

April 26, 2023

Mr. Randall J. Hall
Associate General Counsel for Ethics
Designated Agency Ethics Official
U.S. Department of Health and Human Services
Room 710-E, Hubert H. Humphrey Building
200 Independence Avenue, SW
Washington, DC 20201

Dear Mr. Hall:

The purpose of this letter is to describe the steps that I will take to avoid any actual or apparent conflict of interest in the event I am confirmed for the position of Director, National Institutes of Health (NIH), U.S. Department of Health and Human Services. It is my responsibility to understand and comply with commitments outlined in this agreement.

SECTION 1 - GENERAL COMMITMENTS

As required by the criminal conflicts of interest law at 18 U.S.C. § 208(a), I will not participate personally and substantially in any particular matter in which I know that I have a financial interest directly and predictably affected by the matter, or in which I know that a person whose interests are imputed to me has a financial interest directly and predictably affected by the particular matter, unless I first obtain a written waiver, pursuant to 18 U.S.C. § 208(b)(1), or qualify for a regulatory exemption, pursuant to 18 U.S.C. § 208(b)(2). I understand that the interests of the following persons are imputed to me:

- Any spouse or minor child of mine;
- Any general partner of a partnership in which I am a limited or general partner;
- Any organization in which I serve as an officer, director, trustee, general partner, or employee; and
- Any person or organization with which I am negotiating or have an arrangement concerning prospective employment.

In the event that an actual or potential conflict of interest arises during my appointment, I will consult with an agency ethics official and take the measures necessary to resolve the conflict, such as recusal from the particular matter or divestiture of an asset.

If I have a managed account or otherwise use the services of an investment professional during my appointment, I will ensure that the account manager or investment professional obtains my prior approval on a case-by-case basis for the purchase of any assets other than cash, cash equivalents, investment funds that qualify for the regulatory exemption for diversified mutual funds and unit investment trusts at 5 C.F.R. § 2640.201(a), obligations of the United States, or municipal bonds.

I will receive a live ethics briefing from a member of the ethics office after my confirmation but not later than 15 days after my appointment pursuant to the ethics program regulation at 5 C.F.R § 2638.305. Within 90 days of my confirmation, I will submit my Certification of Ethics Compliance which documents my compliance with this ethics agreement.

I understand that as an appointee I must continue to abide by the Ethics Pledge (Executive Order No. 13989) that I previously signed and that I will continue to be bound by it. Among other obligations, I will be required to recuse from particular matters involving specific parties involving my former employer or former clients for a period of two years after I am appointed, with the exception of federal, state, and local governments.

I will not modify this ethics agreement without your approval and the approval of the U.S. Office of Government Ethics pursuant to the ethics agreement requirements contained in the financial disclosure regulation at 5 C.F.R. § 2634.803(a)(4).

SECTION 2 - RECUSALS PURSUANT TO 2635.502

I resigned from all of my reported prior positions with the following entities before I was appointed, on October 3, 2022, to my current federal position as Director, National Cancer Institute, National Institutes of Health:

- 1) Dana-Farber Cancer Institute
- 2) Brigham & Women's Hospital
- 3) Harvard University
- 4) American Cancer Society
- 5) MITRE Corp.
- 6) Prevent Cancer Foundation
- 7) Natera, Inc.
- 8) Leap Therapeutics
- 9) Oncoclinicas Do Brasil Servicos Medicos
- 10) Alliance for Clinical Trials in Oncology
- 11) Alliance for Clinical Trials in Oncology Foundation
- 12) MD Anderson Cancer Center
- 13) Damon Runyon Cancer Foundation
- 14) Alliance Foundation Trials, LLC
- 15) Alliance Data Innovation Lab, LLC
- 16) Alliance NCTN Foundation
- 17) Coalition of Cancer Cooperative Groups
- 18) University of Utah
- 19) V Foundation
- 20) Vivli Center for Global Clinical Research Data
- 21) American College of Surgeons
- 22) VREX Therapeutics, Inc.

Pursuant to the impartiality regulation at 5 C.F.R. § 2635.502, for a period of one year after my resignation from each of these entities, I will not participate personally and substantially in any particular matter involving specific parties in which I know that entity is a party or represents a party, unless I am first authorized to participate, pursuant to 5 C.F.R. § 2635.502(d).

SECTION 3 – FAMILY CATTLE RANCH

I am a co-owner of White Acorn Ranch, Inc. and Bertagnolli and Dannenberg, LLC. These entities were established to maintain a family cattle ranch located in Wyoming. Upon confirmation, I will resign from my positions as Secretary with White Acorn Ranch, Inc. and Bertagnolli and Dannenberg, LLC. I will continue to have a financial interest in these entities, but I will not provide services material to the production of income, including reapplying for livestock grazing permits or seeking modifications to livestock grazing permits. Instead, I will receive only passive investment income from them. Additionally, White Acorn Ranch, Inc. holds one livestock grazing permit with the U.S. Forest Service and two livestock grazing permits with the Bureau of Land Management. For the duration of my appointment as Director, consistent with the criminal laws at 18 U.S.C. §§ 203 and 205, I will not represent White Acorn Ranch, Inc. or Bertagnolli and Dannenberg, LLC, to the U.S. government in relation to these permits or any other particular matter. I will not participate personally and substantially in any particular matter that to my knowledge has a direct and predictable effect on the financial interests of White Acorn Ranch, Inc., or Bertagnolli and Dannenberg, LLC unless I first obtain a written waiver, pursuant to 18 U.S.C. § 208(b)(1).

SECTION 4 - OTHER COMMITMENTS

In order to minimize the potential for conflicts of interest during my appointment, I agree that I (and anyone whose financial interests are imputed to me, such as a spouse or minor children) will not acquire a financial interest in entities that qualify as Substantially Affected Organizations under the NIH-specific supplemental ethical conduct standards or in entities involved, directly or through subsidiaries, in the following industries: (1) research, development, manufacture, distribution, or sale of pharmaceutical, biotechnology, or medical devices, equipment, preparations, treatments, or products; (2) veterinary products or cosmetics; (3) healthcare management or delivery; (4) health, disability, or workers compensation insurance or related services; (5) food and/or beverage production, processing or distribution; (6) communications media; (7) computer hardware, computer software, and related internet technologies; (8) wireless communications; (9) social sciences and economic research organizations; (10) commercial airlines, railroads, shiplines, and cargo carriers; (11) energy & utilities; or (12) sector mutual funds that concentrate their portfolios in any of these sectors or in a single country other than the United States.

SECTION 5 - SPOUSE EMPLOYMENT

My spouse is employed by Group One Trading, LP as a consultant, a position in which he receives consulting fees at a fixed hourly rate. Pursuant to the impartiality regulation at 5 C.F.R. § 2635.502, I will not participate personally and substantially in any particular matter involving

specific parties in which I know an entity to which he is providing services is a party or represents a party, unless I am first authorized to participate, pursuant to 5 C.F.R. § 2635.502(d).

My spouse is an independent contractor with the Jewish Family and Children's Services' Adult Family Caregiver program. Pursuant to the impartiality regulation at 5 C.F.R. § 2635.502, I will not participate personally and substantially in any particular matter involving specific parties in which I know an entity to which he is providing services is a party or represents a party, unless I am first authorized to participate, pursuant to 5 C.F.R. § 2635.502(d).

My spouse is an advisor to Delta One, LLC. As compensation for his advisory services, he received a stock purchase warrant in Delta One, LLC. He receives no other compensation for this position. Because my spouse holds a stock purchase warrant in Delta One, LLC, I will not participate personally and substantially in any particular matter that to my knowledge has a direct and predictable effect on the financial interests of Delta One, LLC, unless I first obtain a written waiver, pursuant to 18 U.S.C. § 208(b)(1).

SECTION 6 - PUBLIC POSTING

I have been advised that this ethics agreement and the Certification of Ethics Agreement Compliance will be posted publicly, consistent with the public information law at 5 U.S.C. § 552, on the website of the U.S. Office of Government Ethics with ethics agreements of other Presidential nominees who file public financial disclosure reports.

Sincerely,


Monica Bertagnoli