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United States Senate

COMMITTEE ON FINANCE

WASHINGTON, DC 20510-6200

August 5, 2024

VIA ELECTRONIC TRANSMISSION

The Honorable Carole Johnson
Administrator
Health Resources and Services Administration
U.S. Department of Health & Human Services
200 Independence Ave, S.W.
Washington, D.C. 20201

Dear Administrator Johnson:

We write today to raise concerns regarding the risk of conflicts of interest with the hiring of Ankit Mathur as the United Network for Organ Sharing's (UNOS) new Chief Technology Officer (CTO) and potential undue influence in the implementation of the Securing the U.S. Organ Procurement and Transplantation Network Act.¹ On April 9, 2024, UNOS announced it had hired Ankit Mathur as its new CTO—a role he started on March 25, 2024.² Prior to working at UNOS, Mathur served as the Chief Delivery Officer for the U.S. Digital Service.³ In this role, according to UNOS, Mathur “developed digital strategy for the White House and federal government. He oversaw more than 200 technologists who were responsible for projects across more than 30 government agencies.”⁴ Further, UNOS noted that in Mathur’s new role as CTO, he “interacts frequently with the board of directors and government contract officers, as well as national and international scientific, medical and business communities supporting the company’s work to strengthen the organ donation and transplant system.”⁵

¹ System for Award Management, HRSA, OPTN Operation Transition IDIQ (May 16, 2024), <https://sam.gov/opp/f9d63be1b9c64d7d9ed3f00c6b5b1ef0/view>; see also System for Award Management, HRSA, Request for Information on Potential Solutions for Organ Transplantation Matching (OPTN NextGen) (Mar. 18, 2024), <https://sam.gov/opp/e622eee4b08045969abae24de6df73c3/view>.

² UNOS, *UNOS adds leading U.S. technology expert to executive leadership team*, (Apr. 9, 2024) <https://unos.org/media-resources/releases/unos-adds-leading-u-s-technology-expert-to-executive-leadership-team/>.

³ *Id.*

⁴ *Id.*

⁵ *Id.*

UNOS is responsible for overseeing and operating the OPTN Information Technology (IT) System, which maintains the waitlist for all organ transplant candidates in the United States.⁶ We have raised concerns regarding UNOS's inability to adequately operate the critical technology supporting the OPTN.⁷ Furthermore, considering the Senate Finance Committee's ongoing investigation of potential self-dealing and conflicts of interest within the organ procurement industry, it is imperative that UNOS take the appropriate steps to ensure there are no conflicts of interest or undue influence related to any contract extension as the OPTN sole contractor, as well as the Transition and NextGen Contracts.⁸

We are concerned that UNOS has not taken this matter as seriously as it should. On April 24, 2024, the Health Resources & Services Administration (HRSA) sent a letter to UNOS outlining the post-employment restrictions for Mathur. The letter substantiates our concerns.⁹ Specifically, the letter states that:

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

⁶ UNOS, *Technology for transplants*, <https://unos.org/technology/technology-for-transplantation/#%3A~%3Atext%3DUsing%20DonorNet%2C%20an%20organ%20procurement%20organization%20%28OPO%29%20adds%2Ccoordinators%20whose%20casework%20requires%20traveling%20to%20different%20hospitals>

⁷ Letter from Senators Wyden and Grassley to UNOS (Jan. 31, 2022), https://www.grassley.senate.gov/imo/media/doc/wyden_and_grassley_to_unos_-_it_security_systems.pdf; see also Joseph Menn and Lenny Bernstein, The Washington Post, *Thousands of lives depend on a transplant network in need of 'vast restructuring'* (Aug. 3, 2022), <https://www.washingtonpost.com/health/2022/07/31/unos-transplants-kindeys-hearts-technology/>; see also Letter from Senators Wyden and Grassley to Clare Martorana, Chief Information Officer, Office of Management and Budget (Feb. 11 2022), https://www.grassley.senate.gov/imo/media/doc/wyden_and_grassley_to_omb_-_optn_tech.pdf (We request you take immediate steps to secure the national Organ Procurement and Transplantation Network system from cyber-attacks.); see also Letter from Senators Wyden and Grassley to UNOS (Mar. 20, 2023), https://www.grassley.senate.gov/imo/media/doc/wyden_grassley_to_united_network_for_organ_sharing_-_donor_net_outage.pdf; see also Letter from Senators Wyden and Grassley to UNOS (Mar. 27, 2024), https://www.grassley.senate.gov/imo/media/doc/grassley_wyden_to_unos_-_data_breach.pdf.

⁸ Letters from Senators Wyden, Grassley, Young, and Cardin, to Letter to Barry Massa, LifeCenter Organ Donor Network, Jan Finn, Midwest Transplant Network, Colleen McCarthy, Versiti Wisconsin, Jennifer Prinz, Donor Alliance, Jeffrey Orlowski, LifeShare Network, Rick Hasz, Gift of Life Donor Program, Marty Sellers, Tennessee Donor Services, and Wayne Dunlap, New Mexico Donor Services (Sep. 5, 2023), <https://www.grassley.senate.gov/news/news-releases/grassley-and-fellow-finance-committee-colleagues-investigate-organ-donation-system-for-potential-self-dealing-and-financial-conflicts-of-interest>; see also Letter from Senators Wyden, Grassley, Young, and Cardin, to Chiquita Brooks-LaSure, Administrator, Centers for Medicare & Medicaid Services (Sep. 5, 2023), https://www.grassley.senate.gov/imo/media/doc/wyden_grassley_cardin_young_to_cms_-_hhs_oig_opo_audit_report.pdf; see also Letter from Senators Grassley, Wyden, Carding, and Young, to Dr. Victor Dzau, President, the National Academies of Sciences, Engineering and Medicine (Nov. 18, 2022), <https://www.grassley.senate.gov/news/news-releases/grassley-wyden-cardin-young-raise-conflict-of-interest-concerns-related-to-national-academies-report-on-organ-donation-system>; see also Todd Park, Bryan Sivak, Susannah Fox, Bruce Greenstein, and Ed Simcox, Organ Donation Reform, *The Costly Effects of an Outdated Organ Donation System*, at 7 (Oversight and Gaps) (Aug. 2023), <https://costlyeffects.organdonationreform.org/Introduction/#:~:text=If%20the%20U.S.%20fixed%20its%20broken%20organ%20donation,is%20held%20back%20by%20poor%20management%20and%20performance>.

⁹ Exhibit 1.

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.¹⁰

The letter also outlines UNOS's failure to substantively answer four separate emails HRSA sent the organization raising concerns about Mathur's hire.¹¹ According to HRSA, the role of CIO is "identified as a key personnel in the UNOS contract with HRSA" and "HRSA did not approve this action."¹² In a response to HRSA, UNOS cited post-employment guidance to Mathur from the Office of Management and Budget (OMB) as the basis for its questionable actions.¹³ However, HRSA apparently remained unsatisfied and noted in its follow-up letter that it is "not a party to that guidance" and "that guidance has no bearing on UNOS' contract obligations to HRSA."¹⁴ HRSA has also noted that UNOS failed to fully answer all of their questions on this matter.¹⁵

In light of Mathur's potential and actual conflicts of interest in his current position, please answer the following questions no later than August 19, 2024:

1. Please describe Mathur's role at USDS, including any knowledge of, or involvement with, contracts related to the OPTN.
 - a. Provide all emails sent or received by Mathur regarding organ procurement and transplantation, HRSA, OPTN, UNOS, CMS, and OPOs.

¹⁰ *Id.*

¹¹ *Id.*

¹² *Id.*

¹³ *Id.*

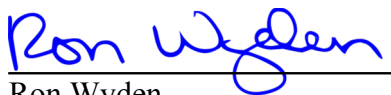
¹⁴ *Id.*

¹⁵ *Id.*

- b. Provide a copy of Mathur's calendar for his last [12] months of employment
2. Did Mathur have any post-employment ethics restrictions following his departure from USDS as the CDO? If so, what are the applicable periods of time and what are those restrictions? Please provide all supporting documentation, to include advisory memoranda and communications, advising him and UNOS of his ethical obligations.
 3. Describe the steps HHS/HRSA took to respond to the hiring of Mathur as UNOS CTO, given the clear ethics concerns raised by his hire.
 4. Confirm whether HHS/HRSA has notified the Office of Government Ethics, the HHS OIG, the Department of Justice, the OMB Office of General Counsel, or White House Counsel of possible ethics violations by Mathur or violations of procurement integrity¹⁶ by OPTN.
 5. Did UNOS respond to HRSA's April 14, 2024, letter? If so, provide the full response.

Thank you for your prompt review and responses. If you have any questions, please contact Tucker Akin of Senator Grassley's staff at (202) 224-0642 and Melissa Dickerson of Senator Wyden's staff at (202) 224-4515.

Sincerely,



Ron Wyden
United States Senator
Chairman, Committee on
Finance



Charles E. Grassley
Member
Committee on Finance

¹⁶ The Procurement Integrity Act, 41 USC 2101 *et seq.* (2009).