

EXHIBIT 24



DEPARTMENT OF HEALTH & HUMAN SERVICES

Office of the Secretary

Assistant Secretary for Public Affairs
Washington, D.C. 20201

Case No. 2023-00555-FOIA-OS

March 14, 2023

Sent via email:

Phanesh Koneru
Exela Pharma Sciences, LLC
jtorchinsky@holtzmanvogel.com

Dear Phanesh Koneru:

This clarification letter is in response to your March 13, 2023, Freedom of Information Act (FOIA) request. Specifically, you requested the following:

- “1. Congressional communications regarding aluminum content in cysteine drug products ...***
- 2. Other external communications regarding aluminum content in cysteine drug products... (Date Range for Record Search: From 1/21/2021 To 3/13/2023).”***

The FOIA allows the public to request access to "reasonably described" existing agency records (subject to any applicable FOIA exemptions to disclosure). This means you must describe the category of records you are seeking or the actual document(s), and provide sufficient details to permit a search with reasonable effort, utilizing existing indices and search tools.

In accordance with [Title 45 Code of Federal Regulations Subtitle A, Subpart B – How to Request Records under FOIA](#), HHS outlined what must be contained in FOIA requests to allow staff to locate requested records with a reasonable amount of effort. As set out in [HHS FOIA Regulations](#),

“..... a written description of the records you seek in sufficient detail to enable our staff to locate them with a reasonable amount of effort. The more information you provide, the better possibility we have of finding the records you are seeking. Information that will help us find the records would include:

- (1) The agencies, offices, or individuals involved;
- (2) The approximate date(s) when the records were created;
- (3) The subject, title, or description of the records sought; and
- (4) Author, recipient, case number, file designation, or other reference number, if available.”

This letter is to obtain clarification regarding your FOIA request. Unfortunately, you have not described the records with enough specificity to allow us to continue with the processing of your request. As stated in line one (1) name of all HHS

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employees involved and any other individuals (external to HHS if any) involved name and email domain names are required.

In other words, **name of HHS employees and name and email domain names of all external individuals** who communicate "regarding aluminum content in cysteine drug products" are needed to conduct an electronic search for records.

Additionally, provide search key "terms" or "words" to use for an effective and efficient search.

The Office of the Chief Information Officer reports due to technology constraints, HHS cannot run a blind search against all users in HHS or an operating/staff division. Electronic searches run against our live email system and a search against all HHS employees would crash our system.

Regarding the search terms, we would need the domain names for each entity in the list so that we could identify emails to or from a custodian to those entities. For example, "emails to or from Jane Doe (Jane.Doe@hhs.gov) and @organization.org or @commercial_entity.com" with specific key words and date ranges.

Once you provide the above information/details clarifying you request, we can conduct a search.

At this time, we have placed your request in "tolled" status. Therefore, please clarify and describe the records you are seeking, by sending an email to Ray Noussoukpoé, of my staff, at FOIARequest@hhs.gov.

After you further advise us what records you are seeking, we can begin to process your FOIA request.

HHS "may deny your request for other reasons, including that a request does not reasonably describe the records sought" in accordance with the HHS FOIA [Regulations](#) cited in paragraph three. If you have not contacted our office within 30 business days from the date of this letter, your request will be administratively closed. Therefore, no action on your part is needed, if you no longer have a need for the records.

Sincerely yours,



Arianne Perkins
Director
FOI/Privacy Acts Division