Memorandum of Understanding Regarding Transition Procedures, Identification of Transition Contacts, and Access to Non-public Government and Transition Information

1. The Chief of Staff to the President (the "Chief of Staff") and the designated Chair of the President-elect's Transition Team (the "Chair of the PETT") agree, on behalf of, respectively, the Administration and the PETT, that, in order to effect an orderly transition of power in accord with the Presidential Transition Act of 1963, as amended (the "Transition Act"), the Intelligence Reform and Terrorism Prevention Act of 2004, and Executive Order 13727 entitled "Facilitation of a Presidential Transition," the President-elect and certain of his associates must become knowledgeable about current government policies and operations so that they can begin making informed decisions immediately upon taking office.

2. Section 4(b) of the Transition Act provides that "The President shall take such actions as the President determines necessary and appropriate to plan and coordinate activities by the Executive branch of the Federal Government to facilitate an efficient transfer of power to a successor President." Additionally, Executive Order 13727 provides that "it is the policy of the United States to undertake all reasonable efforts to ensure that Presidential transitions are well-coordinated and effective, without regard to party affiliation."

3. The Chief of Staff and the Chair of the PETT enter into this memorandum of understanding in order to establish an orderly process for identifying individuals charged with transition responsibilities, to ensure that the Government's and the Office of the President-elect's standards of conduct are observed, to protect the confidentiality of non-public government information made available to the PETT during the transition period, to preserve the constitutional, statutory, and common law privileges that attach to such information in the possession of the Executive Branch, and to protect the confidentiality of transition information made available to the Government.

4. The Chair of the PETT (or his designee) will furnish in writing to the Chief of Staff the name of each individual authorized by the PETT to work with the Executive Office of the President (EOP) and particular Departments and Agencies, including the designation of a Transition Team lead or leads for the EOP and each Department or Agency. The Chair of the PETT (or his designee) will also indicate in writing that each individual on the list has met the applicable public disclosure requirements of the Presidential Transition Act, as amended, has agreed to abide by the Transition's Code of Ethical Conduct, and has thereby represented that he or she has no conflict of interest that precludes the individual from working on the matters the individual has been assigned to work on with the EOP or the relevant Department or Agency. These lists will be updated as new members are added to the teams. The Chief of Staff (or his designee) will promptly forward these names to the appropriate Departments, Agencies, and EOP offices. The Chief of Staff (or his designee) will also provide in writing to the Chair of the PETT the names of individuals in the Departments, Agencies, and specified offices in the EOP who will serve as contacts responsible for coordinating transition matters on behalf of those Departments, Agencies, or specified EOP offices. The Chief of Staff (or his designee) is the contact person responsible for coordinating transition matters on behalf of those offices of the EOP for which contact persons have not otherwise been designated.

5. The Administration will conduct its transition activities with the PETT through the contacts authorized by the Chief of Staff and the Chair of the PETT. The authorized contacts for the PETT will initiate transition activities with a particular Department, Agency, or specified office of the EOP through the individual(s) at that Department, Agency, or EOP office designated by the Chief of Staff to coordinate transition activities for that Department, Agency, or EOP office. The authorized contacts for the PETT will initiate transition activities involving any other office of the EOP through the Chief of Staff (or his designee).

6. Each Department and Agency will use best efforts to locate and set aside available space in their offices for the duration of the transition for use by authorized members of the PETT to facilitate review of information provided by the Department or Agency and communication with authorized contacts at such Department or Agency. Each Department or Agency will provide, to the extent practicable, appropriate support to and equipment for use by the PETT in such office space. The exact details of space and equipment will be worked out between the PETT lead(s) for that Department or Agency and the individual(s) at that Department or Agency designated by the Chief of Staff.

7. In order to facilitate a smooth transition, it likely will be necessary in some circumstances to provide specified transition personnel with access to non-public information that may be protected by constitutional, statutory, or common law privileges, and material whose distribution is restricted by law. The Chief of Staff has advised the Chair of the PETT that Administration personnel will take steps to protect non-public information that are required by law or otherwise necessary to preserve applicable privileges, such as actions based on the Executive Branch standards of conduct, the Privacy Act, or the attorney-client privilege. The PETT recognizes that there is some information that a Department or Agency may not be able to provide in order to comply with statutory requirements or otherwise preserve applicable privileges.

8. In order to facilitate a smooth transition and provide a mechanism for expeditiously addressing any concerns, including ethical, privacy, and privilege concerns, regarding access to non-public information as described in paragraph (7), the Chief of Staff and the Chair of the PETT will each designate in writing an individual or individuals authorized to confer in order to resolve such concerns informally.

9. The Chief of Staff further advises that, before providing any classified information to a member of the PETT, pursuant to Executive Order 13526, it must be established:

- That the member has the security clearances necessary to have access to that information, and the requisite need to know, and
- That the member has signed the requisite non-disclosure agreement.

10. The Chief of Staff advises that, before providing non-public information (including classified information) as described in paragraph (7) to a member of the PETT authorized to receive it under the guidelines established in this memorandum, Departments and Agencies will expeditiously:

- Brief the Transition Team member on the importance of maintaining the constitutional, statutory, and/or common law safeguards afforded the non-public information.

- Clearly label non-public records provided to Transition Team personnel with a warning against subsequent disclosures to unauthorized individuals, including unauthorized members of the Transition Team.
- Specifically advise Transition Team members that non-public information provided to them cannot be shared with other Transition Team personnel unless those other personnel satisfy the requirements for access to that information set forth in this memorandum.
- Require the Transition Team member to sign a statement representing that, to the member's knowledge, he or she has no financial interest or imputed financial interest that would be directly and predictably affected by a particular matter to which the information is pertinent. The Department or Agency may require such additional information from the Transition Team member as the Department or Agency deems necessary, in light of the proposed disclosure.
- Where advisable, prohibit the Transition Team member from removing records containing non-public information from the offices of the Department or Agency.
- Make a written record of any disclosure of non-public information made to a member of the PETT.

11. Upon request from the EOP, a Department, or an Agency, the PETT will provide a written statement indicating that Transition Team member's need for access to the non-public information. The statement of need will be provided by the Chair of the PETT (or his designee) to the Chief of Staff (or his designee).

12. A government employee may not allow the improper use of non-public information to further his own private interest or that of another by knowing unauthorized disclosure. 5 C.F.R. § 2640.

13. It likely will be necessary for members of the PETT 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 PETT.

14. Any disagreements between the Administration and the PETT concerning the subject matter of this memorandum that are not resolved informally pursuant to paragraph (8) or otherwise will be referred by the Administration to the Chief of Staff (or his designee) and by the PETT to the Chair of the PETT (or his designee).

15. To the extent permitted by law, the Administration with respect to its staff members and the PETT with respect to its transition team members, state that they intend to take appropriate steps to discipline any person who fails to comply with the terms of this agreement.

11/8/16

Signed by:
Denis R. McDonough
Chief of Staff to the President
Date:

Signed by:
Chris Christie
Designated Chair of the
President-elect's Transition Team
Date:

Acknowledgment of Requirements

Pursuant to Memorandum of Understanding Regarding Transition Procedures, Identification of Transition Contacts, and Access to Non-public Government and Transition Information

☐ I, _____, certify that I am authorized by the Chair of the President-Elect's Transition Team (PETT) to work with the Executive Office of the President (EOP) on transition-related matters.

☐ I understand the provisions of the Memorandum of Understanding Regarding Transition Procedures, Identification of Transition Contacts, and Access to Non-public Government and Transition Information signed on November 7, 2016 (MOU), which states, among other things, that:

a. In order to receive non-public information from the EOP, I must be briefed on the importance of maintaining the constitutional, statutory and/or common law safeguards afforded such non-public information.

b. In order to receive classified information from the EOP, it must be established that I have the requisite security clearances and the requisite need to know, and I must sign the requisite non-disclosure agreement.

c. Where advisable, I may be prohibited from removing records containing non-public information from the EOP.

d. I may not share non-public information with anyone who is not a member of the Transition Team.

e. I may not share non-public information with other Transition Team personnel unless those other personnel satisfy the requirements for access set forth in the MOU.

☐ I have met the applicable public disclosure requirements of the Presidential Transition Act, as amended.

☐ I have no conflict of interest that precludes me from working on the matters I have been assigned to work on with the EOP.

☐ I have signed and agreed to abide by the Transition's Code of Ethical Conduct.

Individual's Signature: _____ **Date: _____**

Designation of Authorized Contacts
Pursuant to Memorandum of Understanding Regarding Transition Procedures, Identification of Transition Contacts, and Access to Non-public Government and Transition Information

The individuals listed below will serve as contacts within the Administration responsible for coordinating transition matters with the President-Elect's Transition Team. Contact information for these individuals can be found on the attached spreadsheet.

Agency Directors Transition Council

Department of Agriculture	Don Bice
Department of Commerce	Lisa Casias
Department of Defense	Michael L. Rhodes
Department of Education	Denise Carter
Department of Energy	Ingrid Kolb
Department of Health and Human Services	John Gentile
Department of Homeland Security	Vince Micone
Department of Housing and Urban Development	Henry Hensley
Department of Justice	Lee J. Lofthus
Department of Labor	Ed Hugler
Department of State	Mike Lowell
Department of the Interior	Edward Keable
Department of the Treasury	Beverly Babers
Department of Transportation	Lana Hurdle
Department of Veterans Affairs	Dat Tran
Environmental Protection Agency	Eileen Pritchard
General Services Administration	Neil Skidmore
National Aeronautics and Space Administration	Jolene Meidinger
National Archives and Records Administration	Chris Naylor
Office of Government Ethics	Shelley K. Finlayson
Office of Personnel Management	Jozetta R. Robinson
Small Business Administration	Barb Carson

Executive Office of the President

Cabinet Affairs	GaurabBansal
Communications	Liz Allen
Council of Economic Advisors	Andie Taverna
Council on Environmental Quality	Chris Adamo
Domestic Policy Council	Katherine Ferguson
National Economic Council	Elizabeth Kelley
National Security Council	Suzy George
Office of Administration	Michael Hornsby
Office of Digital Strategy	Clay Dumas
Office of Legislative Affairs	Jess Menter

Office of Management and Administration	Katherine Dickerson
Office of Management and Budget	Julie Miller
Office of National Drug Control Policy	Regina LaBelle
Office of Political Strategy and Outreach	Caitria Mahoney
Office of Public Engagement/ Office of Government Affairs	Yohannes Abraham
Office of Science and Technology Policy	Cristin Dorgelo
Office of the First Lady	Melissa Winter
Office of the U.S. Trade Representative	Matt Vogel
Office of the Vice President	Marylee Keller
Presidential Personnel Office	Ximena Gonzalez
Staff Secretary	Joani Walsh
Scheduling & Advance	Greg Lorjuste
White House Counsel's Office	Claire McCombs
White House Fellows Office	Ashley Keenan
White House Information Technology	David Recordon

Other

Ability One	Brian Hoey
Access Board	David Capozzi
Administrative Conference of the U.S.	Shawne McGibbon
Advisory Council on Historic Preservation	Ralston Cox
African Development Foundation	Lisa Fiely
Alaska Natural Gas	Richard Foley
American Battle Monuments Commission	Michael G. Conley
Amtrak (National Railroad Passenger Corporation)	Joe McHugh
Appalachian Regional Commission	Guy Land
B. Goldwater Scholarship & Excellence in Ed. Foundation	Lucy S. Decher
Broadcasting Board of Governors	Rob Fallon
Central Intelligence Agency (CIA)	Through ODNI
Chemical Safety Board	Vanessa Allen Sutherland
Commission on Civil Rights	Maureen Rudolph
Commission on Fine Arts	Frederick J. Lindstrom
Commodity Futures and Trading Commission	Anthony C. Thompson
Consumer Financial Protection Bureau	Elizabeth Ellis
Consumer Product Safety Commission	Jana Fong Swamidoss
Corporation for National and Community Service	Asim Mishra
Corporation for Public Broadcasting	Anne Brachman
Defense Nuclear Facilities Safety Board	Mark T. Welch
Delta Regional Authority	Bevin Hunter
Election Assistance Commission	Mark Listes
Equal Employment Opportunity Commission	Mona Papillon
Export Import Bank of the United States	Michael Cushing
Farm Credit Administration	William Hoffman
Federal Agricultural Mortgage Corporation	Christopher Bohanon
Federal Communications Commission	Michele Ellison

Federal Deposit Insurance Corporation	Barbara A Ryan
Federal Election Commission	Duane Pugh
Federal Energy Regulatory Commission	Anton C. Porter
Federal Housing Finance Agency	Sean Dent
Federal Labor Relations Authority	Sarah Whittle Spooner
Federal Maritime Commission	Mary Thien Hoang
Federal Mediation and Conciliation Service	LuAnn J. Glaser
Federal Mine Safety and Health Review Commission	Lisa Boyd
Federal Reserve Board	Michelle Smith
Federal Retirement Thrift Investment Board	Kim Weaver
Federal Trade Commission	Sarah Mackey
Harry S. Truman Scholarship Foundation	Tara Yglesias
Institute of American Indian Arts	Dr. Robert Martin
Institute of Museum and Library Services	Michael Jerger
Inter-American Foundation	Lesley Duncan
James Madison Memorial Fellowship Foundation	Lewis Larson
Legal Services Corporation	Carol Bergman
Merit Systems Protection Board	James M. Read
Millennium Challenge Corporation	Cristina Killingsworth
Mississippi River Commission	Charles A Camillo
Morris K. Udall and Stewart L. Udall Foundation	Philip Lemanski
National Capital Planning Commission	Marcel Acosta
National Council on Disability	Rebecca Cokley
National Credit Union Administration	Joy Lee
National Endowment for the Arts	Winona H. Varnon
National Endowment for the Humanities	Margaret F. Plympton
National Indian Gaming Commission	Jonodev Chaudhuri
National Labor Relations Board	Tracey Roberts
National Mediation Board	Daniel Rainey
National Science Foundation	Fae Korsmo
National Security Agency	Through ODNI
National Transportation Safety Board	Thomas E. Zoeller
Nuclear Regulatory Commission	Robert J. Lewis
Nuclear Waste Technical Review Board	Nigel Mote
Occupational Safety and Health Review Commission	Nadine N. Mancini
Office of Navajo and Hopi Indian Relocation	Nancy Thomas
Office of the Director of National Intelligence	Tim Latta
Overseas Private Investment Corporation	John F. Moran
Peace Corps	Carl Sosebee
Pension Benefit Guaranty Corporation	Judith R. Starr
Postal Regulatory Commission	Robert Taub
President's Commission on White House Fellowships	Ashley Keenan
Railroad Retirement Board	Karl Blank
Selective Service System	Mario A. Garza
Smithsonian Institution	David Voyles
Social Security Administration	Darlynda K. Bogle

Social Security Advisory Board	Claire Green
State Justice Institute	Jonathan D. Mattiello
Tennessee Valley Authority	Jessica M. Lenard
U.S. Agency for International Development	Daniel Corle
U.S. Institute of Peace	Kathleen Ross
U.S. International Trade Commission	Lyn M. Schlitt
U.S. Mission to the United Nations	Mary-Kate Barry
U.S. Office of Special Counsel	Bruce P. Gipe
U.S. Postal Service	Flori McClung
U.S. Securities and Exchange Commission	Keith Cassidy
U.S. Trade and Development Agency	Enoh T. Ebong

Signature: _____ **Date:** _____

Denis McDonough
Chief of Staff to the President

Designation of Authorized Contacts

Pursuant to Memorandum of Understanding Regarding Transition Procedures, Identification of Transition Contacts, and Access to Non-public Government and Transition Information

The individuals listed on the attached spreadsheet are authorized to work with the Executive Office of the President (EOP) or particular Departments and Agencies, as indicated.

All of these individuals have: (i) met the applicable public disclosure requirements of the Presidential Transition Act, as amended, (ii) signed and agreed to abide by the Transition's Code of Ethical Conduct, and thereby represented that he or she has no conflict of interest that precludes the individual from working on the matters the individual has been assigned to work on with the EOP or the relevant Department or Agency, and (ii) signed an Acknowledgement of Requirements of all relevant restrictions under the above-referenced Memorandum of Understanding.

If and when I update this list, I will submit a new cover memo making these representations with respect to all newly-added individuals.

Signature: _____ **Date:** _____

Chris Christie
Chairman of the President-Elect's Transition Team