Message

From: Payne, James (Jim) [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=61B3204A683041079512B122C580A569-PAYNE, JAME]
Sent: 11/27/2020 5:23:26 PM
To: David Fotouhi (fotouhi.david@epa.gov) [fotouhi.david@epa.gov]
Subject: transition update
Attachments: PETT Redline - EPA NDA - 11_25_2020.pdf

Updates:

- as to NDA – response below and attached. It's in review. Wendy is expected to be available at 1:30pm to review and confer.

- as to other two forms – Wes said he discussed these with Patrice and was not hearing any comments. In response to a question from Patrice, Wes confirmed that the case-by-case request form was not needed for regular briefings that only contained public information.

- as to Orientation, I believe Wes is aiming for doing at 3pm today, though still conferring with Doug. Wendy would be available then.

Presumably would need to conclude discussions with transition team on NDA terms by 3pm, if Orientation happens then.

From: Payne, James (Jim)
Sent: Friday, November 27, 2020 12:16 PM
To: Blake, Wendy <Blake.Wendy@epa.gov>
Subject: FW: Transition Team Code of Conduct

Let's confer. Orientation might be at 3pm.

From: Carpenter, Wesley <Carpenter.Wesley@epa.gov>
Sent: Friday, November 27, 2020 11:22 AM
To: Payne, James (Jim) <payne.james@epa.gov>
Subject: Transition Team Code of Conduct

Jim:

Here is the information we discussed. Please review and follow backup with me. Thanks.

Wes

From: Patrice Simms <psimms@ptt.gov>
Sent: Friday, November 27, 2020 10:53 AM
To: Carpenter, Wesley <Carpenter.Wesley@epa.gov>
Subject: Transition Team Code of Conduct

Wes,

Thank you for your time this morning.

I am forwarding you the redline from our GC seeking to conform the NDA to the PTA and the MOU. Per our discussion this is necessary to allow the agency review team (ART) to effectively do its work to inform the appropriate internal transition-related processes. As we discussed, the 2019 amendments to the PTA strengthen the ethic requirements, and should obviate the need for overly strict agency by agency NDAs (the Transition Code of Conduct linked below includes non-disclosure obligations that manifest the new PTA requirements).
Our GC did not specifically address it, but we may also want to conform the language in the Record of Disclosure form to be consistent with the language of the final EPA-specific NDA. (I think only clause (3) in the second bullet under 'Steps Taken to Protect Non-Public Information').

Also, here is the code of conduct that every member of the Transition has signed.
https://www.gsa.gov/cdnstatic/Biden-Harris_Transition_Ethics_Plan_and_Code_of_Conduct.pdf

I look forward to working with you.

-patrice