

August 19, 2024

The Honorable Ron Wyden  
U.S. Senate  
221 Dirksen Senate Office Building  
Washington, DC 20510

The Honorable Charles E. Grassley  
U.S. Senate  
135 Hart Senate Office Building  
Washington, DC 20510

Dear Senators Wyden and Grassley:

I write to respond to your August 5, 2024, letter seeking information related to the United Network for Organ Sharing's (UNOS') Chief Technology Officer, Ankit Mathur, and the recent allegations of ethics violations made by the Health Resources and Services Administration (HRSA) against UNOS and Mr. Mathur. The accusations are false, contradicted by extensive documentary evidence including HRSA's own written statements. A publication that was given the same false information as your office received has since reviewed the evidence and published corrections of their statements in print. Since I became CEO last year and ushered in new leadership at UNOS, I have prioritized an environment that focuses on the highest ethical standards and principles of integrity. Those standards apply to all employees.

This letter and accompanying documents provide information responding to your inquiry. UNOS has diligently sought to work with HRSA to address its alleged conflict concerns, despite the agency's refusal to specify what the concerns are. A party cannot mitigate a conflict of interest without knowing the nature of the conflict. UNOS has repeatedly assured HRSA that there are no conflicts to its knowledge and per its significant analysis. Additionally, UNOS has repeatedly requested that HRSA specify its conflict concerns so that any legally required mitigation by UNOS, which the HRSA contract officer would need to determine and specify, could be undertaken. HRSA has undertaken none of these actions. HRSA has declined to identify the nature of the conflict to UNOS, to discuss it with UNOS, or to impose required mitigation efforts on UNOS. UNOS has offered to meet regarding Mr. Mathur with HRSA leaders, who all declined to meet. UNOS has complied with the legal requirements regarding conflict of interest and ethics considerations related to former government officials in its employment, including Mr. Mathur. To the extent HRSA identified an actual conflict of interest – and to be clear, we believe it has not – and was therefore obligated to require mitigation of the conflict by the contractor, HRSA has had months to take these steps and assert these requirements. Respectfully, UNOS believes HRSA's pattern of conduct is unproductive, and does not suggest any legitimate concern.

## **Background Regarding UNOS CTO Role and the Hire of UNOS CTO Ankit Mathur**

UNOS' work, including as the Organ Procurement and Transplantation Network (OPTN) contractor, requires significant technology expertise and is supported by a team of leaders and technologists. The public and policymakers are more familiar with UNOS' role as the contractor managing the transplant system and our work to support the organ donation and transplant community's commitment to continuous system improvement.

However, UNOS is more than the OPTN contractor to the organ donation and transplant community. We are a private, nonprofit organization that develops new technologies and initiatives, conducts data-driven research and analysis, provides expert consulting services, and advocates for patients. Our lines of business include serving as an OPTN contractor, developing technology and analytics, and working with other countries to improve their systems. To continue to innovate technology separate and distinct from the OPTN contract, UNOS offers many options to deliver novel products and services. UNOS technology and innovations are products and services leveraged by our customers include:

- Organ Trackers: GPS-tool that tracks organ shipments in real-time.
- Travel App: Provides real-time information on commercial travel options to transport an organ.
- Analytics: Models data to inform various improvements.
- SimUNet<sup>SM</sup>: Utilizes behavioral science research to help increase the number of transplants.

UNOS has typically had a CTO since 2014. It is customary for organizations like UNOS with such a broad portfolio of products and services to have a CTO. The CTO has historically been a member of the senior leadership team at UNOS, and provides broad leadership for UNOS in the development of the organization's technology strategy and execution to support UNOS' goals to serve our multiple customers.

In general, the CTO and CIO roles in the technology industry are well understood to have distinct and different roles within an organization. In fact, HRSA itself employs both a CIO and CTO, so the agency knows the difference is not just a matter of semantics. A CTO is more externally focused, driving innovation and product development. As CTO, Mr. Mathur is responsible for researching and developing new technologies. As CTO, Mr. Mathur's substantial technical background and skills are leveraged in translating complex technological concepts into business opportunities. His role is to identify emerging trends, assess their potential impact, and develop strategies to leverage them.

UNOS launched an open nationwide search for a CTO on November 6, 2023. Mr. Mathur accepted the CTO position on Friday, January 5, 2024, with a start date of March 25, 2024. Mr. Mathur has outstanding qualifications to lead UNOS in its technology-based endeavors. He is a veteran technology expert and healthcare-access advocate with public and private sector experience. He was Chief Delivery Officer for the U.S. Digital Service, where he developed digital strategy. He cofounded a digital transportation marketplace for non-emergency medical transportation where he served as chief technology officer and chief product officer. His

qualifications for innovation and delivering technology to end users are important to UNOS' goals to leverage technology to improve health outcomes.

### **Mr. Mathur's Legal and Ethical Requirements Permit Him to Work as the CTO of UNOS**

As is required and expected for senior federal government officials transitioning to private sector employment, on March 5, 2024, the OMB issued Mr. Mathur post-government employment restrictions (PGE). The restrictions contained in Mr. Mathur's PGE are focused on prohibiting the "intent to influence" "any employee of the United States" and include:

- A two-year ban on "communicating with, or appearing before, any employee of the United States with the intent to influence that contract."<sup>1</sup>
- A two-year ban on "communicating with, or appearing before, any employee of the United States, with the intent to influence the Transition Contract."<sup>2</sup>
- A two-year ban on "communicating with, or appearing before, any employee of the United States, with the intent to influence the NextGen Contract."<sup>3</sup>
- A two-year ban on "communicating with, or appearing before, any employee of the United States, with the intent to influence the United States with respect to HRSA's use of the current UNOS system."<sup>4</sup>
- A one-year ban for Mr. Mathur to "communicate to, or appear before, any EOP employee (including the President), if the communication or appearance is made on behalf of another person and is intended to influence official action on any matter. [...] the restriction also does not preclude "behind-the-scenes" assistance to your employer, but note that "behind-the-scenes" assistance does not include communications conveyed by another that are intended to be attributed to you, even if you are not recognized as the source of information."<sup>5</sup>

The PGE provided to Mr. Mathur does not prohibit Mr. Mathur's work on the UNOS computer system, nor does it prohibit Mr. Mathur from working as CTO for UNOS. Out of an abundance of caution UNOS also provided the following internal requirements to Mr. Mathur's employment, which were provided to Mr. Mathur in writing on May 17, 2024:

1. Mr. Mathur shall not participate in meetings with HRSA, either in-person or electronically. Participation includes being physically present at the meeting or engaging verbally in any form. If a meeting is livestreamed to the public, he may listen in as a general member of the public would listen.
2. Mr. Mathur shall not take any action to influence HRSA or any government authority with respect to the OPTN contract currently in place with UNOS, the pending RFP issued by HRSA with respect to future OPTN contract(s), or the OPTN Computer System, even if that influence is conveyed indirectly (for

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<sup>1</sup> Mathur OMB PGE, pp. 5-6, in reference to the current UNOS contract (and any extension to that contract).

<sup>2</sup> Mathur OMB PGE, page 6.

<sup>3</sup> Mathur OMB PGE, page 6.

<sup>4</sup> Mathur OMB PGE, pp. 6-7.

<sup>5</sup> Mathur OMB PGE, p. 7-8.

example, through asking another person to carry a message or influencing the manner in which that person will interface with the government regarding the matters underlying the Restrictions).

3. Mr. Mathur shall not intentionally cause any person to take an action regarding the Restricted Matters which he would be prohibited from taking directly.
4. UNOS leadership directed UNOS staff to respect the boundaries associated with Mr. Mathur's Restrictions. In the event staff attempt to engage with Mr. Mathur on any Restricted Matters, Mr. Mathur must decline to participate. Mr. Mathur shall not solicit staff for information pertaining to Restricted Matters, nor attempt to locate information regarding Restricted Matters in UNOS files or systems.
5. In the event Mr. Mathur is not clear as to whether engagement in a matter at UNOS is appropriate under the Restrictions, he shall contact UNOS General Counsel for assistance.

**UNOS and Mr. Mathur have Faithfully Followed All Legal and Ethical Requirements Based Upon All Available Information**

Despite HRSA's claims to the contrary, UNOS has been very responsive and has communicated regularly with HRSA regarding Mr. Mathur. A summary of just a sample of those communications is included in Table 1, below. This chart does not reflect UNOS' many attempts to follow-up verbally with available members of HRSA staff to understand and mitigate HRSA's unspecified concerns.

**Table 1. Summary of UNOS Communications to HRSA Responsive to A. Mathur Matter.**

<b>DATE</b>	<b>CORRESPONDENCE FROM UNOS TO HRSA</b>	<b>CORRESPONDENCE FROM HRSA TO UNOS</b>
<b>January 29, 2024</b>		Email from HRSA requests UNOS submit a candidate for OPTN CIO without any specific requirements.
<b>February 2, 2024</b>	Letter from UNOS to HRSA to propose Mr. Mathur as OPTN CIO.	On <b>March 5, 2024</b> , HRSA sent a letter to UNOS requesting details on Mr. Mathur's technology expertise and experience related to health IT, OPTN, security and privacy. Additional questions regarding Mr. Mathur's USDS work specific to HRSA would require Mr.



DATE	CORRESPONDENCE FROM UNOS TO HRSA	CORRESPONDENCE FROM HRSA TO UNOS
		Mathur to violate his PGE if answered.
<b>March 22, 2024</b>	Email from UNOS to HRSA providing a courtesy status update and notifying HRSA that UNOS would deliver a more fulsome response as soon as possible.	<p><b><i>April 5, 2024</i></b>, HRSA sent an email to UNOS following up on HRSA's March 5 letter.</p> <p><b><i>April 9, 2024</i></b>, HRSA sent an email to UNOS to request more information as outlined in their March 5 letter.</p> <p><b><i>April 9, 2024</i></b>, HRSA sent a letter to UNOS to request more information as outlined in their March 5 letter.</p>
<b>April 10, 2024</b>	UNOS sent a letter to HRSA, providing Mr. Mathur's confidential PGE document from OMB, as well as information on guidance Mr. Mathur had sought and received from the OMB legal counsel regarding his role as UNOS CTO and that HRSA's request for information would require Mr. Mathur to violate his post-government employment restrictions.	On <b><i>April 24, 2024</i></b> , HRSA sent a letter to UNOS deeming UNOS' April 10 letter nonresponsive to HRSA's emails regarding UNOS' "proposed employment of Ankit Mathur".
<b>April 29, 2024</b>	UNOS sent a letter to HRSA proposing an alternative candidate as the OPTN CIO in lieu of Mr. Mathur.	On <b><i>May 16, 2024</i></b> , HRSA replied rejecting the proposed candidate as OPTN CIO. HRSA did not provide any further explanation of the agency's concerns with Mr. Mathur.
<b>April 29, 2024</b>	In a separate letter, UNOS withdrew its February 2, 2024, request to appoint Mr. Mathur as OPTN CIO and requested to meet at HRSA's earliest convenience "to ensure that our actions are consistent with our legal	None.

DATE	CORRESPONDENCE FROM UNOS TO HRSA	CORRESPONDENCE FROM HRSA TO UNOS
	obligations and controlling law, as well as an accurate understanding of the facts that are relevant.”	
<b>May 21, 2024</b>	As follow-up to an in-person conversation at HRSA, UNOS sent an email to HRSA stating: “As follow-up to our discussion, I’m sharing the relevant letter that [UNOS CEO] Maureen [McBride] shared on April 29 requesting a meeting in connection with a conversation that [HRSA Associate Administrator] Suma [Nair] had with Maureen. As Maureen shared in a separate email with you on April 10, we understand HRSA may have information about Ankit Mathur’s responsibilities at USDS that is inconsistent with the responsibilities documented in the post-government employment restrictions. In that email, Maureen noted that UNOS would appreciate an understanding of HRSA’s concerns to be able to mitigate them if they are material. She relayed that in the absence of new information, it is our understanding based on OMB counsel’s guidance that Mr. Mathur did not work on or supervise USDS’s work at HRSA.”	On <b>May 23, 2024</b> , HRSA responded to UNOS’ May 21 email to relay: “Please allow me to meet with our Team and I will schedule a meeting to discuss UNOS’s concern.”  HRSA never scheduled the meeting.
<b>May 24, 2024</b>	UNOS sent a letter to HRSA reiterating UNOS CEO Maureen McBride’s commitment to Dr. Nair that UNOS will hire a candidate	On <b>July 22, 2024</b> , HRSA provided a definitive response to UNOS’ letter to inform UNOS that it was modifying the criteria for the OPTN CIO

DATE	CORRESPONDENCE FROM UNOS TO HRSA	CORRESPONDENCE FROM HRSA TO UNOS
	<p>who is HRSA-approved as OPTN CIO, although not required by HRSA in the OPTN contract. Further, UNOS sought confirmation of the criteria HRSA requires for the OPTN position based on HRSA denial letters and screening questions asked regarding previous candidates. UNOS also reiterated the request to meet regarding Dr. Nair's statements to UNOS that Dr. Nair has information that conflicted with the EOP's post-government employment restrictions provided to Ankit Mathur.</p>	<p>which gave UNOS the necessary information to proceed with OPTN CIO search; additionally, HRSA writes: <b>“HRSA appreciates UNOS’ due diligence in following up regarding a potential conflict of interest concerning Mr. Mathur. Note that the Chief Technology Officer is not considered key personnel under the current contract. As Mr. Mathur is no longer a candidate for the CIO position, HRSA does not have remaining contract administration questions related to Mr. Mathur.”</b> (emphasis added)</p>
<p><b>June 3, 2024</b></p>	<p>UNOS’ General Counsel emails HHS OGC: “Dr. Nair had previously mentioned some information she had regarding our CTO, Ankit Mathur. Ankit is formerly with USDS and is subject to PGE restrictions. If HRSA has any information that could impact those restrictions, or our guidelines with Ankit, we want to make sure we receive it and address any concerns. We understand, from HRSA, that HRSA staff planned to communicate with OGC internally, and then set up a meeting with us. Do you know if that meeting plan is still in the works? We just want to make sure we are addressing all expectations.”</p>	<p>None.</p>
<p><b>June 17, 2024</b></p>	<p>UNOS’ General Counsel replied to HHS OGC and</p>	<p>On <i>June 17, 2024</i>, the HHS OGC emailed UNOS to state:</p>

DATE	CORRESPONDENCE FROM UNOS TO HRSA	CORRESPONDENCE FROM HRSA TO UNOS
	asked the OGC to confirm whether there were continued concerns regarding Mr. Mathur.	“My apologies for the delayed response. At this time, I understand HRSA does not have a need to meet regarding Mr. Mathur.”
<b>July 1, 2024</b>	UNOS sends a letter to HRSA to provide updates on key personnel. UNOS states: “As described in our May 24, 2024, letter, UNOS is exercising its best efforts to identify an OPTN CIO candidate who is satisfactory to HRSA. UNOS outlined its understanding of the requirements and experience that a candidate must demonstrate in order to obtain approval from HRSA. UNOS requested that HRSA provide any additional requirements or refine the criteria that we outlined. UNOS has not received any additional feedback from HRSA, so we are proceeding to recruit candidates who have the experience and expertise outlined in the letter. As I communicated to Dr. Nair and reiterated in my May 24, 2024, letter to you, UNOS will not hire a candidate who is not HRSA-approved as OPTN CIO.”	On <b>July 22, 2024</b> , HRSA provided a definitive response to UNOS to inform UNOS that HRSA was modifying the criteria for the OPTN CIO; additionally, HRSA writes: <b>“HRSA appreciates UNOS’ due diligence in following up regarding a potential conflict of interest concerning Mr. Mathur. Note that the Chief Technology Officer is not considered key personnel under the current contract. As Mr. Mathur is no longer a candidate for the CIO position, HRSA does not have remaining contract administration questions related to Mr. Mathur.”</b> (emphasis added)

As memorialized in Table 1, UNOS sent a letter to HRSA on February 2, 2024, to propose the incoming UNOS CTO, Mr. Mathur, as an OPTN CIO candidate due to his outstanding qualifications and abilities to execute continuous improvement for technology systems. Although the OPTN contract does not provide HRSA with the right to “approve” or “disapprove” UNOS or OPTN personnel, UNOS voluntarily collaborates with HRSA on

personnel to deliver on our commitment to transparency and accountability on behalf of our nation's organ donation and transplant community.<sup>6</sup>

HRSA responded on March 5, 2024, to UNOS' suggestion for Mr. Mathur to serve as OPTN CIO. The response included a list of questions for Mr. Mathur, though Mr. Mathur could not respond to them, or direct others to do so, without violating his PGE. Per the post-government employment restrictions (PGE), Mr. Mathur is not permitted to communicate with HRSA, or to direct others to do so on his behalf. Doing so may be deemed a violation of federal criminal law. HRSA nonetheless continued to solicit UNOS and Mr. Mathur for responses in violation of the PGE, including on March 5, 2024, April 5, 2024, April 9, 2024, April 24, 2024, and August 5, 2024.

UNOS nonetheless communicated with HRSA regarding the agency's concerns, in a manner that would not violate the federal PGE guidance, frequently and repeatedly over a period of several months. Since HRSA's first inquiry regarding Mr. Mathur on March 5, 2024, UNOS responded to the agency on March 22, 2024; April 10, 2024; April 29, 2024; May 21, 2024; May 24, 2024; and July 1, 2024. UNOS wrote letter after letter and tried to arrange meetings regarding Mr. Mathur, which HRSA leaders declined to take. Committed to understanding any concerns the agency may have, UNOS contacted the Department of Health and Human Services (HHS) Office of General Counsel (HHS) on June 3, 2024, requesting that HRSA provide any information that could affect Mr. Mathur's post-government employment restrictions. The office replied on June 17, 2024, to state "I understand HRSA does not have a need to meet regarding Mr. Mathur." HRSA's contention that UNOS "never responded" to its concerns are false and contradicted by HRSA's own correspondence to UNOS on July 22, 2024,<sup>7</sup> in which HRSA thanked UNOS for its diligence in resolving HRSA's concerns regarding Mr. Mathur. In the same July 22 letter, HRSA stated that it had no concerns with the hiring of Mr. Mathur at CTO as he was no longer a candidate for the OPTN CIO position.

Based on this assurance by HRSA, UNOS considered the matter closed. Then, on August 5, 2024, Suma Nair, the Associate Administrator at HRSA's Health Systems Bureau, wrote to UNOS and reiterated her demand from the HRSA letter in April – that Mr. Mathur and UNOS file attestations in response to questions in a manner that would require Mr. Mathur to violate his PGE. This sudden and conflicting communication from Dr. Nair coincided with UNOS' receipt of the inquiry to which we now respond.

The protracted nature of this matter stems from HRSA's continued solicitations of Mr. Mathur to violate the law and his OMB PGE in order to satisfy the agency's understanding of his USDS employment. UNOS does not understand what HRSA hopes to gain from responses to the questions, even if Mr. Mathur were permitted to answer them, or if UNOS were to answer on his behalf. The PGE, which was prepared by OMB counsel who thoroughly questioned HRSA in order to develop the guidance, states that Mr. Mathur **did not perform any work for the OPTN** in his role at USDS. The PGE states:

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<sup>6</sup> The OPTN contract does not include the Health and Human Services Acquisition Regulation (HHSAR) 352.23 7-75 regarding Key Personnel that prescribes the process by which a contractor may request to replace key personnel.

<sup>7</sup> July 22 letter from HRSA.

**“Both USDS leadership and the USDS HRSA team have confirmed, that you [Mathur] did not work on or supervise USDS’s work at HRSA, and you did not receive any competitive sensitive information about past, current, or future HRSA contracts related to organ procurement and transplantation.”**

HRSA did not – and still has not – articulated any legal support for its position that Mr. Mathur has not faithfully followed the law and should be barred from working for a private company and its products and services beyond the restrictions included in OMB PGE. If HRSA is alleging some other violation of law or the OPTN contract, it has refused to state what the violation is, despite multiple solicitations from UNOS. Pursuant to the Federal Acquisition Regulation,<sup>8</sup> HRSA has a duty to identify conflicts of interest and advise as to potentially necessary mitigation efforts, and to do so without unreasonable delay.

HRSA failed to confirm the nature of the alleged “conflict” regarding Mr. Mathur after several months and repeated inquiries from UNOS or to identify any required mitigation requirements. Again, Table 1 provides more detail on how UNOS was left without clarity on HRSA’s position on Mr. Mathur’s employment as UNOS CTO until HRSA’s contracting office closed the matter with its letter to UNOS on July 22, 2024, stating they ultimately found no conflict.

#### **HRSA Delayed UNOS’ Ability to Fill the OPTN Chief Information Officer (CIO) Role**

The OPTN contract does not include the Health and Human Services Acquisition Regulation clause that would give HRSA authority to approve key personnel changes in the OPTN contract.<sup>9</sup> UNOS is dedicated to being a good partner with HRSA and therefore voluntarily submits “approval” and “disapproval” requests but is under no contractual obligation.

On January 29, 2024, HRSA requested that UNOS name an OPTN Chief Information Officer (CIO) to be “approved” by the agency, and despite not having a contractual obligation, UNOS agreed to do so in the spirit of partnership. However, HRSA did not send UNOS the agency’s preferred candidate qualifications and expectations until July 22, 2024. In the meantime, UNOS was responsive to the January 29 OPTN CIO request by suggesting HRSA evaluate incoming UNOS CTO Mr. Mathur as a potential OPTN CIO on February 2, 2024, before UNOS had Mr. Mathur’s PGE which was issued on March 5, 2024. Upon receiving Mr. Mathur’s PGE, UNOS required time to consult with private counsel after receiving the PGE to inform UNOS’ communications with HRSA according to the PGE requirements. UNOS withdrew Mr. Mathur from consideration on April 29, 2024.

The lack of information from HRSA on the agency’s requirements for an OPTN CIO has delayed our ability to hire an individual who could support the OPTN contract as the OPTN CIO. In the absence of HRSA’s requirements, yet to continue to be responsive, UNOS subsequently submitted an alternate candidate for OPTN CIO on April 29, 2024, and despite having no contractual “approval” right, the agency nonetheless rejected the candidate. To be clear, this

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<sup>8</sup> 42 CFR Sec. 9.504(d).

<sup>9</sup> 48 CFR § 352.237-75.

candidate, like others, is one of the few individuals in the entire world with experience operating the UNet system. HRSA has suggested no candidate with that level of qualification, but has nonetheless rejected UNOS' candidates, while putting forth no threshold criteria. HRSA created uncertainty for UNOS and hindered our ability to execute continuous improvement until its July 22, 2024, letter, when conflict concerns regarding Mr. Mathur were resolved and HRSA finally expressly listed their requirements for an OPTN CIO.

Upon the January 29, 2024, request from HRSA for an OPTN CIO until HRSA sent UNOS the agency's OPTN CIO requirements on July 22, 2024, UNOS proceeded with HRSA's OPTN CIO request by applying the broadly accepted industry standards for a CIO's qualifications to identify and recommend candidates to the agency. In general, a CIO is primarily concerned with the internal operations of the IT infrastructure. Therefore, UNOS operated in good faith in fulfilling the duties of an OPTN CIO tasked with overseeing the management of data, information systems, and technology, such as cybersecurity and privacy. Because the OPTN's technological backbone is the UNOS computer system, UNOS was pleased to have recently hired a new CTO as such a stellar candidate to offer to HRSA to consider as OPTN CIO. As previously explained, there are no OMB PGE restrictions for Mr. Mathur regarding the UNOS computer system.

**Please see below the answers to the questions included in your letter:**

1. Provide the post-employment guidance OMB provided to Mr. Mathur.  
*See attached. UNOS provided this to HRSA on April 10, 2024.*
2. Has Mr. Mathur communicated with HHS, HRSA, USDS, or any other federal agency regarding UNOS' contract extension with HRSA as the OPTN contractor, or engaged in any conversation, planning, or strategy for any such communications? Provide all records.  
  
*No. To the best of our knowledge, he has not. He is prohibited from doing so by the OMB PGE and we have directed him not to do so consistent with those restrictions.*
3. Has Mr. Mathur communicated with HHS, HRSA, USDS, or any other federal agencies regarding the Transition, NextGen, or Board Support contracts, or engaged in any conversation, planning, or strategy for any such communications? Provide all records.  
  
*No. To the best of our knowledge, he has not. He is prohibited from doing so by the OMB PGE and we have directed him not to do so consistent with those restrictions.*
4. Has Mr. Mathur communicated with HHS, HRSA, USDS, or any other federal agencies regarding the OPTN Modernization Initiative, or engaged in any conversation, planning, or strategy for any such communications? Provide all records.  
  
*No. To the best of our knowledge, he has not. He is prohibited from doing so by the OMB PGE and we have directed him not to do so consistent with those restrictions.*

5. Has UNOS substantively answered HRSA's requests regarding Mr. Mathur's hire? Provide all records.

*Yes. HRSA's letters solicited information that only Mr. Mathur could provide. It would violate the OMB PGE for Mr. Mathur to directly communicate with HRSA or to inform an UNOS employee to then communicate with HRSA with information only known to Mr. Mathur during his USDS employment. Mr. Mathur has worked directly with OMB counsel to ensure he is following the law. See attached for July 22 HRSA letter.*

**To summarize:**

- The OMB General Counsel's Office reviewed Mr. Mathur's contemplated employment with UNOS and his potential interaction with the OPTN and the UNOS computer system utilized by OPTN, in order to issue Mr. Mathur's OMB post-government employment restrictions (PGE). That PGE guidance does not prohibit Mr. Mathur's employment with UNOS in a CTO role. Mr. Mathur is highly skilled and well-positioned to help UNOS implement a technology strategy that meets the current and future needs of UNOS's products and services. You will see the details on the extent of his ethical guidelines' requirements do not hamper his leadership for UNOS, which are clear in the PGE.
- UNOS requires Mr. Mathur to comply and Mr. Mathur is compliant with the PGE. UNOS and Mr. Mathur have faithfully followed the law regarding conflict of interest and ethics requirements for post-government employment in the private sector to ensure there is no unfair advantage. UNOS has diligently worked with HRSA, and Mr. Mathur has worked diligently with OMB Assistant General Counsel despite HRSA's claims and their demands that UNOS and Mr. Mathur violate the law and the PGE.
- UNOS is a private nonprofit organization. UNOS has been cooperative, responsive, spent significant time and resources on HRSA's ambiguous and confusing concerns regarding Mr. Mathur. HRSA's failure to be responsive to UNOS is a failure of their obligations to promptly address conflicts if, in fact they exist.<sup>10</sup> In this case, they simply do not. Moreover, HRSA has displayed obstructionist behavior in interfering with UNOS' contract performance by its own non-performance, by unreasonably delaying in its performance duties (many of which predicated an ability by UNOS to act), by insinuating the UNOS failed to perform contract duties that did not exist in the first place, or by exercising HRSA approval/disapproval "authority" that likewise did not exist.
- HRSA's ambiguity extends to their expectations for an OPTN CIO. Under the OPTN contract, there is no requirement to seek or receive approval from HRSA for UNOS employees or for OPTN key personnel. UNOS extends HRSA the courtesy of "approving" OPTN key personnel. HRSA requested an OPTN CIO on January 29,

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<sup>10</sup> 42 CFR Sec. 9.504(d).



2024, and did not state their full expectations for the role until July 22, 2024. UNOS has spent significant time and resources to be responsive to HRSA's OPTN CIO requirements to be a collaborative partner and deliver on our commitment to be transparent.

As UNOS communicated to HRSA, UNOS is committed to ensuring that UNOS is a good partner to HRSA both technically and ethically. UNOS assures you that we are operating by the highest of ethical practices. Thank you for the opportunity to correspond with you on this matter.

Sincerely,

A handwritten signature in black ink that reads "Maureen McBride". The script is cursive and fluid, with the first name and last name clearly distinguishable.

Maureen McBride, PhD  
Chief Executive Officer

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**From:** Garcia, Alexandra (HRSA) <AGarcia@hrsa.gov>  
**Sent:** Monday, January 29, 2024 6:20 PM  
**To:** Maureen McBride  
**Cc:** Hupalar, Jimmy (HRSA); Karver, Shirley (HRSA)  
**Subject:** [EXTERNAL] Follow up to key personnel request under Contract # HSH250201900001C

Dear Maureen,

This email follows up on my phone call regarding submitting the resume of one of the pending Key personnel for the current OPTN contract.

I understand that the only pending Key personnel needing to be filled under the current contract (HSH250201900001C) is the Chief Information Officer (CIO). This position is essential to work performance and crucial to the program. I would appreciate your team forwarding the required information to the Contracting Officer, which will permit evaluation of the proposed personnel and the impact on the program. The request must identify the proposed replacement and explain how the replacement's skills, experience, and credentials meet or exceed the contract's requirements.

Please note that UNOS shall only divert, replace, or announce any such change to key personnel under the contract with the Contracting Officer's written consent.

Sincerely,

*Bonnie*

Alexandra B. Garcia  
*Head of Contracting Activity*  
*Director, Office of Acquisitions Management and Policy*  
*Health Resources and Services Administration (HRSA)*  
*US Department of Health and Human Services (HHS)*  
*agarcia@hrsa.gov*  
*(301)443-5116 (office)*  
*(202)421-0024 (mobile)*

**For Scheduling Assistance Contact:**

Sandi Jones  
*Executive Assistant*  
*Sjones4@hrsa.gov*  
Office Phone: (301) 443-0396





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---

**From:** Maureen McBride  
**Sent:** Friday, February 2, 2024 2:33 PM  
**To:** Garcia, Alexandra (HRSA)  
**Cc:** Hupalar, Jimmy (HRSA); Karver, Shirley (HRSA); Christopher J. McLaughlin  
**Subject:** RE: Follow up to key personnel request under Contract # HSH250201900001C  
**Attachments:** Ankit Mathur - Resume 2024.pdf; Personnel Letter 2.2.2024.pdf

Good afternoon Bonnie, Chris, Jimmy, and Shirley,

I've attached a letter proposing Ankit Mathur as the OPTN CIO. His resume is also attached. Thanks in advance for your consideration.

Maureen



February 2, 2024

Alexandra B. Garcia  
Head of Contracting Activity  
Director, Office of Acquisitions Management and Policy  
Health Resources and Services Administration (HRSA)  
US Department of Health and Human Services (HHS)  
5600 Fishers Lane  
Rockville, Maryland 20857

Re: Key Personnel (HSH250201900001C) – Chief Information Officer

Dear Bonnie,

I am pleased to share that UNOS' nationwide search for a new OPTN Chief Information Officer (CIO), undertaken to ensure we have the most qualified candidate possible to submit for your consideration for this essential role, has resulted in UNOS hiring Ankit Mathur. I appreciate HRSA's recognition of the challenges UNOS faced in identifying a qualified candidate who will share our collective dedication to ensuring the OPTN's stability, security, and operational effectiveness.

HRSA has expressed concerns about potential conflicts of interest, and I am providing clarity regarding whether Mr. Mathur, as the U.S. Digital Service (USDS) Chief Delivery Officer, had any involvement in shaping the OPTN contract opportunities or overseeing OPTN work. Mr. Mathur was not involved in developing HRSA's OPTN Modernization Initiative or other OPTN contract opportunities or overseeing UNOS' technology, products, and processes in connection with its OPTN work. During his time at USDS, Mr. Mathur did not serve as the Executive Stakeholder responsible for working with project leads and teams on HRSA matters. He did not oversee or influence USDS's work on HRSA projects, nor was he privy to information other than high-level quarterly reports on progress on USDS's HRSA projects.

Mr. Mathur is a skillful communicator, recognized for collaborative enterprise-level leadership in product development, technology, entrepreneurship, and government sectors. With a visionary approach, he excels in building and modernizing intricate solutions, emphasizing user-centric product development and technology strategy. Mr. Mathur has consistently aligned revenue goals, delivering scalable products that resonate with customers. Committed to fostering a performance-driven team, he champions diversity and inclusivity, striving to cultivate world-class, customer-focused technology products and services. Mr. Mathur's qualifications, educational background, related accomplishments, and experience in managing projects of similar complexity and national scope are highlighted in this letter.

Mr. Mathur earned a Bachelor of Science in Computer Information Systems, an Executive Masters in Business Administration (MBA), and an Executive Masters in Information Systems Management (MSIS) from Virginia Commonwealth University.

Mr. Mathur will leverage his education and technology experience in driving best practices and modernization efforts for the benefit of the OPTN Computer system and programs. He has focused his career on health care technology, which will help UNOS improve its technology consistent with HRSA's programmatic goals. In his work at USDS, Mr. Mathur was the Executive Stakeholder assigned to CDC,

working closely with stakeholders to leverage the Strangler Fig Pattern of software development to modernize CDC's complex and monolithic legacy IT systems and architecture. In the private sector, in his role at Verisk Health, Mr. Mathur led a cross-functional geographically disparate team to combine data operations initiatives for health plan claims processing affecting a multi-billion dollar claims revenue management cycle. Mr. Mathur also launched and scaled Roundtrip Health, a digital health technology company that addressed health care accessibility by removing transportation barriers while managing complex logistical and medical components including the direct integration and interoperability with leading medical records systems. The digital transportation marketplace served patients at hundreds of major health systems nationwide. His entrepreneurial, private sector and government service experiences combined with his senior leadership in health care and technology organizations will enable Mr. Mathur to contribute his expertise to UNOS in service to HRSA and the OPTN.

Mr. Mathur will ensure the security and integrity of the OPTN Computer system by leveraging his experience with and foundational understanding of Federal Information Security Modernization Act (FISMA) security requirements, which was enhanced in his role at USDS.

He will also ensure effective collaboration and coordination among the IT teams within UNOS as well as with UNOS' vendors and HRSA. He has demonstrated his commitment to collaboration and customer-focused service and delivery as the Co-Founder, Chief Product and Technology Officer, and Chief Information Security Officer at Roundtrip Health. Mr. Mathur's work is principled on developing technology with users, not for them. When Mr. Mathur founded the company, instead of deciding what works best for care managers, Mr. Mathur visited hospitals and engaged with care managers and social workers to understand how they were coordinating transportation for vulnerable populations. Together, Mr. Mathur and stakeholders identified inefficiencies and ways to leverage technology to improve patient services. Stakeholder feedback and collaboration throughout the design process was foundational to the success of Roundtrip Health's solution. As the Lead Application Development Architect at Central Virginia Health Network, Mr. Mathur worked directly with external clients and government entities to architect and develop health care integrations solutions supporting interoperability by developing one of the first Health Information Exchanges (HIE) in the Commonwealth of Virginia.

Mr. Mathur will provide strong direction and oversight of all ongoing operations within the UNOS IT department. Consistent with his experience in prior roles, Mr. Mathur will oversee the allocation of resources, including personnel budget and technology, to ensure OPTN projects have the necessary support to succeed. Mr. Mathur has proven leadership in his current and previous roles in overseeing the overall delivery of IT projects and programs within expected timelines. He has managed large IT teams, including staff focused in the areas of operations, product management, software engineering and security, and design and user experience.

He is committed to ensuring professionalism among the UNOS' IT staff in every interaction including with HRSA, NOOC, and other stakeholders. Additionally, Mr. Mathur will take care to understand the OPTN contract and shares a willingness to engage and collaborate with HRSA to seek clarity regarding contract obligations when questions arise. In his current role, he collaborates with senior government stakeholders and develops strategies for more than 30 concurrent initiatives. Mr. Mathur understands the importance of professional decorum in engaging with clients and stakeholders and strictly adhering to contract requirements.

As the OPTN CIO and UNOS Chief Technology Officer (CTO), Mr. Mathur will report directly to me as the UNOS CEO and OPTN Executive Director. His direct reports will include the Director of Software Engineering, Director of Information Security, and Director of Technology Operations. Mr. Mathur will serve as a member of the Senior Leadership Team at UNOS providing overall strategic direction for the organization. He will contribute to ensuring UNOS is compliant with the OPTN contract and delivers IT services, solutions, and security in accordance with HRSA's expectations.

Mr. Mathur's employment with UNOS begins on March 25. Thank you in advance for your thoughtful, timely consideration of Mr. Mathur as the OPTN CIO. We look forward to hearing from you in the coming weeks.

Sincerely,

A handwritten signature in black ink that reads "Maureen McBride". The script is fluid and cursive, with the first name "Maureen" and last name "McBride" clearly legible.

Maureen McBride, PhD  
UNOS CEO

cc: Jimmy Hupalar  
Shirley Karver  
Chris McLaughlin



**Redacted Ankit Mathur's Resume**

---

**From:** Hupalar, Jimmy (HRSA) <JHupalar@hrsa.gov>  
**Sent:** Tuesday, March 5, 2024 1:03 PM  
**To:** Maureen McBride  
**Cc:** Karver, Shirley (HRSA); Christopher J. McLaughlin; Ji, Jun (HRSA); Dillon, Gina (HRSA); Inazawa, Naomi (HRSA)  
**Subject:** [EXTERNAL] RE: Follow up to key personnel request under Contract # HSH250201900001C  
**Attachments:** HRSA Letter to UNOS - Key Personnel Changes (CIO).pdf

Dear Dr. McBride,  
Please find the attached request for additional information regarding UNOS's Key Personnel request.

Thank you.

Respectfully,  
Jimmy K. Hupalar  
Division Director / Contracting Officer  
OO/OAMP  
Phone: 301-443-1166  
Cell: 240-705-1678  
5600 Fishers Lane  
14W16  
Rockville, MD 20857

**HRSA**

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**From:** Hupalar, Jimmy (HRSA) <JHupalar@hrsa.gov>  
**Sent:** Tuesday, March 5, 2024 1:03 PM  
**To:** Maureen McBride  
**Cc:** Karver, Shirley (HRSA); Christopher J. McLaughlin; Ji, Jun (HRSA); Dillon, Gina (HRSA); Inazawa, Naomi (HRSA)  
**Subject:** [EXTERNAL] RE: Follow up to key personnel request under Contract # HSH250201900001C  
**Attachments:** HRSA Letter to UNOS - Key Personnel Changes (CIO).pdf

Dear Dr. McBride,  
Please find the attached request for additional information regarding UNOS's Key Personnel request.

Thank you.

Respectfully,  
Jimmy K. Hupalar  
Division Director / Contracting Officer  
OO/OAMP  
Phone: 301-443-1166  
Cell: 240-705-1678  
5600 Fishers Lane  
14W16  
Rockville, MD 20857



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### **Via Email**

March 5, 2024

United Network for Organ Sharing (UNOS)  
Maureen McBride, Ph.D., Executive Director & CEO  
700 North 4<sup>th</sup> Street  
Richmond, VA 23219

Subject: Key Personnel Change Request – CIO, Ankit Mathur

Dear Dr. McBride,

I trust this email finds you well. As per the concerns raised by HRSA in the letter dated February 2, 2024, regarding potential conflicts of interest related to Mr. Mathur's service as the U.S. Digital Service (USDS) Chief Delivery Officer, we kindly request your assistance in providing detailed information to aid in our conflict of interest determination, by responding to the following questions no later than 9:00 AM (ET) on March 8, 2024:

### **Technical Experience**

- 1) Describe your experience managing all aspects of a health IT system (legacy, intermediate, or modern) from development, modernization, and enhancement (DME) to operations and maintenance (O&M). What was the system? How many users does it have? How long did you manage it? How did you engage with key stakeholders? How did you manage the teams to ensure proper release management?
- 2) The OPTN system has experienced infrastructure issues including outages and performance issues. Describe your experience managing a health IT system with 1,300 active users that has experienced infrastructure outages. What was the system? What was your role and how long did you manage this system? What did you do to prevent system outages that cut across multiple platforms?
- 3) The OPTN system has experienced major IT security vulnerabilities. Describe what position that you have worked in the past where you resolved major IT security vulnerabilities (like implement multi-factor authentication [MFA], establish supply-chain risk management, establish security-aware enterprise product life cycle [EPLC], change management)? What steps did you take to resolve the vulnerabilities?
- 4) Security Incident Management is critical to effectively managing the OPTN system. Describe three of the biggest security incidents that you managed. What was your role? How did you handle security incident management? Have you ever handled a Zero-Day, distributed denial-of-service [DDoS], and/or Ransomware incident?



- 5) There have been incidents regarding data accuracy and privacy (like improper/insufficient use/masking of PII/PHI data in lower environments). Describe your past experience dealing with data accuracy and privacy issues.
- 6) There is low API adoption for OPTN members. What would be your strategy to increase API adoption for OPTN members?
- 7) What is your experience with establishing business processes and re-engineering aspects of a health IT system?

### **USDS Employment**

- 1) Please provide an organizational chart relevant to Mr. Mathur's USDS position that includes the scope of his duties and any offices that report directly to him.
- 2) Please specifically identify and describe all OPTN-related activities or work undertaken by Mr. Mathur or any work unit or staff anywhere under Mr. Mathur's official responsibility or chain of command at USDS.
- 3) Mr. Mathur is listed as a key stakeholder on the Joint HRSA + USDS Charter drafted in August 2022 for the USDS/HRSA collaboration efforts around the OPTN. In that role, he is listed as a person to receive regular updates and to provide strategic advice and feedback. Please specifically identify and describe any work, activities, or communications he participated in or received related to this role.
- 4) Please request that Mr. Mathur obtain a written analysis from OMB regarding the application of 18 USC § 207(a)(1) and (a)(2) to Mr. Mathur based on his post-government employment plans. Please share that analysis with HRSA.

These responses should be inclusive of all activities, work units, offices, and staff dating back through 2022 when Mr. Mathur started with USDS or when USDS started to work with HRSA/HSB on OPTN-related activities, whichever is earlier, and continuing to present day. "OPTN-related activities" includes formal or informal activities where OPTN-related work may have been discussed, such as during communities of practice discussions and slack channels.

Thank you for your prompt attention to this matter. We look forward to receiving the requested information to facilitate our conflict of interest determination concern.

Respectfully,

Jimmy K. Hupalar -  
S

Digitally signed by Jimmy K. Hupalar -S  
Date: 2024.03.05 12:56:33 -05'00'

Jimmy Hupalar  
Contracting Officer

**From:** [Julie Nolan](#)  
**To:** [Jimmy Hupalar](#)  
**Cc:** [Dale Smith](#)  
**Subject:** CIO  
**Date:** Friday, March 22, 2024 6:01:00 PM  
**Attachments:** [image001.png](#)  
[image002.png](#)

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Hi Jimmy,

Dale asked me to provide you with an update on our response to the letter regarding the OPTN CIO. We are still working on a response and will circle back as soon as possible.

Many thanks!

Best,  
Julie

Julie Nolan  
*Chief of Staff*



[julie.nolan@unos.org](mailto:julie.nolan@unos.org)  
mobile: 330-647-7533

700 North 4th Street, Richmond, VA 23219

**From:** [Hupalar, Jimmy \(HRSA\)](#)  
**To:** [Julie Nolan](#); [Dale Smith](#)  
**Cc:** [Inazawa, Naomi \(HRSA\)](#); [Dillon, Gina \(HRSA\)](#); [Christopher J. McLaughlin](#); [Ji, Jun \(HRSA\)](#)  
**Subject:** [EXTERNAL] RE: CIO  
**Date:** Friday, April 5, 2024 12:02:35 PM  
**Attachments:** [image001.png](#)  
[image002.png](#)

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Good afternoon Dale and Julie,

I am writing to follow up on our previous correspondence regarding HRSA's request for additional information concerning Mr. Mathur, as outlined in our March 5, 2024, letter.

As of the present moment, HRSA is still in need of the additional details requested to assess any potential Organizational Conflict of Interest (OCI). Consequently, HRSA has not yet approved UNOS's Key Personnel candidate.

Thank you for your attention to this matter, and I look forward to your prompt response.

Thank you.

Respectfully,

Jimmy K. Hupalar

Division Director / Contracting Officer

Office of Acquisition Management and Policy (OAMP)

Office of Federal Assistance and Acquisition Management (OFAAM)

Health Resources and Services Administration (HRSA)

5600 Fishers Lane,

Rockville, MD 20857

Phone: 301-443-1166

Cell: 240-705-1678

<https://www.hrsa.gov/>

---

**From:** Hupalar, Jimmy (HRSA) <JHupalar@hrsa.gov>  
**Sent:** Tuesday, April 9, 2024 9:20 AM  
**To:** Maureen McBride  
**Cc:** Inazawa, Naomi (HRSA); Dillon, Gina (HRSA); Ji, Jun (HRSA); Christopher J. McLaughlin  
**Subject:** [EXTERNAL] FW: CIO

Dear Dr. MacBride,

I hope this email finds you well. I am following up on our previous correspondence regarding HRSA's request for additional information concerning Mr. Mathur, as outlined in our March 5, 2024, letter.

As of now, HRSA still requires the additional details requested to assess any potential Organizational Conflict of Interest (OCI). Due to this, HRSA has not yet approved UNOS's Key Personnel candidate.

Thank you for your attention to this matter, and I look forward to your prompt response.

Best regards,

Thank you.

Respectfully,  
Jimmy K. Hupalar  
Division Director / Contracting Officer  
Office of Acquisition Management and Policy (OAMP)  
Office of Federal Assistance and Acquisition Management (OFAAM)  
Health Resources and Services Administration (HRSA)

5600 Fishers Lane,  
Rockville, MD 20857  
Phone: 301-443-1166  
Cell: 240-705-1678  
<https://www/hrsa.gov/>



---

**From:** Hupalar, Jimmy (HRSA) <JHupalar@hrsa.gov>  
**Sent:** Tuesday, April 9, 2024 7:41 PM  
**To:** Maureen McBride  
**Cc:** Inazawa, Naomi (HRSA); Dillon, Gina (HRSA); Ji, Jun (HRSA); Christopher J. McLaughlin  
**Subject:** [EXTERNAL] RE: CIO  
**Attachments:** UNOS CIO\_CTO letter\_4-9-2024.pdf

Dear Dr. McBride,  
Please find the attached letter of concern regarding Mr. Ankit Mathur.

Thank you.

Respectfully,  
Jimmy K. Hupalar  
Division Director / Contracting Officer  
Office of Acquisition Management and Policy (OAMP)  
Office of Federal Assistance and Acquisition Management (OFAAM)  
Health Resources and Services Administration (HRSA)

5600 Fishers Lane,  
Rockville, MD 20857  
Phone: 301-443-1166  
Cell: 240-705-1678  
<https://www/hrsa.gov/>

**Via Email**

April 9, 2024

Maureen McBride, Ph.D.  
Executive Director & CEO, UNOS 700 North 4th Street  
Richmond, VA 23219

**Re: Chief Information Officer/Chief Technology Officer**

Dear Dr. McBride,

We are writing to address significant concerns regarding the CIO position under the OPTN contract and UNOS' proposal to appoint Mr. Ankit Mathur to this role. Despite multiple communications beginning March 5, 2024, HRSA's request for information to assess potential OCI involving Mr. Mathur has been met with inadequate responses and delays from UNOS. Initially, we were informed that Mr. Mathur was abroad and unavailable to assist in our inquiry. Subsequent follow-ups from HRSA on March 22, April 5, and April 9, 2024, have failed to yield any substantial progress or commitment to transparency from UNOS. We understand that UNOS recently updated its website to listing Mr. Mathur as the CTO and a member of the UNOS Senior Leadership Team.

The lack of responsive information from UNOS has impeded our ability to conduct a thorough and fair assessment. We believe these issues are critical to address to maintain the integrity of the OPTN contract and ensure fair and unbiased operations. Given these circumstances, HRSA must expressly prohibit Mr. Ankit Mathur from being involved, in any capacity, with the OPTN contract until these concerns are satisfactorily resolved. We expect UNOS to adhere to this decision and take immediate action to comply.

Respectfully,

**Jimmy K.  
Hupalar -S**

Jimmy K. Hupalar  
Contracting Officer

Digitally signed by Jimmy  
K. Hupalar -S  
Date: 2024.04.09 19:31:53  
-04'00'

---

**From:** Maureen McBride  
**Sent:** Wednesday, April 10, 2024 4:13 PM  
**To:** Hupalar, Jimmy (HRSA)  
**Cc:** Inazawa, Naomi (HRSA); Dillon, Gina (HRSA); Ji, Jun (HRSA); Christopher J. McLaughlin  
**Subject:** RE: CIO  
**Attachments:** Key Personnel Change Request HRSA 04102024.pdf; Ankit Mathur PEG.pdf

Hi Jimmy,

Thank you and Suma for your engagement on this matter. I am committed to ensuring that UNOS is a good partner to HRSA both technically and ethically. UNOS has engaged outside counsel to seek advice, and Ankit Mathur has continued to engage OMB counsel as we worked to prepare a response to your March 5 letter that complies with the post-employment guidance that OMB issued to Mr. Mathur. The current post-employment guidance document is attached. Mr. Mathur is seeking written clarification and additional guidance from OMB regarding his post-employment limitations.

Suma and I connected by phone earlier today, and I understand HRSA may have information about Mr. Mathur's responsibilities at USDS that is inconsistent with the responsibilities documented in the post-employment guidance on pages 2-4. UNOS would appreciate an understanding of your concerns to be able to mitigate them if they are material. In the absence of new information, it is our understanding based on OMB counsel's guidance that Mr. Mathur did not work on or supervise USDS's work at HRSA.

As reflected in the attached letter, OMB counsel, after communicating with HRSA ethics counsel, has advised Mr. Mathur that aiding in responding to the questions could be a violation of the post-employment guidance.

I am committed to being responsive and respectfully request that HRSA direct me to the provision in the contract regarding the key personnel requirement. I welcome the opportunity to discuss HRSA's expectations for the qualifications of an OPTN CIO.

Sincerely,

Maureen

April 10, 2024

Jimmy K. Hupalar  
Division Director / Contracting Officer  
Office of Acquisition Management and Policy (OAMP)  
Office of Federal Assistance and Acquisition Management (OFAAM)  
Health Resources and Services Administration (HRSA)  
5600 Fishers Lane  
Rockville, Maryland 20857

RE: Key Personnel Change Request – CIO, Ankit Mathur

Dear Mr. Hupalar,

I am writing in response to your letter dated March 5, 2024, requesting information regarding Ankit Mathur's technical experience, as well as details about his United States Data Services (USDS) employment and a copy of the written analysis from OMB regarding the application of 18 USC § 207(a)(1) and (a)(2) to Mr. Mathur.

I appreciate your patience as we awaited Mr. Mathur's return from international travel, his start date with the Contractor, and the time it took to receive additional clarity from the OMB about responding the queries, and the appropriate approach to responding in light of the current OMB post-employment guidance (PEG) document and my own return from international travel to review this response prior to submission.

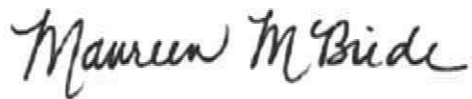
Because some of your technical experience questions were worded in a way that expected a response from Mr. Mathur directly, he exercised the offer from the OMB Assistant General Counsel that drafted his PEG document to ensure compliance. The advice given indicated that not only should he not respond directly, but that his assistance to UNOS in completing the USDS specific questions, could be interpreted as failing to comply with the PEG.

Based on that response, we cannot respond to the questions you have raised in either section.

In the spirit of transparency, I can tell you that Mr. Mathur is continuing to ask for clarification about the limitations in his current PEG, and asking for specific guidance around scenarios that might arise in his role as UNOS' CTO as we support the OPTN during our period of performance. It is his, and UNOS' sincerest desire to ensure that we are compliant with the limitations, while partnering with HRSA to ensure the OPTN's stability, security, and operational effectiveness.

Mr. Mathur hopes that the engagement with OMB may result in some revisions or clarifications as amendments to the current PEG. While there is potential for change to the PEG, I have attached the current version, and commit that once Mr. Mathur has full clarity about his post-employment guidance and has a signed copy on file with OMB, then he will provide us with the final document for us to share with you as quickly as possible.

Sincerely,

A handwritten signature in black ink that reads "Maureen McBride". The script is fluid and cursive, with the first name and last name clearly distinguishable.

Maureen McBride, PhD  
UNOS CEO





EXECUTIVE OFFICE OF THE PRESIDENT  
OFFICE OF MANAGEMENT AND BUDGET  
WASHINGTON, D.C. 20503

MEMORANDUM FOR ANKIT MATHUR

FROM: LAURIE ADAMS, ASSISTANT GENERAL COUNSEL

A handwritten signature in blue ink, appearing to read "Laurie Adams", is written over the name.

SUBJECT: POST-EMPLOYMENT OBLIGATIONS

DATE: March 5, 2024

This memo provides an overview of the Executive Branch post-employment restrictions that our office discussed with you prior to your departure from the Executive Office of the President (EOP). As a former senior employee, you are covered by certain post-employment restrictions under the criminal law, 18 U.S.C. § 207. As a public financial disclosure filer, you are also required to file a termination financial disclosure report within 30 days of leaving Government service – although we recommend that you file your report before your departure.

These restrictions limit: the appearances and communications that you may make on behalf of a third party back to the Federal Government; certain other types of assistance that you may provide to third parties; and your profit-sharing with a future employer who did business with the government during your tenure here.

The purpose behind the restrictions is threefold: to prevent you from “switching sides” on a matter in which you were involved when you worked or for which you had official responsibility in the EOP; to provide a “cooling off” period in which you may not seek official action on behalf of a third party from EOP and other Federal officials on any matter; and to preclude you from sharing in certain profits that your new employer may have received in connection with a matter that was pending before the government during your EOP tenure.

Many of the post-employment restrictions carry criminal penalties, so please review the entire memorandum carefully, sign the last page where indicated, and provide a copy of the signature page to the Office of Management and Budget’s Office of General Counsel (OGC).

## **I. YOUR EMPLOYMENT WITH THE UNITED STATES DIGITAL SERVICE**

The United States Digital Service (USDS) is a part of the Office of Management and Budget (OMB). You are the Chief Delivery Officer for USDS. Your position description states that the major duties of your position are:

Working with team leads and the Administrator to set overall delivery strategy and aligning key stakeholders to it; staffing the projects; coaching team leads on management and developing organizational processes and tools to help teams be most effective; coaching the team on how to navigate through bureaucracy; escalating issues to the appropriate stakeholders; and coordinating with other technology entities within and outside of Government.

As the Chief Delivery Officer, you are responsible for administrative supervision of USDS teams that are detailed to other agencies, including: staffing, training, time and vacation time management, and other employment-related supervision. Additionally, you are responsible for providing substantive and technical supervision of USDS team members in connection with USDS projects in other agencies, including by:

Provid[ing] strategic organizational, process design, and ongoing execution to ensure smooth and successful functioning and operations for all USDS delivery teams, which are ultimately accountable for delivery of USDS projects...

Translat[ing] technical information, regulations, and guidance into clear and actionable input for USDS projects and vision...

Collaborat[ing] with stakeholders across Federal agencies and escalate issues appropriately to alleviate project bottlenecks...

Lead[ing] and improv[ing] current internal project management and documentation practices, including running project "deep dives..."

## **II. USDS WORK WITH THE HEALTH RESOURCES AND SERVICES ADMINISTRATION**

A USDS team has been working with the Health Resources and Services Administration (HRSA) at the Department of Health and Human Services since about 2020 in connection with the processes and systems involved in federal management of organ procurement and transplantation. You have informed us, and both USDS leadership and the USDS HRSA team have confirmed, that you did not work on or supervise USDS's work at HRSA, and you did not receive any competitive sensitive information about past, current, or future HRSA contracts related to organ procurement and transplantation. You were not the USDS executive in charge of the USDS HRSA team at any time, nor did you have any personal decision-making or substantive supervisory responsibility for that team or their work. You were present during some very general project status reports that were provided to senior USDS leadership. Deputy Administrator Cori Zarek has been the

executive providing oversight of this project since September 2022.

Since before you joined USDS in 2022, a USDS team has worked with HRSA to evaluate current challenges faced by the Organ Procurement and Transplantation Network (OPTN) and to help it address shortcomings. The agreement between USDS and HRSA for this project, which was signed after you joined USDS, described the work on the HRSA project as "OPTN Tech Procurement Strategy Engagement." The milestones for the joint HRSA/USDS team are listed as:

- Deliver white paper outlining the options for the next iteration of the contract
- Develop contract language / requirements separating the OPTN technology from policy scope and/or into its own contract, along with outcomes-driven performance and outcomes metrics for vendor accountability
- Issue new contract(s), and run evaluation and selection processes tracking toward north star

Within your last year of Federal service, USDS's work for HRSA has included:

- Assessing the current OPTN network, including assessing the performance of the United Network for Organ Sharing (UNOS) under the sole-source contracts it has held with HRSA since 1984
- Concurring during a brief conversation when informed by HRSA that HRSA planned to reject a proposed candidate to be the UNOS Chief Technology Officer
- Assisting HRSA with incident response and mitigation to ensure data security and future prevention under the UNOS sole-source contracts
- Providing guidance to HRSA about the required skills, experience, and competence for various key personnel under the existing UNOS contract, including the UNOS Chief Technology Officer position
- Providing general guidance to HRSA regarding ways to modernize OPTN acquisition, service development/integration, and deployment
- Providing guidance to HRSA regarding a procurement strategy for future OPTN contracts, including a strategy to move from a sole-source contract to a multiple vendor contract that requires continuous modernization over time, consistent with the Securing the U.S. Organ Procurement and Transplantation Network Act of 2023
- Providing guidance to HRSA with respect to a multi-party transition contract to support OPTN (Transition Contract) at the conclusion of the current UNOS contract (and any extension), including development of technical requirements. A draft request for proposal (RFP) for the Transition Contract, which can be found at <https://sam.gov/opp/6a35d2367dc74ce08edb12804bc0ebb9/view>, was published on February 15, 2024
- Providing guidance to HRSA with respect to a multi-party contract (NextGen contract) to support OPTN after the end of the Transition Contract. A request for information in connection with this contract is expected to be published in the near future as part of the market research phase of the NextGen contract procurement process. USDS has assisted with early drafts of technical requirements for the NextGen contract, but no RFP for the contract has been published or shared outside of the Federal Government.



- Assisting HRSA in generating role descriptions for the creation of a HRSA digital services organization

### III. SUMMARY AND ANALYSIS OF CRIMINAL POST-EMPLOYMENT RULES

As a former Executive Branch official, you are subject to several criminal statutes that limit your post-employment activities. Generally, 18 U.S.C. § 207 limits your ability, depending on the circumstances, to communicate to or appear before many Federal officials, both within and outside EOP, and 18 U.S.C. § 203 prohibits you from receiving compensation for any representational services that were provided by a former employer in which the United States was a party or had a direct and substantial interest during the time that you were a Government employee.

#### A. The Lifetime Ban on “Switching Sides”: 18 U.S.C. § 207(a)(1)

This lifetime ban aims to prevent Executive Branch employees who have participated in particular matters from later “switching sides” and representing someone else on the same matter before the United States. Under 18 U.S.C. § 207(a)(1), you are prohibited from communicating with, or appearing before, any employee of the United States, with the intent to influence that employee on behalf of another person (other than yourself), on any particular matter involving specific parties in which you “personally” and “substantially” participated at any time during your EOP employment. This is a permanent restriction commencing upon your termination from government service and lasting for the lifetime of all such particular matters as they existed during your tenure.

- For purposes of this rule, an “employee of the United States” includes the President as well as any current officer or employee of any department, agency (including a government corporation), court or court-martial of the United States or the District of Columbia. It does not, however, include a member of Congress.
- A communication or appearance can be formal or informal, and includes telephone calls and emails. The interpretation of what could be considered a communication is quite broad, and has been interpreted to include in-person or voice/video discussions with Federal employees, as well as submitting pleadings, or submitting documents to the Government with the employee’s name on the document. Similarly, when a Government employee publicizes that he is leaving Federal employment to start a very small or one-man consulting firm, submitting a report to the agency thereafter using the new firm’s name constitutes communication. *Communications Under 18 U.S.C. § 207*, Memorandum Opinion by the Office of Legal Counsel (January 19, 2001).
- A “particular matter involving a specific party or parties” is a fairly case-specific restriction that “typically involves a specific proceeding affecting the legal rights of the parties or an isolatable transaction or related set of transactions between identified parties, such as a specific contract, grant, license, product approval application, enforcement action, administrative adjudication, or court case.” 5 C.F.R. § 2641.201(h)(1). It does not include rulemaking, legislation, or policy-

making unless it focuses narrowly on identified parties. See 5 C.F.R. § 2641.201(h)(2). Similarly, a contract that has not yet been awarded is not considered a particular matter involving specific parties “until at least one contractor’s initial proposal [has been received] or some indication of interest from a contractor was first received.” *Letter to a Private Attorney*, OGE Advisory Opinion 86 X 15 (November 25, 1986).

- To “participate” means to take action as an employee through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or other such action, or to purposefully forbear in order to affect the outcome of a matter. An employee does not participate in a matter merely because the employee had knowledge of its existence or because it was pending under the employee’s official responsibility. A Government employee participates “personally” even when the employee merely directs a subordinate’s participation. An employee participates “substantially” if the employee’s involvement is “of significance” to the matter. Thus, while a series of peripheral involvements may be insubstantial, participation in a single critical step may be substantial. See 5 C.F.R. § 2641.201(i).

With respect to the HRSA USDS project and work discussed above, you have informed us, and we have confirmed, that you neither worked on, nor have any actual responsibility for, that work. Based on that representation, you do not have a ban under 18 U.S.C. § 207(a)(1) with respect to the HRSA contracts discussed above.

**B. Two-Year Ban on Matters Pending Under an Employee’s Official Responsibility: 18 U.S.C. §207(a)(2)**

This two-year ban on communicating with, or appearing before the United States with respect to specific party matters covers the same types of representational contacts as Section 207(a)(1), except that it extends to matters on which the employee did not work but that were pending under the employee’s “official responsibility” during their last year of service. This restriction covers matters in which the former employee did not participate personally and substantially. An employee has “official responsibility” over a particular matter when the employee has “direct administrative or operating authority, whether intermediate or final,” to approve, disapprove, or otherwise direct Governmental action, including when he delegates his authority to others. 5 C.F.R. § 2641.202(j)(1).

Based on the above information about your position, USDS’s work with HRSA on OPTN was pending within your official responsibility within the last year. As a result, you will be subject to the two-year ban imposed by 18 U.S.C. §207(a)(2) on any particular matter involving a specific party on which the USDS HRSA team worked in the last year.

The current UNOS contract (and any extension to that contract) is a particular matter involving a specific party that was pending under your official authority given the guidance that the USDS HRSA team provided with respect to UNOS’ performance and Key Personnel under the contract within the last year. For that reason, you have a two-year ban on communicating with, or appearing before, any employee of the United States,



with the intent to influence that contract.

The Transition Contract is also considered a particular matter involving a specific party, even though the RFP is in draft and bids are not due for months. Here, UNOS has stated in a press release that it intends to participate in the Transition Contract. This press release can be found at <https://unos.org/media-resources/releases/unos-statement-regarding-draft-optn-request-for-proposals/>. Because the USDS HRSA team has worked on procurement strategy and developing contract requirements for the Transition Contract within the last year, you have a two-year ban on communicating with, or appearing before, any employee of the United States, with the intent to influence the Transition Contract.

The NextGen Contract is in planning stages, and the USDS HRSA team has been actively involved in both the procurement strategy for that contract and drafting early portions of the future solicitation. As noted above, a contract in planning stages is not considered a particular matter involving specific parties unless a specific party has been associated with it. A party can be associated with a contract that has not yet been advertised or awarded, including by seeking information about the future contract, providing a response to the contract solicitation, or by expressing interest in the future contract. It is debatable whether the UNOS press release linked above was intended to relate only to the Transition Contract or also to the NextGen Contract. The title of the press release is "UNOS statement on draft OPTN request for proposals." However, the body of the release states that "UNOS welcomes HRSA's plan for a more competitive OPTN contract bidding process." The services to be provided under the NextGen Contract will be similar to those provided under the existing and Transition Contract – providing a technological system to support OPTN, even though it is the intent of USDS and HRSA that the technological system and support sought in the NextGen Contract will be different in type and approach to the system and approach of the earlier contracts. Given that UNOS has been the sole contractor for the OPTN network since 1986, it would be reasonable to determine that UNOS's statement about participating in the competitive OPTN contract bidding process referred to both the Transition Contract and the NextGen Contract. For that reason, you have a two-year ban on communicating with, or appearing before, any employee of the United States, with the intent to influence the NextGen Contract.

You have asked whether the restriction on communicating with or appearing before any employee of the United States about the various OPTN existing and future contracts also prohibits you from communicating with, or appearing before any employee of the United States with respect to the UNOS system that is provided to the United States under the current (or a future) system. The UNOS system exists only because of the various UNOS contracts with HRSA to support the OPTN. It is not a system that has been, or to our understanding is contemplated to be, useful for anything other than OPTN. As part of its work, the USDS HRSA team assessed the current UNOS system. We don't believe that UNOS has or could propose the system for use by any agency or component other than HRSA. In this regard, the UNOS system is quite different than systems or goods developed by other Federal contractors that have multiple possible uses. For those reasons, we believe that the existing UNOS system cannot be separated from the OPTN contracts and, as a result, is part and parcel of the particular matter involving a specific party that has been pending under your official responsibility within the last year. Accordingly, you also have a two-year ban on communicating with, or appearing before,

any employee of the United States, with the intent to influence the United States with respect to HRSA's use of the current UNOS system. If UNOS intends to create an entirely new system that it would propose to use as part of the OPTN, and if USDS does not assess or do any work with respect to that system while you are still a Federal Employee, that system would likely be considered an entirely separate particular matter involving a specific party. Without specific information about the extent to which any theoretical new UNOS system overlaps with and incorporates parts of the existing UNOS system, however, it is not possible to make a determination on this issue.

**C. The One-Year Ban on Participating in Ongoing Trade or Treaty Negotiations: 18 U.S.C. § 207(b)**

For one year from the date you terminate Government service, you may not knowingly represent, aid, or advise any other person concerning any ongoing trade or treaty negotiation in which, during your last year of Government service, you participated personally and substantially as an employee, on the basis of covered information.

The definition of "covered information" is any information which you know or should have known were designated as exempt from release under the Freedom of Information Act. A "Trade Negotiation" refers only to those ongoing trade negotiations that the President determines to undertake pursuant to section 1102 of the Omnibus Trade and Competitiveness Act of 1988 (19 U.S.C. § 2902). That authority has lapsed. A "treaty" is an international agreement made by the President that requires the advice and consent of the Senate. A negotiation on a treaty commences to be "ongoing" at the point when both (1) the determination has been made by a competent authority that the outcome of a negotiation will be a treaty, and (2) discussions with a foreign government have begun on a text.

It is important to note that even if a post-employment activity is not prohibited by § 207(b), the negotiation may nevertheless have had specific parties identified to it, thus triggering the lifetime restriction set forth in § 207(a)(1). We understand that you have not worked on any trade or treaty negotiations while at USDS.

**D. Restriction on Contacting Former EOP Officials on Behalf of Non-Federal Entities ("Cooling Off Period"): 18 U.S.C. § 207(c)**

If your current pay exceeds 86.5% of the Executive Level II salary (currently \$191,944), you are considered a "Senior Employee" for purposes of the criminal post-employment laws. 18 U.S.C. § 207(c)(2)(iii). Therefore, for one year after leaving the EOP, it is a crime for you to communicate to, or appear before, any EOP employee (including the President), if the communication or appearance is made on behalf of another person and is intended to influence official action on any matter. Keep in mind that EOP includes all components (White House Office, Office of the Vice President, Council of Economic Advisers, Council on Environmental Quality, Executive Residence, National Security Council, Office of Administration, Office of Management and Budget, Office of the National Cyber Director, Office of National Drug Policy, Office of Pandemic Preparedness and Response Policy, Office of Science and Technology Policy, Office of the United States Trade Representative and the President's Intelligence Advisory Board).



This restriction is broader than other § 207 provisions – it applies to any matter on which official action is sought, regardless of whether you worked on the matter, whether it was pending before you, or whether it involves specific parties.

- The restriction does not apply to your communications to or appearances before Members of Congress.
- The restriction only prohibits representational communications and appearances, so only those made on behalf of someone else – it does not limit your ability to talk to the President or any of your friends and colleagues in Government on your own behalf or in your personal capacity on any topic.
- The restriction also does not preclude “behind-the-scenes” assistance to your employer, but note that “behind-the-scenes” assistance does not include communications conveyed by another that are intended to be attributed to you, even if you are not recognized as the source of the information.
- There are also exceptions for representational activities as an elected official.

In addition, 18 USC § 207(f) provides that for one year, you may not represent or aid or advise a government of a foreign country or a foreign political party with the intent to influence an agency or department of the United States, including Members of Congress and the Legislative Branch. For the purposes of this cooling off period, you are considered to be a Senior Employee and you thus have a one year cooling off period with respect the EOP.

**E. Restriction on Compensation for Representational Services Provided by Another: 18 U.S.C. § 203**

It is a crime for you to receive compensation for representational services rendered by another on particular matters in which the United States was a party or had a direct and substantial interest during the time that you were a Government employee. Section 203 does not apply to a fixed salary. Nor would § 203 apply to payments that are fixed or based on your personal job performance, your seniority, or your position. *See* OGE Opinion 99x24 (Dec. 14, 1999), Receipt for Compensation for Representational Services under 18 U.S.C. § 203 (summarizing prior opinions).

If, in the future, your compensation involves equity participation (i.e., profit-sharing, bonuses, or other compensation tied to the company’s actual profits from its representational services before the Government), you may not receive or accept compensation for any representational services rendered at any time by a future employer on particular matters that were pending before any United States department, agency, court, officer, or commission during your tenure at EOP.

If the § 203 prohibition is implicated in the future and you need further guidance, please feel free to contact us.

#### **IV. NONPUBLIC INFORMATION AND SPEAKING ENGAGEMENTS**

##### **A. Use of Nonpublic Information**

You are prohibited from disclosing any classified or confidential information. 18 U.S.C. § 1905; 18 U.S.C. § 798; Executive Order 13526. You also may not use or disclose nonpublic information in any post-employment teaching, speaking or writing. Nonpublic information is information gained by reason of your federal employment and that you know or should know has not been made available to the general public. This limitation does not restrict your ability to teach, speak or write on a subject within your area of expertise based on publicly available information, your educational background or your personal experiences, even if that teaching, speaking or writing deals generally with a subject related to your former area of responsibility.

##### **B. Public Speaking and Media Appearances**

None of the post-employment rules prohibit you from teaching, speaking publicly, or making media appearances, provided that your activity does not otherwise run afoul of the representational prohibitions under § 207 (i.e., you are not communicating to or appearing before a covered official, on behalf of someone else, with the intent to influence official action) or the restrictions on the disclosure of nonpublic information.

#### **V. TERMINATION FINANCIAL DISCLOSURE REQUIREMENT**

You are required to file a termination Public Financial Disclosure Report (OGE 278e) with OGC within 30 days of your departure. The form was sent to your Integrity.gov account.

Failure to file your form timely can result in a late filing penalty and may lead to civil or criminal prosecution. 5 U.S.C. app § 104.

## VI. FOR FURTHER INFORMATION

OMB OGC has a continuing obligation to provide you with post-employment advice, even after you leave Government service. Please feel free to contact us if you have a question about how the post-employment rules might apply to a specific situation, please feel free to contact

### ACKNOWLEDGMENT OF RECEIPT

SIGNATURE:  
Ankit Mathur

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DATE:

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PERSONAL EMAIL ADDRESS:

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April 24, 2024

Maureen McBride, Ph.D.  
Executive Director and CEO  
United Network for Organ Sharing  
700 North 4th Street  
Richmond, VA 23219  
[Maureen.McBride@unos.org](mailto:Maureen.McBride@unos.org)

Dear Dr. McBride:

The Health Resources and Services Administration (HRSA) is in receipt of your April 10, 2024, letter and attachments. This correspondence is non-responsive to emails HRSA sent to the United Network for Organ Sharing (UNOS) on March 5, March 22, April 5, and April 9, 2024, regarding your proposed employment of Ankit Mathur, the former Chief Delivery Officer at U.S. Digital Service (USDS) of the federal Office of Management and Budget. We are writing to you directly to express our concerns because UNOS has still not provided substantive answers to the issues raised in these emails.

During Mathur's time at USDS, HRSA and USDS operated under a Memorandum of Understanding (MOU) to support HRSA's Organ Procurement and Transplantation Network (OPTN) Modernization Initiative. Mathur's employment history raises questions about potential conflicts of interest, specifically as it relates to current and future OPTN information technology and potential knowledge of non-public information.

In February 2024, UNOS notified HRSA of its intention to hire Mathur as its Chief Information Officer (CIO). The role of CIO is identified as key personnel in the UNOS contract with HRSA. HRSA did not approve this action and instead sent UNOS follow-up questions that have gone unanswered. On April 9, 2024, UNOS then publicly announced Mathur's appointment as Chief Technology Officer, stating on the UNOS website that Mathur's role with UNOS is to provide "enterprise-level leadership and direction for all information technology functions." It is incumbent on UNOS to document for HRSA how the position said to be responsible for all information technology functions of UNOS, which by definition includes the OPTN contract, is distinct from the CIO role. HRSA takes this matter very seriously and will not countenance semantic actions that appear to undermine contract obligations.

Further, UNOS has cited post-employment guidance to Mathur from the Office of Management and Budget as a rationale for its action. HRSA is not a party to that guidance, was not consulted in its development, and that guidance has no bearing on UNOS' contract obligations to HRSA. Further, HRSA notes that Mathur, in his USDS role, represented himself to HRSA as a USDS official who "oversees all of our projects across government," which would be inclusive of the HRSA-USDS MOU.



HRSA fully expects a timely response from UNOS as to how the Chief Technology Officer role materially differs from the CIO role for which UNOS first said it expected to hire Mathur.

**UNOS must provide this information and responses to HRSA's March 5, March 22, April 5, and April 9, 2024, emails within 3 business days from receipt of this letter.**

UNOS must ensure that Mathur does not use or disclose any non-public information that he obtained while working at USDS. Further Mathur is prohibited from performing CIO functions, including but not limited to oversight and management of information technology in any OPTN contract-related matters including:

- (1) engaging in any conversation, planning or strategy related to the OPTN Modernization Initiative, including current and future requests for proposals and related matters, such as plans for the next generation of the OPTN information technology systems and approach;
- (2) strategizing, reviewing, and/or drafting any current or future OPTN-related contract solicitations or related materials; and
- (3) participating in or attending any formal or informal meetings with the government related to OPTN contracts (e.g., Network Operations Oversight Committee or other OPTN Board of Directors or Committee meetings), including communications or preparation and/or drafting of communications with HRSA officials.

We look forward to your prompt response. Please direct your response to Jimmy Hupalar, [JHupalar@hrsa.gov](mailto:JHupalar@hrsa.gov), the Contracting Officer.

Sincerely,

**Suma  
Nair -S**

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Suma Nair -S  
Date: 2024.04.24  
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Suma Nair, PhD, MS, RD  
Associate Administrator  
Health Systems Bureau

**Cynthia R.  
Baugh -S**

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Cynthia R. Baugh -S  
Date: 2024.04.24  
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Cynthia Baugh, MPA, CGFM  
Associate Administrator  
Office of Federal Assistance  
and Acquisition Management

April 29, 2024

Jimmy Hupalar  
Contracting Officer  
Health Resources and Services Administration  
U.S. Department of Health and Human Services  
5600 Fishers Lane  
Rockville, Maryland 20857

Dear Mr. Hupalar:

This responds to your April 24, 2024, letter expressing concerns regarding the hiring by the United Network for Organ Sharing ("UNOS") of Ankit Mathur as Chief Technology Officer ("CTO") on April 9, 2024.

As an initial matter, UNOS respectfully requests the opportunity to discuss this issue with you in person at your earliest possible convenience. We, too, view this matter as of critical importance and, as a responsible contractor, want to ensure that our actions are consistent with our legal obligations and controlling law, as well as an accurate understanding of the facts that are relevant here. In the interest of full disclosure and our continued cooperation with Health Resources and Services Administration ("HRSA"), we wanted to provide our understanding of these facts to help facilitate that discussion.

To that end, Mr. Mathur served as the Chief Delivery Officer at the United States Digital Service ("USDS"), which is part of the Executive Office of the President, under the Office of Management and Budget ("OMB"). We reiterate that Mr. Mathur has received specific guidance from an ethics officer at OMB, dated March 5, 2024, which dictates the precise confines of his post-government service obligations (the "Ethics Opinion"). OMB, as the office overseeing USDS, is uniquely and best positioned to direct Mr. Mathur as to his post-employment restrictions under 18 U.S.C. § 207, given its knowledge of Mr. Mathur's role and responsibilities. To that end, the Ethics Opinion provides that USDS had confirmed Mr. Mathur "neither worked on, nor ha[d] any actual responsibility for" USDS' work with HRSA.

Further, based on our discussions with Mr. Mathur, we understand that his prior role was a Senior Executive Leadership position at USDS, focused on the strategic delivery of USDS projects, in which he reported directly to the Administrator of USDS and worked in parallel with the Deputy Administrator. Mr. Mathur has advised that, as Chief Delivery Officer, he was responsible for administrative supervision of USDS teams detailed to other agencies, including staffing, training, time and vacation time management, and other employment-related management, as well as for providing substantive and technical supervision of USDS team members in connection with certain projects at other agencies. However, we understand that the Deputy Administrator, not Mr. Mathur, served as the Executive Stakeholder for the HRSA project. We understand that Mr. Mathur did not have any direct day-to-day or operational interactions with HRSA staff or any involvement in Organ Procurement and Transplantation Network (OPTN) related activities or deliverables. While staff under Mr. Mathur's organization were assigned to the HRSA project, we understand that those individuals received operational supervision and direction on the project



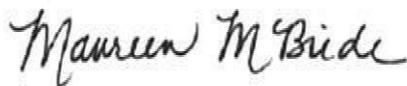
from the Deputy Administrator, not Mr. Mathur. Further, while we understand that Mr. Mathur received broad, quarterly updates about USDS work with HRSA, we understand that he did not (1) provide any strategic direction, advice, or feedback with respect to the HRSA project; (2) personally work on or supervise the HRSA project; (3) receive competitive or other sensitive information about past, current, or future HRSA contracts; or (4) have personal decision-making or substantive supervisory responsibility for the USDS team in connection with their work at HRSA. Instead, we understand that Mr. Mathur's involvement was limited to his presence at certain general project status reports that were provided to senior USDS leadership. These understandings, which are based on our pre-employment discussions with Mr. Mathur, are consistent with the guidance provided to Mr. Mathur in the Ethics Opinion. Again, we welcome HRSA's input to the extent that our understanding of these facts is incomplete, inaccurate, or otherwise inconsistent with your knowledge of the facts.

As your April 24, 2024, letter states, UNOS has hired Mr. Mathur as the UNOS CTO. Consistent with the Ethics Opinion, Mr. Mathur cannot and will not engage directly with HRSA for two years following his separation from USDS. Indeed, to that end, he cannot hold the role of OPTN CIO, given the requirements of that position to engage with HRSA under the OPTN contract. That said, given the facts that we have been provided by both OMB and Mr. Mathur and the restrictions specified in the Ethics Opinion, UNOS is unaware of any legal or contractual restriction that would prevent Mr. Mathur from working at UNOS.

To achieve this separation, UNOS is withdrawing the February 2, 2024, request to appoint Mr. Mathur as the OPTN CIO. As we are withdrawing this request, we do not believe it is necessary to address the additional questions HRSA included in its March 5, 2024, letter regarding Mr. Mathur's technical expertise. Instead, we are submitting a separate letter with our request to appoint Michael Ghaffari as the OPTN CIO.

Please let my team and me know at your earliest possible opportunity when we may be able to discuss the matter pertaining to Mr. Mather, particularly if your understanding is inconsistent with the facts that have been presented to UNOS. Please let me know if you have any questions in the meantime.

Respectfully,



Maureen McBride, Ph.D.  
UNOS CEO

cc: Suma Nair  
Chris McLaughlin  
Aite Aigbe  
Cynthia Baugh

April 29, 2024

Jimmy Hupalar  
Contracting Officer  
Health Resources and Services Administration  
U.S. Department of Health and Human Services  
5600 Fishers Lane  
Rockville, Maryland 20857

RE: Key Personnel Change Request – OPTN CIO

Dear Mr. Hupalar,

Pursuant to section G.4 (Personnel) of the OPTN contract No. 250-2019-00001C, I respectfully request that Michael Ghaffari be listed as the OPTN Chief Information Officer (CIO). UNOS remains committed to working with HRSA to ensure the stability, security, and operational effectiveness of the OPTN Computer System.

As the Senior Director of Technology Development at UNOS, Mr. Ghaffari oversees the operation and maintenance of UNet in accordance with the OPTN contract. Mr. Ghaffari joined UNOS in 2011 as a developer and has worked on key initiatives, including the implementation of the Kidney Allocation System (KAS) and the HOPE Act Pilot. He has served in several management and senior engineering roles, including the position of director of software engineering. Mr. Ghaffari earned a B.S. in computer science from Virginia Commonwealth University.

Mr. Ghaffari is a strategic and operational leader. He most recently led improvements and innovations that introduced DonorNet Mobile and predictive analytics capabilities to users, so they have mobile responsive ways to support their patients whenever and wherever they need. In his role as a senior leader, Mr. Ghaffari facilitates collaboration across teams and departments, including Infrastructure & Operations and Information Security, to ensure technology offerings yield the best results for the donation and transplant community on behalf of their patients and that the OPTN Computer System is available, reliable, and secure. This skillset is supported by a deep technical and customer focused background that can be leveraged to understand different perspectives that are necessary for the success of this contract in partnership with HRSA.

Mr. Ghaffari regularly collaborates with HRSA to help advance its program goals related to the technology used for the OPTN. Mr. Ghaffari actively engages with HRSA to ensure transparency and dialogue regarding how UNOS can lead positive change on behalf of the government. Because of his extensive and diverse experience, Mr. Ghaffari is qualified to be the OPTN CIO.

Mr. Ghaffari's resume is attached. Thank you for your consideration.

Sincerely,

A handwritten signature in black ink that reads "Maureen McBride". The script is fluid and cursive, with the first name and last name clearly distinguishable.

Maureen McBride, Ph.D.  
UNOS CEO

cc: Suma Nair  
Chris McLaughlin  
Aite Aigbe  
Cynthia Baugh

## **Redacted Michael Ghaffari's Resume**



**Via Email**

May 16, 2024

Maureen McBride, Ph.D.  
Executive Director & CEO, UNOS 700 North 4th Street  
Richmond, VA 23219

**Re: Concerns Regarding Key Personnel Requested for OPTN Contract**

Dear Dr. McBride,

Health Resources & System Administration (HRSA) has reviewed and evaluated the key personnel applicant for the Chief information Officer (CIO) requested by UNOS for Contract No. HSH250201900001C, specifically focusing on Mr. Ghaffari's qualifications for managing the Organ Procurement and Transplantation Network (OPTN). HRSA disapproves Mr. Ghaffari to fill the role of CIO to support the OPTN.

Upon review, HRSA has determined that Mr. Ghaffari lacks the essential expertise and experience in infrastructure and operations management necessary to effectively oversee the OPTN. This critical role demands a comprehensive understanding of not only software development but also the intricate infrastructure, operational protocols, and regulatory compliance that govern the OPTN's operations.

HRSA's concerns stem from the following observations:

**Limited Infrastructure Management Experience:** Mr. Ghaffari's background primarily centers on software development, with limited exposure to infrastructure management, including network architecture, system reliability, and scalability considerations that are crucial to the OPTN function.

**Operational Expertise Gap:** The OPTN requires a CIO who can navigate complex operational challenges, such as data security, disaster recovery planning, and continuous system monitoring, areas where Mr. Ghaffari's experience appears to be insufficient.

**Regulatory Compliance Oversight:** Given the stringent regulatory framework governing the OPTN activities, it is imperative to have a leader with a proven track record in ensuring regulatory compliance and implementing best practices in data governance, an aspect that seems to be missing from Mr. Ghaffari's profile.

Considering these concerns, HRSA disapproves Mr. Ghaffari to fill the role of CIO to support the OPTN. HRSA believe that appointing a candidate with a more robust background in infrastructure and operations management, coupled with a deep understanding of regulatory compliance and healthcare data governance, would better align with the OPTN's strategic goals and operational needs. HRSA requests UNOS to provide a suitable key personnel to fill the CIO role by May 24, 2024 to meet the contract obligations.

HRSA appreciate your attention to this matter and are open to further discussions if needed. Thank you for considering our input, and HRSA is looking forward to a resolution that ensures the OPTN's continued success and effectiveness.

Respectfully,

Jimmy K.

Hupalar -S

Jimmy K. Hupalar  
Contracting Officer

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Hupalar -S  
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**From:** [Julie Nolan](#)  
**To:** [Jimmy Hupalar](#)  
**Subject:** Thanks and Resending Meeting Request  
**Date:** Tuesday, May 21, 2024 5:54:00 PM  
**Attachments:** [UNOS Response to HRSA Letter re Mathur 2024.04.29.pdf](#)  
[image001.png](#)  
[image002.png](#)

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Hi Jimmy,

It was nice to see you and the team today at your office. As follow-up to our discussion, I'm sharing the relevant letter that Maureen shared on April 29 requesting a meeting in connection with a conversation that Suma had with Maureen. As Maureen shared in a separate email with you on April 10, we understand HRSA may have information about Ankit Mathur's responsibilities at USDS that is inconsistent with the responsibilities documented in the post-employment guidance. In that email, Maureen noted that UNOS would appreciate an understanding of HRSA's concerns to be able to mitigate them if they are material. She relayed that in the absence of new information, it is our understanding based on OMB counsel's guidance that Mr. Mathur did not work on or supervise USDS's work at HRSA.

We respectfully request to meet at your earliest convenience.

Thank you in advance for your engagement and assistance.

Best,  
Julie

Julie Nolan  
*Chief of Staff*



[julie.nolan@unos.org](mailto:julie.nolan@unos.org)  
mobile: 330-647-7533

700 North 4th Street, Richmond, VA 23219

**From:** [Hupalar, Jimmy \(HRSA\)](#)  
**To:** [Julie Nolan](#)  
**Cc:** [Dillon, Gina \(HRSA\)](#); [Inazawa, Naomi \(HRSA\)](#); [Ji, Jun \(HRSA\)](#)  
**Subject:** [EXTERNAL] RE: Thanks and Resending Meeting Request  
**Date:** Thursday, May 23, 2024 12:42:39 PM  
**Attachments:** [image001.png](#)  
[image002.png](#)

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Hi Julie,

Please allow me to meet with our Team and I will schedule a meeting to discuss UNOS's concern.

Thank you.

Respectfully,

Jimmy K. Hupalar

Division Director / Contracting Officer

Office of Acquisition Management and Policy (OAMP)

Office of Federal Assistance and Acquisition Management (OFAAM)

Health Resources and Services Administration (HRSA)

5600 Fishers Lane,

Rockville, MD 20857

Phone: 301-443-1166

Cell: 240-705-1678

<https://www.hrsa.gov/>



**VIA EMAIL**

May 24, 2024

Jimmy Hupalar  
Contracting Officer  
Health Resources and Services Administration  
U.S. Department of Health and Human Services  
5600 Fishers Lane  
Rockville, Maryland 20857

**RE: Executive Personnel Requests**

Dear Mr. Hupalar,

Thank you for your response letter regarding the OPTN CIO position, dated May 16, 2024. We write to provide an update on our progress regarding certain personnel efforts, as well as to seek some clarifications that will help target and improve these efforts.

***OPTN CIO Recruitment***

We hope HRSA understands that UNOS is exercising best efforts to locate an OPTN CIO candidate who is satisfactory to HRSA. We have made two suggestions to date that were declined. Therefore, in the interest of being thoughtful and cautious in this effort, we do not have a confirmed candidate as of today, May 24 (which is only a week from our receipt of your letter declining the prior candidate). However, we are proceeding as expeditiously as possible, and would like your guidance as follows in order to secure the candidate who will be acceptable to HRSA. As noted in my conversation with Suma Nair, UNOS will not hire a candidate who is not HRSA-approved as OPTN CIO.

Any executive recruitment task is complicated without a job description. To date, based on the HRSA denial letters and screening questions asked regarding previous candidates, we have some clarity on what HRSA does not desire for this position. However, we would prefer to proceed with a list of criteria in order to appropriately screen candidates. The following are the expertise factors UNOS is targeting in its recruitment effort for the permanent OPTN CIO:

- Executive leadership experience over a large-scale IT system, preferably in the health care space.
- Significant experience in IT infrastructure management.

- Ability to navigate complex operational challenges, including challenges involving data security, disaster recovery planning, and continuous system monitoring.
- Experience managing infrastructure outages involving impacting large networks of users.
- Experience evaluating and mitigating security vulnerabilities, including navigating challenges where multiple platforms are involved.
- Significant security incident management.
- Oversight experience in regulatory compliance and implementing best practices in data governance and information privacy.
- Strategic management of API development and adoption.
- Working familiarity with federal procurement and government contracting preferred.
- Breach and incidence response management and reporting.
- Improvement of data privacy and accuracy performance.
- System re-engineering.
- Strong communication skills, and ability to convey complex ideas in a straightforward, professional and collegial manner.

***If HRSA would like to add to or modify this list, please provide us with those revisions as soon as possible.***

***UNOS Chief Technology Office Ankit Mathur***

UNOS has cooperated with the federal government in supporting the post-employment restrictions regarding Ankit Mathur. We are confident that our current compliance protocols regarding Mr. Mathur exceed what is required under the guidelines prepared for him by the U.S. Office of Management and Budget ("OMB"), Executive Office of the President ("EOP"). Mr. Mathur has also remained in contact with the OMB ethics attorney to obtain clarification on the guidelines where necessary. All correspondence we have received from you, as our primary contact, has indicated no disagreement with Mr. Mathur's continuing employment or restricted role.

We remain very concerned, however, about statements made by Suma Nair in a phone call with me on April 10, 2024. Dr. Nair indicated that she had information that conflicted with the EOP's in-depth analysis and conclusion that Mr. Mathur did not possess information about the OPTN procurement process that would constitute a conflict of interest. As we are sure HRSA understands, Dr. Nair's comments were very alarming both to UNOS and to Mr. Mathur. Unfortunately, Dr. Nair declined to elaborate on the meaning of these comments. UNOS made multiple documented follow-up communications with HRSA,



following the April 10 call, to obtain clarification of what Dr. Nair meant, so that we might take any needed action. We received no reply to any of those inquiries until yesterday. Your email to Julie Nolan indicated that HRSA would attempt to coordinate a meeting regarding the information Dr. Nair has referenced. ***UNOS reiterates its request that this meeting occur without delay, and that the organization be offered a fair opportunity to respond and take any needed action.***

We look forward to hearing from you.

Sincerely,

A handwritten signature in black ink that reads "Maureen McBride". The script is fluid and cursive, with the first name and last name clearly distinguishable.

Maureen McBride, PhD  
UNOS CEO

cc: Suma Nair  
Chris McLaughlin  
Aite Aigbe  
Cynthia Baugh

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**From:** Emy Trende  
**Sent:** Monday, June 3, 2024 3:30 PM  
**To:** Hakimian, Rina (HHS/OGC); Mac Gabhann, Lucy (HHS/OGC); Odwazny, Laura (HHS/OGC); Waldron, Pamela (HHS/OGC); Slessarev, Alexandra (HHS/OGC)  
**Subject:** Question regarding CTO

Good afternoon and happy Monday,

Thank you all so much for taking the time to connect last week. I know it was probably time you did not have, and I appreciate the chance to open a line of communication.

I had one question in follow-up. Dr. Nair had previously mentioned some information she had regarding our CTO, Ankit Mathur. Ankit is formerly with USDS, and is subject to PEG restrictions. If HRSA has any information that could impact those restrictions, or our guidelines with Ankit, we want to make sure we receive it and address any concerns.

We understand, from Jimmy Hupalar, that HRSA staff planned to communicate with OGC internally, and then set up a meeting with us. Do you know if that meeting plan is still in the works? We just want to make sure we are addressing all expectations.

Thanks so much,

Emy Trende  
Chief Legal Officer and General Counsel  
United Network for Organ Sharing

---

**From:** Mac Gabhann, Lucy (HHS/OGC) <Lucy.MacGabhann@hhs.gov>  
**Sent:** Monday, June 17, 2024 5:39 PM  
**To:** Emy Trende; Hakimian, Rina (HHS/OGC); Odwazny, Laura (HHS/OGC); Waldron, Pamela (HHS/OGC); Slessarev, Alexandra (HHS/OGC)  
**Subject:** [EXTERNAL] RE: Question regarding CTO

Hello Emy,  
My apologies for the delayed response. At this time I understand HRSA does not have a need to meet regarding Mr. Mathur.  
Thanks,  
Lucy

**Lucy Mac Gabhann**  
Attorney  
Office of the General Counsel, General Law Division  
U.S. Department of Health and Human Services  
7500 Security Blvd. C2-05-23  
Baltimore, MD 21244

202-440-0510 (cell)  
410-786-8857 (office)

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July 1, 2024

Jimmy Hupalar  
Contracting Officer  
Health Resources and Services Administration  
U.S. Department of Health and Human Services  
5600 Fishers Lane  
Rockville, Maryland 20857

RE: OPTN Key Personnel

Dear Mr. Hupalar,

Pursuant to section G.4 (Personnel) of the OPTN contract No. 250-2019-00001C, I am writing to provide updates on OPTN key personnel and request confirmation that HRSA has no information that conflicts with the UNOS Chief Technology Officer's post-employment guidance issued by the Office of Management and Budget (OMB).

Chief Medical Officer

David Klassen, M.D. has retired from UNOS as of June 28, 2024. A nationwide search for a new Chief Medical Officer (CMO) is underway. To avoid hiring a CMO that is not approved by HRSA, UNOS will notify you when we identify a candidate to whom we intend to extend an offer. We respectfully request that HRSA approve or deny the individual as OPTN CMO within five business days of UNOS providing notification of the finalist.

Director of Communications

On January 25, 2024, UNOS submitted a request for a change in Director of Communications to Paige Mudd. Laura Petrosky is the Communications Director named in the contract; however, as of June 28, 2024, she is no longer employed by UNOS. We respectfully reiterate the request to change the Director of Communications to Paige Mudd.

Chief Information Officer

As described in our May 24, 2024, letter, UNOS is exercising its best efforts to identify an OPTN CIO candidate who is satisfactory to HRSA. UNOS outlined its understanding of the requirements and experience that a candidate must demonstrate in order to obtain approval from HRSA. UNOS requested that HRSA provide any additional requirements or refine the criteria that we outlined. UNOS has not received any additional feedback from HRSA, so we are proceeding to recruit candidates who have the experience and expertise outlined in the letter. As I communicated to Dr. Nair and reiterated in my May 24, 2024, letter to you, UNOS will not hire a candidate who is not HRSA-approved as OPTN CIO.

Executive Director

HRSA has prevented me from fulfilling my duties as OPTN Executive Director by excluding me, in full or in part, from OPTN Board meetings, including on June 17, 2024, March 18, 2024, and December 4, 2023.

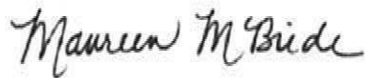
As you know, the new OPTN Code of Conduct requires OPTN Board volunteers, including the Executive Director, to participate in 80 percent of meetings. If HRSA forces my non-compliance with the Code of Conduct, I will need to resign. I urge HRSA to work with the OPTN Board to finalize the job description so that UNOS can support a full-time interim OPTN Executive Director as required by Task 3.2.3 of UNOS' contract.

UNOS Chief Technology Officer

UNOS has continued to follow up with your office as well as with the Department of Health and Human Services' (HHS) Office of the General Counsel (OGC) to seek clarity regarding statements Dr. Nair made to me on April 10, 2024, that she had information that conflicted with the OMB's in-depth analysis and conclusion that Mr. Mathur did not possess information about the OPTN procurement process that would constitute a conflict of interest. On June 17, 2024, HHS OGC communicated that a meeting with UNOS was not necessary on this matter. UNOS understands this to mean that HRSA is not in possession of information that conflicts with Mr. Mathur's post-employment guidance.

I appreciate your attention to these matters.

Sincerely,

A handwritten signature in black ink that reads "Maureen McBride". The script is cursive and fluid, with the first name and last name clearly distinguishable.

Maureen McBride, PhD  
UNOS CEO

CC: Suma Nair  
Chris McLaughlin  
Aite Aigbe





Health Resources & Services Administration

The Office of Federal Assistance & Acquisition Management

5600 Fishers Lane

Rockville, MD 20857



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## VIA EMAIL

July 22, 2024

Maureen McBride  
Executive Director  
UNOS, 700 North 4<sup>th</sup> Street  
Richmond, VA 23219

Re: Executive Personnel Requests

Dear Dr. Maureen McBride,

This letter provides UNOS with the Health Resource and Service Administration's (HRSA) response to UNOS' May 24 and July 1, 2024, letters.

1. In response to UNOS' May 24, 2024, Executive Personnel Requests letter:

### Chief Information Officer

HRSA has reviewed the list of criteria UNOS developed for the Chief Information Officer (CIO) position. The following modified criteria is required in UNOS' recruitment efforts:

- 10 years of executive leadership experience deploying and managing large-scale Information Technology (IT) application systems, preferably in the health care space.
- Significant experience in IT infrastructure management including network, servers, storage, and cloud.
- Ability to navigate complex operational challenges, including challenges involving data security, business continuity, disaster recovery planning, and continuous system monitoring.
- Experience managing infrastructure outages involving impacting large networks of users.
- Experience evaluating and mitigating security vulnerabilities, including navigating challenges where multiple platforms are involved.
- Significant cyber security and privacy incident management.
- Oversight experience in regulatory compliance and implementing best practices in data governance and information privacy.
- Strategic management of Application Programming Interface (API) development and adoption.
- Working familiarity with federal procurement and government contracting preferred.
- Familiarity with implementing and supporting NIST-800-53 security controls.
- Cyber security breach and incident response management and reporting.
- Improvement of data privacy and data management.
- Software System architecting and re-engineering.
- Strong communication skills, and ability to convey complex ideas in a straightforward, professional, and collegial manner.



- 
2. In regard to UNOS' July 1, 2024, OPTN Key Personnel letter, please find our responses to each OPTN key personnel:

Chief Medical Officer

HRSA will review proposed candidates and respond in a timely fashion.

Director of Communications

HRSA agrees with the selected candidate, Paige Mudd, to be the Director of Communications and will proceed with approval of the change request.

Executive Director

HRSA will be working with the OPTN Board and supporting the recruitment of an interim Executive Director (ED) through our contract with Summome. UNOS will not be expected to support the recruitment and identification of a proposed candidate. Once the Board approves a potential interim ED, UNOS will be informed of the candidate and UNOS will need to onboard the individual and support the individual as specified in the contract. If the individual chosen does not meet UNOS employment criteria, UNOS will inform HRSA, and we will work with the Board and Summome to identify another candidate.

UNOS Chief Technology Officer

HRSA appreciates UNOS' due diligence in following up regarding a potential conflict of interest concerning Mr. Mathur. Note that the Chief Technology Officer is not considered key personnel under the current contract.

As Mr. Mathur is no longer a candidate for the CIO position, HRSA does not have remaining contract administration questions relating to Mr. Mathur.

As always, thank you for your ongoing efforts to address this critical need.

Sincerely,

Jimmy K. Hupalar -S

Digitally signed by Jimmy K.  
Hupalar -S  
Date: 2024.07.22 17:28:58 -04'00'

Jimmy Hupalar  
Contracting Officer

August 5, 2024

Maureen McBride, Ph.D.  
Executive Director and CEO  
United Network for Organ Sharing  
700 North 4th Street  
Richmond, VA 23219  
[Maureen.McBride@unos.org](mailto:Maureen.McBride@unos.org)

Dear Dr. McBride:

The Health Resources and Services Administration (HRSA) is writing in follow-up to HRSA's contracting letter dated July 22, 2024, as well as our previous letter sent on April 24, 2024, related to UNOS' hiring of Mr. Ankit Mathur.

HRSA continues to have substantial concerns about Mr. Mathur's involvement in technology strategy for UNOS in UNOS's role as the current OPTN contractor. Mr. Mathur's employment history continues to raise questions about potential conflicts of interest, specifically as it relates to current and future OPTN information technology and potential knowledge of non-public information.

As stated in our April 24, 2024, letter, it is incumbent on UNOS to ensure that Mr. Mathur does not use or disclose any non-public information that he obtained while working at USDS. Further Mr. Mathur is prohibited from performing CIO functions, including but not limited to oversight and management of information technology in any OPTN contract-related matters including: (1) engaging in any conversation, planning or strategy related to the OPTN Modernization Initiative, including current and future requests for proposals and related matters, such as plans for the next generation of the OPTN information technology systems and approach; (2) strategizing, reviewing, and/or drafting any current or future OPTN-related contract solicitations or related materials; and (3) participating in or attending any formal or informal meetings with the government related to OPTN contracts (e.g., Network Operations Oversight Committee or other OPTN Board of Directors or Committee meetings), including communications or preparation and/or drafting of communications with HRSA officials.

HRSA has not received these assurances. This is of particular concern because it appears Mr. Mathur's role as CTO only differs from the role of CIO by title. UNOS' decision to change Mr. Mathur's title from CIO to CTO, while not appearing to change the associated responsibilities or duties between those two titles needs to be explained. As stated in our April 24, 2024, letter, it is incumbent on UNOS to document for HRSA how the position said to be responsible for all information technology functions of UNOS, which by definition includes the OPTN contract, is distinct from the CIO role. HRSA takes this matter very seriously and will not countenance semantic actions that appear to undermine contract obligations.



UNOS also has failed to provide a viable, qualified candidate to fill the CIO position for months, suggesting that the CTO may be serving as the de facto CIO, despite HRSA's clearly stated concerns and objections.

Please respond by August 9<sup>th</sup> with a detailed document delineating the role of CIO from the role of CTO and by August 19<sup>th</sup> with an attestation from you and one from Mr. Mathur attesting to the terms outlined about from our April letter defining the limitation of his scope of work, including a copy of Mr. Mathur's final signed OMB Post-Employment Guidance.

Sincerely,

Suma Nair -S  
Digitally signed by Suma Nair -S  
Date: 2024.08.05 17:32:25  
-04'00'  
Suma Nair, PhD, MS, RD  
Associate Administrator  
Health Systems Bureau

CYNTHIA R.  
BAUGH -S  
Digitally signed by CYNTHIA R.  
BAUGH -S  
Date: 2024.08.05 17:38:43  
-04'00'  
Cynthia Baugh, MPA, CGFM  
Associate Administrator  
Office of Federal Assistance  
and Acquisition Management