



## DEPARTMENT OF HEALTH & HUMAN SERVICES

National Institute of Health  
Bethesda, MD 20892

### FINANCIAL HOLDINGS AND NON-DISCLOSURE STATEMENT

I acknowledge that I have been selected to participate in the performance of work under contract: 75N98019D00020/75N98020F00001 ("contract"). I certify that I will not knowingly disclose any protected Government information directly or indirectly to any person other than a person authorized by the Contracting Officer's Representative (COR) to receive such information. I understand that unauthorized disclosure of such information may subject me to substantial administrative, civil and criminal penalties, including fines, imprisonment, and loss of employment under applicable laws and regulations.

With respect to the financial holdings of my spouse, my dependent children, or members of my household, I represent that I am a contractor employee that is described in the Contract Addendum ("Addendum") of the contract, that I will abide by the terms of the Addendum, and that the information contained in Exhibit A and Exhibit B of such addendum is true and accurate, to the best of my knowledge.

I further affirm that in the event that any business entity, in which I, or a member of my family or household, have holdings, financial interest, or an employment relationship, of whatever nature and to whatever extent, submits information that is relevant to my performance of work under this contract that I will notify the contractor and the CO in writing.

I certify that I will not discuss with, or reveal to, any representative of any business organization or other entity, or any individual person (except persons specifically authorized to receive such information) either within or without the United States Government, any aspects of the work performed, except as authorized by the Government. I acknowledge that the unauthorized release of information as defined herein may result in the termination of my participation under this contract. In the event I release any of the information covered hereby, I agree to so advise the contractor and the CO as soon as practicable.

Printed Name: William A. Erhardt

Signature: Wm A. Erhardt

Position: \_\_\_\_\_

Organization: \_\_\_\_\_

Date: 5/28/20

#### Attachments:

Addendum to Financial Holdings and Non Disclosure Statement  
Exhibit A  
Exhibit B



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### Addendum to Financial Holdings and Non Disclosure Statement

This addendum covers certain employees of the contractor [as identified in Article 6 of of the contract] who will provide expert advice to the Department regarding development and mass production of new pandemic COVID-19 vaccine candidates, therapeutics, and diagnostics, as well as advising HHS regarding coordination among ASPR, NIH and FDA

#### 1. Boards

- a. Each such employee shall provide a list of entities on which the employee serves as a member of the board of directors. The contractor shall determine which of those entities involved in developing or manufacturing vaccines, therapeutic and diagnostic products to combat COVID-19 under Operation Warp Speed ("OWS") and those entities shall be listed on Exhibit A, for each employee.
- b. Within 48 hours of being hired by contractor to perform consulting services for OWS, the employee shall relinquish his seats on the boards listed in Exhibit A and will not assume membership on any additional boards so long as he serves as an employee under the contract.

#### 2. Securities--Vested

- a. Each employee who owns securities in various pharmaceutical or other companies that are involved in vaccines, therapeutics and diagnostic products developed to combat COVID-19 and subject to OWS, shall list those companies on Exhibit B.
- b. To avoid any appearance of impropriety, each such employee agrees to donate to the National Institutes of Health pursuant to section 231 of the Public Health Service Act any increase in the value of those securities attributable to the government's efforts to combat COVID-19 determined as follows:
  - i. Calculate the share price of the Fidelity® Select Pharmaceuticals Portfolio (FPHAX), backing out any entities listed on Exhibit B that account for more than five percent of the total dollar value of the FPHAX on the date the employee signs this agreement and re-indexing the fund accordingly ("adjusted FPHAX").
  - ii. At the conclusion of each employee's service to HHS under the contract, calculate the aggregate gain or loss of those securities listed on Exhibit B by subtracting from the aggregate value of those securities on the day that the employee's work under the contract is completed the following: (a) any stock dividends received in the normal course on those securities list on Exhibit B; and (b) the present aggregate value of the securities listed on





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Exhibit B multiplied by the percentage increase in the value of the adjusted FPHAX.

- iii. The difference calculated pursuant to (ii), above, shall be donated to NIH either through an *inter vivos* donation or testamentary donation, at the discretion of the employee. A testamentary donation may occur on the last death of the employee and his or her spouse.
- c. The employee further agrees not purchase any additional securities in the pharmaceutical sector, including securities related to vaccines, therapeutics and diagnostic products developed to combat COVID-19, during his tenure under the contract, other than ordinary stock dividends or dividends or options received as a result of service on the board of an entity not listed in Exhibit A.

### **3. Securities—Options, Restricted Stock, Unvested Securities**

This agreement does not apply to vested or unvested options or unvested or restricted securities. Vested securities that are subject to a condition subsequent shall be treated as ordinary securities subject to paragraph 2, above.

### **4. HHS' Representations**

HHS concludes and represents that the contractor and each employee, while providing advice to HHS under this contract with respect to OWP, (i) is a covered person," within the meaning of the PREP Act, 42 U.S.C. § 247d-6d, and (ii) that each such employee is not subject to the Ethics in Government Act or other provisions that govern federal employees, but is subject to relevant provisions of the Federal Acquisition Regulation.



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### EXHIBIT A – BOARD MEMBER AFFILIATION

I certify that I am a member to the following Boards, which may be involved in developing or manufacturing of vaccines, therapeutic and diagnostic products to combat pandemic COVID-19:

- 1- None
- 2-
- 3-
- 4-
- 5-
- 6-

Initial & Date:

WE 5/28/20

Printed Name:

William A. Erhardt



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### EXHIBIT B – VESTED SECURITIES

I certify that I own securities in the following pharmaceutical or other companies that are involved in vaccines, therapeutics and diagnostic products developed to combat pandemic COVID-19:

- 1- None
- 2-
- 3-

I certify that I own securities in the following pharmaceutical and health related companies that the Government has determined are not involved in vaccines, therapeutics and diagnostic products developed to combat pandemic COVID-19 or are otherwise not related to my performance of work under this contract. These holdings are disclosed to the Government for informational purposes and are not subject to the terms of the contract addendum:

- 1- Pfizer, Inc.
- 2- Thermo Fisher Scientific Inc.
- 3- Proctor & Gamble Company
- 4- UnitedHealth Group Inc.
- 5- Oligomerix, Inc.
- 6- Zoetis Inc.

Initial & Date: WAE 5/28/20

Printed Name: William A. Erhardt