
From: Seth Greenfeld - LG [REDACTED]
To: Lennard Loewentritt - L [REDACTED]
Message-ID: <CAKUJRM4-P=JqU_9ObrwETYZ4iO9sTZY8XR-bo0iK7ZSAHxoxPg@mail.gmail.com>
MD5: e97c9a80bfb4cd7d77de9f8cbe445782

Still nothing from Sally?

Seth

On Tue, May 23, 2017 at 4:56 PM, Lennard Loewentritt - L [REDACTED] wrote:

not a word yet.

On Tue, May 23, 2017 at 4:55 PM, Seth Greenfeld - LG [REDACTED] wrote:

I was curious if you received the follow-up from Sally yet? I know the PTT attorney is anxious to get the copies. Thanks.

Seth

Folder: [REDACTED]

Subject: Senate Intelligence
Date: Tue, 23 May 2017 11:11:11 -0400
From: Seth Greenfeld - LG [REDACTED]
To: Lennard Loewentritt - L [REDACTED] Eugenia Ellison - LG
Message-ID: <CAKUJRM4k8xQZqCcihem2uvu+jnE4PJ9W40ceGyESn1re6dgWzw@mail.gmail.com>
MD5: cf43abab9855a069d5563d2e7fe0d6fc

This is to follow-up on our discussion. The Senate Intelligence Committee staffer that reached out to me regarding PTT documents and mentioned that the Committee would be sending GSA some type of request is Brett Freedman. His number is [REDACTED]. I told him the general support GSA provides to the President-elect and his team, and that GSA may have responsive documents, but it will depend on what specifically they want, so we will see what they actually ask for in writing.

Seth S. Greenfeld
Senior Assistant General Counsel
General Law Division, Office of General Counsel
U.S. General Services Administration
[REDACTED]

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Folder: [REDACTED]

Subject: Fwd: Document Preservation
Date: Thu, 18 May 2017 09:56:20 -0400
From: Seth Greenfeld - LG [REDACTED]
To: Lennard Loewentritt - L [REDACTED], Janet Harney - LP
Message-ID: <CAKUJRM6qbeP5fcx+nOibBRDQ9up_rpZeq2nE3fDOgMBQLUfiBg@mail.gmail.com>
MD5: 56b98884849cb0360da4adede27b34bb

Here is the latest e-mail exchange we just spoke about. Kory is a PTT lawyer. He reached out a little while ago regarding a record hold based on a private litigation matter. I do not know any specifics of this second request referenced below. GSA never told him of the DOJ/FBI request to us. We simply informed him of the fact that about 80% of the machines were previously wiped but GSA has all of the records archived now.

Seth S. Greenfeld
Senior Assistant General Counsel
General Law Division, Office of General Counsel
U.S. General Services Administration
[REDACTED]

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----- Forwarded message -----

From: Seth Greenfeld - LG [REDACTED]
Date: Thu, May 18, 2017 at 9:37 AM
Subject: Re: Document Preservation
To: Kory Langhofer [REDACTED]

Yes, I was told it is being archived. If there is a question as to where and how to access it, I will have to speak with our IT folks.

Seth S. Greenfeld
Senior Assistant General Counsel
General Law Division, Office of General Counsel
U.S. General Services Administration
[REDACTED]

Folder: [REDACTED]

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On Thu, May 18, 2017 at 9:27 AM, Kory Langhofer [REDACTED] wrote:

Great; thank you. And the Google drive and email are being preserved as well?

Kory Langhofer

STATECRAFT PLLC

[649 North Fourth Avenue, First Floor](#)

[Phoenix, Arizona 85003](#)

Desk: [REDACTED]

Cell: [REDACTED]

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On May 18, 2017, at 5:18 AM, Seth Greenfeld - LG [REDACTED] wrote:

GSA is not wiping any additional devices and has not since we last spoke.

Seth S. Greenfeld
Senior Assistant General Counsel
General Law Division, Office of General Counsel
U.S. General Services Administration
[REDACTED]

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On Wed, May 17, 2017 at 11:04 PM, Kory Langhofer [REDACTED] wrote:

Seth:

Trump for America received another document preservation request today. Consequently, I'm writing to confirm that the GSA has halted the wiping of PTT emails, hard drives, and cell phones as we discussed briefly a couple weeks ago. Please let me know right away if for some reason that process has resumed.

Many thanks,
Kory

Kory Langhofer

STATECRAFT PLLC

[649 North Fourth Avenue, First Floor](#)

[Phoenix, Arizona 85003](#)

Desk: [REDACTED]

Cell: [REDACTED]

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Folder: [REDACTED]

Subject: Fwd: Document Preservation
Date: Thu, 18 May 2017 09:56:20 -0400
From: Seth Greenfeld - LG [REDACTED]
To: Lennard Loewentritt - L [REDACTED] Janet Harney - LP

Message-ID: <CAKUJRM6qbeP5fcx+nOibBRDQ9up_rpZeq2nE3fDOgMBQLUfiBg@mail.gmail.com>
MD5: 56b98884849cb0360da4adede27b34bb

Here is the latest e-mail exchange we just spoke about. Kory is a PTT lawyer. He reached out a little while ago regarding a record hold based on a private litigation matter. I do not know any specifics of this second request referenced below. GSA never told him of the DOJ/FBI request to us. We simply informed him of the fact that about 80% of the machines were previously wiped but GSA has all of the records archived now.

Seth S. Greenfeld
Senior Assistant General Counsel
General Law Division, Office of General Counsel
U.S. General Services Administration
[REDACTED]

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----- Forwarded message -----

From: Seth Greenfeld - LG [REDACTED]
Date: Thu, May 18, 2017 at 9:37 AM
Subject: Re: Document Preservation
To: Kory Langhofer [REDACTED]

Yes, I was told it is being archived. If there is a question as to where and how to access it, I will have to speak with our IT folks.

Seth S. Greenfeld
Senior Assistant General Counsel
General Law Division, Office of General Counsel
U.S. General Services Administration
[REDACTED]

Folder: [REDACTED]

Subject: PTT Documents - Update
Date: Wed, 21 Jun 2017 11:27:23 -0400
From: Seth Greenfeld - LG [REDACTED]
To: Lennard Loewentritt - L [REDACTED], Richard Beckler - L [REDACTED]
Message-ID: <CAKUJRM41O_ =C4-Q83HBDpn4d073r9LA5NCpDsw6_1NKVoK3ocA@mail.gmail.com>
MD5: ccc7f874627600c0daf55b5cfcdbae6

I have a copy the PTT files. Erik dropped them off with me a few minutes ago. Brandon from DOJ called me back this morning. He said GSA will soon be receiving a more formalized preservation order from the FBI. While it will not specifically instruct GSA to release or not release copies to the PTT (or anyone else), it will be up to GSA to interpret the request and choose a course of action that is consistent, which means we should be able to release the copies to the PTT. I recommend waiting for the actual document from the FBI though so we can read exactly what it says. Brandon said it should be issued this week.

Seth S. Greenfeld
Senior Assistant General Counsel
General Law Division, Office of General Counsel
U.S. General Services Administration
[REDACTED]

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Folder: [REDACTED]

Subject: Fwd: Preservation of Transition Team Records
Date: Wed, 15 Feb 2017 16:19:23 -0500
From: Seth Greenfeld - LG [REDACTED]
To: Lennard Loewentritt - L [REDACTED]
Message-ID: <CAKUJRM7CARbZrPnVQOTTTD3ZNsDAihqeU1iTjuW45d+5Qo3iGw@mail.gmail.com>
MD5: 80a71c1bff7877d25cfe7a3b4a9a88a6

This deviates from what we told the PTT would be GSA's practice. We told the PTT that we do not store information after the Transition and we sanitize machines when they are returned to us. I already instructed the GSA's Support Team to preserve all the information at the request of DOJ (through our OIG), but do we need something more formal from DOJ or the OIG, or is Mr. Martin's e-mail enough? I want to make sure any evidence is available but I also want to make sure GSA is not open to some type of complaint. I do not care about "bad press", but want to make sure we are not violating anything more serious. Are you comfortable with Mr. Martin's e-mail being our basis for preservation? I am, but want to make sure I am not missing anything.

Seth S. Greenfeld
Senior Assistant General Counsel
General Law Division, Office of General Counsel
U.S. General Services Administration
[REDACTED]

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----- Forwarded message -----

From: Seth Greenfeld - LG [REDACTED]
Date: Wed, Feb 15, 2017 at 4:08 PM
Subject: Re: Preservation of Transition Team Records
To: [REDACTED]
Cc: [REDACTED]

Thank you for the update. I will inform the GSA Presidential Transition Support Team to continue to hold all PTT electronic records at the request of DOJ. This will be laptops, cell phones, tablets, and the network. As the network contracts are set to expire soon and the original plan was to simply wipe the system since the materials are not Federal records, we will need to see how we can preserve that information. I also understand that some machines have been scrubbed of material, so I am not sure if there is a way for someone to retrieve that material if it is wanted, but I will ask that question too.

Seth S. Greenfeld

Folder: [REDACTED]

Subject: Re: Copy of PTT Records to PTT
Date: Thu, 1 Jun 2017 10:53:35 -0400
From: Seth Greenfeld - LG [REDACTED]
To: Lennard Loewentritt - L [REDACTED]
Message-ID: <CAKUJRM69OGc=DFJ54kTuzb3duZpuM-SbY5jn7cB65RqK1AxWSw@mail.gmail.com>
MD5: 7968b863e6235bdf9e0f8e38498203b9

In addition, if we are not releasing the copies at the request of the FBI or DOJ, I think they need to give us the legal basis as the records are actually PTT records and not GSA records (although, obviously, we have physical custody). If GSA is sued for these by the PTT, I do not think GSA should simply defend itself with: "The FBI asked us not to do it."

Seth S. Greenfeld
Senior Assistant General Counsel
General Law Division, Office of General Counsel
U.S. General Services Administration
[REDACTED]

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On Thu, Jun 1, 2017 at 10:46 AM, Seth Greenfeld - LG [REDACTED] wrote:

Erik Simmons just informed me that you said he cannot send a copy of the PTT's documents to the PTT? You told me last week that Sally Moyer from the FBI did not object as long as no one accessed the actual machines. Why are we changing course now? They are getting copies only and no one is accessing any equipment. There is no chance of anyone tampering with any evidence or potential evidence. They are simply getting copies of their own records of which GSA already has a copy. Did Erik misunderstand?

Seth S. Greenfeld
Senior Assistant General Counsel
General Law Division, Office of General Counsel
U.S. General Services Administration
[REDACTED]

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Folder: [REDACTED]

Subject: Fwd: Document Preservation
Date: Thu, 18 May 2017 16:04:24 -0400
From: Seth Greenfeld - LG [REDACTED]
To: Lennard Loewentritt - L [REDACTED], Janet Harney - LP [REDACTED], Eugenia Ellison - LG [REDACTED]
Message-ID: <CAKUJRM7LyNMJRq6M4xFwdkQvDn17K-4LJ4qS8A7HdKupxjt1Mw@mail.gmail.com>
MD5: 2cd2a1c49f4f51c007a6ec2dd7a2842c

This is my recent e-mail exchange with Kory Langhofer, one of the PTT attorneys. I am starting to think his second document preservation request is a Government investigation and not a private lawsuit, and he is asking to preserve all materials for investigators. I am not sure we want to turn over hard drives for forensic reviews as that could be what DOJ, the FBI, or others want to do with our machines, and if Kory's folks go first, evidence could be lost or changed. I am comfortable making a copy of everything and giving it to him, but I am not sure how to respond to the other questions. I will walk down to speak with you.

Seth

----- Forwarded message -----

From: Kory Langhofer [REDACTED]
Date: Thu, May 18, 2017 at 3:47 PM
Subject: Re: Document Preservation
To: Seth Greenfeld - LG [REDACTED]

Great; thank you. Three things:

1. I would be inclined to save all the email and Google Drive data to an external hard drive and then have it FedEx'ed to me, if that works on your end. But no need to resolve that today.
2. Is it possible for IT to give us a list of which users' phones and laptops are still available to be reviewed/searched? Basically, which users' phones and/or laptops have been recovered from the user but not erased?
3. What happened to the hard drives and phones that **have** been erased? Are the hard drives or memories still physically available for a forensic review, if necessary?

Sorry for all these questions, but I'd just like to make sure we're taking all the steps possible to preserve data.

-Kory

Kory Langhofer

STATECRAFT PLLC

649 North Fourth Avenue, First Floor

Phoenix, Arizona 85003

Desk: [REDACTED]

Cell: [REDACTED]

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From: Seth Greenfeld - LG [REDACTED]
Date: Thursday, May 18, 2017 at 12:38 PM

Folder: [REDACTED]

To: Kory Langhofer [REDACTED]
Subject: Re: Document Preservation

I was told it is about 328 GB. It is too large to transmit so we will have to figure out how to download and get it to you, but that can be addressed when needed. We can put it on something and USPS mail it.

Seth S. Greenfeld
Senior Assistant General Counsel
General Law Division, Office of General Counsel
U.S. General Services Administration
[REDACTED]

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On Thu, May 18, 2017 at 3:17 PM, Seth Greenfeld - LG [REDACTED] wrote:

I will ask and let you know.

Seth S. Greenfeld
Senior Assistant General Counsel
General Law Division, Office of General Counsel

Folder: [REDACTED]

U.S. General Services Administration

[REDACTED]

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On Thu, May 18, 2017 at 3:05 PM, Kory Langhofer [REDACTED] wrote:

Do you know how many gigabytes or terabytes of data we have in email and on the Google Drive? We may need to download all of it to facilitate some keyword searches, and I'm trying to get a sense of how to tackle that project.

Kory Langhofer

STATECRAFT PLLC

649 North Fourth Avenue, First Floor

Phoenix, Arizona 85003

Desk: [REDACTED]

Cell: [REDACTED]

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From: Seth Greenfeld - LG [REDACTED]

Date: Thursday, May 18, 2017 at 6:37 AM

To: Kory Langhofer [REDACTED]

Subject: Re: Document Preservation

Yes, I was told it is being archived. If there is a question as to where and how to access it, I will have to speak with our IT folks.

Folder: [REDACTED]

Seth S. Greenfeld

Senior Assistant General Counsel

General Law Division, Office of General Counsel

U.S. General Services Administration

[REDACTED]

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Kory Langhofer

STATECRAFT PLLC

649 North Fourth Avenue, First Floor

Phoenix, Arizona 85003

Desk: [REDACTED]

Cell: [REDACTED]

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On May 18, 2017, at 5:18 AM, Seth Greenfeld - LG [REDACTED] wrote:

GSA is not wiping any additional devices and has not since we last spoke.

Folder: [REDACTED]

Seth S. Greenfeld

Senior Assistant General Counsel

General Law Division, Office of General Counsel

U.S. General Services Administration

[REDACTED]

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On Wed, May 17, 2017 at 11:04 PM, Kory Langhofer [REDACTED] wrote:

Seth:

Trump for America received another document preservation request today. Consequently, I'm writing to confirm that the GSA has halted the wiping of PTT emails, hard drives, and cell phones as we discussed briefly a couple weeks ago. Please let me know right away if for some reason that process has resumed.

Many thanks,

Kory

Kory Langhofer

STATECRAFT PLLC

649 North Fourth Avenue, First Floor

Phoenix, Arizona 85003

Desk [REDACTED]

Folder: [REDACTED]

Cell: [REDACTED]

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Folder: [REDACTED]

Subject: Fwd: Document Preservation
Date: Thu, 18 May 2017 16:04:24 -0400
From: Seth Greenfeld - LG [REDACTED]
To: Lennard Loewentritt - L [REDACTED], Janet Harney - LP [REDACTED], Eugenia Ellison - LG [REDACTED]
Message-ID: <CAKUJRM7LyNMJRq6M4xFwdkQvDn17K-4LJ4qS8A7HdKupxjt1Mw@mail.gmail.com>
MD5: 2cd2a1c49f4f51c007a6ec2dd7a2842c

This is my recent e-mail exchange with Kory Langhofer, one of the PTT attorneys. I am starting to think his second document preservation request is a Government investigation and not a private lawsuit, and he is asking to preserve all materials for investigators. I am not sure we want to turn over hard drives for forensic reviews as that could be what DOJ, the FBI, or others want to do with our machines, and if Kory's folks go first, evidence could be lost or changed. I am comfortable making a copy of everything and giving it to him, but I am not sure how to respond to the other questions. I will walk down to speak with you.

Seth

----- Forwarded message -----

From: Kory Langhofer [REDACTED]
Date: Thu, May 18, 2017 at 3:47 PM
Subject: Re: Document Preservation
To: Seth Greenfeld - LG [REDACTED]

Great; thank you. Three things:

1. I would be inclined to save all the email and Google Drive data to an external hard drive and then have it FedEx'ed to me, if that works on your end. But no need to resolve that today.
2. Is it possible for IT to give us a list of which users' phones and laptops are still available to be reviewed/searched? Basically, which users' phones and/or laptops have been recovered from the user but not erased?
3. What happened to the hard drives and phones that **have** been erased? Are the hard drives or memories still physically available for a forensic review, if necessary?

Sorry for all these questions, but I'd just like to make sure we're taking all the steps possible to preserve data.

-Kory

Kory Langhofer

STATECRAFT PLLC

649 North Fourth Avenue, First Floor

Phoenix, Arizona 85003

Desk [REDACTED]

Cell: [REDACTED]

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From: Seth Greenfeld - LG [REDACTED]
Date: Thursday, May 18, 2017 at 12:38 PM

Folder [REDACTED]

Subject: E-mail for Record of DOJ Call
Date: Fri, 16 Jun 2017 17:22:44 -0400
From: Seth Greenfeld - LG [REDACTED]
To: Richard Beckler - L [REDACTED] Lennard Loewentritt - L

Message-ID: <CAKUJRM4OYNWNCFS=YFNeXg=1HPoQR9r6XnkEPAYPqvo0vpT_2A@mail.gmail.com>
MD5: d0d8e63d3081f3c2fd4036ca1b551a87

This e-mail documents a conversation this morning between the three of us and Brandon VanGrack from the Department of Justice (Robert Mueller's staff). I am sending an e-mail so it is date and time stamped. We called Brandon's cell phone ([REDACTED]) from Richard's office around 9:30 am and he was in the Metro system.

Richard explained that GSA is in receipt of various record hold and production requests for Presidential Transition Team (PTT) records that are in the physical custody of GSA based on GSA's administrative support to the PTT. The requests are from DOJ/FBI, Senate Select Committee on Intelligence (SSCI), and the PTT. The Agency does not consider them to be GSA records, and GSA does not claim ownership or know what information is detailed in the records or subject to a claim of privilege as GSA has never looked at the content of the material, and GSA thinks the DOJ/FBI, SSCI, White House, and PTT need to discuss how records in GSA's possession will be addressed as GSA is just like a warehouse. Those entities need to discuss review and production. Richard explained GSA wants to be cooperative but feels GSA does not have a claim to the records other than it is storing the material, which the Agency will continue to do until further direction is received. Brandon was also told that the three of us spoke with Kory Langhofer yesterday and that Kory is an attorney representing the PTT. It was relayed to Brandon that Kory said the PTT has its own document hold and production requests from the House and Senate Intelligence Committees and they expect one from DOJ. The requests were generally described to us but the written requests were not actually shared with us.

Brandon explained that the FBI and Special Counsel are working hand in hand. Up to this point, DOJ was trying to determine what the records were and other parameters around what GSA potentially has in its custody, and GSA has been very helpful in answering those questions, but, that as of today, GSA is not being asked to send any PTT documents to DOJ. DOJ will decide how to proceed and if records are requested from GSA, a subpoena will be issued or a search warrant will be executed. Brief mention of classified communications between GSA and DOJ was made, and Richard explained that he still does not have his Top Secret clearance and [REDACTED] is the point person for GSA OGC on that.

Brandon asked if GSA could share copies of the letters GSA received from SSCI and Lenny informed him that the June 12, 2017, letter was sent to Sally Moyer. Brandon said he will get a copy from her. Brandon also asked if he could see the documents that the PTT sent GSA the day before regarding the creation and management of the 501(c)(4) which was basically the PTT. Richard said he would review the documents from Kory and see if anything should or could be sent to Brandon.

Brandon expressed that DOJ will discuss internally a way forward and get back to GSA. As Richard was sharing his direct contact information, the call was terminated. A message from Brandon to me a bit later conveyed that he lost his cell signal while on Metro. We did not call back.

If you believe I neglected to capture anything relevant to the call, please let me know.

Seth S. Greenfeld
Senior Assistant General Counsel
General Law Division, Office of General Counsel
U.S. General Services Administration
[REDACTED]

Folder: [REDACTED]

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Folder: [REDACTED]

Subject: Re: Any guidance yet?
Date: Fri, 2 Jun 2017 08:36:11 -0400
From: Seth Greenfeld - LG [REDACTED]
To: "Moyer, Sally A. (OGC) (FBI)" [REDACTED]
Message-ID: <CAKUJRM46Vbd9Bwy5Cby1mY6fEfg2v=wLe+1Nqt6GTf09cD3xMA@mail.gmail.com>
MD5: 50a36a6f0e6e849b4d03b522adec0f81

Good morning. The Presidential Transition Team (PTT), through one of its attorneys, asked for copies of all of the PTT's records. I was told they have some litigation hold and document production requests. GSA does not view these as GSA records for Federal Records Act and FOIA purposes, but rather PTT records which happen to be in GSA's custody. Do you object to GSA providing a copy to them? No one needs to access any machines or equipment (i.e., laptops or cell phones) and they are only being provided a copy of the records from the cloud, not access to original source material. I was told a couple of weeks ago that it was OK, but now it seems like I may have misunderstood, so I wanted to confirm. GSA has the copy but has not mailed it yet. Thank you.

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[REDACTED]

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On Fri, May 26, 2017 at 5:41 PM, Moyer, Sally A. (OGC) (FBI) [REDACTED] wrote:

Lenny –

I apologize for the delay. As I just explained to Brett, I was able to coordinate with both the DC US Attorney's Office and the Special Counsel. We ask that you continue to preserve the stored communications, records, and electronic media as previously requested in a manner that maintains the integrity of both the content and the metadata of the information. We have no objection to you indicating to others who request the materials that you are under preservation obligations from the Department of Justice/FBI. As I discussed with Brett, we hope to set up a call next week to discuss production of the materials being preserved.

Please let me know if you have any questions.

Thanks,
Sally

Sally A. Moyer
Chief, Counterintelligence Law Unit I
National Security & Cyber Law Branch
Office of the General Counsel
Federal Bureau of Investigation

Folder: [REDACTED]

[REDACTED]

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From: Lennard Loewentritt - L [mailto:[REDACTED]]

Sent: Friday, May 26, 2017 2:01 PM

To: Moyer, Sally A. (OGC)(FBI) [REDACTED]

Cc: Seth Greenfeld [REDACTED]; Janet Harney [REDACTED]

Subject: Any guidance yet?

Sally, we spoke this past week about requests for documents from the attorney representing the Trump transition, Kory Langhofer, from Statecraft PLLC. We are still awaiting guidance. If we need to chat again, please let me know. My direct line is [REDACTED]

Thanks for your help.

Lenny Loewentritt

Deputy General Counsel

General Services Administration.

Folder: [REDACTED]

Subject: Re: Any guidance yet?
Date: Mon, 5 Jun 2017 09:39:49 -0400
From: Seth Greenfeld - LG [REDACTED]
To: "Moyer, Sally A. (OGC) (FBI)" [REDACTED]
Message-ID: <CAKUJRM6TdrPAxNgEJ6D8qpNqJKby2J7=UJ0-HGQzx=8xkdBy0g@mail.gmail.com>
MD5: aea4486056f88cd1387fba8ef077e7f2

Good morning. Does the FBI object to GSA providing a copy of the PTT records to one of the PTT's attorney? I see no legal reason to not provide them, but I was asked to confirm with you based on some conversations of which I was not involved. Please let me know if it is OK to provide the copy or not. Thank you. I hope you had a nice weekend.

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General Law Division, Office of General Counsel
U.S. General Services Administration
[REDACTED]

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On Fri, Jun 2, 2017 at 8:36 AM, Seth Greenfeld - LG [REDACTED] wrote:

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General Law Division, Office of General Counsel
U.S. General Services Administration
[REDACTED]

Folder: [REDACTED]

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Please let me know if you have any questions.

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Office of the General Counsel
Federal Bureau of Investigation
[REDACTED]

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Deputy General Counsel

General Services Administration.

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MD5: 50a36a6f0e6e849b4d03b522adec0f81

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MD5: aea4486056f88cd1387fba8ef077e7f2

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Senior Assistant General Counsel
General Law Division, Office of General Counsel
U.S. General Services Administration
[REDACTED]

Folder [REDACTED]

Subject: Fwd: Any guidance yet?
Date: Wed, 31 May 2017 09:01:45 -0400
From: Seth Greenfeld - LG [REDACTED]
To: "Seth Greenfeld (LG)" [REDACTED]
Message-ID: <CAKUJRM6afpb2xc6FEvfD6k7OpKtrFXwCDvVFgd3yNdXtTwdMeA@mail.gmail.com>
MD5: c1e127607b5cefd70445bbbd02508e84

Lenny told me last week that Sally indicated on a phone call that she had no objection to GSA sharing a copy of the documents downloaded from the cloud with the PTT as long as the integrity of the machines and metadata was preserved. I instructed GSA IT to provide a copy of the documents to the PTT but ensure no one accesses the machines or accounts themselves.

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General Law Division, Office of General Counsel
U.S. General Services Administration
[REDACTED]

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To: Lennard Loewentritt - [REDACTED]
Cc: Seth Greenfeld [REDACTED], Janet Harney [REDACTED]

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Folder: [REDACTED]

Federal Bureau of Investigation

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MD5: c1e127607b5cefd70445bbbd02508e84

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To: Lennard Loewentritt - L [REDACTED]
Cc: Seth Greenfeld [REDACTED], Janet Harney [REDACTED]

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Thanks,
Sally

Sally A. Moyer
Chief, Counterintelligence Law Unit I
National Security & Cyber Law Branch
Office of the General Counsel



**MEMORANDUM OF UNDERSTANDING
BETWEEN
THE GENERAL SERVICES ADMINISTRATION
AND
DONALD J. TRUMP**

Introduction

This Memorandum of Understanding (MOU) establishes the provision of services and facilities made available by the U.S. General Services Administration (GSA) to Donald J. Trump, who is an eligible candidate in the 2016 general election for President of the United States, as defined in the Pre-Election Presidential Transition Act of 2010. The services and facilities to be provided are defined in Part I of this memorandum. Further, this MOU establishes the provision of services and facilities made available by the GSA to the President-elect and the Vice President-elect and paid out of funds appropriated by the Congress in accordance with the Presidential Transition Act of 1963, as amended, 3 U.S.C. 102 note, as detailed in Part II of this memorandum.

The location designated for use pursuant to Part I is the 7th and 8th floors of 1717 Pennsylvania Avenue, NW, Washington, DC, and the location for Part II is Wing 1 of the GSA Building at 1800 F Street, NW, Washington, DC.

If the Eligible Candidate is not ascertained as the winner of the general election, Part II of this MOU will become null and void.

Part I Pre-Election

The GSA Administrator (Administrator), upon acceptance by the Eligible Candidate, is authorized to provide to the Eligible Candidate, for use in connection with his preparations for the assumption of official duties as President, necessary services and facilities including: suitable office space appropriately equipped with furniture, furnishings, office machines, equipment and supplies, 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 Candidate's preparations for the assumption of official duties as President.

The Eligible Candidate has designated Mr. Richard Bagger and Mr. William Palatucci to act on his behalf to make decisions as may be required in connection with the services and facilities to be provided under the Pre-Election Presidential Transition Act of 2010. This authority may be

re-delegated by either of the aforementioned in writing, delivered to Mr. Timothy Horne, the GSA Federal Transition Coordinator, or Ms. Aimee Whiteman, Director of GSA's Presidential Transition Support Team (Director).

In order that all requirements can be expeditiously provided for and necessary financial and other controls maintained, the following provisions regarding services made available by the GSA are effective immediately. The provisions outlined below are not exhaustive and questions may arise from time to time with regard to specific situations. In those instances, the Eligible Candidate or his representatives should consult with the Director of the GSA Presidential Transition Support Team.

Office Space, Furniture, Equipment, and Supplies

GSA will provide office space and related services to the Eligible Candidate and his transition staff. GSA has identified in its inventory approximately 16,000 rentable square feet of office space on the 7th and 8th floors of 1717 Pennsylvania Avenue, NW, in Washington, DC, designed to house 114 of the Eligible Candidate's staff members from August 1, 2016, through November 8, 2016. If the Administrator is unable to determine the apparent winner of the general election, the end date for this period will automatically be extended to that date which the Administrator is able to determine the apparent winner of the general election.

GSA has completed space planning in an "open concept" floor plan appropriate for the purposes for which it will be used by the Eligible Candidate. GSA will make furniture and office equipment available for use by the Eligible Candidate. As GSA received an appropriation for this period to cover space and services, there is no rent chargeable to the Eligible Candidate.

All furniture and equipment for the Eligible Candidate will be in place by August 1, 2016. Therefore, any specific requests by the Eligible Candidate 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 Candidate. Office equipment and supplies (other than smartphones and laptops) will not be removed from the premises without the express permission of the Administrator, the Federal Transition Coordinator, or the Director of the Presidential Transition Support Team. All office equipment, badges, and supplies are the property of the GSA and 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 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 \$10,000 will be provided to each Eligible Candidate 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 Eligible Candidate.

The space will be available from 8:00 am - 10:00 pm, Monday - Friday, and 10:00 am - 6:00 pm, Saturday, Sunday, 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. With the exception of emergency situations, GSA facility services will be available from 8:00 am - 6:00 pm, Monday - Friday, excluding federal holidays.

GSA will work with the Federal Protective Service (FPS) to obtain security services at 1717 Pennsylvania Ave, NW. An armed security guard will be onsite from 7:30 am - 8:30 pm, Monday - Friday. GSA will notify the Eligible Candidate or his 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 Candidate will ensure all required information is supplied and security protocols followed.

In the event the Eligible Candidate is not the apparent winner of the general election, the space must be vacated and returned within 5 calendar days of the election in good condition, reasonable wear and tear excepted. All documents and personal property items must be removed by this date or they will be considered abandoned. The pre-election space may continue to be available to the apparent winner for two weeks after the election to aid in the orderly move to the transition location. Additional time beyond the two week period would result in cost incurred by the Eligible Candidate's team.

Telecommunications and IT Services

GSA will provide an architected infrastructure to meet telecommunications and IT services and equipment for use by the Eligible Candidate, with installation included as part of the "turn-key" office space. GSA will supply software and equipment, and the equipment will be returned within 5 calendar days of the election. 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 will establish procedures for distributing and collecting all Government personal property that is made available for use by the Eligible Candidate. The Eligible Candidate and his 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 Help Desk for the convenience of the Eligible Candidate to provide IT support and miscellaneous other assistance to be further defined by GSA. As a result of the heightened cybersecurity threats associated with the U.S. presidential campaigns and election, the Eligible Candidates and his staff are encouraged to use GSA provided GFE. GSA will provide Windows-based laptops equipped with Gmail, Calendaring, Google Drive, and Hangouts. The Eligible Candidate and his staff will receive a smartphone option of an Android or iPhone with talk time, text, unlimited data, and HotSpot services. The Help Desk staff will be knowledgeable on GFE hardware, software, and tools including multi-function devices (copier/printer/scanner/fax), but only limited support will be available for non-GFE equipment. Non-GFE equipment will be provided with Internet Only

access. Help Desk support will be available Monday through Friday, 7:00 am to 7:00 pm, including holidays. Emergency network support will be available 24 hours, 7 days a week.

Any specific requests by the Eligible Candidate for additional IT services, equipment or personnel will result in additional costs that will be charged to the Eligible Candidate.

Outbound international calls can be enabled as required. Costs incurred for international calls will be charged to the Eligible Candidate. All phones will receive inbound international calls at no cost. Conference calling is available through WebEx and Hangouts.

Eligible Candidate staff members will be required to individually sign and accept GFE laptops and Smartphones while accepting IT Rules of Behavior to safeguard the assets and the integrity of the network infrastructure.

Other Candidates

The Eligible Candidate acknowledges that GSA agrees to offer the same services and terms to each eligible candidate as defined by the Pre-Election Presidential Transition Act of 2010. All information and assistance by GSA will be on an equal basis and without regard to political affiliation. The space and IT networks for each Eligible Candidate are physically separated, and GSA will assign separate onsite staff, wherever practicable.

Other Funds

The Eligible Candidate may establish a separate fund as described in Section 3(h)(3) of the Presidential Transition Act, as amended, to support his activities in preparation for the assumption of official duties as President. If the Eligible Candidate establishes a separate fund, he must comply with the reporting and disclosure requirements of the Presidential Transition Act, as amended.

The Eligible Candidate, 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 his assumption of office as the President.

Reports

The Eligible Candidate, as a condition of receiving services and office space, shall disclose to the Administrator the date of contribution, source, amount, and expenditure 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, received for use in the preparation of the Eligible Candidate for the assumption of official duties as President. Disclosures made under this paragraph shall be in the form of a report to the Administrator by February 19, 2017. The report shall be made available to the public by the Administrator upon receipt.

The Eligible Candidate shall make available to the Administrator and the Comptroller General all information concerning such contributions as the Administrator or Comptroller General may require for purposes of auditing both the public and private funding used in the activities authorized by this Act.

Emergency Preparedness

It is critical that the Eligible Candidate 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) a draft outlining the continuity of operations service; (2) mass notifications and accountability via the GSA Everbridge system; (3) temporary work space, 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 Candidate should designate someone 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.

Effective Dates

Part I of this MOU becomes effective upon signature by both parties. Services provided by the Pre-Election portion of the agreement ends on November 8, 2016, or when the Administrator ascertains the apparent winner of the Presidential election. The facility will remain available until November 13, 2016, to allow for an orderly shutdown.

Amendments

Any terms and conditions of this Memorandum of Understanding, 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

The Presidential Transition Act 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 President-elect and Vice President-elect (referred to collectively herein as the Office of the President-elect). For the 2016-2017 transition, the Administrator is seeking an appropriation in the amount of approximately \$7 million for the use of the Incoming Administration, of which \$6 million is designated for expenditure on behalf of the Office of the President-elect and \$1 million for Appointee Orientation. The Presidential Transition Act funds may not be expended by the Administrator for obligations incurred by the President-elect or Vice President-elect before November 9, 2016, or after July 19, 2017, except that the \$1 million for the Appointee Orientation activities is available through September 30, 2017. These figures may change as no money has yet been appropriated and GSA will be bound to the amount that is actually appropriated for Presidential Transition purposes.

The Administrator of General Services is authorized to use Presidential Transition Act funds to provide to the President-elect and Vice President-elect, for use in connection with their 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 machines, equipment and supplies; payment of the compensation of members of office staffs designated by the President-elect or Vice President-elect; 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 Transition Act, the President-elect and Vice President-elect have authorized Rich Bagger and Bill Palatucci 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 Timothy Horne, the GSA Federal Transition Coordinator, or Aimee Whiteman, Director of GSA's Presidential Transition Support Team (Director).

In order that all needs can be expeditiously provided for and necessary financial and other controls maintained, the following provisions regarding services made available by the GSA are effective immediately after the Administrator ascertains the Eligible Candidate as the apparent winner of the Presidential election. The procedures outlined below are not exhaustive and questions may arise from time to time with regard to specific situations. In those instances, the Office of the President-elect should consult with Aimee Whiteman or directly with the appropriate GSA Transition Support Team member, as designated by Ms. Whiteman.

Control of Funds

Mr. Richard Bagger, Mr. William Palatucci, Ms. Monica Block, and Mr. Ronald Gravino, or persons designated by any of them in writing to Mr. Horne and Ms. Whiteman, are designated as the "Fund Manager(s)" for the Office of the President-elect. 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 President-elect, nor reimburse the Office of the President-elect for expenses incurred by it, without the prior submission and approval of obligating documents from the Office of the President-elect, 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 Office of the President-elect with regard to the obligation and expenditure of Presidential Transition Act funds. In addition, GSA will prepare any reports required by the Office of the President-elect, 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 Office of the President-elect.

Personnel Services

The Administrator of General Services is authorized, upon documented request, to pay the compensation of members of the office staffs designated by the President-elect or Vice President-elect, or their designees, from the Presidential Transition Act funds. Payments shall be at rates determined by the Office of the President-elect, but not to exceed the rate provided for by 5 U.S.C. § 5376, for Executive Level IV (\$160,300 for 2016). Persons receiving compensation, as members of the office staffs 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 of General Services is authorized to pay expenses for the procurement of services of experts, consultants, or organizations thereof for the President-elect or Vice President-elect, 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 \$511.52 per day for individuals.

Detail of Federal Employees

Any employee of any agency of any branch of the Federal Government may be detailed to the Office of the President-elect on a reimbursable basis with the consent of the head of the agency. 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 President-elect requesting the detail must be submitted to the head of the agency, with a copy to the GSA Presidential Transition Support Team.

Payroll Services

The employees of the Office of the President-elect receiving direct pay from the Presidential Transition Act fund will be paid through Electronic Funds Transfer (EFT) to the financial institution of their choice. GSA will enter all payroll data and maintain all payroll records. The employees of the Office of the President-elect will be paid bi-weekly, based on the written certification of the designee. Payroll deductions will be made for FICA and Federal and State tax withholding (except for those employees paid \$1.00 or less). The Office of the President-elect will notify the GSA Presidential Transition Support Team immediately if any employees terminate employment with the Office of the President-elect for any reason, including beginning employment with the Federal Government, so that these employees can be removed from the Transition payroll.

Office Space, Furniture, Equipment, and Supplies

GSA has identified in its inventory approximately 141,441 rentable square feet of space designed to house approximately 500 individuals between the election and inauguration in the first wing of the GSA headquarters building at 1800 F Street, NW, in Washington, DC. GSA, in coordination with the Department of Homeland Security, Federal Protective Service and the U.S. Secret Service, shall secure the site.

The space has been prepared in advance of the election to "open concept" floor plans appropriate for the purposes for which it will be used by the President-elect, so that it will be available for use the day after the election. GSA will supply furniture and office equipment for use by the Office of the President-elect. 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 of the General Services Administration, in accordance with 40 U.S.C. 586(b)(3). The parties acknowledge and agree that in the event that the Administrator grants a rent exemption and that after all accounting for expenditures by the Office of the President-elect against the Presidential Transition Act appropriation, if there is any unobligated balance remaining in the appropriation, the Office of the President-elect will be deemed to have requested the Administrator to reimburse the GSA Federal Buildings Fund from the unobligated balance of the Presidential Transition Act appropriation.

GSA has completed its space planning layouts. All furniture and equipment (other than smartphones and laptops) for the Office of the President-elect will be in place by November 8, 2016. Therefore, any specific requests by the Office of the President-elect 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 7:00 am - 10:00 pm, Monday - Friday, and 10:00 am - 6:00 pm, Saturday, Sunday, 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. With the exception of emergency situations, GSA facility services will be available from 7:00 am - 6:00 pm, Monday - Friday, excluding Federal holidays.

If the Office of the President-elect 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. 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 President-elect will be charged to the Presidential Transition Act funds and such 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 President-elect and to the Office of the President-elect 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 movement of household goods or for the transportation of family members. All official travel by Office of the President-elect employees and other persons invited to travel at the Office of the President-elect's expense, which is arranged through GSA or Concur, under contract to GSA, shall be in

accordance with GSA Internal Travel Regulations and Control of Official Travel, PFM P 4290.1. GSA, in preparation for support to the Office of the President-elect, entered into a contract with Concur which required fees be paid in advance. It is agreed that the President-elect 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 President-elect, with installation included as part of the "turn-key" office space. GSA will supply software and equipment, and the equipment will be returned by February 19, 2017. 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 will establish procedures for distributing and collecting all Government personal property that is made available for use by the Office of the President-elect. The President-elect and his 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 Help Desk for the convenience of the President-elect and his employees to provide IT support and miscellaneous other assistance to be further defined by GSA. As a result of the heightened cybersecurity threats facing the U.S. Government, the Office of the President-elect is encouraged to use GSA provided GFE. GSA will provide Windows-based laptops equipped with GMail, Calendaring, Google Drive, and Hangouts. Staff of the Office of President-elect will receive a smartphone option of an Android or iPhone with talk time, text, unlimited data and HotSpot services. The Help Desk staff will be knowledgeable on GFE hardware, software, and tools including multi-function devices (copier/printer/scanner/fax) but only limited support will be available for non-GFE equipment. Non-GFE equipment will be provided with Internet Only access. Help Desk support will be available Monday through Friday, 7:00 am to 7:00 pm, including holidays. Emergency network support will be available 24 hours, 7 days a week.

Outbound international calls can be enabled as required. Costs incurred for international calls will be charged to the Office of the President-elect. All phones will receive inbound international calls at no cost. Conference calling is available through WebEx and Hangouts.

Office of the President-elect staff members will be required to individually sign and accept GFE laptop and Smartphone while accepting IT Rules of Behavior to safeguard the assets and the integrity of the network infrastructure.

Any specific request by the Office of the President-elect 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.

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 President-elect, 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 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 the President-elect's mailroom at 1800 F Street, Washington, DC. Outgoing mail will be metered on-site and subsequently picked up and entered into the postal mail system. The service can provide for special pickups upon request.

Reports

As required by Section 6 of the Presidential Transition Act, as amended, the President-elect and Vice President-elect 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 8, 2016, 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, 2017, and shall be made available to the public by the Administrator upon receipt.

The President-elect and Vice President-elect, 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.

They 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 President-elect or Vice President-elect's 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 President-elect intends to nominate as department heads or appoint to key positions in the Executive Office of the President. For the 2016 – 2017 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 President-elect 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 Transition Act not later than September 30, 2017. Therefore, GSA strongly recommends that planning be substantially completed no later than June 2017, and that contracts be in place no later than August 31, 2017.

GSA, in collaboration with the National Archives and Record Administration, launched the Directory on November 5, 2015. The Transition Directory was completed and is available at <https://presidentialtransition.usa.gov/>.

Emergency Preparedness

It is critical that the Office of the President-elect 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) a draft outlining the continuity of operations service; (2) mass notifications and accountability via the GSA Everbridge system; (3) temporary work space 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 President-elect. The Office of the President-elect should designate someone 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. Certain principals and senior staff will fall in with the White House COOP Plan, facilitated by Secret Service.

Effective Dates

Part II of this MOU becomes effective upon signature by both parties and upon the Administrator's ascertainment of the apparent successful candidate for President and Vice-President, but no sooner than November 9, 2016, and terminates on January 20, 2017, except that this MOU shall be effective through July 19, 2017, with respect to the sections entitled "Control of Funds", "Accounting Services", and "Reports", and for any obligation entered into by the President-elect or Vice President-elect prior to the date of inauguration (January 20, 2017), and through September 30, 2017, with respect to "Appointee Orientation and Transition Directory."

Amendments

Any terms and conditions of this Memorandum of Understanding, 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 Candidate

General Services Administration

By: 
Richard H. Bigger
Dated: 7/29/16

By: 
Timothy O. Horne
Dated: 8-1-2016

Attachment – IT Information

Attachment

IT Information

Introduction

GSA will provide Eligible Candidates and Office of the President-elect users 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 President-elect end-user hardware and software. The following table provides a list of the end-user equipment and the respective quantities.

Equipment Name	Quantity	Purpose
Dell Latitude laptop	500	Windows-based personal portable computer
22" Widescreen Monitor, Keyboard, Mouse	500	Desk setup with the provided laptop
Android or iPhone Smartphone (Verizon Wireless)	500	Personal mobile phone
Conference calling		Collaboration Tools WebEx and Hangouts
Conference Phone	20	Conference telephone
Multi-function Devices (MFD)	9	Multifunction copier/ printer/fax/scanner
LaserJet Workgroup printers	25	For executive offices
Flat Panel Television – various sizes	50	Flat Panel Televisions - available in private offices, conference rooms, and assorted open spaces.

Workstation Applications

GSA will provide users with a Dell Latitude laptop computer. Each laptop will be imaged with the following applications. *Cloud-based applications are marked with an asterisk.

Software Loaded	Specifications
Operating System	Windows 7
Anti-Virus & Anti-Spyware	McAfee VirusScan Enterprise + AntiSpyware Enterprise 8.8.0
Google Chrome	*Cloud-based access to Google Email, Calendar, Docs, and Hangouts/Chat other application services
Disk Encryption	Windows BitLocker Disk Encryption
File Utility	WinZip 9.0 SR-1 (encryption for sending files through email)
PDF Reader	Nuance PDF Reader 7.0
Other Web Browser	Internet Explorer 8
Media Application	Real Player Enterprise
Media Application	Windows Media Player
Miscellaneous	Flash Player 11.1.102
Miscellaneous	Java 6.0.3
Video	VLC Media Player 2.2.1
Adobe Systems	Adobe Acrobat 11.0.15
Microsoft Corp.	Microsoft Silverlight 5.1.412
Microsoft Corp.	Microsoft Office Professional 2010

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U.S. Department of Justice
Federal Bureau of Investigation
Washington, D.C. 20535-0001



Date: 06/01/2017

To: Brett Armstrong
Deputy Associate Administrator
for Resilience & Interagency Programs
Office of Mission Assurance
U.S. General Services Administration
1800 F Street, NW, Washington, D.C. 20405

From: John A. Brown 
Special Agent in Charge
Federal Bureau of Investigation

Subject: (U//FOUO) Request for Information

(U//FOUO) The Federal Bureau of Investigation (FBI) appreciates the General Services Administration's (GSA) assistance to our investigative efforts. Based on our conversation on 06/01/2017, the FBI is interested in obtaining further information to determine what information you possess which may be related to our investigation.

(U//FOUO) The FBI respectfully requests your agency provide the following:

1. (U//FOUO) A blank copy of the user agreement signed by members of the transition team to receive a device which was administered by GSA. At a future date we will need copies of all user agreements issued both pre-election and during the transition from 08/01/2016 to 02/28/2017.
2. (U//FOUO) Specific banner language for devices issued by GSA to include computers, iPhones, and Samsung Galaxy phones.
3. (U//FOUO) Cellular provider information for telephones issued by GSA. Further, the FBI is interested in whether the GSA retained call/text logs for individual telephones or has access to the information.
4. (U//FOUO) Detailed list of all devices to include: user identity, device serial number, telephone number (if applicable), whether the device was wiped, reformatted or factory reset by GSA prior to receipt of a preservation letter, a description of the methods and utilities used to initiate any wiping, reformatting, or resetting procedure, or whether the device was not recovered by GSA.
5. (U//FOUO) Specific information related to the type of encryption used on laptops, telephones, and the Google cloud.
6. (U//FOUO) Information on what applications users were permitted to install on their telephones.
7. (U//FOUO) Details of GSA's agreement with Google as it relates to cloud usage and storage. Details of information which remains stored in the Google cloud.

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(U//FOUO) The FBI is also interested in your assistance in providing contact information for the Defense Information System Administration (DISA) to obtain information related to the classified computers and telephones provided to the transition team at your location, Trump Tower, and any other locations.

(U//FOUO) Please contact SSA Mary F. Gleason at [REDACTED] when physical documents are available to be picked up. Responses can also be sent electronically to SSA Gleason at [REDACTED] or SIPRNET [REDACTED]

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UNCLASSIFIED//FOUO

**U.S. Department of Justice
Federal Bureau of Investigation**
Washington, D.C. 20535-0001



Date: 06/22/2017

To: Leonard Loewentritt
Deputy General Counsel
U.S. General Services Administration
1800 F Street, NW, Washington, D.C. 20405

From: [REDACTED]
Unit Chief
Federal Bureau of Investigation

Subject: (U//FOUO) Formal Preservation Request

(U//FOUO) The Federal Bureau of Investigation (FBI) greatly appreciates the General Services Administration's (GSA) assistance to our investigative efforts.

(U//FOUO) Based on our conversation on 06/01/2017, and consistent with our follow up letterhead memoranda dated 06/01/2017, the FBI has determined that items in the possession of GSA may contain information relevant to our investigative efforts. The FBI therefore formally requests that GSA immediately preserves all Documents and Responsive Materials in their current format, so as to preserve their forensic integrity, which are potentially relevant to our investigative efforts that are in the possession, custody, or control of GSA.

(U//FOUO) The term "Documents and Responsive Materials" includes, but is not limited to, all issued electronic devices, to include computers, cellular telephones, and wireless devices, as well as, both in draft and final form, all emails, voicemails, documents, photos, text messages, instant messages, electronic, handwritten, and/or hardcopy records, databases, telephone records, correspondence, transcripts, audio recordings, analyses, briefings, assessments, banner entries, user agreements, audit records, metadata, storage devices, notes, memoranda, diary and calendar entries, visitor logs, meeting attendance records, meeting room reservations, meeting agendas, badge records, records of entry and exit to any building, room, or secure facility, safe access records, video surveillance of public and non-public areas, and access logs, including of classified information.

(U//FOUO) All Documents and Responsive Materials should be preserved even if destruction of documents or records might, but for this request, be permissible. Additionally, this request to preserve Documents and Responsive Materials applies to potentially privileged material.

(U) Thank you for your continued assistance and cooperation with the FBI. Should you have any questions, please do not hesitate to contact SSA Mary F. Gleason at [REDACTED] on UNet at [REDACTED] or on SIPRNET at [REDACTED]

UNCLASSIFIED//FOUO

UNCLASSIFIED//FOUO

**U.S. Department of Justice
Federal Bureau of Investigation**
Washington, D.C. 20535-0001



Date: 06/22/2017

To: William Brazis
General Counsel
Defense Information System Administration
Ft. George Meade, Maryland

From: Paul E. Holdeman [REDACTED]
Unit Chief
Federal Bureau of Investigation

Subject: (U//FOUO) Formal Preservation Request and Request for Further Information

(U//FOUO) The Federal Bureau of Investigation (FBI) appreciates the Defense Information System Administration's (DISA) assistance to our investigative efforts. It is the FBI's understanding that DISA was responsible for issuing Secret and Top Secret electronic devices to the transition team at two locations: Washington, DC, and New York, NY. The issued devices consisted of computers, secure cellular telephones, and Crisis Management System (CMS) devices.

(U//FOUO) As discussed in our conversation on 06/01/2017 with Mr. Laurence Rodea and members of his team, the FBI has determined that items in the possession of DISA may contain information relevant to our investigative efforts. The FBI therefore formally requests that DISA immediately preserves all Documents and Responsive Materials in their current format, so as to preserve their forensic integrity, which are potentially relevant to our investigative efforts that are in the possession, custody, or control of DISA.

(U//FOUO) The term "Documents and Responsive Materials" includes, but is not limited to, all issued electronic devices, to include computers, cellular telephones, wireless devices, and CMS devices, as well as, both in draft and final form, all emails, voicemails, documents, photos, text messages, instant messages, electronic, handwritten, and/or hardcopy records, databases, telephone records, correspondence, transcripts, audio recordings, analyses, briefings, assessments, banner entries, user agreements, audit records, metadata, storage devices, notes, memoranda, diary and calendar entries, visitor logs, meeting attendance records, meeting room reservations, meeting agendas, badge records, records of entry and exit to any building, room, or secure facility, safe access records, video surveillance of public and non-public areas, and access logs, including of classified information.

(U//FOUO) All Documents and Responsive Materials should be preserved even if destruction of documents or records might, but for this request, be permissible. Additionally, this request to preserve Documents and Responsive Materials applies to potentially privileged material.

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(U//FOUO) In addition to this formal preservation request, the FBI is also interested in obtaining further information to determine what specific information DISA possesses which may be related to the investigation.

(U//FOUO) The FBI respectfully requests DISA to provide the following information at this time:

1. (U//FOUO) A blank copy of the user agreement signed by members of the transition team to receive a device which was administered by DISA. At a future date we will need copies of all user agreements issued both pre-election and during the transition from 08/01/2016 to 02/28/2017.
2. (U//FOUO) Specific banner language for devices issued by DISA to include computers and telephones.
3. (U//FOUO) Cellular provider information for secure telephones issued by DISA, to include copies of all signed user agreements. Further, the FBI is interested in whether the DISA retained call/text logs for individual telephones or has access to the information, as well as whether any non-returned devices are still receive active cellular service.
4. (U//FOUO) A detailed list of all issued devices to include: user identity, device serial number, telephone number (if applicable), whether the device was wiped, reformatted or factory reset by DISA prior to receipt of a preservation letter, a description of the methods and utilities used to initiate any wiping, reformatting, or resetting procedure, or whether the device was not recovered by DISA.
5. (U//FOUO) Specific information related to the type of encryption used on the computers, telephones, and the network.
6. (U//FOUO) A list of user log on credentials issued for both the Secret and Top Secret computers.
7. (U//FOUO) A report detailing when log on credentials were used to include dates, times, and locations.
8. (U//FOUO) Details of the amount of information stored on the network to include, but not be limited to, e-mails and documents. The FBI may request this information through legal process and needs to understand the volume of the information to determine the best procedure for obtaining the information from DISA.

(U//FOUO) Thank you for your continued assistance and cooperation with the FBI. Please contact SSA Mary F. Gleason at [REDACTED] when physical documents are available to be picked up. Responses can also be sent electronically to SSA Gleason at [REDACTED] or SIPRNET [REDACTED]

UNCLASSIFIED//FOUO

**U.S. Department of Justice
Federal Bureau of Investigation**
Washington, D.C. 20535-0001



Date: August 23, 2017

To: Brett Armstrong
Deputy Associate Administrator
for Resilience & Interagency Programs
Office of Mission Assurance
U.S. General Services Administration
1800 F Street, NW, Washington, D.C. 20405

From: Kevin E. Clinesmith
Assistant General Counsel
Federal Bureau of Investigation

Subject: (U//FOUO) Request for Production of Documents and Responsive Materials

(U//FOUO) The Federal Bureau of Investigation (FBI) greatly appreciates the General Services Administration's (GSA) ongoing assistance to our investigative efforts. As discussed in our telephone conversation on August 23, 2017, the FBI is formally requesting GSA to provide the FBI with all Documents and Responsive Materials attributed to the individual users identified below.

(U//FOUO) The term "Documents and Responsive Materials" includes, but is not limited to, all issued electronic devices, to include computers, cellular telephones, and wireless devices, as well as, both in draft and final form, all e-mails, voicemails, documents, photos, text messages, instant messages, electronic, handwritten, and/or hardcopy records, databases, telephone records, correspondence, transcripts, audio recordings, analyses, briefings, assessments, banner entries, user agreements, audit records, metadata, storage devices, notes, memoranda, diary and calendar entries, visitor logs, meeting attendance records, meeting room reservations, meeting agendas, badge records, records of entry and exit to any building, room, or secure facility, safe access records, video surveillance of public and non-public areas, and access logs.

(U//FOUO) The individual users for this request includes the following:

Daniel Gelbinovich	[REDACTED]
Sarah M. Flaherty	[REDACTED]
Michael G. Flynn	[REDACTED]
Michael T. Flynn	[REDACTED]
Keith Kellogg, Jr.	[REDACTED]
Jared C. Kushner	[REDACTED]
Kathleen T. Mcfarland	[REDACTED]
Jason J. Miller	[REDACTED]
Michael R. Pompeo	[REDACTED]

UNCLASSIFIED//FOUO

(U//FOUO) The FBI respectfully requests that GSA prioritize providing any e-mail communications associated with the individual users' accounts. To all extents feasible, the FBI requests GSA to provide the e-mail communications in an initial production as soon as possible and thereafter produce any other remaining Documents and Responsive Materials in a second production.

(U//FOUO) The FBI anticipates that additional Documents and Responsive Materials associated with other individual users will be requested in the future. Accordingly, the FBI requests that GSA continues to comply with the June 22, 2017 preservation letter for all accounts associated with the Presidential Transition Team.

(U//FOUO) Please contact SSA Mary F. Gleason via e-mail at [REDACTED] or via telephone at [REDACTED] when Documents and Responsive Materials are available for the FBI. In addition, any questions regarding this request can be directed to Kevin E. Clinesmith via e-mail at [REDACTED] or via telephone at [REDACTED].

UNCLASSIFIED//FOUO

**U.S. Department of Justice
Federal Bureau of Investigation**

Washington, D.C. 20535-0001



Date: August 30, 2017

To: Brett Armstrong
Deputy Associate Administrator
for Resilience & Interagency Programs
Office of Mission Assurance
U.S. General Services Administration
1800 F Street, NW, Washington, D.C. 20405

From: Kevin E. Clinesmith
Assistant General Counsel
Federal Bureau of Investigation

Subject: (U//FOUO) Request for Production of Documents and Responsive Materials

(U//FOUO) The Federal Bureau of Investigation (FBI) greatly appreciates the General Services Administration's (GSA) ongoing assistance to our investigative efforts. As discussed in our telephone conversation on August 23, 2017, the FBI is formally requesting GSA to provide the FBI with all Documents and Responsive Materials attributed to the individual users identified below.

(U//FOUO) The term "Documents and Responsive Materials" includes, but is not limited to, all issued electronic devices, to include computers, cellular telephones, and wireless devices, as well as, both in draft and final form, all e-mails, voicemails, documents, photos, text messages, instant messages, electronic, handwritten, and/or hardcopy records, databases, telephone records, correspondence, transcripts, audio recordings, analyses, briefings, assessments, banner entries, user agreements, audit records, metadata, storage devices, notes, memoranda, diary and calendar entries, visitor logs, meeting attendance records, meeting room reservations, meeting agendas, badge records, records of entry and exit to any building, room, or secure facility, safe access records, video surveillance of public and non-public areas, and access logs.

(U//FOUO) The individual users for this request includes the following:

Sean M. Spicer	[REDACTED]
Reince R. Priebus	[REDACTED]
Stephen K. Bannon	[REDACTED]
Marshall S. Billingslea	[REDACTED]

UNCLASSIFIED//FOUO

(U//FOUO) The FBI respectfully requests that GSA prioritize providing any e-mail communications associated with the individual users' accounts. To all extents feasible, the FBI requests GSA to provide the e-mail communications in an initial production as soon as possible and thereafter produce any other remaining Documents and Responsive Materials in a second production.

(U//FOUO) The FBI anticipates that additional Documents and Responsive Materials associated with other individual users will be requested in the future. Accordingly, the FBI requests that GSA continues to comply with the June 22, 2017 preservation letter for all accounts associated with the Presidential Transition Team.

(U//FOUO) Please contact SSA Mary F. Gleason via e-mail at [REDACTED] or via telephone at [REDACTED] when Documents and Responsive Materials are available for the FBI. In addition, any questions regarding this request can be directed to Kevin E. Clinesmith via e-mail at [REDACTED] or via telephone at [REDACTED]

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This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

GSA 004817



June 16, 2017

MEMORANDUM FOR Dave Shive (I)
Chief Information Officer

Steve Grewal (ID)
Deputy Chief Information Officer

Erik Simmons (IDRC)
Supervisory IT Specialist
PTST IT Support Team Lead

FROM: Seth Greenfeld
Senior Assistant General Counsel
Office of General Counsel

SUBJECT: RECORDS HOLD: Presidential Transition Support

PLEASE RETAIN THIS MESSAGE FOR FUTURE REFERENCE

This memo is intended for staff who have performed any work in connection with the information technology (IT) support GSA provided to President Trump, Vice President Pence, and their Presidential Transition Team (PTT) during the 2016-2017 Presidential Transition pursuant to the Presidential Transition Act of 1963, as amended. This includes, but is not limited to, support provided to PTT members for computers, cellular telephone service, e-mail, and Google documents.

Until you are notified otherwise, do not destroy any potentially relevant information pertaining to the electronic records created, used, or accessed by PTT personnel which GSA may have in its possession or has access through GSA contracts or other mechanisms. "Potentially relevant information" includes any tangible thing, whether electronically stored or not, that relates to the matter. The information below provides guidance on what needs to be preserved and steps to take to comply with the records hold. It is acknowledged that GSA has been preserving this information since a February 15, 2017, e-mail from me to Erik Simmons and Aimee Whiteman, Director of GSA's Presidential Transition Support Team (PTST), and that all cleansing of laptop computers and cellular phones ceased, that equipment is securely stored, GSA copied e-mails and other records from the Google cloud and is preserving it, and GSA is maintaining contracts and accounts in an active status with Google to ensure information is available if needed.

The Duty to Preserve Potentially Relevant Information

Because this Agency received records preservation requests from the Department of Justice/Federal Bureau of Investigation and the Senate Select Committee on Intelligence and federal law imposes or may impose an obligation on this Agency and its employees to preserve potentially relevant information, you personally must take appropriate steps to preserve any such information that is in your possession, custody, or control. You must preserve this information even if it otherwise could be destroyed, deleted or overwritten in the normal course of Agency operations. If information that is subject to a records or litigation hold is destroyed, a court in some circumstances may impose sanctions, exclude evidence, and/or dismiss a claim, and, in some situations, individuals can be found personally responsible.

What Must Be Preserved

The information that must be preserved includes electronically stored information ("ESI"), hard copies of documents, and tangible things. ESI includes, but is not limited to, electronic files of any type (including word processing documents, e-mail messages, texts, chats, spreadsheets, calendar entries, presentations, briefings, notes, digital photographs or other digital images, CDs, DVDs, and flash memory media, including USB drives and memory cards for cameras and cell phones). It includes not only information stored on Agency computers, tablets, and mobile phones but can also include information stored on personal computers, tablets, and phones, if used for work, and information stored in the cloud on third party platforms through GSA contracts if GSA has access. All information, including privileged, protected, and confidential information, must be preserved.

What You Need to Do

You must take the following steps with respect to the above-described materials. Please contact me at [REDACTED] or [REDACTED] if you need any assistance or have any questions.

1. Do not delete, throw out, shred, or otherwise destroy any potentially relevant information, or allow deletion to happen by automatic deletion operations.
2. Maintain any potentially relevant ESI as described above. You should take steps to ensure that ESI is preserved in such a way as to preserve the "metadata" (internal computer data) embedded in the ESI. If you do not understand what this involves, please contact me. You should expeditiously identify to me any critical databases that may contain relevant information and which may be updated and cause the information to be lost to determine what steps, if any, need to be taken to ensure the preservation of relevant data without adversely disrupting Agency operations.
3. Take affirmative steps to prevent the destruction of any potentially relevant information that has been transferred to any other location.

4. Do not transfer any potentially relevant information to a Federal Records Center or any other location unless you have discussed it with me and I have agreed that the information will be adequately preserved after being transferred and is not needed in its present location for purposes of this matter.

5. Before any computer or electronic system that contains any relevant information is retired or upgraded, or before an old computer or hard drive containing relevant information is retired or reimaged, please contact me to ensure that the agency retains access to any potentially relevant information after the retirement or upgrade. This also includes information stored in a cloud environment, whether or not through a contract.

6. Contact me if there are any staffing changes in your office that affect this matter, such as the retirement or departure of people who have done work related to this matter or new or additional people doing work relating to this matter.

7. Treat non-identical copies of documents (word processing files, spreadsheets, etc.) as if they were unique and save, at a minimum, the latest version and all versions that were shared with others. Call me to assist you in determining which other intermediate drafts, if any, to save.

8. If any potentially relevant ESI has not been preserved, then immediately contact me.

9. If you need to comply with an ESI space quota, do not delete any potentially relevant ESI or move it from the e-mail. Please contact me.

10. If you need to work with any information subject to this hold, you must create a copy of the original, preserve the original and work from the copy. Note that opening an electronic document can change the document's metadata. You must take appropriate steps, if practicable, to create your copy without changing the document's metadata, by, for example, saving a copy without opening the original.

11. Please review the list of recipients of this litigation hold notice. If you are aware of other people not listed who have worked or are working on this matter, or whom you otherwise believe may have custody of any potentially relevant information, immediately contact me.

In the future, you may receive additional instructions for producing this information. In the meantime, please carefully review this memo and preserve all materials in accordance with these instructions.

We require that you certify that you have received, read, and understand these instructions by sending to me a copy of this memorandum with your signed acknowledgment. If you have any questions regarding these instructions, please contact me.

You have a continuing obligation to comply with this litigation hold until directed not to. Therefore, we require that, every six months from your original certification, you send

me an email acknowledging that you are still preserving all information detailed in this memorandum pertaining to the case.

Remember that this is VERY IMPORTANT and failure to comply with these instructions may result in disciplinary or criminal action, sanctions being imposed or exclusion of evidence at trial. Thank you for your attention to this matter.

By signing below, I acknowledge receipt of this memorandum regarding the preservation of all information detailed above relating GSA's PTT support. I also understand that I am expected to read this entire memorandum dated June 16, 2017, and contact Seth Greenfeld if I have any questions about compliance with this above-captioned matter.

Acknowledgment

Date

Folder: [REDACTED]

Subject: Upcoming FBI Request for Documents and Responsive Materials
Date: Fri, 25 Aug 2017 21:12:11 +0000
From: "Clinesmith, Kevin E. (OGC) (FBI)" [REDACTED]
To: [REDACTED]
Cc: Duane Smith [REDACTED], Lennard Loewentritt - L [REDACTED],
Claudia Nadig - LG [REDACTED], Seth
Greenfeld - LG [REDACTED], "Gleason, Mary F. (CD) (FBI)" [REDACTED],
"Grove, Richard E Jr CIV DISA GC (US)" [REDACTED]

Message-ID: <CY1P110MB0103D86D744087E77395A930CF9B0@CY1P110MB0103.NAMP110.PROD.0
UTLOOK.COM>
MD5: e43518e91dbaddb0039ea659b0892d4d

Good evening, everyone.

Today, Mary and I have a conversation with Richard Grove, DISA OGC (and who is cc'ed), concerning the computer equipment held by GSA that DISA provided service for. Richard indicated that DISA concurs with following same procedures for obtaining that equipment as we have established for FBI requests to GSA; namely. it will be provided to the FBI via consent, the FBI will maintain custodial possession only; and then the FBI will seek legal process prior to gaining access to any devices held within custodial possession.

To that end, please know that the FBI will be submitted a request for some of this equipment in short order. If anyone has any concerns or questions, please do not hesitate to raise them in this e-mail or arrange a time for a telephone call.

Thank you,

Kevin E. Clinesmith
Assistant General Counsel
Federal Bureau of Investigation
National Security and Cyber Law Branch

Folder: [REDACTED]

Subject: Re: PTT Documents
Date: Tue, 20 Jun 2017 18:36:16 +0000
From: Kory Langhofer [REDACTED]
To: Seth Greenfeld - LG [REDACTED], [REDACTED]
Cc: Mike Morrissey [REDACTED], Thomas Basile [REDACTED], Chris Murray [REDACTED]
Message-ID: <728157E5-ACC8-41D3-857B-72AF0247EE6B@statecraftlaw.com>
MD5: 8d50e19300b5f43e6b91e0a3c49a4d47

Richard and Seth: Can you provide an update on status? We are eager to start reviewing and producing emails.

Relatedly, we spoke with the Senate Intelligence Committee yesterday and they (a) made clear that they would like us to hasten this process and (b) stated that they will agree to the GSA providing a copy of the PTT documents to us (and they invited you to contact them to confirm this).

Happy to discuss at your convenience.

Kory Langhofer

STATECRAFT PLLC

[649 North Fourth Avenue, First Floor](#)

[Phoenix, Arizona 85003](#)

Desk: [REDACTED]

Cell: [REDACTED]

This transmission may be protected by the attorney-client privilege or the attorney work product doctrine. If you are not the intended recipient, please delete all copies of the transmission and advise the sender immediately.

On Jun 15, 2017, at 1:42 PM, Kory Langhofer [REDACTED] wrote:

Richard and Seth:

Thanks again for making time for the call earlier today. As discussed, the attorneys copied on this message represent Trump for America, Inc., the nonprofit entity serving as the corporate form for the 2016 presidential transition team. For your records, I've attached the following:

1. Articles of Incorporation for the legal entity, naming the initial TFA directors
2. Resolution changing the entity's legal name to "Trump for America, Inc."
3. Letter designating the initial TFA directors as the GSA's points of contact for the transition team
4. Resolution replacing the initial TFA directors with interim TFA directors
5. Letter designating the interim TFA directors as the GSA's points of contact for the transition team
6. Resolution replacing the interim TFA directors with the current TFA directors (i.e., Ken Nahigian and Charles Gantt)
7. Letter designating the current TFA directors as the GSA's points of contact for the transition team

Folder: [REDACTED]

These documents establish that the current TFA directors (Ken Nahigian and Charles Gantt) are responsible for the 2016 presidential transition team. All of this is, of course, consistent with the GSA's course of conduct in working alongside and making reimbursement payments to TFA as the corporate form of the presidential transition team.

Please don't hesitate to call or write with any questions.

-Kory

Kory Langhofer
STATECRAFT PLLC
649 North Fourth Avenue, First Floor
Phoenix, Arizona 85003
Desk: [REDACTED]
Cell: [REDACTED]

This transmission may be protected by the attorney-client privilege or the attorney work product doctrine. If you are not the intended recipient, please delete all copies of the transmission and advise the sender immediately.

<Articles of Incorporation.pdf>
<Certificate of Amendment.pdf>
<Delegation of Authority 1.pdf>
<Delegation of Authority 2.pdf>
<Delegation of Authority 3.pdf>
<Unanimous Consent re Leadership Change 1.pdf>
<Unanimous Consent re Leadership Change 2.pdf>

Folder [REDACTED]

Subject: RE: [Non-DoD Source] Request for docs
Date: Tue, 13 Jun 2017 18:20:52 +0000
From: "Greenfeld, Seth S Lt Col USAF SAF-GC (US) [REDACTED]"
To: Duane Smith [REDACTED]
Cc: Seth Greenfeld - LG [REDACTED]
Message-ID: <19F770ACFA39AB4B8745B443B06BD8E4455627E0@umechpahf.easf.csd.disa.mil>
MD5: 9fd0ce73616aeaff503b6059f59d59cf

I just left you message.

I saw this yesterday. There are 3 things they want, not all of which we can fully provide.

1. Names of Individuals with GSA Provided "Communication Services":

GSA can provide a list of names of those issued GSA equipment (e.g., laptops, cell phones). GSA can also provide names of anyone that received a ptt.gov e-mail address, if for some reason there is a difference from the equipment list. I do not think there are these non-equipment people, but if there are, GSA can figure that out and provide it. GSA IT has the lists. OGC already has a copy of the equipment list and Lenny has it. If OGC needs to speak with someone in GSA IT, Erik Simmons is the best person.

2. Records of All Individuals Designated as Part of PTT as Filed with GSA:

This is where GSA may not have all the information. If someone did work for the PTT but did not receive Government Furnished Equipment, was not paid from the appropriation, or did not have a ptt.gov e-mail address, GSA may have no record of that person. There is no requirement that every member of the PTT be identified to GSA, so GSA should caveat its response.

3. Lt Gen Flynn Related Records:

GSA has records related to what our agency did with respect to Lt Gen Flynn (e.g., equipment furnished). GSA is also in possession of PTT records. GSA will probably need a subpoena to produce those PTT records as they are not GSA records from a Federal Records Act or FOIA standpoint, and we will need to coordinate with DOJ/FBI. We are holding the records though so they can produced once those issues are resolved.

GSA will need to coordinate with White House prior to any response too, which I am sure Lenny already noted. They definitely have an interest in this and may want to try to articulate a separation of powers/executive privilege on something (although that will be difficult since this is during the transition period and not the actual Presidential administration).

I will be back on Thursday and I am sure this will still be around.

Seth

-----Original Message-----

From: Duane Smith [mailto:[REDACTED]]
Sent: Tuesday, June 13, 2017 11:51 AM
To: Greenfeld, Seth S Lt Col USAF SAF-GC (US) [REDACTED]
Subject: [Non-DoD Source] Request for docs

Hey Seth-

Received the attached request. Give me a buzz when you have a sec. Thanks!

--

Duane L. Smith
Assistant General Counsel
General Law Division, Office of General Counsel U.S. General Services Administration
[REDACTED]

CONFIDENTIALITY NOTICE:

TRUMP FOR AMERICA, INC.

Mr. Timothy Horne
Federal Transition Coordinator
General Services Administration
1 Denver Federal Center
Bldg. 41, P.O. Box 25546
Denver CO. 80225-0546

August 1, 2016

Dear Mr. Horne,

In response to your letter dated August 1, 2016, identifying Donald J. Trump as an eligible candidate for President in the general election to be held on November 8, 2016, Donald J. Trump's Transition Team will accept the services authorized by the Presidential Transition Act of 1963 (3 U.S.C. § 102 note), as amended. This includes both the pre-election services and, if Donald J. Trump is ascertained to be the apparent winner of the general election and President-elect, post-election.

Pursuant to the Act, Richard H. Bagger and William J. Palatucci are designated to make, by themselves or through their designees, such findings of necessity or designations on my behalf (delegated by Donald J. Trump) as may be required in connection with the services and facilities to be provided under the Act. This includes, but is not limited to, the execution of any Memorandum of Understanding with the General Services Administration.

Sincerely,

Christopher J. Christie
Transition Chairman

cc: Richard H. Bagger, Executive Director
William J. Palatucci, Esq.

Property of Trump For America, Inc., an
organization established and maintained under
Section 501(c)(4) of the Internal Revenue Code

TRUMP FOR AMERICA, INC.

Mr. Timothy Horne
Federal Transition Coordinator
General Services Administration
1 Denver Federal Center
Bldg. 41, P.O. Box 25546
Denver CO. 80225-0546

August 1, 2016

Dear Mr. Horne,

In response to your letter dated August 1, 2016, identifying Donald J. Trump as an eligible candidate for President in the general election to be held on November 8, 2016, Donald J. Trump's Transition Team will accept the services authorized by the Presidential Transition Act of 1963 (3 U.S.C. § 102 note), as amended. This includes both the pre-election services and, if Donald J. Trump is ascertained to be the apparent winner of the general election and President-elect, post-election.

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Sincerely,

Christopher J. Christie
Transition Chairman

cc: Richard H. Bagger, Executive Director
William J. Palatucci, Esq.

Property of Trump For America, Inc., an
organization established and maintained under
Section 501(c)(4) of the Internal Revenue Code

December 16, 2017

The Hon. Ron Johnson, Chairman
The Hon. Claire McCaskill, Ranking Member
U.S. Senate Committee on Homeland Security &
Governmental Affairs
340 Dirksen Senate Office Building
Washington, D.C. 20510

The Hon. Trey Gowdy, Chairman
The Hon. Elijah Cummings, Ranking Member
U.S. House Committee on Oversight &
Government Reform
2157 Rayburn House Office Building
Washington, D.C. 20515

Re: Unauthorized Review of Private, Privileged Materials by the Special Counsel's Office

Dear Senators and Representatives:

I write on behalf of Trump for America, Inc. ("TFA"), also known as the Presidential Transition Team ("PTT"), for the following purposes:

1. To inform the Committees of unlawful conduct that undermines the Presidential Transition Act of 1963, as amended, and will impair the ability of future presidential transition teams to candidly discuss policy and internal matters that benefit the country as a whole. More specifically, we write to inform you that (a) career staff at the General Services Administration ("GSA") have unlawfully produced TFA's private materials, including privileged communications, to the Special Counsel's Office; and (b) although the Special Counsel's Office was aware that the GSA did not own or control the records in question, the Special Counsel's Office has extensively used the materials in question, including portions that are susceptible to claims of privilege, and without notifying TFA or taking customary precautions to protect TFA's rights and privileges; and
2. To request that Congress act immediately to protect future presidential transitions from having their private records misappropriated by government agencies, particularly in the context of sensitive investigations intersecting with political motives.

I. TFA's Nature and Function

The Presidential Transition Act of 1963, as amended, contemplates the creation and operation of a private nonprofit organization to facilitate presidential transitions. *See* 3 U.S.C. § 102 note 2(h)(3)(A). For the 2016 presidential transition, TFA was the nonprofit organization that facilitated the orderly transition of executive authority from President Barack Obama to President Donald J. Trump. Its activities were funded partially through congressional appropriations and partially through dollar-limited private contributions. *See id.* note 6(c), 7(a). TFA is a private and independent nonprofit organization; it is not controlled by and does not share employees with the White House, the GSA, or other federal agencies. In fact, most PTT personnel are volunteers, acting in their personal capacity, to advance TFA's nonprofit mission of peacefully and efficiently transferring executive power.

The GSA played a statutorily defined role in supporting TFA and the 2016 transition. Specifically, the GSA "provided [to TFA] . . . [s]uitable office space appropriately equipped with furniture, furnishings, office

machines and equipment, and office supplies.” *Id.* note 3(a)(1). The GSA also hosted email services for TFA, and is statutorily required to “ensure that any computers or communications services provided . . . are secure.” *Id.* note 3(h)(2)(B)(ii).

Presidential transitions occupy a unique legal space. Although they undertake executive or quasi-executive functions and have certain rights associated with executive authority, they are not federal agencies. The authority supporting this conclusion includes the following:

- The Presidential Transition Act of 1963, as amended, provides that a presidential transition must be organized as a “separate fund” and operated as a private social welfare corporation pursuant to section 501(c)(4) of the Internal Revenue Code. *See* 3 U.S.C. § 2 note § 3(h)(3)(A). If presidential transition teams were governmental agencies, this requirement would be unnecessary. *See generally* Internal Revenue Service, 1990 Exempt Organization CPE, *available at* <https://www.irs.gov/pub/irs-tege/eotopice90.pdf> (discussing tax exemption for governmental entities).
- The U.S. Department of Justice has for nearly 30 years maintained that presidential transition entities are not “agencies” within the meaning of the Freedom of Information Act. This interpretation was most recently affirmed during the Obama Administration. *See* U.S. Dep’t of Justice, *FOIA Counselor: Transition Team FOIA Issues*, *FOIA Update*, Vol. IX, No. 4 (Jan. 1, 1988, rev. Sept. 1, 2016), *available at* <https://www.justice.gov/oip/foia-update-foia-counselor-transition-team-foia-issues>.
- The National Archives recently advised that “[t]he materials that [presidential transition team] members create or receive are not Federal or Presidential records, but are considered private materials.” Again, this advice was promulgated during the Obama Administration. *See* National Archives and Records Administration Bulletin A.C. 09.2017, *Memorandum from Laurence Brewer, Chief Records Officer for the U.S. Government, to Federal Agency Records Officers*, Nov. 16, 2016, *available at* <https://www.archives.gov/records-mgmt/memos/ac09-2017>.
- The Presidential Transition Act contemplates that the White House, the GSA, and other federal agencies will enter, and the GSA for many years has entered, into arms-length contracts with eligible presidential candidates to assist the presidential transition process. *See, e.g.*, Memorandum of Understanding between the GSA and Hillary Clinton, Aug. 5, 2016; Memorandum of Understanding between the GSA and Donald J. Trump, Aug. 1, 2016 (“MOU”); Memorandum of Understanding between the GSA and the Romney Readiness Project, Sept. 17, 2012; Memorandum of Understanding between the Obama-Biden Transition Project and the GSA, Nov. 5, 2008. If presidential transition teams were federal agencies, such contracts would be unnecessary.
- The MOU provided that the GSA would delete “all data on [computing] devices” used by the PTT. *See* MOU ¶ pp. 3, 10. This is both (a) is consistent with memoranda of understanding that the GSA executed with Hillary Clinton and Mitt Romney and (b) would be unlawful if presidential transition records were public records.
- The agreement between the Obama White House and TFA expressly stated that the parties intended to “protect the confidentiality of transition information made available to the Government.” *See* Memorandum of Understanding Regarding Transition Procedures, Identification, of Transition

Contacts, and Access to Non-Public Government and Transition Information ¶ 3, Nov. 8, 2016. Such a confidentiality provision would be unlawful if TFA were a government agency.

- TFA has always secured the central indicia of organizational ownership and control, including personnel decisions, the execution of contracts with third parties without federal procurement regulations, and, crucially, the generation and maintenance of internal documents and records.

In the 54 years since Congress first codified a statutory scheme governing the transition process, the fundamental structure and character of presidential transition teams have remained unchanged: They are private organizations controlled and managed by the President-Elects and their authorized designees, not by outgoing Presidents, their executive agencies, or other governmental entities. Indeed, if transition teams were part of the federal government, which until Inauguration Day is led by the outgoing President, it would subvert the very purpose of a transition team. Communications infrastructure and other platforms supplied by the GSA to a presidential transition team (*e.g.*, email accounts) are solely for the convenience and assistance of the transition team; they plainly are not a mechanism for a federal agency to commandeer the confidential documents of a private, nonprofit organization.

For these reasons, during the mandatory onboarding orientation for all PTT personnel, TFA informed new PTT staffers and volunteers that PTT emails are properly considered private records.

II. Improper Disclosure, Review, and Use of PTT Materials

After Inauguration Day on January 20, 2017, TFA wound down the bulk of its activities, vacated the premises provided by the GSA, and returned to the GSA the computer and telephone equipment that TFA had used during the transition period. Shortly thereafter, the GSA asked TFA for direction on the disposition of PTT data. TFA directed the GSA to handle PTT data in a manner consistent with the MOU and the reported disposition of data from President Obama's presidential transition in 2008; computing devices were to be restored to original settings and reissued to federal personnel and, to the extent that PTT records were not required for the winding down of TFA's affairs, the PTT email archives were no longer to be preserved.

Approximately two months later, TFA became aware of certain requests concerning PTT records. TFA promptly instructed the GSA, as the custodian of certain TFA records including PTT emails hosted on GSA servers, and others to preserve PTT records. Because of TFA's prompt reaction, all PTT emails have been preserved.

In order to comply with congressional document production requests, TFA ordered from the GSA electronic copies of all PTT emails and other data. Career GSA staff initially expressed concern that providing copies of PTT emails to TFA might violate a document preservation request that the GSA had received from the Special Counsel's Office. This issue was resolved decisively on June 15, 2017 after a series of emails and telephone calls between TFA's legal counsel and Richard Beckler and Lenny Loewentritt, the newly appointed General Counsel for the GSA and the career Deputy General Counsel for the GSA, respectively. After discussion and consideration of the issue, Mr. Beckler acknowledged unequivocally to TFA's legal counsel, in the presence of Mr. Loewentritt, that TFA owned and controlled the PTT emails and data pursuant to the Presidential Transition Act, and that the GSA had no right to access or control the records but was simply serving as TFA's records custodian. Mr. Beckler assured legal counsel for TFA, again in the presence of Mr. Loewentritt, that any requests for the production of PTT

records would therefore be routed to legal counsel for TFA. In the meantime, Mr. Beckler agreed to maintain all computer equipment in a secure, locked space within GSA facilities. There are multiple surviving witnesses to this conversation, including me. Additionally, we understand that the following day, June 16, 2017, Mr. Beckler personally informed the Special Counsel's Office that PTT records are not owned or controlled by the GSA, and that the Special Counsel's Office should communicate with TFA if it desired to obtain PTT records.

It is our understanding that Mr. Beckler was hospitalized and incapacitated in August 2017. Notwithstanding Mr. Beckler's June 16, 2017 instruction to the Special Counsel's Office concerning the ownership and control of PTT records, the Special Counsel's Office, through the Federal Bureau of Investigation ("FBI"), sent to the GSA two requests for the production of PTT materials while Mr. Beckler was hospitalized and unable to supervise legal matters for the GSA. Specifically, on August 23, 2017, the FBI sent a letter (*i.e.*, not a subpoena) to career GSA staff requesting copies of the emails, laptops, cell phones, and other materials associated with nine PTT members responsible for national security and policy matters. On August 30, 2017, the FBI sent a letter (again, not a subpoena) to career GSA staff requesting such materials for four additional senior PTT members.

Career GSA staff, working with Mr. Loewentritt and at the direction of the FBI, immediately produced all the materials requested by the Special Counsel's Office – without notifying TFA or filtering or redacting privileged material. The materials produced by the GSA to the Special Counsel's Office therefore included materials protected by the attorney-client privilege, the deliberative process privilege, and the presidential communications privilege. It is our understanding that Mr. Beckler passed away without returning to the GSA, and that career GSA staff (including Mr. Loewentritt) never consulted with or informed Mr. Beckler or his successor of the unauthorized production of PTT materials.

The unauthorized production of PTT materials by career GSA staff violates (a) the GSA's duties to TFA pursuant to the GSA's previous acknowledgement concerning TFA's rightful ownership and control of PTT materials; (b) the statute requiring the GSA to "ensure that any computers or communications services provided to an eligible candidate . . . are secure," 3 U.S.C. § 102 note 3(h)(2)(B)(ii); and (c) the Fourth Amendment's prohibition on a government actor (*e.g.*, Mr. Loewentritt), or a private actor working at the request of a government official, failing to obtain a warrant for the search or seizure of private property in which the owner has a reasonable expectation of privacy, *see Coolidge v. New Hampshire*, 403 U.S. 443, 489 (1971).

We understand that the Special Counsel's Office has subsequently made extensive use of the materials it obtained from the GSA, including materials that are susceptible to privilege claims. Additionally, certain portions of the PTT materials the Special Counsel's Office obtained from the GSA, including materials that are susceptible to privilege claims, have been leaked to the press by unknown persons. Moreover, the leaked records have been provided to the press without important context and in a manner that appears calculated to inflict maximum reputational damage on the PTT and its personnel, without the inclusion of records showing that PTT personnel acted properly – which in turn forces TFA to make an impossible choice between (a) protecting its legal privileges by keeping its records confidential and (b) waiving its privileges by publicly releasing records that counteract the selective leaks and misguided news reports. In short, since the GSA improperly provided them to the Special Counsel's Office, the PTT's privileged materials have not only been reviewed privately by the Special Counsel's Office without notification to TFA – they have also been misused publicly.

We discovered the unauthorized disclosures by the GSA on December 12 and 13, 2017. When we learned that the Special Counsel's Office had received certain laptops and cell phones containing privileged materials, we initially raised our concerns with Brandon Van Grack in the Special Counsel's Office on December 12, 2017. Mr. Van Grack confirmed that the Special Counsel's Office had obtained certain laptops, cell phones, and at least one iPad from the GSA – but he assured us that the Special Counsel's investigation did not recover any emails or other relevant data from that hardware. During this exchange, Mr. Van Grack failed to disclose the critical fact that undercut the importance of his representations, namely, that the Special Counsel's Office had simultaneously received from the GSA tens of thousands of emails, including a very significant volume of privileged material, and that the Special Counsel's Office was actively using those materials without any notice to TFA.¹ Mr. Van Grack also declined to inform us of the identities of the 13 individuals whose materials were at issue. We followed up with Mr. Van Grack the next day after learning of the unauthorized disclosure of PTT emails to ask what procedures, if any, had been implemented to protect privileged PTT communications from unauthorized and improper review. Mr. Van Grack declined to respond at the time, but contacted us on December 15, 2017 to inform us that the Special Counsel's Office had, in fact, failed to use an “ethical wall” or “taint team” and instead simply reviewed the privileged communications contained in the PTT materials. Mr. Van Grack also acknowledged on the December 12, 2017 telephone call that, even before we contacted him, the Special Counsel's Office had been aware of the importance and sensitivity of the privilege issues that we raised.

III. Statutory Amendments Are Necessary to Protect Future Presidential Transitions

The GSA's malfeasance in this matter necessitates a legislative response. As described above, career GSA staff subverted a congressional directive to support and assist presidential transitions with “secure” communications into a license to seize and misappropriate privileged documents and records. Whether born of a gross misunderstanding of the Presidential Transition Act or a deliberate attempt to violate the rights of TFA, the actions of career GSA staff underscore the need for immediate statutory amendments to protect future presidential transitions from bureaucratic arrogations and political interference. To this end, we respectfully propose two statutory amendments.

1. Timely Notice to Presidential Transition Teams of Document Production Requests

Although the Presidential Transition Act does not abridge – and indeed, fully preserves – control of internal documents and records by transition entities and their private boards of directors, the GSA's conduct underscores the need for more robust statutory protections. In furtherance of Congress' clear intent that the GSA's role is to support and assist – not usurp – transition functions, the Presidential Transition Act should fortify safeguards for presidential documents and records that may be stored in GSA computer systems. Specifically, Congress should provide that if the GSA receives any request or demand for a transition entity's documents – including but not limited to subpoenas or other legal process issued by courts or law enforcement agencies – it must provide to the presidential transition team notice and an opportunity to respond, object, or intervene before it reviews or produces any such documents or materials.

¹ On two other occasions after the GSA improperly provided PTT records to the Special Counsel's Office, legal counsel for TFA had stated to the Special Counsel's Office that the Special Counsel's Office had never requested or received PTT records. On both occasions, as on the December 12, 2017 telephone call with Mr. Van Grack, the Special Counsel's Office failed to correct the record or disclose that, at the time of those discussions, the Special Counsel's Office was already in possession of and had accessed a significant volume of privileged PTT materials.

2. Limitations on the Government's Access to Potentially Privileged Materials

As discussed above, the GSA's unlawful production of TFA's internal records was exacerbated by the Special Counsel's Office failure to preserve and respect the legal privileges that attach to a large number of those documents. More generally, however, the GSA's and the Special Counsel's Office's misconduct in this matter demonstrates why investigators and government attorneys, who in many cases are not entirely neutral, should not be trusted to decide without proper oversight which records belonging to private parties are privileged.

In theory, investigators and attorneys can establish "ethical walls" or "taint teams" to review potentially privileged materials, and then pass only non-privileged materials on to the investigators and attorneys who are primarily responsible for a case. This process ostensibly prevents the investigators and attorneys primarily responsible for enforcement decisions from basing their decisions on private, privileged materials.

In practice, however, this procedure is fraught with the potential for both intentional misconduct and innocent mistakes – to the severe detriment of the individuals or entities whose privileged communications fall into the hands of adverse government officials or witnesses. *See generally United States v. North*, 920 F.2d 940, 942 (D.C. Cir. 1990) (noting that witnesses' exposure to inadmissible evidence can impermissibly "taint their trial testimony irrespective of the prosecution's role in the exposure"). For this reason, "[f]ederal courts have taken a skeptical view of the government's use of 'taint teams,'" *United States v. SDI Future Health, Inc.*, 464 F. Supp. 2d 1027, 1037 (D. Nev. 2006), and have held that "the government's affirmative decision to invoke these [taint team] procedures constitutes a *per se* intentional intrusion" into relationships and communications protected by legal privileges, *see United States v. Neill*, 952 F. Supp. 834, 840–41 (D.D.C. 1997). Because it is "logical to suppose that taint teams pose a serious risk to holders of privilege, and this supposition is substantiated by past experience," *In re Grand Jury Subpoenas*, 454 F.3d 511, 523 (6th Cir. 2006), constitutional and policy considerations have prompted many courts to significantly curtail, and at times outright reject, their use.

These concerns are especially acute in investigations that implicate legislative, executive, or judicial functions and the attendant privileges that may attach to them. *See United States v. Rayburn House Office Buildings, Room 2113*, 497 F.3d 654 (D.C. Cir. 2007) (holding that a taint team was inappropriate and violated a congressman's right to independently review and assert legislative privilege over documents). While transition teams and their members are not immune from the lawful search and seizure of their documents and records, it is vital that these investigations be conducted within the parameters of procedural safeguards that preserve legitimate privileges – many of which have a constitutional provenance. *See id.* at 661 (emphasizing the need "to distinguish between the lawfulness of searching a congressional office pursuant to a search warrant and the lawfulness of *the manner in which the search is executed* in view of the protections afforded against compelled disclosure of legislative materials" (emphasis added)).

And as this matter demonstrates, entrusting the implementation of ethical walls and taint teams to investigators and attorneys who may not be entirely neutral, without proper oversight, can result in their failure to implement any process, however flawed, to protect the privileges of private parties. Such failures not only harm the parties whose information is improperly obtained and reviewed, but also the investigators themselves, whose investigation is tainted by the use of privileged materials.

To this end, Congress should provide that, unless exigencies of public safety or national security require otherwise, any federal official or agency in possession of a third party's documents or information (through whatever means) must provide the rightful owner an opportunity to identify and assert privilege, subject to customary judicial oversight, over such materials before the federal official or agency (or any of its agents or designees) may view or access their contents. Such legislative protections are particularly crucial in the context of investigations focusing on political activities or the discharge of legislative, executive, or judicial responsibilities. As recent events have unfortunately illustrated, such inquiries are especially vulnerable to the taint of partisan agendas, political bias, and other malign machinations.

* * *

We hope this letter is useful in discharging your oversight responsibilities, ensuring the integrity of the Special Counsel's investigation, and crafting appropriate legislation.

Please do not hesitate to contact TFA should you have any questions or require additional information.

Respectfully,

/s/ Kory Langhofer

Kory Langhofer

Counsel to Trump for America, Inc.

Cc: Ken Nahigian, TFA Trustee and Executive Director
Charles Gantt, TFA Trustee and Chief Financial Officer

SOURCE	Katy Steinmetz, "The Cost of Romney's Government-Assisted Transition: \$8.9 million," TIME Magazine
DATE	September 17, 2012

Memorandum of Understanding between the General Services Administration and the Romney Readiness Project

INTRODUCTION

This Memorandum of Understanding (MOU) establishes guidelines for obtaining services and facilities made available by the General Services Administration (GSA) to Governor Mitt Romney (Eligible Candidate), who is an eligible candidate in the next general election for President of the United States, as defined in the Presidential Transition Act of 1963, 3 U.S.C. § 102 note, as amended by the Pre-Election Presidential Transition Act of 2010 (Pub. L. No. 111-283) (the "Transition Act"). The services and facilities to be provided to the Eligible Candidate for the period of August 30, 2012, through November 6, 2012, are defined in Part I of this MOU, and the services and facilities to be provided to the President-elect and Vice-President-elect for the period of November 7, 2012, through February 19, 2013, are defined in Part II of this MOU. Part II of this MOU will become effective only if the Eligible Candidate is elected to be the President-elect pursuant to Section 3(c) of the Transition Act. If Governor Romney is not ascertained as the winner of the general election, Part II of this MOU will be null and void. Pursuant to section 3(h)(3) of the Transition Act, Governor Romney established R2P, Inc. (R2P) as a separate fund for the payment of expenditures in connection with his preparation for the assumption of official duties as President. R2P is also the authorized transition entity for those preparations.

I. PRE-ELECTION

The Administrator of General Services (Administrator) is authorized to provide to the Eligible Candidate, for use in connection with his preparations for the assumption of official duties as President if he wins the election, necessary services and facilities including: suitable office space appropriately equipped with furniture, furnishings, office machines, equipment and supplies, and telecommunications services. Other services required may be provided on a reimbursable basis. The space, supplies, and other services will be used exclusively for the Eligible Candidate's preparations for the assumption of official duties as President, the Eligible Candidate has designated Michael Leavitt, Chris Liddell, and Douglas Wooden to act on his behalf to make decisions as may be required in connection with the services and facilities to be provided under the Transition Act. This authority maybe re-delegated by any of the aforementioned in writing, delivered to the GSA Senior Career Executive, Darren Blue, or Liliana DelBonifro, Director of GSA's Transition Support Team. In order that all requirements can be expeditiously provided for and necessary financial and other controls maintained, the following procedures for obtaining services made available by the GSA are effective immediately. The procedures outlined below are not exhaustive and questions may arise from time to time with regard to specific situations. In those instances, the Eligible Candidate or his representatives should consult with the Director of the GSA Transition Support Team, Liliana DelBonifro.

Office Space, Furniture, Equipment, and Supplies

GSA will provide office space and related services to the Eligible Candidate's Transition Team. GSA has identified in its inventory approximately 14,459 usable square feet of office space in Washington, DC, designed to house 100 of the Eligible Candidate's staff members from August 30, 2012, through November 6, 2012. The space and services can be increased to accommodate additional people during the time period as mutually agreed to by both parties. The location designated for use is the Mary E. Switzer Building, located at 330 C St, SW, Washington, DC. GSA has completed space planning in "universal layouts" appropriate for the purposes for which it will be used by the Eligible Candidate's Transition Team, GSA will make furniture and office equipment available from stock inventory. The rent for this "turn-key" office space, including all customary charges and fees as defined in the attached Occupancy Agreement (Attachment A), is the responsibility of R2P unless exempted by the Administrator or his designee, in accordance with 40 U. S.C. § 586(b)(3). All furniture and equipment for the Eligible Candidate's Transition Team will be in place by August 30, 2012. Therefore any specific requests for changes in existing space and furniture layouts, or additional furniture or equipment will result in additional costs that will be charged to R2P. Such additional costs will not be included in the rent, nor waived under any request for a rent exemption. Office equipment supplies, with the exception of cell phones and laptops, will not be removed from the premises without the express permission of the Senior Career Executive or the Director of the Transition Support Team. All office equipment and supplies are

the property of the GSA and 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. Any consumable supplies required beyond what GSA initially provides must be obtained with funding from R2P. The space will be available from 7:00AM to 5:00PM, Monday through Friday. Use of the space after hours is permissible, but will be subject to overtime utility costs on a reimbursable basis and will require coordination with the Director. GSA will notify the Eligible Candidate or his 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 Candidate or his representative will ensure all required information is supplied and security protocols followed. In the event of no transition, the space must be vacated within 3 days of the election.

Telecommunications and IT Services

GSA will provide an open architected infrastructure through telecommunications and IT services and equipment for use by the Eligible Candidate's Transition Team, with installation included as part of the "turn-key" office space. GSA will supply software and equipment from its inventory, and all such property will be repurposed, after removal of any sensitive data and/or full hard drive cleanup, to GSA users or clients after the election if there is no transition or the inauguration if there is a transition. Attached is a list of items to be provided by GSA (Attachment B). The GSA Presidential Transition Support Team will establish procedures for distributing and collecting all Government personal property that is made available for use by the Eligible Candidate's Transition Team. R2P assumes responsibility for loss of, or damage to, GSA's personal property provided to the Eligible Candidate's Transition Team and agrees 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 to provide IT support and miscellaneous other assistance to be further defined by GSA. GSA acknowledges that some members of the Eligible Candidate's Transition Team may wish to use personal equipment instead of that provided by GSA. The service desk staff will be knowledgeable on hardware, software, and tools provided by GSA and used by the Eligible Candidate's Transition Team's "end-users", but only limited support will be available for non-GSA equipment. Service desk support will be available Monday through Friday, 8AM to 6PM, excluding holidays. Emergency support will be available 24 hours, 7 days a week. Any specific requests by the Eligible Candidate or his representative for additional IT services, equipment or personnel will result in additional costs that will be charged to R2P and will not be included in the rent nor waived under any request for an exemption. Local and long distance service are included for both cellular and desk phones. Outbound international calls can be enabled as required for both cellular and desk phones. Costs incurred for international calls will be directly charged to R2P. All phones will receive inbound international calls at no cost. The wireless contract supporting the GSA issued Android smart phones will provide local and long distance service for 300 anytime minutes per month pooled with all users, with unlimited nights and weekends, and unlimited texting and data. Additional minutes over this amount, including any roaming charges, will be directly charged to R2P. Conference calling cards will be provided and cover up to 2.5 million minutes (explained in Attachment B). Unused minutes will be rolled into Post Election in the event of a transition.

Other Candidates

R2P acknowledges that GSA will offer similar space and services to other eligible candidates as defined by the Transition Act. All information and assistance by GSA will be on an equal basis and without regard to political affiliation. Other eligible candidates may be given space in the Switzer Building, but the staffs will be physically separated.

Other Funds

As described above, the Eligible Candidate has established a separate fund, R2P, pursuant to Section 3(h)(3) of the Transition Act to support his activities in preparation for the assumption of official duties as President. Accordingly, R2P must comply with the reporting and disclosure requirements of the Transition Act. The Eligible Candidate, 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 his assumption of office as the President.

Reports

R2P, as a condition of receiving services and office space, shall disclose to the Administrator; (1) the date of contribution, source, amount, and expenditure of all money, other than funds from the Federal Government, and including currency of the United States and of any foreign nation, checks, money orders, or any other negotiable instruments payable on demand, received for use in the preparation of the Eligible Candidate for the assumption of official duties as President; and, (2) make available to the Administrator and the Comptroller General all information concerning such contributions as the Administrator or Comptroller General may require for purposes of auditing both the public and private funding used in the activities authorized by the Transition Act. Disclosures made under paragraph (1) above shall be in the form of a report to the Administrator by December 5, 2012, unless the Eligible Candidate becomes the President-elect. If the Eligible Candidate becomes the President-elect, the report may be

included as part of the report made to the Administrator by February 19, 2013. The report shall be made available to the public by the Administrator upon receipt.

Effective Dates

Part I of this MOU becomes effective upon signature by both parties. Part I of this agreement ends when the Administrator ascertains the apparent winner of the Presidential election.

Amendments

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

II. TRANSITION

Pursuant to the Transition Act and upon request, the Administrator is authorized to provide to the President-elect and Vice President-elect for use in connection with their preparations for the assumption of official duties as President or Vice President, necessary services and facilities including: suitable office space, appropriately equipped with furniture, furnishings, office machines, equipment and supplies; payment of the compensation of members of office staffs designated by the President-elect or Vice President-elect; payment of expenses for the procurement of services of experts or consultants; payment of travel expenses and subsistence allowances, including lease of motor vehicles; communications services; payment of expenses for printing and binding; and reimbursement to the postal service in the amount equivalent to the postage that would otherwise be payable on mail matter.

The Transition Act authorizes funds not to exceed \$6.6 million to be appropriated to the Administrator for the use of the Office of the President-elect and Office of Vice President-elect (referred to collectively herein as the Office of the President-elect). For the 2012-2013 transition, \$5.6 million is designated for expenditure on behalf of the Office of the President-elect and \$1 million is for Appointee Orientation and a Transition Directory (the "Transition Act funds"). The Transition Act funds may not be expended by the Administrator for obligations incurred by the President-elect or Vice President-elect before November 7, 2012, or after February 19, 2013, except that the \$1 million for the Transition Directory and orientation activities is available through September 30, 2013.

As provided in the Transition Act, the President-elect and Vice President-elect have authorized Michael Leavitt, Chris Liddell, and Douglas Wooden 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 Transition Act. This authority may be re-delegated by either of the aforementioned in writing, delivered to Darren Blue, GSA Senior Career Executive, or Liliana DelBonifro, Director of the GSA Transition Support Team.

In order that all needs can be expeditiously provided for and necessary financial and other controls maintained, the following procedures for obtaining services made available by the GSA are effective immediately after the Administrator ascertains the Eligible Candidate as the apparent winner of the Presidential election. The procedures outlined below are not exhaustive and questions may arise from time to time with regard to specific situations. In those instances, the Office of the President-elect should consult with Liliana DelBonifro or directly with the appropriate GSA Transition Support Team member, as designated by Ms. DelBonifro.

Control of Funds

Michael Leavitt, Chris Liddell, and Douglas Wooden, or persons designated by any of them in writing to Mr. Blue and Ms. DelBonifro, are designated as the "Fund Manager(s)" for the Office of the President-elect. Only these individuals shall be authorized to execute and deliver documents for the expenditure or obligation of appropriated 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 contact for GSA on financial matters.

GSA will not pay any person with Transition Act funds on behalf of the Office of the President-elect, nor reimburse the Office of the President-elect for expenses incurred by it, without the prior submission and approval of obligating documents from the Office of the President-elect, 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 Office of the President-elect with regard to the obligation and expenditure of Transition Act funds. In addition, GSA will prepare any reports required by the Office of the President-elect, excluding the reports described in Section 5 of the

Transition Act, which are the responsibility of the Office of the President-elect.

Personnel and Payroll Services

The Administrator is authorized, upon documented request, to pay the compensation of members of the office staffs designated by the President-elect or Vice President-elect, or their designees, from the Transition Act funds. Payments shall be at rates determined by the Office of the President-elect (OPE), but not to exceed the rate provided for by 5 U.S.C. § 5376, for Executive Level IV (\$55,500). Persons receiving compensation, as members of the office staffs under the 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 employees of the Office of the President-elect will be paid through the OPE or a third party provider contracted by OPE. This provision applies only to staff of the OPE who are paid with Federally appropriated funds. It does not apply to: (1) Employees of R2P who are not members of the staff of the OPE; (2) Payment for experts and consultants; or (3) Federal employees detailed to the OPE. The OPE shall be responsible for the preparation, accuracy and presentation to GSA of all payments of staff compensation using Federally appropriated funds. GSA shall be responsible for reimbursements for staff compensation at rates determined by the OPE, but not to exceed the rate provided for by 5 U.S.C. § 5376, for Executive Level IV (\$155,500 per annum). The OPE shall notify the GSA Transition Support Staff of all personnel accessions and terminations.

GSA will pay OPE bi-weekly, based on the written certification and invoice of designee of the proper payroll for the previous bi-weekly period. GSA shall provide payment to the OPE within 10 business days of receipt of such documentation by GSA. Payment will be by Electronic Funds Transfer. The OPE will notify the GSA Presidential Transition Support Team immediately if any employees terminate employment with the OPE for any reason, including beginning employment with the Federal Government, so that these employees can be removed from the active Transition payroll records. GSA retains the ability to offset against current invoices amounts that were overpaid on previous invoices. GSA retains the ability to withhold payment related to any separated employee until certification that the separated employee has returned or accounted for all GSA issued Government property.

Auditable accounts of any and all payments involving Presidential Transition Act funds shall be made available to GSA upon request. In addition, the OPE shall certify any amounts that represent fees paid to the third party provider, employee benefit payments or any other payments to the third party providers that are part of the staff compensation.

Employment of Experts and Consultants

The Administrator of General Services is authorized to pay "expenses for the procurement of services of experts or consultants or organizations thereof for the President-elect or Vice President-elect, as authorized for the head of any department by Section 15 of the Administrative Act of 1946, as amended," (5 U.S.C. § 3109) at rates not to exceed \$496.48 per day for individuals.

Detail of Federal Employees

Any employee of any agency of any branch of the Federal Government may be detailed to the Office of the President-elect on a reimbursable basis with the consent of the head of the agency. 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 President-elect requesting the detail must be submitted to the head of the agency, with a copy to the GSA Transition Support Team.

Office Space, Furniture, Equipment, and Supplies

GSA has identified in its inventory approximately 129,000 rentable square feet of space designed to house approximately 500 to 700 Presidential Transition staff members between the election and inauguration. GSA, in coordination with the Department of Homeland Security, Federal Protective Service and the U.S. Secret Service, shall secure and control access to the site. GSA will provide 150 parking spaces.

The space has been prepared in advance of the election in "universal layouts" appropriate for the purposes for which it will be used by the Office of the President-elect, so that it will be available for use the day after the election. GSA will supply furniture and office equipment from existing inventory. The Office of the President-elect hereby assumes responsibility for loss of, or damage to, GSA's property under its control and agrees to return all items in the same condition as received, reasonable wear and tear excepted.

The rent for this 'turn-key' office space, including all customary charges and fees as defined in the attached Occupancy Agreement (Attachment A), is chargeable to the Transition Act funds unless exempted by the General Services Administration, in accordance with 40 U.S.C. § 586(b)(3). The parties acknowledge and agree that in the event that the Administrator or his designee grants a rent exemption, and, in the event that after all accounting for expenditures by the Office of the President-elect against the Transition Act Appropriation there is an unobligated balance remaining, such unobligated balance is an appropriation available to reimburse the GSA, Federal Buildings Fund for its loss of revenue in accordance with 40 U.S.C. § 586(b)(3), and the Office of the President-elect will be deemed to have requested the Administrator to reimburse the Federal Buildings Fund from the unobligated balance of the Transition Act appropriation, in accordance with the Transition Act.

GSA has completed its space planning layouts. All furniture and equipment for the Office of the President-elect will be in place by November 6, 2012. Therefore, any specific requests by the Office of the President-elect for changes to existing space and furniture layouts, or additional furniture or equipment will result in additional costs that will be charged to the 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.

If the Office of the President-elect requests additional space or space in a location outside Washington, D.C., the Administrator will attempt to obtain such space in the location requested for use after the election, and all associated costs will be charged to the Transition Act funds. 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 President-elect will be charged to the Transition Act funds and such cannot be waived through any rent exemption.

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

Travel

The Transition Act permits the payment of travel expenses to individual travelers at the official invitation of the Office of the President-elect and to the Office of the President-elect employees to their duty stations if those duty stations are different from their principal places of business or residence. Transition Act funds are not available for movement of household goods or for the transportation of family members. All official travel by the Office of the President-elect employees and other persons invited to travel at the Office's expense, which is arranged through GSA or ADTRAV under contract to GSA, shall be in accordance with GSA Internal Travel Regulations and Control of Official Travel, PFM P 4290.1.

Telecommunications and IT Services

GSA will provide an open architected infrastructure through telecommunications and IT services and equipment for use by the Office of the President-elect, with installation included as part of the "turn-key" office space. GSA will supply software and equipment from its inventory, and all such property will be repurposed to GSA users or clients after inauguration. Attached is a list of items to be provided by GSA (Attachment B). The GSA Transition Support Team will establish procedures for distributing and collecting all Government personal property that is made available for use by the Office of the President-elect. The Office of the President-elect hereby assumes responsibility for loss of, or damage to, GSA's personal property under its control and agrees 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 for the convenience of the Office of the President-elect to provide IT support and miscellaneous other assistance to be further defined by GSA. GSA acknowledges that some members of the Office the President-elect may wish to use personal equipment instead of that provided by GSA. The service desk staff will be knowledgeable on hardware, software and tools provided by GSA and used by the Office of the President-elect "end-users," but only limited support will be available for non-GSA equipment. The onsite service desk support will be available Monday through Saturday, 6AM to 10PM. Emergency support will be available 24 hours a day, 7 days a week.

Any specific request by the Office of the President-elect for additional IT services, equipment or personnel will result in additional costs that will be charged to the Transition Act Funds, and will not be included in the rent nor waived under any request for a rent exception that may be granted by the Administrator.

Local and long distance service are included for both cellular and desk phones.

Outbound international calls can be enabled to the Office of the President-elect as required for both cellular and desk phones. Costs incurred for international calls will be directly charged to the Transition Act funds. All phones will

receive inbound international calls at no cost.

The wireless contract supporting the GSA issued Android smart phones will provide for 300 anytime minutes per month pooled with all users, with unlimited nights and weekends, and unlimited texting and data. Additional minutes over this amount, including any roaming charges, will be directly charged to the Transition Act funds.

Conference calling cards will be provided and covered up to 2.5 million minutes (explained in Attachment B) less the minutes used in the Pre-election phase.

Mail

The GSA Transition Support Team will obtain support for mail services, the cost of which will be charged to the Transition Act funds. Support includes training on official government mail procedures for the Office of the President-elect, collection and delivery of official mail to the assigned zip code and leasing of metering equipment. In addition, the service will provide offsite scanning of incoming USPS mail and that of alternate carriers (e.g., UPS, FedEx). This includes irradiation for biological contamination, Q scan for bomb residue, and x-ray for contraband. In the case of a suspicious incoming mail item, the article will be isolated and the Department of Defense will be contacted for appropriate handling. Scanned mail will be delivered in a secure vehicle to the Office of the President-elect's mailroom at the Switzer Building. Outgoing mail will be metered on-site and subsequently picked up and entered into the postal mail systems. The service can provide for special pickups upon request.

Reports

As required by Section 5 of the Transition Act, the President-elect and Vice President-elect shall disclose to the Administrator:

- (1) the date of contribution, source, amount, and expenditure thereof of all money, other than funds from the Federal Government, and including currency of the United States and of any foreign nation, checks, money orders, or any other negotiable instruments payable on demand, received either before or after November 7, 2012, 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 20, 2013, and shall be made available to the public by the Administrator upon receipt.

The President-elect and Vice President-elect, 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.

They shall also, as a condition for receiving services and funds authorized by the 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 President-elect or Vice President-elect's 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 5(b) of the Act.

Appointee Orientation and Transition Directory

The Transition Act authorizes GSA to prepare a Transition Directory and to coordinate orientation activities for "individuals the President-elect...intends to nominate as department heads or appoint to key positions in the Executive Office of the President." Section 3(a)(8)(B). For the 2012-2013 transition, the Administrator has requested \$1 million for the transition directory and orientation activities for the incoming Administration. GSA, along with the National Archives and Record Administration, will produce the Directory. The GSA Transition Support Team will assist the Office of the President-elect 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 intended for Appointee Orientation and the Transition Directory must be obligated for the purposes of the Transition Act no later than September 30, 2013. Therefore, GSA strongly recommends that planning be substantially completed no later than June 2013, and that contracts be in place no later than August 31, 2013.

Emergency Preparedness

It is critical that the Office of the President-elect be prepared to respond to any emergency situation that may occur during the transition period. The GSA Transition Support Team will provide the following support to assist with emergency preparedness planning: (1) a draft continuity of operations plan; (2) an alternate site in the District of Columbia; (3) an alternate site outside of the District of Columbia; and (4) a Senior Emergency Management Officer to provide support to the Office of the President-elect. The Office of the President-elect should designate someone

authorized to work with the GSA Emergency Management Officer to finalize its emergency preparedness planning.

Effective Dates

Part II of this MOU becomes effective after signature by both parties and upon the Administrator's ascertainment of Governor Romney as the apparent successful candidate for President, but no sooner than November 7, 2012, and terminates on February 19, 2013. GSA will remain available to assist the administration with respect to the section entitled "Appointee Orientation and Transition Directory" pursuant to the terms of the Transition Act and the applicable appropriations act.

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.



The Partnership's Center for Presidential Transition helps ensure the efficient transfer of power that our country deserves. The Center's Ready to Govern® initiative assists candidates with the transition, works with Congress to reform the transition process, develops management recommendations to address our government's operational challenges, and trains new political appointees.

For original transition documents and additional resources, templates and tools, visit presidentialtransition.org.

SOURCE	Obama-Biden Transition Project documents
DATE	November 5, 2008

Memorandum of Understanding Between the Obama-Biden Transition Project and the General Services Administration

This Memorandum of Understanding (MOU) establishes guidelines for obtaining services and facilities made available by the General Services Administration (GSA) to the President-elect and the Vice President-elect and paid out of funds appropriated by the Congress in accordance with the Presidential Transition Act of 1963, as amended, 3 U.S.C. 102 note (Transition Act).

The Transition Act authorizes the Administrator to seek an appropriation for the purposes of the transition of Government in an election year, some of which is designated specifically for use at the request of the Office of the President-elect and Office of Vice President-elect (referred to collectively herein as the Office of the President-elect). For the 2008 - 2009 transition, the Administrator has sought an appropriation in the amount of approximately \$8.5 million dollars, with \$5.3 million designated for expenditure on behalf of the Office of the President-elect and \$1 million for Appointee Orientation and a Transition Directory (the "Transition Act funds"). The Transition Act funds may not be expended by the Administrator for obligations incurred by the President-elect or Vice President-elect before November 5, 2008, or after February 19, 2009, except that the \$1 million for the Transition Directory and orientation activities is available through September 30, 2009.

The Administrator of General Services is authorized to use Transition Act funds to provide to the President-elect and Vice President-elect, for use in connection with their 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 machines, equipment and supplies; payment of the compensation of members of office staffs designated by the President-elect or Vice President-elect; 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 Transition Act, the President-elect and Vice President-elect have authorized John Podesta and Christopher Lu 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 Transition Act. This authority may be redelegated by either of the aforementioned in writing, delivered to Mr. Timothy Horne, Director of the GSA Transition Support Team.

In order that all needs can be expeditiously provided for and necessary financial and other controls maintained, the following procedures for obtaining services made available by the GSA are effective immediately. The procedures outlined below are not exhaustive and questions may arise from time to time with regard to specific situations. In those instances, the Office of the President-elect should consult with Mr. Horne or directly with the appropriate GSA Transition Support Team member, as designated by Mr. Horne.

Control of Funds

John Podesta, Christopher Lu, Katy Kale, and Bradley Kiley, or persons designated by any of them in writing to Mr. Horne, are designated as the "Fund Manager(s)" for the Office of the President-elect. Only these individuals shall be authorized to execute and deliver documents for the expenditure or obligation of appropriated 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 contact for GSA on financial matters.

GSA will not pay any person with Transition Act funds on behalf of the Office of the President-elect, nor reimburse the Office of the President-elect for expenses incurred by it, without the prior submission and approval of obligating documents from the Office of the President-elect, 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 Office of the President-elect with regard to the obligation and expenditure of Transition Act funds. In addition, GSA will prepare any reports required by the Office of the President-elect, the Office of Management and Budget, the Department of the Treasury or the Congress, excluding the reports described in Section 5 of the Transition Act, which are the responsibility of the Office of the President-elect.

Personnel Services

The Administrator of General Services is authorized, upon documented request, to pay the compensation of members of the office staffs designated by the President-elect or Vice President-elect, or their designees from the Transition Act funds. Payments shall be at rates determined by the Office of the President-elect, but not to exceed the rate provided for by 5 U.S.C. § 5376, for Executive Level IV (\$149,000). Persons receiving compensation, as members of the office staffs under the 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 Employee's Health Benefits (FEHB) and Federal Employees' Group Life Insurance (FEGLI).

Employment of Experts and Consultants

The Administrator of General Services is authorized to pay "expenses for the procurement of services of experts, consultants or organizations thereof for the President-elect or Vice President-elect, as authorized for the head of any department by section 15 of the Administrative Act of 1946, as amended (5 U.S.C. § 3109)," at rates not to exceed \$475.36 per day for individuals.

Detail of Federal Employees

Any employee of any agency of any branch of the Federal Government may be detailed to the Office of the President-elect on a reimbursable basis with the consent of the head of the agency. 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 President-elect requesting the detail must be submitted to the head of the agency, with a copy to the GSA Transition Support Team.

Payroll Services

The employees of the Office of the President-elect will be paid through Electronic Funds Transfer (EFT) to the Financial Institution of their choice. GSA will enter all payroll data and maintain all payroll records. The employees of the Office of the President-elect will be paid bi-weekly, based on the written certification of the designee. Payroll deductions will be made for FICA and Federal and State tax withholding (except for those employees paid \$1.00 or less). The Office of the President-elect will notify the GSA Transition Support Team immediately if any employees terminate employment with the Office for any reason, including to begin employment with the Federal Government, so that these employees can be removed from the Transition payroll.

Office Space, Furniture, Equipment, and Supplies

GSA has identified in its inventory approximately 120,000 square feet of office space in Washington, DC, designed to house approximately 500 Presidential Transition staff members between the election and inauguration. GSA, in coordination with the Department of Homeland Security, Federal Protective Service and the U. S. Secret Service, shall secure the site and shall control access to the site.

The space is being prepared in advance of the election to "universal layouts" appropriate for the purposes for which it will be used by the Office of the President-elect, so that it will be available for use the day after the election. GSA will supply furniture and office equipment for use by the Office of the President-elect from stock inventory. The rent for this "turn-key" office space, including all customary charges and fees as defined in the attached "Occupancy Agreement," (Attachment A) is chargeable to the Transition Act funds unless exempted by the Administrator of General Services, in accordance with 40 U.S.C. 586(b)(3). The parties acknowledge and agree that in the event that the Administrator grants a rent exemption, and in the event that after all accounting for expenditures by the Office of the President-elect against the Transition Act appropriation, there is an unobligated balance remaining, such unobligated balance is an appropriation available to reimburse the GSA, Federal Buildings Fund for its loss of revenue in accordance with 40 U.S.C. 586(b)(3), and the Office of the President-elect will be deemed to have requested the Administrator to reimburse the Federal Buildings Fund from the unobligated balance of the Transition Act appropriation, in accordance with the Presidential Transition Act.

In order for the facilities to be operational immediately after the election, GSA completed its space planning layouts and construction drawings in early October, 2008 and delivered all furniture and equipment by November 4, 2008. Therefore, any specific requests by the Office of the President-elect for changes to existing space and furniture layouts, or additional furniture or equipment will result in additional costs that will be charged to the 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.

If the Office of the President-elect 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 Transition Act funds. 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 President-elect will be charged to the Transition Act funds and such cannot be waived through any rent exemption. Office supplies are available from the GSA Transition Support Team on a reimbursable basis.

Travel

The Transition Act permits the payment of travel expenses to individual travelers at the official invitation of the Office of the President-elect and to Office of the President-elect employees to their duty stations if those duty stations are different than their principal places of business or residence. Transition Act funds are not available for movement of household goods or for the transportation of family members. All official travel by Office of the President-elect employees and other persons invited to travel at the Office's expense, which is arranged through the GSA or ADTRAV under contract to GSA, shall be in accordance with GSA Internal Travel Regulations and Control of Official Travel, PFM P 4290.1.

Telecommunications and IT Services

GSA will provide a standard level of telecommunications and IT services and equipment for use by the Office of the President-elect, with installation included as part of the "turn-key" office space. GSA will supply software and equipment from its inventory, and all such property will be repurposed to GSA users or clients after the transition. Attached is a list of items to be provided by GSA (Attachment B.) The GSA Transition Support Team will establish procedures for distributing and collecting all Government personal property that is made available for use by the Office of the President-elect. The Office of the President-elect hereby assumes responsibility for loss of, or damage to, GSA's personal property under its control and agrees to return all items in the same condition as received, reasonable wear and tear excepted.

The GSA Transition Support Team will establish a service desk for the convenience of the Office of the President-elect to provide IT support and miscellaneous other assistance to be further defined by GSA. GSA acknowledges that some members of the Office of the President-elect may wish to use personal equipment instead of that provided by GSA. The service desk staff will be knowledgeable on hardware, software and tools used by the Office of President-elect "end-users," but only limited support will be available for non-GSA equipment. The onsite service desk support will be available Monday through Saturday, 6AM to 10PM. Emergency support will be available 24 hours a day, 7 days a week.

Any specific requests by the Office of the President-elect for additional IT services, equipment or personnel will result in additional costs that will be charged to the 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.

Local and long distance service will be provided to the Office of the President-elect. Access to international calling will be provided for specific executives as requested. International calls will be tracked and charged to the Transition Act funds. The wireless contract supporting the GSA issued Blackberrys will provide for 300 anytime minutes (pooled with all users), unlimited nights and weekends, and unlimited texting and e-mail access. The usage will be tracked and usage exceeding the contracted amount will be charged to the Transition Act funds.

Mail

The GSA Transition Support Team will obtain support for mail services, the cost of which will be charged to Transition Act funds. Support includes training on official government mail procedures for the Office of the President-elect, collection and delivery of official mail to the assigned zip code, leasing of metering equipment, and purchase of special equipment for space. In addition, the service will provide offsite scanning of incoming USPS mail and that of alternate carriers, such as UPS, FedEx, DHL, etc. This includes irradiation for biological contamination, Q scan for bomb residue, and x-ray for contraband. In case of a suspicious incoming mail item, the article will be isolated and the Department of Defense will be contacted for appropriate handling. Scanned mail will be delivered in a secure

vehicle to the President-elect's mailroom at 451 6th St., NW, Washington, DC. Outgoing mail will be metered on-site and subsequently picked up and entered into the postal mail systems. The service can provide for special pickups upon request.

Reports

As required by Section 5 of the Transition Act, the President-elect and Vice President-elect shall disclose to the Administrator:

(1) the date of contribution, source, amount, and expenditure thereof of all monetary contributions, other than Federal funds, received either before or after November 4, 2008, for use in their preparations for assumption of office; and

(2) all information concerning such contributions as the Administrator may require for purposes of auditing both the 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, 2009, and shall be made available to the public by the Administrator upon receipt.

The President-elect and Vice-President-elect, 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.

They shall also, as a condition for receiving services and funds authorized by the Transition Act, make available to the public the 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 President-elect or Vice President-elect's 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 5(b) of the Act.

Appointee Orientation and Transition Directory

The Transition Act authorizes GSA to prepare a Transition Directory and to coordinate orientation activities for "individuals the President-elect intends to nominate as department heads or appoint to key positions in the Executive Office of the President." For the 2008-2009 transition, the Administrator was appropriated \$1 million for the transition directory and orientation activities for the incoming Administration. GSA is already working with the National Archives and Records Administration on the Directory. The GSA Transition Support Team will assist the Office of the President-elect 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 Transition Act not later than September 30, 2009. Therefore, GSA strongly recommends that planning be substantially completed not later than June 2009, and that contracts be in place not later than August 31, 2009.

Emergency Preparedness

It is critical that the Office of the President-elect be prepared to respond to any emergency situation that may occur during the transition period. The GSA Transition Support Team will provide the following support to assist with emergency preparedness planning: (1) a draft continuity of operations plan; (2) an alternate site in the District of Columbia; (3) an alternate site outside of the District of Columbia; and (4) a Senior Emergency Management Officer to provide support to the Office of the President-elect. The Office of the President-elect should designate someone authorized to work with the GSA Emergency Management Officer to finalize its emergency preparedness planning.

Effective Dates

This MOU becomes effective upon signature by both parties and upon the Administrator's ascertainment of the apparent successful candidates for President and Vice-President, but no sooner than November 5, 2008, and terminates on February 19, 2009, except that this MOU shall be effective through September 30, 2009 with respect to the section entitled "Appointee Orientation and Transition Directory."

Amendments

Any terms and conditions of this Memorandum of Understanding, 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:

Office of the President-elect

By: Chris Lu
Title: Executive Director
Date: November 5, 2008

General Services Administration

By: Timothy Home
Title: Director, Transition Support Team
Date: November 5, 2008



The Partnership's Center for Presidential Transition helps ensure the efficient transfer of power that our country deserves. The Center's Ready to Govern® initiative assists candidates with the transition, works with Congress to reform the transition process, develops management recommendations to address our government's operational challenges, and trains new political appointees.

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SOURCE	Obama-Biden Transition Project documents
DATE	October 30, 2008

Obama-Biden Transition Project Memorandum on the Freedom of Information Act

To: Chris Lu, Katy Kale
From: Mike Mongan
Subject: Application of FOIA to Documents Created by the Obama Transition Project

I. ISSUE

Under what circumstances will documents created by the Obama Transition Project (OTP) be covered by the requirements of the Freedom of Information Act (FOIA)?

II. SHORT ANSWER

Any OTP document that ends up in the possession of a federal agency could potentially qualify as an “agency record” that must be disclosed under FOIA. This will include documents that are given to agency personnel by OTP employees during the transition period. It will also include documents brought into an agency by Obama appointees after the inauguration. In each instance, whether a specific document is covered by FOIA will depend on a number of factors unique to that document—including why it is prepared, how it is used by the agency, and how it is stored.

III. ANALYSIS

The Freedom of Information Act authorizes federal courts to order the production of requested materials “upon a showing that an agency has (1) ‘improperly’ (2) ‘withheld’ (3) ‘agency records.’” *Kissinger v. Reporters Committee for Freedom of the Press*, 445 U.S. 136, 150 (1980) (quoting 5 U.S.C. § 552(a)(4)(B)). A document created by OTP will therefore fall outside of the scope of FOIA unless it qualifies as an “agency record.”

The Supreme Court has held that there are two prerequisites for a document to qualify as an “agency record.” First, “an agency must either create or obtain the requested materials.” *United States Dep’t of Justice v. Tax Analysts*, 492 U.S. 136, 144 (1989) (internal quotation marks omitted). Second, “the agency must be in control of the requested materials at the time the FOIA request is made.” *Id.* at 145.

If OTP were an “agency,” many of the documents created by OTP employees would easily satisfy these two prerequisites and fall within the scope of FOIA. At your request, however, this memo assumes that OTP does not qualify as an “agency.” This is a fairly safe assumption in light of the text of the statute and the precedent on point. FOIA defines agency as “each authority of the Government of the United States, whether or not it is within or subject to review by another agency[,] . . . includ[ing] any executive department, military department, Government corporation, Government controlled corporation, or other establishment in the executive branch of the Government (including the Executive Office of the President), or any independent regulatory agency.” 5 U.S.C. §§ 551(1), 552(f)(1). As a private, nonprofit organization, OTP probably falls outside this definition. Indeed, the only case to address this issue concluded that a presidential transition team was not an “agency” for purposes of FOIA. See *Illinois Institute for Continuing Legal Education v. United States Dep’t of Labor*, 545 F. Supp. 1229 (N.D. Ill. 1982).¹ The General Services Administration recently indicated that it agrees with this conclusion.²

¹ The Illinois Institute court reasoned as follows: “The Transition Act manifests a congressional concern with preserving the autonomy of the transition staff from the federal government. Even federal employees serving on the staff are insulated from the government. The transition staff is clearly not in the control of the incumbent President; it answers only to the President-elect. As such, the staff is outside of the executive branch, since ‘the Executive Power is vested in a President of the United States of America,’ U.S. CONST. art. II, § 1, and the transition staff is outside the control of the President. The autonomy accorded the transition staff compels the conclusion that the staff is not within the executive branch of government and hence not an ‘agency’ within the meaning of § 552[(f)(1)] of the FOIA.” 545 F. Supp. at 1232-33.

² GSA has taken a similar position in the past. See *Illinois Institute*, 545 F. Supp. at 1235, n.8 (citing opinion of the Assistant General Counsel to the General Services Administration concluding that President-elect Reagan’s transition team was not an “agency”).

But even assuming that OTP is not an “agency,” some of the documents created by OTP might still fall within the scope of FOIA. Under *Tax Analysts* and other Supreme Court cases, any document that is “obtained” by a federal agency could potentially become an “agency record.” And there are at least two plausible scenarios where OTP documents might be obtained by a federal agency. First, scores of OTP employees and volunteers will be stationed within federal agencies during the transition period. I presume that these individuals will meet with agency officials, and will occasionally provide the agency with memoranda and other materials to help facilitate an orderly transition. Second, OTP will produce reams of documents charting a course for the major federal agencies during the Obama Administration. These documents will be of little use unless they are provided to Sen. Obama’s appointees to those agencies. And it strikes me as quite likely that some of the appointees will bring these planning documents with them into the agency when they take office after the inauguration.

Of course, the mere fact that an OTP document ends up within the physical confines of an agency will not necessarily render it an “agency record” for FOIA purposes. Under the second prong of the *Tax Analysts* test, the agency must also maintain a sufficient level of control over the document. See *Tax Analysts*, 492 U.S. at 145. There is no precise formula for determining when the “control” requirement is satisfied. The Supreme Court has explained that “control” means “that the materials have come into the agency’s possession in the legitimate conduct of its official duties.” *Ibid.* A few lower courts have applied a four-factor test to determine if there is sufficient control. The factors are:

(1) the intent of the document’s creator to retain or relinquish control over the records; (2) the ability of the agency to use and dispose of the record as it sees fit; (3) the extent to which agency personnel have read or relied upon the document; and (4) the degree to which the document was integrated into the agency’s record system or files.

Burka v. United States Dep’t of Health & Human Servs., 87 F.3d 508, 515 (D.C. Cir. 1996); see also *Missouri v. United States Dep’t of the Interior*, 297 F.3d 745 (8th Cir. 2002) (applying the *Burka* test).

In light of these vague tests for “control,” the FOIA status of individual OTP documents that are obtained by agencies will vary depending on why the document was created, how it was used by the agency, and other considerations. A few examples are illustrative: If a newly-appointed chief-of-staff to a cabinet secretary brings two copies of an OTP report with him to his government office, but keeps them in a locked bookcase marked “personal” and never uses them, the report will not be treated as an “agency record.” See *Wolfe v. Dep’t of Health & Human Servs.*, 711 F.2d 1077 (D.C. Cir. 1983) (finding that a report prepared by President-elect Reagan’s transition team was not an “agency record” on the same facts).³ Likewise, if an OTP employee accidentally leaves a document in a cubicle at a federal agency, and it is neither consulted by agency personnel nor integrated into the agency’s file system, the document probably will not qualify as an “agency record.” But if the incoming Secretary of Transportation takes an OTP planning memorandum with her to her new government offices, and she and her staff frequently review the memorandum and file it away alongside other Department of Transportation materials, a court would probably treat that memorandum as an “agency record” subject to FOIA’s disclosure requirements.

OTP should therefore expect that some of its work product might have to be disclosed pursuant to FOIA. To be sure, this is not necessarily a bad thing. A central theme of Sen. Obama’s campaign has been improving transparency in government and “restor[ing] meaning to the Freedom of Information Act.” See *Restoring Trust in Government and Improving Transparency*, http://www.barackobama.com/pdf/TakingBackOurGovernmentBackFinal_FactSheet.pdf (last visited Oct. 29, 2008). The disclosure of OTP documents that are used by federal agencies would surely help meet that goal.

That being said, the case law suggests several steps that OTP could take if it wishes to minimize the number of OTP-created documents subject to disclosure under FOIA:

- Reduce the number of OTP documents that are “obtained” by agencies. Forbid OTP employees from giving documents or other materials to agency personnel unless absolutely necessary. Ensure that political appointees do not take OTP documents with them into federal agencies after Inauguration Day.
- Signal that OTP documents are for internal purposes only. Where applicable, include a statement on the face of OTP documents explaining that they are intended to be used for internal, OTP purposes only, and that they should not be disclosed to agency personnel either during or after the transition period.

³ *Accord Illinois Institute for Continuing Legal Education v. United States Dep’t of Labor*, 545 F. Supp. 1229, 1233-35 (N.D. Ill. 1982) (holding that a briefing book prepared by President-elect Reagan’s transition team for the Department of Labor was not an agency record where only two copies existed, one in the locked vault of the Secretary of Labor and one on the bookshelf of a Department official, and no one at the Department had made any use of the briefing book); see generally *Tax Analysts*, 492 U.S. at 145 (“[T]he term ‘agency records’ is not so broad as to include personal materials in an employee’s possession, even though the materials may be physically located at the agency.”).

- Minimize the extent to which agency personnel read and rely on OTP documents. In some cases it may be impossible to avoid having agency personnel review certain OTP documents. OTP could limit the extent to which these documents are read and relied upon by agency personnel by using print instead of electronic copies (which are easier to duplicate and forward), and by asking the agency personnel to return the document after review.
- Do not integrate OTP documents into agency record systems or files. There is not much that can be done about the records-keeping practices of federal agencies before January 20, 2009. But once the Obama Administration has taken office, OTP documents will be less likely to qualify as “agency records” if they are kept out of the standard agency filing and records systems.

One final note: Even if an OTP document does qualify as an “agency record,” it is not necessarily the case that FOIA requires its disclosure. FOIA creates nine exemptions under which an agency may deny disclosure of requested records. See generally 5 U.S.C. § 552(b). For example, FOIA exempts documents “related solely to the internal personnel rules and practices of an agency,” 5 U.S.C. § 552(b)(2), as well as “personnel and medical files . . . the disclosure of which would constitute a clearly unwarranted invasion of personal privacy,” 5 U.S.C. § 552(b)(6). If an OTP document satisfied one of these exceptions, it could legally be withheld from a FOIA requester.



The Partnership’s Center for Presidential Transition helps ensure the efficient transfer of power that our country deserves. The Center’s Ready to Govern® initiative assists candidates with the transition, works with Congress to reform the transition process, develops management recommendations to address our government’s operational challenges, and trains new political appointees.

For original transition documents and additional resources, templates and tools, visit presidentialtransition.org.

FILED

AUG 18 2017

Clerk, U.S. District & Bankruptcy
Courts for the District of Columbia

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

**IN RE APPLICATION OF THE UNITED
STATES OF AMERICA FOR AN ORDER
PURSUANT TO 18 U.S.C. § 2703(d)
DIRECTED AT GOOGLE RELATED TO**



Case: 1:17-mc-02005

Filed Under Seal

ORDER

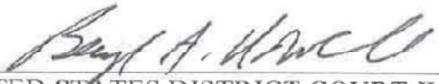
The United States has submitted an Application pursuant to 18 U.S.C. § 2703(d), requesting that the Court issue an Order requiring Google, an electronic communication and/or remote computing service provider located in Mountain View, California, to disclose the records and other information described in Attachment A to this Order. The Court finds that the United States has offered specific and articulable facts showing that there are reasonable grounds to believe that the records or other information sought are relevant and material to an ongoing criminal investigation. Furthermore, the Court determines that there is reason to believe that notification of the existence of this Order will seriously jeopardize the ongoing investigation, including by giving targets an opportunity to destroy or tamper with evidence, and intimidate potential witnesses. See 18 U.S.C. § 2705(b)(1)-(5).

IT IS THEREFORE ORDERED, pursuant to 18 U.S.C. § 2703(d), that Google shall, within ten days of the date of this Order, disclose to the United States the records and other information described in Attachment A to this Order.

IT IS FURTHER ORDERED under 18 U.S.C. § 2705(b) that Google shall not disclose the existence of this Order of the Court to any other person for a period of one year or until otherwise

ordered by the Court, except that Google may disclose this Order to an attorney for Google for the purpose of receiving legal advice.

IT IS FURTHER ORDERED that the Application and this Order are sealed until otherwise ordered by the Court.


UNITED STATES DISTRICT COURT JUDGE

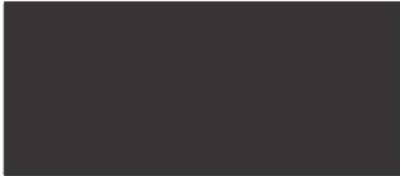
August 18, 2017
Date

CC: Andrew D. Goldstein
Assistant Special Counsel
950 Pennsylvania Avenue
Special Counsel's Office
Washington, DC 20530
Telephone: [REDACTED]
Email: [REDACTED]

ATTACHMENT A

I. The Account(s)

The Order applies to certain records and other information for any **GOOGLE** account(s) associated with the following identifier(s):

- 
- 
- 
- 

II. Records and other information to be disclosed

Google is required to disclose to the United States the following records and other information, if available, for each account or identifier listed in Part I of this Attachment (the "Account(s)") for the time period from account inception to the present:

A. Information about the customer or subscriber of the Account(s):

1. Names (including subscriber names, user names, and screen names);
2. Addresses (including mailing addresses, residential addresses, business addresses, and email addresses);
3. Local and long distance telephone connection records;
4. Records of session times and durations, and the temporarily assigned network addresses (such as Internet Protocol ("IP") addresses) associated with those sessions;
5. Length of service (including start date) and types of service utilized;
6. Telephone or instrument numbers (including MAC addresses);
7. Other subscriber numbers or identities (including the registration Internet Protocol ("IP") address); and
8. Means and source of payment for such service (including any credit card or bank account number) and billing records.

B. All records and other information relating to the Account(s) (except the contents of communications), including:

1. Records of user activity for each connection made to or from the Account(s), including log files; messaging logs; the date, time, length, and method of connections; data transfer volume; user names; and source and destination Internet Protocol addresses; and
2. Information about each electronic communication sent or received by the Account(s), including the date and time of the communication, the method of communication, and the source and destination of the communication (such as source and destination email addresses, IP addresses, and telephone numbers), and any other associated header or routing information.

CERTIFICATE OF AUTHENTICITY OF DOMESTIC BUSINESS RECORDS
PURSUANT TO FEDERAL RULE OF EVIDENCE 902(11)

I, _____, do hereby attest, under penalties of perjury under the laws of the United States of America pursuant to 28 U.S.C. § 1746, that the information contained in this declaration is true and correct. I am employed by Google, and my official title is _____. I am a custodian of records for Google. I state that each of the records attached hereto is the original record or a true duplicate of the original record in the custody of Google, and that I am the custodian of the attached records consisting of _____ (pages/CDs/kilobytes). I further state that:

- a. All records attached to this certificate were made at or near the time of the occurrence of the matter set forth, by, or from information transmitted by, a person with knowledge of those matters;
- b. Such records were kept in the ordinary course of a regularly conducted business activity of Google; and
- c. Such records were made by Google as a regular practice.

I further state that this certification is intended to satisfy Rule 902(11) of the Federal Rules of Evidence.

Date

Signature

Folder: [REDACTED]

Subject: Re: PTT Documents
Date: Wed, 21 Jun 2017 08:24:52 -0400
From: Seth Greenfeld - LG [REDACTED]
To: Kory Langhofer [REDACTED]
Cc: [REDACTED], Mike Morrissey
[REDACTED], Thomas Basile [REDACTED], Chris
Murray [REDACTED], Lennard Loewentritt - L [REDACTED]
Message-ID: <CAKUJRM4rkBr-3KPkaaG=1_FFmvYFs+e07pqXBKAN+fjB=2TPEA@mail.gmail.com>
MD5: 46a76708c221b6e6332fad5def59a46

Good morning. Unfortunately, I have not heard anything yet, and we are frustrated too. I will ping DOJ again today.

Seth S. Greenfeld
Senior Assistant General Counsel
General Law Division, Office of General Counsel
U.S. General Services Administration
[REDACTED]

CONFIDENTIALITY NOTICE:

This e-mail message and any attachments to this e-mail message may contain confidential information belonging to the sender which is legally privileged. The information is intended only for the use of the individual or entity to whom it is addressed. Please do not forward this message without permission. If you are not the intended recipient or the employee or agent responsible for delivering it to the intended recipient, you are hereby notified that any disclosure, copying, distribution or the taking of any action in reliance on the contents of this transmission is strictly prohibited. If you have received this transmission in error, please notify me immediately by telephone or return e-mail and delete and destroy the original e-mail message, any attachments thereto and all copies thereof.

On Tue, Jun 20, 2017 at 2:36 PM, Kory Langhofer [REDACTED] wrote:

Richard and Seth: Can you provide an update on status? We are eager to start reviewing and producing emails.

Relatedly, we spoke with the Senate Intelligence Committee yesterday and they (a) made clear that they would like us to hasten this process and (b) stated that they will agree to the GSA providing a copy of the PTT documents to us (and they invited you to contact them to confirm this).

Happy to discuss at your convenience.

Kory Langhofer

STATECRAFT PLLC

[649 North Fourth Avenue, First Floor](#)

[Phoenix, Arizona 85003](#)

Desk: [REDACTED]



**MEMORANDUM OF UNDERSTANDING
BETWEEN
THE GENERAL SERVICES ADMINISTRATION
AND
R2P, INC. ON BEHALF OF
GOVERNOR MITT ROMNEY**

Introduction

This Memorandum of Understanding (MOU) establishes guidelines for obtaining services and facilities made available by the General Services Administration (GSA) to Governor Mitt Romney (Eligible Candidate), who is an eligible candidate in the next general election for President of the United States, as defined in the Presidential Transition Act of 1963, 3 U.S.C. § 102 note, as amended by the Pre-Election Presidential Transition Act of 2010 (Pub. L. No. 111-283) (the "Transition Act"). The services and facilities to be provided to the Eligible Candidate for the period of August 30, 2012, through November 6, 2012, are defined in Part I of this MOU, and the services and facilities to be provided to the President-elect and Vice-President-elect for the period of November 7, 2012, through February 19, 2013, are defined in Part II of this MOU. Part II of this MOU will become effective only if the Eligible Candidate is ascertained to be the President-elect pursuant to Section 3(c) of the Transition Act. If Governor Romney is not ascertained as the winner of the general election, Part II of this MOU will be null and void.

Pursuant to section 3(h)(3) of the Transition Act, Governor Romney established R2P, Inc. (R2P) as a separate fund for the payment of expenditures in connection with his preparation for the assumption of official duties as President. R2P is also the authorized transition entity for those preparations.

Part I Pre-Election

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

The Eligible Candidate has designated Michael Leavitt, Chris Liddell, and Douglas Wooden to act on his behalf to make decisions as may be required in connection with the services and facilities to be provided under the Transition Act. This authority may be re-delegated by any of the aforementioned in writing, delivered to the GSA Senior Career Executive, Darren Blue, or Liliana DelBonifro, Director of GSA's Transition Support Team.

In order that all requirements can be expeditiously provided for and necessary financial and other controls maintained, the following procedures for obtaining services made available by the GSA are effective immediately. The procedures outlined below are not exhaustive and questions may arise from time to time with regard to specific situations. In those instances, the Eligible Candidate or his representatives should consult with the Director of the GSA Transition Support Team, Liliana DelBonifro.

Office Space, Furniture, Equipment, and Supplies

GSA will provide office space and related services to the Eligible Candidate's Transition Team. GSA has identified in its inventory approximately 14,459 usable square feet of office space in Washington, DC, designed to house 100 of the Eligible Candidate's staff members from August 30, 2012, through November 6, 2012. The space and services can be increased to accommodate additional people during the time period as mutually agreed to by both parties. The location designated for use is the Mary E. Switzer Building, located at 330 C St, SW, Washington, DC.

GSA has completed space planning in "universal layouts" appropriate for the purposes for which it will be used by the Eligible Candidate's Transition Team. GSA will make furniture and office equipment available from stock inventory. The rent for this "turn-key" office space, including all customary charges and fees as defined in the attached Occupancy Agreement (Attachment A), is the responsibility of R2P unless exempted by the Administrator or his designee, in accordance with 40 U. S.C. § 586(b)(3).

All furniture and equipment for the Eligible Candidate's Transition Team will be in place by August 30, 2012. Therefore any specific requests for changes to existing space and furniture layouts, or additional furniture or equipment will result in additional costs that will be charged to R2P. Such additional costs will not be included in the rent, nor waived under any request for a rent exemption. Office equipment and supplies, with the exception of cell phones and laptops, will not be removed from the premises without the express permission of the Senior Career Executive or the Director of the Transition Support Team. All office equipment and supplies are the property of the GSA and 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. Any consumable supplies required beyond what GSA initially provides must be obtained with funding from R2P.

The space will be available from 7:00AM to 5:00PM, Monday through Friday. Use of the space after hours is permissible, but will be subject to overtime utility costs on a reimbursable basis and will require coordination with the Director.

GSA will notify the Eligible Candidate or his 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 Candidate or his representative will ensure all required information is supplied and security protocols followed.

In the event of no transition, the space must be vacated within 3 days of the election.

Telecommunications and IT Services

GSA will provide an open architected infrastructure through telecommunications and IT services and equipment for use by the Eligible Candidate's Transition Team, with installation included as part of the "turn-key" office space. GSA will supply software and equipment from its inventory, and all such property will be repurposed, after removal of any sensitive data and/or full hard drive cleanup, to GSA users or clients after the election if there is no transition or the inauguration if there is a transition. Attached is a list of items to be provided by GSA (Attachment B). The GSA Presidential Transition Support Team will establish procedures for distributing and collecting all Government personal property that is made available for use by the Eligible Candidate's Transition Team. R2P assumes responsibility for loss of, or damage to, GSA's personal property provided to the Eligible Candidate's Transition Team and agrees 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 to provide IT support and miscellaneous other assistance to be further defined by GSA. GSA acknowledges that some members of the Eligible Candidate's Transition Team may wish to use personal equipment instead of that provided by GSA. The service desk staff will be knowledgeable on hardware, software, and tools provided by GSA and used by the Eligible Candidate's Transition Team's "end-users", but only limited support will be available for non-GSA equipment. Service desk support will be available Monday through Friday, 8AM to 6PM, excluding holidays. Emergency support will be available 24 hours, 7 days a week.

Any specific requests by the Eligible Candidate or his representative for additional IT services, equipment or personnel will result in additional costs that will be charged to R2P and will not be included in the rent nor waived under any request for an exemption.

Local and long distance service are included for both cellular and desk phones.

Outbound international calls can be enabled as required for both cellular and desk phones. Costs incurred for international calls will be directly charged to R2P. All phones will receive inbound international calls at no cost.

The wireless contract supporting the GSA issued Android smart phones will provide local and long distance service for 300 anytime minutes per month pooled with all users,

with unlimited nights and weekends, and unlimited texting and data. Additional minutes over this amount, including any roaming charges, will be directly charged to R2P.

Conference calling cards will be provided and cover up to 2.5 million minutes (explained in Attachment B). Unused minutes will be rolled into Post Election in the event of a transition.

Other Candidates

R2P acknowledges that GSA will offer similar space and services to other eligible candidates as defined by the Transition Act. All information and assistance by GSA will be on an equal basis and without regard to political affiliation. Other eligible candidates may be given space in the Switzer Building, but the staffs will be physically separated.

Other Funds

As described above, the Eligible Candidate has established a separate fund, R2P, pursuant to Section 3(h)(3) of the Transition Act to support his activities in preparation for the assumption of official duties as President. Accordingly, R2P must comply with the reporting and disclosure requirements of the Transition Act.

The Eligible Candidate, 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 his assumption of office as the President.

Reports

R2P, as a condition of receiving services and office space, shall disclose to the Administrator:

(1) the date of contribution, source, amount, and expenditure of all money, other than funds from the Federal Government, and including currency of the United States and of any foreign nation, checks, money orders, or any other negotiable instruments payable on demand, received for use in the preparation of the Eligible Candidate for the assumption of official duties as President; and,

(2) make available to the Administrator and the Comptroller General all information concerning such contributions as the Administrator or Comptroller General may require for purposes of auditing both the public and private funding used in the activities authorized by the Transition Act.

Disclosures made under paragraph (1) above shall be in the form of a report to the Administrator by December 5, 2012, unless the Eligible Candidate becomes the President-elect. If the Eligible Candidate becomes the President-elect, the report may be included as part of the report made to the Administrator by February 19, 2013. The report shall be made available to the public by the Administrator upon receipt.

Effective Dates

Part I of this MOU becomes effective upon signature by both parties. Part I of this agreement ends when the Administrator ascertains the apparent winner of the Presidential election.

Amendments

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

Part II – Transition

Pursuant to the Transition Act and upon request, the Administrator is authorized to provide to the President-elect and Vice President-elect for use in connection with their preparations for the assumption of official duties as President or Vice President, necessary services and facilities including: suitable office space, appropriately equipped with furniture, furnishings, office machines, equipment and supplies; payment of the compensation of members of office staffs designated by the President-elect or Vice President-elect; payment of expenses for the procurement of services of experts or consultants; payment of travel expenses and subsistence allowances, including lease of motor vehicles; communications services; payment of expenses for printing and binding; and reimbursement to the postal service in the amount equivalent to the postage that would otherwise be payable on mail matter.

The Transition Act authorizes funds not to exceed \$6.6 million to be appropriated to the Administrator for the use of the Office of the President-elect and Office of Vice President-elect (referred to collectively herein as the Office of the President-elect). For the 2012-2013 transition, \$5.6 million is designated for expenditure on behalf of the Office of the President-elect and \$1 million is for Appointee Orientation and a Transition Directory (the "Transition Act funds"). The Transition Act funds may not be expended by the Administrator for obligations incurred by the President-elect or Vice President-elect before November 7, 2012, or after February 19, 2013, except that the \$1 million for the Transition Directory and orientation activities is available through September 30, 2013.

As provided in the Transition Act, the President-elect and Vice President-elect have authorized Michael Leavitt, Chris Liddell, and Douglas Wooden 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 Transition Act. This authority may be re-delegated by either of the aforementioned in writing, delivered to Darren Blue, GSA Senior Career Executive, or Liliana DelBonifro, Director of the GSA Transition Support Team.

In order that all needs can be expeditiously provided for and necessary financial and other controls maintained, the following procedures for obtaining services made available by the GSA are effective immediately after the Administrator ascertains the Eligible Candidate as the apparent winner of the Presidential election. The procedures outlined below are not exhaustive and questions may arise from time to time with regard to specific situations. In those instances, the Office of the President-elect should consult with Liliana DelBonifro or directly with the appropriate GSA Transition Support Team member, as designated by Ms. DelBonifro.

Control of Funds

Michael Leavitt, Chris Liddell, and Douglas Wooden, or persons designated by any of them in writing to Mr. Blue and Ms. DelBonifro, are designated as the "Fund Manager(s)" for the Office of the President-elect. Only these individuals shall be

authorized to execute and deliver documents for the expenditure or obligation of appropriated 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 contact for GSA on financial matters.

GSA will not pay any person with Transition Act funds on behalf of the Office of the President-elect, nor reimburse the Office of the President-elect for expenses incurred by it, without the prior submission and approval of obligating documents from the Office of the President-elect, 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 Office of the President-elect with regard to the obligation and expenditure of Transition Act funds. In addition, GSA will prepare any reports required by the Office of the President-elect, excluding the reports described in Section 5 of the Transition Act, which are the responsibility of the Office of the President-elect.

Personnel and Payroll Services

The Administrator is authorized, upon documented request, to pay the compensation of members of the office staffs designated by the President-elect or Vice President-elect, or their designees, from the Transition Act funds. Payments shall be at rates determined by the Office of the President-elect (OPE), but not to exceed the rate provided for by 5 U.S.C. § 5376, for Executive Level IV (\$155,500). Persons receiving compensation, as members of the office staffs under the 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 (FGLI).

The employees of the Office of the President-elect will be paid through the OPE or a third party provider contracted by OPE. This provision applies only to staff of the OPE who are paid with Federally appropriated funds. It does not apply to: (1) Employees of R2P who are not members of the staff of the OPE; (2) Payment for experts and consultants; or (3) Federal employees detailed to the OPE. The OPE shall be responsible for the preparation, accuracy and presentation to GSA of all payments of staff compensation using Federally appropriated funds. GSA shall be responsible for reimbursements for staff compensation at rates determined by the OPE, but not to exceed the rate provided for by 5 U.S.C. § 5376, for Executive Level IV (\$155,500 per annum). The OPE shall notify the GSA Transition Support Staff of all personnel accessions and terminations.

GSA will pay OPE bi-weekly, based on the written certification and invoice of the designee of the proper payroll for the previous bi-weekly period. GSA shall provide payment to the OPE within 10 business days of receipt of such documentation by GSA. Payment will be by Electronic Funds Transfer. The OPE will notify the GSA Presidential Transition Support Team immediately if any employees terminate employment with the OPE for any reason, including beginning employment with the Federal Government, so that these employees can be removed from the active Transition payroll records. GSA retains the ability to offset against current invoices amounts that were overpaid on previous invoices. GSA retains the ability to withhold payment related to any separated employee until certification that the separated employee has returned or accounted for all GSA issued Government property.

Auditable accounts of any and all payments involving Presidential Transition Act funds shall be made available to GSA upon request. In addition, the OPE shall certify any amounts that represent fees paid to the third party provider, employee benefit payments or any other payments to the third party providers that are part of the staff compensation.

Employment of Experts and Consultants

The Administrator of General Services is authorized to pay "expenses for the procurement of services of experts or consultants or organizations thereof for the President-elect or Vice President-elect, as authorized for the head of any department by Section 15 of the Administrative Act of 1946, as amended," (5 U.S.C. § 3109) at rates not to exceed \$496.48 per day for individuals.

Detail of Federal Employees

Any employee of any agency of any branch of the Federal Government may be detailed to the Office of the President-elect on a reimbursable basis with the consent of the head of the agency. 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 President-elect requesting the detail must be submitted to the head of the agency, with a copy to the GSA Transition Support Team.

Office Space, Furniture, Equipment, and Supplies

GSA has identified in its inventory approximately 129,000 rentable square feet of space designed to house approximately 500 to 700 Presidential Transition staff members between the election and inauguration. GSA, in coordination with the Department of Homeland Security, Federal Protective Service and the U.S. Secret Service, shall secure and control access to the site. GSA will provide 150 parking spaces.

The space has been prepared in advance of the election in "universal layouts" appropriate for the purposes for which it will be used by the Office of the President-elect, so that it will be available for use the day after the election. GSA will supply furniture and office equipment from existing inventory. The Office of the President-elect

hereby assumes responsibility for loss of, or damage to, GSA's property under its control and agrees to return all items in the same condition as received, reasonable wear and tear excepted.

The rent for this 'turn-key' office space, including all customary charges and fees as defined in the attached Occupancy Agreement (Attachment A), is chargeable to the Transition Act funds unless exempted by the General Services Administration, in accordance with 40 U. S. C § 586(b)(3). The parties acknowledge and agree that in the event that the Administrator or his designee grants a rent exemption, and, in the event that after all accounting for expenditures by the Office of the President-elect against the Transition Act Appropriation there is an unobligated balance remaining, such unobligated balance is an appropriation available to reimburse the GSA, Federal Buildings Fund for its loss of revenue in accordance with 40 U.S.C. § 586(b)(3), and the Office of the President-elect will be deemed to have requested the Administrator to reimburse the Federal Buildings Fund from the unobligated balance of the Transition Act appropriation, in accordance with the Transition Act.

GSA has completed its space planning layouts. All furniture and equipment for the Office of the President-elect will be in place by November 6, 2012. Therefore, any specific requests by the Office of the President-elect for changes to existing space and furniture layouts, or additional furniture or equipment will result in additional costs that will be charged to the 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.

If the Office of the President-elect requests additional space or space in a location outside Washington, D.C., the Administrator will attempt to obtain such space in the location requested for use after the election, and all associated costs will be charged to the Transition Act funds. 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 President-elect will be charged to the Transition Act funds and such cannot be waived through any rent exemption.

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

Travel

The Transition Act permits the payment of travel expenses to individual travelers at the official invitation of the Office of the President-elect and to the Office of the President-elect employees to their duty stations if those duty stations are different from their principal places of business or residence. Transition Act funds are not available for movement of household goods or for the transportation of family members. All official travel by the Office of the President-elect employees and other persons invited to travel at the Office's expense, which is arranged through GSA or ADTRAV under contract to

GSA, shall be in accordance with GSA Internal Travel Regulations and Control of Official Travel, PFM P 4290.1.

Telecommunications and IT Services

GSA will provide an open architected infrastructure through telecommunications and IT services and equipment for use by the Office of the President-elect, with installation included as part of the "turn-key" office space. GSA will supply software and equipment from its inventory, and all such property will be repurposed to GSA users or clients after inauguration. Attached is a list of items to be provided by GSA (Attachment B). The GSA Transition Support Team will establish procedures for distributing and collecting all Government personal property that is made available for use by the Office of the President-elect. The Office of the President-elect hereby assumes responsibility for loss of, or damage to, GSA's personal property under its control and agrees 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 for the convenience of the Office of the President-elect to provide IT support and miscellaneous other assistance to be further defined by GSA. GSA acknowledges that some members of the Office the President-elect may wish to use personal equipment instead of that provided by GSA. The service desk staff will be knowledgeable on hardware, software and tools provided by GSA and used by the Office of the President-elect "end-users," but only limited support will be available for non-GSA equipment. The onsite service desk support will be available Monday through Saturday, 6AM to 10PM. Emergency support will be available 24 hours a day, 7 days a week.

Any specific request by the Office of the President-elect for additional IT services, equipment or personnel will result in additional costs that will be charged to the Transition Act Funds, and will not be included in the rent nor waived under any request for a rent exception that may be granted by the Administrator.

Local and long distance service are included for both cellular and desk phones.

Outbound international calls can be enabled to the Office of the President-elect as required for both cellular and desk phones. Costs incurred for international calls will be directly charged to the Transition Act funds. All phones will receive inbound international calls at no cost.

The wireless contract supporting the GSA issued Android smart phones will provide for 300 anytime minutes per month pooled with all users, with unlimited nights and weekends, and unlimited texting and data. Additional minutes over this amount, including any roaming charges, will be directly charged to the Transition Act funds.

Conference calling cards will be provided and covered up to 2.5 million minutes (explained in Attachment B) less the minutes used in the Pre-Election phase.

Mail

The GSA Transition Support Team will obtain support for mail services, the cost of which will be charged to the Transition Act funds. Support includes training on official government mail procedures for the Office of the President-elect, collection and delivery of official mail to the assigned zip code and leasing of metering equipment. In addition, the service will provide offsite scanning of incoming USPS mail and that of alternate carriers (e.g., UPS, FedEx). This includes irradiation for biological contamination, Q scan for bomb residue, and ex-ray for contraband. In the case of a suspicious incoming mail item, the article will be isolated and the Department of Defense will be contacted for appropriate handling. Scanned mail will be delivered in a secure vehicle to the Office of the President-elect's mailroom at the Switzer Building. Outgoing mail will be metered on-site and subsequently picked up and entered into the postal mail systems. The service can provide for special pickups upon request.

Reports

As required by Section 5 of the Transition Act, the President-elect and Vice President-elect shall disclose to the Administrator:

- (1) the date of contribution, source, amount, and expenditure thereof of all money, other than funds from the Federal Government, and including currency of the United States and of any foreign nation, checks, money orders, or any other negotiable instruments payable on demand, received either before or after November 7, 2012, 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 20, 2013, and shall be made available to the public by the Administrator upon receipt.

The President-elect and Vice President-elect, 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.

They shall also, as a condition for receiving services and funds authorized by the 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 President-elect or Vice President-elect's 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 5(b) of the Act.

Appointee Orientation and Transition Directory

The Transition Act authorizes GSA to prepare a Transition Directory and to coordinate orientation activities for "individuals the President-elect... intends to nominate as department heads or appoint to key positions in the Executive Office of the President." Section 3(a)(8)(B). For the 2012 – 2013 transition, the Administrator has requested \$1 million for the transition directory and orientation activities for the incoming Administration. GSA, along with the National Archives and Record Administration, will produce the Directory. The GSA Transition Support Team will assist the Office of the President-elect 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 intended for Appointee Orientation and the Transition Directory must be obligated for the purposes of the Transition Act no later than September 30, 2013. Therefore, GSA strongly recommends that planning be substantially completed no later than June 2013, and that contracts be in place no later than August 31, 2013.

Emergency Preparedness

It is critical that the Office of the President-elect be prepared to respond to any emergency situation that may occur during the transition period. The GSA Transition Support Team will provide the following support to assist with emergency preparedness planning: (1) a draft continuity of operations plan; (2) an alternate site in the District of Columbia; (3) an alternate site outside of the District of Columbia; and (4) a Senior Emergency Management Officer to provide support to the Office of the President-elect. The Office of the President-elect should designate someone authorized to work with the GSA Emergency Management Officer to finalize its emergency preparedness planning.

Effective Dates

Part II of this MOU becomes effective after signature by both parties and upon the Administrator's ascertainment of Governor Romney as the apparent successful candidate for President, but no sooner than November 7, 2012, and terminates on February 19, 2013. GSA will remain available to assist the administration with respect to the section entitled "Appointee Orientation and Transition Directory" pursuant to the terms of the Transition Act and the applicable appropriations act.

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.

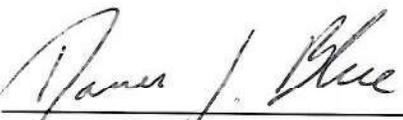
Authorization

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

R2P, Inc.

General Services Administration

By: 

By: 

Dated: Sept 17, 2012

Dated: 9/19/2012

By: 

Dated: 9/17/2012

Attachment A – OA

Attachment B

Introduction

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

Equipment Name	Quantity	Purpose
Dell Latitude laptop	500-700	Personal portable computer
22" Widescreen Monitor, Keyboard, Mouse	500-700	Desk setup with the provided PTT laptop
Android-based Cell Phone (Verizon Wireless)	500-700	Personal mobile phone
Conference calling cards	2.5 million minutes	equates to number of participants multiplied by minutes used; e.g. 100 participants times 60 minutes equals 6,000 total minutes
Desk phone	500-700	Desk telephone
Conference Phone	20	Conference telephone
Multi-function Copiers	9	Multifunction copier/network printer/fax/scanner (Within 150 feet from any desk)
LaserJet B&W printers	15	Within 50 feet from any desk
LaserJet Color printers	5	Within 100 feet from any desk
LaserJet B&W desktop printers	25	For executive offices
Television – various sizes	50	Televisions - 25 for executives – others for media and break rooms

PTT Workstation Applications

GSA will provide the Dell Latitude laptop computer for Pre-Election and PTT users. Each laptop will be imaged with the following applications. *Cloud-based applications are marked with an asterisk:

Software Loaded	Specifications
------------------------	-----------------------

Operating System	Windows 7
Anti-Virus & Anti-Spyware	McAfee VirusScan Enterprise + AntiSpyware Enterprise 8.8.0
Google Chrome	*Cloud-based access to Google Email, Calendar, Docs, and other application services
Productivity	Microsoft Office 2007
Disk Encryption	Windows BitLocker Disk Encryption
File Utility	WinZip 9.0 SR-1 (encryption for sending files through email)
PDF Reader	Nuance PDF Reader 7.0
Other Web Browser	Internet Explorer 8
Media Application	Real Player Enterprise
Media Application	Windows Media Player
Miscellaneous	Flash Player 11.1.102
Miscellaneous	Java 6.0.3

Folder: [REDACTED]

Subject: FBI Property Receipt #3
Date: Fri, 1 Sep 2017 09:57:09 -0400
From: Erik Simmons - IDRC [REDACTED]
To: Brett Armstrong - D [REDACTED]
Cc: Claudia Nadig - LG [REDACTED], Robert Carter - D [REDACTED]
Duane Smith [REDACTED], Lennard Loewentritt - L [REDACTED]
[REDACTED], Seth Greenfeld - LG [REDACTED], Steve
Grewal - ID [REDACTED]
Message-ID: <CAHSmZ=JkCZ0eThQFOMHjR_0dLmUw4BvgFoy7RjFVTYp3hU_A-A@mail.gmail.com>
MD5: 35f520b5f40fb242aa7f9c6e4f5c6ee1
Attachments: Laptop - Phone - Flash Drive - Property Receipt - 8-31-17.pdf

Brett,

Yesterday afternoon, I transferred several laptops, phones, an iPad, and a single flash drive to the FBI. This hardware and the flash drive data, completely fulfilled the requests that the FBI detailed in their August 23, 2017, and August 30, 2017, correspondence to GSA. Here is a list of the information that was included on the flash drive provided yesterday:

- Google Email Archive for the individuals listed in the August 30, 2017 Correspondence

- Google Drive contents for the individuals listed in the August 23, 2017 Correspondence

- Google Drive contents for the individuals listed in the August 30, 2017 Correspondence

- Signed Acceptable Use Policy and IT Hardware Inventory Documents for individuals listed in August 23, 2017 Correspondence

- Signed Acceptable Use Policy and IT Hardware Inventory Documents for individuals listed in August 30, 2017 Correspondence

- Excel Spreadsheet of cell phone inventory records for Michael T. Flynn as per a verbal request on or about August 24, 2017 from Mary Gleason (FBI Supervisory Special Agent)

Attached is the signed property receipt that includes the associated letters from the FBI. I have highlighted the area in the FBI letters that are associated with this property transfer. Please Note: For any items that are not highlighted in the FBI request, GSA IT either has already turned over these items or does not have access to these items.

Please let me know if you have any questions or concerns.

Thanks.

Erik

Folder: [REDACTED]

Subject: FBI Property Receipt #2
Date: Fri, 25 Aug 2017 13:11:00 -0400
From: Erik Simmons - IDRC [REDACTED]
To: Brett Armstrong - D [REDACTED]
Cc: Claudia Nadig - LG [REDACTED], Robert Carter - D [REDACTED]
Duane Smith [REDACTED], Lennard Loewentritt - L [REDACTED]
[REDACTED], Seth Greenfeld - LG [REDACTED], Steve
Grewal - ID [REDACTED]
Message-ID: <CAHSmZ=JGUYvWTPxC4cx4u5hzMRzzSs0=bQtej3yVHRm6aVDSdg@mail.gmail.com>
MD5: 48f78ac258b5b1d19f2a5af8bcc24227
Attachments: Laptop and Phone Property Receipt - 8-24-17.pdf

Brett,

Late yesterday, the FBI contacted me and requested that we transfer several laptops and phones to them that were associated with their August 23, 2017 letter. This hardware was given to them and attached is the signed property receipt that includes the associated letter from the FBI. I have highlighted the area in the FBI letter that is addressed with this property transfer.

Also, we plan to transfer additional hardware to the FBI next week.

Please let me know if you have any questions or concerns.

Thanks.

Erik

Folder: [REDACTED]

Subject: FBI Property Receipt
Date: Thu, 24 Aug 2017 11:11:20 -0400
From: Erik Simmons - IDRC [REDACTED]
To: Claudia Nadig - LG [REDACTED]
Cc: Brett Armstrong - D [REDACTED], Duane Smith [REDACTED],
Lennard Loewentritt - L [REDACTED], Seth Greenfeld - LG
[REDACTED], Steve Grewal - ID [REDACTED]
Message-ID: <CAHSmZ+=KORYmwQ0Q3oOSETYhAjjau2deF8g53dmqbrEFfcPQw@mail.gmail.com>
MD5: 36fdfab98038df58ac33dcb369676aa3
Attachments: Flash Drive Property Receipt - 8-24-17.pdf

Claudia,

As per the August 23, 2017, letter from the FBI, I have transferred the 9 requested PTT e-mail zip files to Mary Gleason (FBI). This information was given to her via flash drive and attached is the signed property receipt.

Please let me know if you have any questions or concerns.

Thanks.

Erik

Folder: [REDACTED]

Subject: Preservation Letter
Date: Thu, 22 Jun 2017 19:41:36 +0000
From: "Gleason, Mary F. (CD) (FBI)" [REDACTED]
To: Lennard Loewentritt - L [REDACTED], BVG [REDACTED]
Cc: Brett Armstrong - D1R [REDACTED], "Clinesmith, Kevin E. (OGC) (FBI)" [REDACTED]

Message-ID: <bc9d4e541f4544aebfe08e26117094c4@HQV2-UEMBX-413.FBI.GOV>
MD5: b3df2e08028a7de16763e390a369b479
Attachments: GSA_LHM_6.22.2017.pdf

Good afternoon Mr. Loewentritt-

As a follow up to our request, we thought it best to send GSA an official preservation letter. Your staff has been extremely responsive and we appreciate their patience with our (my) questions. If you have any questions or comments regarding the attached letter, please do not hesitate to call.

Thank you,

Mary

Mary F. Gleason
Supervisory Special Agent
Counterintelligence Division
Cell: [REDACTED]
Desk: [REDACTED]
Email: [REDACTED] (NEW)

Folder: [REDACTED]

Subject: Re: PTT Documents
Date: Wed, 21 Jun 2017 08:24:52 -0400
From: Seth Greenfeld - LG [REDACTED]
To: Kory Langhofer [REDACTED]
Cc: [REDACTED], Mike Morrissey [REDACTED], Thomas Basile [REDACTED], Chris Murray [REDACTED], Lennard Loewentritt - L [REDACTED]
Message-ID: <CAKUJRM4rkBr-3KPkaaG=1_FFmvYFs+e07pqXBKAN+fjB=2TPEA@mail.gmail.com>
MD5: 46a76708c221b6e6332fad5def59a46

Good morning. Unfortunately, I have not heard anything yet, and we are frustrated too. I will ping DOJ again today.

Seth S. Greenfeld
Senior Assistant General Counsel
General Law Division, Office of General Counsel
U.S. General Services Administration
[REDACTED]

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On Tue, Jun 20, 2017 at 2:36 PM, Kory Langhofer [REDACTED] wrote:

Richard and Seth: Can you provide an update on status? We are eager to start reviewing and producing emails.

Relatedly, we spoke with the Senate Intelligence Committee yesterday and they (a) made clear that they would like us to hasten this process and (b) stated that they will agree to the GSA providing a copy of the PTT documents to us (and they invited you to contact them to confirm this).

Happy to discuss at your convenience.

Kory Langhofer

STATECRAFT PLLC

[649 North Fourth Avenue, First Floor](#)

[Phoenix, Arizona 85003](#)

Desk: [REDACTED]

Folder: [REDACTED]

Cell: [REDACTED]

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On Jun 15, 2017, at 1:42 PM, Kory Langhofer [REDACTED] wrote:

Richard and Seth:

Thanks again for making time for the call earlier today. As discussed, the attorneys copied on this message represent Trump for America, Inc., the nonprofit entity serving as the corporate form for the 2016 presidential transition team. For your records, I've attached the following:

1. Articles of Incorporation for the legal entity, naming the initial TFA directors
2. Resolution changing the entity's legal name to "Trump for America, Inc."
3. Letter designating the initial TFA directors as the GSA's points of contact for the transition team
4. Resolution replacing the initial TFA directors with interim TFA directors
5. Letter designating the interim TFA directors as the GSA's points of contact for the transition team
6. Resolution replacing the interim TFA directors with the current TFA directors (i.e., Ken Nahigian and Charles Gantt)
7. Letter designating the current TFA directors as the GSA's points of contact for the transition team

These documents establish that the current TFA directors (Ken Nahigian and Charles Gantt) are responsible for the 2016 presidential transition team. All of this is, of course, consistent with the GSA's course of conduct in working alongside and making reimbursement payments to TFA as the corporate form of the presidential transition team.

Please don't hesitate to call or write with any questions.

-Kory

Kory Langhofer
STATECRAFT PLLC
649 North Fourth Avenue, First Floor
Phoenix, Arizona 85003
Desk: [REDACTED]
Cell: [REDACTED]

This transmission may be protected by the attorney-client privilege or the attorney work product doctrine. If you are not the intended recipient, please delete all copies of the transmission and advise the sender immediately.

- <Articles of Incorporation.pdf>
- <Certificate of Amendment.pdf>
- <Delegation of Authority 1.pdf>
- <Delegation of Authority 2.pdf>
- <Delegation of Authority 3.pdf>
- <Unanimous Consent re Leadership Change 1.pdf>
- <Unanimous Consent re Leadership Change 2.pdf>

Folder: [REDACTED]

Subject: Re: Preservation Letter
Date: Fri, 23 Jun 2017 08:18:56 -0400
From: Seth Greenfeld - LG [REDACTED]
To: Lennard Loewentritt - L [REDACTED]
Cc: Duane Smith [REDACTED], Richard Beckler - L [REDACTED],
Claudia Nadig - LG [REDACTED], Eugenia Ellison [REDACTED]
Message-ID: <CAKUJRM547wP3UV3vDj-36-CvdMMWV3n-eN9VnqxAFKhc8STBew@mail.gmail.com>
MD5: 9bed0565a9894b80fb23a2f781f3bdff

This is what Brandon described to me on the phone, so I do not see a problem with GSA sending copies to Kory as it does not conflict with this letter. I will express mail the copies to Kory today.

Seth S. Greenfeld
Senior Assistant General Counsel
General Law Division, Office of General Counsel
U.S. General Services Administration
[REDACTED]

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On Thu, Jun 22, 2017 at 8:28 PM, Lennard Loewentritt - L [REDACTED] wrote:

Seth and Duane, this is the formal document and record preservation request to GSA from the FBI. Seth, please forward the request to the appropriate parties to ensure that the documents and records are preserved as requested.

Lenny

----- Forwarded message -----

From: Gleason, Mary F. (CD) (FBI) [REDACTED]
Date: Thu, Jun 22, 2017 at 3:41 PM
Subject: Preservation Letter
To: Lennard Loewentritt - L [REDACTED]
Cc: Brett Armstrong - D1R [REDACTED], BVG [REDACTED], [REDACTED],
[REDACTED] "Clinesmith, Kevin E. (OGC) (FBI)" [REDACTED]

Good afternoon Mr. Loewentritt-

As a follow up to our request, we thought it best to send GSA an official preservation letter. Your staff has been extremely responsive and we appreciate their patience with our (my) questions. If you have any questions or comments regarding the attached letter, please do not hesitate to call.

Thank you,

Mary

Folder: [REDACTED]

Mary F. Gleason
Supervisory Special Agent
Counterintelligence Division
Cell: [REDACTED]
Desk: [REDACTED]
Email: [REDACTED] (NEW)

Folder: [REDACTED]

Subject: Re: Preservation Letter
Date: Fri, 23 Jun 2017 08:18:56 -0400
From: Seth Greenfeld - LG [REDACTED]
To: Lennard Loewentritt - L [REDACTED]
Cc: Duane Smith [REDACTED], Richard Beckler - L [REDACTED]
Claudia Nadig - LG [REDACTED], Eugenia Ellison [REDACTED]
Message-ID: <CAKUJRM547wP3UV3vDj-36-CvdMMWV3n-eN9VnqxAFKhc8STBew@mail.gmail.com>
MD5: 9bed0565a9894b80fb23a2f781f3bdff

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Senior Assistant General Counsel
General Law Division, Office of General Counsel
U.S. General Services Administration
[REDACTED]

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Lenny

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Date: Thu, Jun 22, 2017 at 3:41 PM
Subject: Preservation Letter
To: Lennard Loewentritt - L [REDACTED]
Cc: Brett Armstrong - D1R [REDACTED], BVG [REDACTED], [REDACTED]
[REDACTED] "Clinesmith, Kevin E. (OGC) (FBI)" [REDACTED]

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Mary