

ONE HUNDRED SEVENTEENTH CONGRESS  
**Congress of the United States**  
**House of Representatives**  
COMMITTEE ON ENERGY AND COMMERCE  
2125 RAYBURN HOUSE OFFICE BUILDING  
WASHINGTON, DC 20515-6115

Majority (202) 225-2927  
Minority (202) 225-3641

March 22, 2022

Mr. Patrick Beltran  
Co-Chief Executive Officer and Co-Founder  
Puff Bar  
101 North Verdugo Road #11001  
Glendale, CA 91226

Mr. Nick Minas  
Co-Chief Executive Officer and Co-Founder  
Puff Bar  
101 North Verdugo Road #11001  
Glendale, CA 91226

Dear Mr. Beltran and Mr. Minas:

Pursuant to Rules X and XI of the House of Representatives, the Committee is examining the public health implications of electronic nicotine delivery systems (ENDS), including ENDS using synthetic nicotine. It is deeply concerning to witness the rise of flavored, synthetic nicotine vaping products, which threatens to undermine the work by public health experts, advocates, and Congress to end the youth vaping epidemic. In furtherance of this goal, I write to request information regarding Puff Bar's research pertaining to the safety and public health impact of its products, the company's marketing practices, and its growing role in the promotion of vaping use by adolescents under the age of 21.

On May 10, 2016, the Food and Drug Administration (FDA) published a final deeming rule to regulate all tobacco products, including ENDS such as e-cigarettes.<sup>1</sup> The final rule requires any new tobacco product to submit a premarket tobacco application (PMTA) and undergo FDA premarket review. In the years following the publication of the final deeming rule, the submission deadline to file PMTAs changed several times due to extensive legal action and other delays. However, ultimately, a federal court set September 9, 2020, as the PMTA deadline for new tobacco products on the market as of August 8, 2016. Any new tobacco product that was not on the market as of August 8, 2016, was required to submit a PMTA and receive a marketing authorization from FDA prior to marketing the product.<sup>2</sup>

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<sup>1</sup> Food and Drug Administration, *Deeming Tobacco Products to be Subject to the Federal Food, Drug, and Cosmetic Act, as Amended by the Family Smoking Prevention and Tobacco Control Act; Restrictions on the Sale and Distribution of Tobacco Products and Required Warning Statements for Tobacco Products*, 81 Fed. Reg. 28973 (Aug. 8, 2016) (final rule).

<sup>2</sup> Food and Drug Administration, *Extension of Certain Tobacco Product Compliance Deadlines Related to the Final Deeming Rule; Guidance for Industry; Availability*; 82 Fed. Reg. 37459 (Aug. 10, 2017) (notice of availability).

Puff Bar began marketing its e-cigarettes in 2019, years after the August 8, 2016, deadline, without obtaining marketing authorization from FDA, violating FDA's 2016 final deeming rule.<sup>3</sup> On July 20, 2020, FDA issued a warning letter to Cool Clouds Distribution, Inc., then Puff Bar's parent company, ordering them to cease sales for not obtaining a marketing order.<sup>4</sup> Reportedly, Puff Bar voluntarily ceased online sales a week before receiving the warning letter from FDA.<sup>5</sup> However, Puff Bar products continued to appear in brick and mortar retailers.<sup>6</sup> Following a change in ownership and product changes, Puff Bar relaunched its disposable, flavored e-cigarettes products in February 2021.<sup>7</sup> In an email sent on February 19, 2021, Puff Bar told its customers "we're back," announcing that the relaunched ENDS products contained "tobacco-free nicotine."<sup>8</sup> Puff Bar has stated that switching to synthetic nicotine shields its products from regulation by FDA, with co-CEO Patrick Beltran noting "it's well known that this product [synthetic nicotine] is not under the FDA jurisdiction."<sup>9</sup>

There has been an alarming rise in the rate of youth using disposable e-cigarette products since the beginning of the pandemic. According to the Centers for Disease Control and Prevention's (CDC) 2021 National Youth Tobacco Survey (NYTS), more than two million high school and middle school students reported using e-cigarettes in the last 30 days, with more than half using disposable devices.<sup>10</sup> In previous years, NYTS have shown that prefilled, pod-based e-cigarettes were most popular among teens—with Juul being most popular—but that trend began shifting in 2020 and dramatically reversed in 2021.<sup>11</sup> Moreover, the exponential growth in

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<sup>3</sup> Letter from Ann Simoneau, J.D., Director, Office of Compliance and Enforcement, Center for Tobacco Products, Food and Drug Administration, to Umair Abubaker, Chief Executive Officer, Cool Clouds Distribution, Inc. d/b/a Puff Bar (Jul. 20, 2020); *See* note 1.

<sup>4</sup> *Id.*

<sup>5</sup> *The 27-Year-Old Friends Behind Puff Bar- Teens' Favorite E-Cigarette*, Wall Street Journal (Oct. 11, 2021).

<sup>6</sup> *Puff Bar Defies FDA Crackdown on Fruity E-Cigarettes by Ditching the Tobacco*, Wall Street Journal (Mar. 2, 2021).

<sup>7</sup> *See* note 5.

<sup>8</sup> Truth in Advertising, *Puff Bar Return Email Redacted* (Feb. 26, 2021) ([www.truthinadvertising.org/wp-content/uploads/2021/03/Puff-Bar-return-email\\_Redacted.pdf](http://www.truthinadvertising.org/wp-content/uploads/2021/03/Puff-Bar-return-email_Redacted.pdf))

<sup>9</sup> Kate Linebaugh & Ryan Knutson (Hosts), *How Puff Bar Became the Most Popular Vape for Kids*, Wall Street Journal Podcasts (Nov. 18, 2021) ([www.wsj.com/podcasts/the-journal/how-puff-bar-became-the-most-popular-vape-for-kids/bb6d71d1-3837-4104-82b0-2fb5da30c353](http://www.wsj.com/podcasts/the-journal/how-puff-bar-became-the-most-popular-vape-for-kids/bb6d71d1-3837-4104-82b0-2fb5da30c353)).

<sup>10</sup> Centers for Disease Control and Prevention, *Morbidity and Mortality Weekly Report, E-Cigarette Use Among Middle and High School Students- National Youth Tobacco Survey, United States, 2021* (Oct. 1, 2021).

<sup>11</sup> Teresa Wang et. al., *Characteristics of e-Cigarette Use Behaviors Among US Youth, 2020*, JAMA (June 7, 2021); Food and Drug Administration, *FDA finalizes enforcement policy*

popularity of disposable e-cigarettes among youth has occurred during the height of distance learning, even as NYTS responses indicate a decline in adolescent e-cigarette use. CDC cautions, however, that future rates could return to pre-pandemic levels as adolescents return to classrooms and have access to their most common pathway to access e-cigarettes: their friends.<sup>12</sup>

Flavored e-cigarettes are the primary driver of the shift to disposable vaping products among adolescents. Year after year, NYTS responses have shown that fruity flavors are the most appealing to adolescents.<sup>13</sup> In 2020, approximately 85 percent of adolescents currently using e-cigarettes exclusively used flavored products; in 2021, that figure remained virtually unchanged.<sup>14</sup> In both 2020 and 2021, fruit flavors were by far the most popular for adolescent e-cigarette users, who apparently shifted to using flavored disposable products as previously dominant e-cigarette brands discontinued their flavored products following FDA's January 2020 final enforcement policy. This policy prohibited the manufacturing, distribution, and sale of non-tobacco or mint-flavored cartridge-based e-cigarettes.<sup>15</sup> Numerous studies have also confirmed that flavored nicotine products appeal to adolescents and increase youth initiation of nicotine use.<sup>16</sup> One study, for instance, found that 98 percent of Texas school-going youth first used e-cigarettes flavored to taste different than combustible cigarettes.<sup>17</sup> Another study found that 81.5 percent of those ages 12–17 who used e-cigarettes did so because they came in flavors they liked.<sup>18</sup>

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*on unauthorized flavored cartridge-based e-cigarettes that appeal to children, including fruit and mint* (Jan. 2, 2020) (press release).

<sup>12</sup> See note 10; Teresa Wang et al., *Characteristics of e-Cigarette Use Behaviors Among US Youth, 2020*, JAMA (June 7, 2021).

<sup>13</sup> Centers for Disease Control and Prevention, *Morbidity, and Mortality Weekly Report, Use of Electronic Cigarettes and Any Tobacco Product Among Middle and High School Students—United States, 2011-2018* (Nov. 16, 2018); Karen Cullen et al., *e-Cigarette Use Among Youth in the United States, 2019*, JAMA (Nov. 5, 2019); Teresa Wang et. al., *Characteristics of e-Cigarette Use Behaviors Among US Youth, 2020*, JAMA (June 7, 2021); See note 10.

<sup>14</sup> See note 12.

<sup>15</sup> *Id.*; See note 10; Food and Drug Administration, *FDA finalizes enforcement policy on unauthorized flavored cartridge-based e-cigarettes that appeal to children, including fruit and mint* (Jan. 2, 2020) (press release).

<sup>16</sup> Nicholas Goldenson et al., *A Review of the Use and Appeal of Flavored Electronic Cigarettes*, National Center for Biotechnology Information (May 17, 2019).

<sup>17</sup> M.B. Harrell et al., *Flavored e-Cigarette Use: Characterizing Youth, Young Adult, and Adult Users*, National Center for Biotechnology Information (Nov. 11, 2016).

<sup>18</sup> Food and Drug Administration, *PATH Study Findings Give Insight into Flavored Tobacco, Health Effects of E-Cigarettes, and Adult Use of Cigars and Hookah* (May 1, 2020) ([www.fda.gov/tobacco-products/research/path-study-findings-give-insight-flavored-tobacco-health-effects-e-cigarettes-and-adult-use-cigars](http://www.fda.gov/tobacco-products/research/path-study-findings-give-insight-flavored-tobacco-health-effects-e-cigarettes-and-adult-use-cigars)).

Before relaunching its products in 2021, Puff Bar’s advertisements for flavored products appeared to target adolescents. For example, in April 2020, Puff Bar ran an ad encouraging people to “stay sane,” stating that Puff Bar is the “perfect escape from the...parental texts.”<sup>19</sup> Since relaunching its products, Puff Bar continues to promote its products across social media platforms. On TikTok alone—of which nearly a third of daily users are teenagers—three hashtags mentioning Puff Bar have garnered more than a half billion views.<sup>20</sup> Although some posts using these hashtags are unrelated, it seems there is a deliberate effort to market Puff Bar products to the platform users. The TikTok hashtag “#puffbardealer” has more than 8.9 million views, with numerous posts appearing to show authentic Puff Bar products.<sup>21</sup> Similar content is present across other social media platforms, including Instagram and Twitter.<sup>22</sup>

Between September 2020 and September 2021, Puff Bar had more than \$155 million in retail sales, increasing average weekly sales from \$14,000 to \$3 million.<sup>23</sup> In interviews with *The Wall Street Journal* and *CBS Mornings* in November 2021, however, Puff Bar co-CEOs, Nick Minas and Patrick Beltran, assert that virtually all of these sales were of counterfeit products.<sup>24</sup> Mr. Beltran also pushed back on the 2021 NYTS data that found the substantial increase in the use of Puff Bar products, saying, “I think Puff Bar had become [*sic*] this term that was used to describe a lot of the disposable products [*sic*]...[people] could be using some other brand, but they still call it a Puff Bar.”<sup>25</sup> Neither Mr. Minas nor Mr. Beltran presented evidence

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<sup>19</sup> University of California San Francisco, Center for Tobacco Control Research and Education, *Puff Bar Continues to Thumb its Nose at FDA* (May 5, 2020) ([www.tobacco.ucsf.edu/puff-bar-continues-thumb-its-nose-fda](http://www.tobacco.ucsf.edu/puff-bar-continues-thumb-its-nose-fda)).

<sup>20</sup> *TikTok is being used by vape sellers marketing to teens*, TechCrunch (Jan. 26, 2021) ([www.techcrunch.com/2021/01/26/tiktok-is-being-used-by-vape-sellers-marketing-to-teens/](http://www.techcrunch.com/2021/01/26/tiktok-is-being-used-by-vape-sellers-marketing-to-teens/)); Andy S. L. Tan and Erica Weinreich, *#PuffBar: How Do Top Videos on TikTok Portray Puff Bars?*, *BMJ Journals* (Oct. 21, 2021); *A Third of TikTok's U.S. Users May Be 14 or Under, Raising Safety Questions*, *The New York Times* (Aug. 14, 2020) (the three hashtags are: #puffbar, #puffbars, and #puffbarplus).

<sup>21</sup> *TikTok is being used by vape sellers marketing to teens*, TechCrunch (Jan. 26, 2021) ([www.techcrunch.com/2021/01/26/tiktok-is-being-used-by-vape-sellers-marketing-to-teens/](http://www.techcrunch.com/2021/01/26/tiktok-is-being-used-by-vape-sellers-marketing-to-teens/)).

<sup>22</sup> Puff Bar Sale (@puffbars4sale2021), Instagram ([www.instagram.com/puffbars4sale2021/](http://www.instagram.com/puffbars4sale2021/)) (accessed Dec. 12, 2021); Puff Bar Dealer (@puffbardealer) (Aug. 23, 2020, 7:16 p.m.) ([twitter.com/PuffbarDealer/status/1297674170751492096](https://twitter.com/PuffbarDealer/status/1297674170751492096)); Puff Bar (@puff\_bar\_dealer), Instagram ([www.instagram.com/puff\\_bar\\_dealer/](http://www.instagram.com/puff_bar_dealer/)) (accessed Dec. 16, 2021).

<sup>23</sup> *Puff Bar CEOs on the company behind the popular e-cigarette brand: “There was a lot of shadowiness before,”* CBS News (Nov. 19, 2021) ([www.cbsnews.com/news/puff-bar-e-cigarette-ceos-fda/](http://www.cbsnews.com/news/puff-bar-e-cigarette-ceos-fda/)).

<sup>24</sup> *Id.*

<sup>25</sup> *See* note 9.

to support their claims or refute the survey’s finding that youth ranked Puff Bar products as their most used e-cigarette.<sup>26</sup>

The dramatic increase in the use of disposable products, and particularly the number of companies using or planning to use synthetic nicotine, is alarming given that the substance has not been rigorously researched for safety or its public health impacts.<sup>27</sup> Currently, there is limited available research on the short- and long-term health effects of synthetic nicotine and how it might affect use behaviors. However, early research regarding synthetic nicotine suggests that adolescents and young adults who do not use any nicotine products view statements such as “tobacco-free nicotine” as safer relative to “nicotine.”<sup>28</sup> For example, according to an October 2021 study, non-tobacco-using young adults reported higher intentions of using “tobacco-free nicotine” Puff Bar products and being less likely to perceive the products as “extremely or very harmful.”<sup>29</sup> Regardless of its origin, decades of research confirms that nicotine is an addictive substance and more recent research indicates that e-cigarettes using the same concentrations of nicotine salts as synthetic nicotine products, such as Puff Bar’s, deliver “substantially more nicotine to the blood per puff than cigarettes or previous-generation e-cigarettes.”<sup>30</sup>

Given the well-established health consequences of nicotine addiction, I am concerned by the proliferation of synthetic nicotine products like yours when so little is known about the specific consequences of their use. I also remain deeply troubled by the evident influence of your products on youth use of e-cigarettes. The rapid increase of adolescents using these products is alarming in its similarity to the early tactics of other tobacco companies that contributed to the emergence of the youth vaping epidemic.

Fortunately, this month, Congress passed and President Biden signed into law the Consolidated Appropriations Act of 2022 (omnibus), which includes a provision that clarifies FDA’s authority to regulate synthetic nicotine products.<sup>31</sup> Specially, Subtitle B of the omnibus amends the definition of a tobacco product in the Federal Food, Drug, and Cosmetic Act to include products containing nicotine from any source—including nicotine not made or derived

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<sup>26</sup> *Id.*; See note 23; See note 10.

<sup>27</sup> Julia Chen-Sankey et al., *Effect of a ‘tobacco-free nicotine’ claim on intentions and perceptions of Puff Bar e-cigarette use among non-tobacco-using young adults*, *BMJ Journals* (Oct. 25, 2021).

<sup>28</sup> *Id.*

<sup>29</sup> *Id.*

<sup>30</sup> University of California San Francisco, *JUUL Delivers Substantially More Nicotine than Previous Generation E-Cigs and Cigarettes* (Jan 6, 2020) ([www.ucsf.edu/news/2020/01/416371/juul-delivers-substantially-more-nicotine-previous-generation-e-cigs-and](http://www.ucsf.edu/news/2020/01/416371/juul-delivers-substantially-more-nicotine-previous-generation-e-cigs-and)).

<sup>31</sup> H.R. 2471, Consolidated Appropriations Act of 2022.

from tobacco.<sup>32</sup> These changes take effect 30 days after enactment. Following the 30 days, synthetic nicotine product manufacturers who currently have products on the market are permitted a brief transition period to file PMTAs, and during this period their products may remain on the market.<sup>33</sup>

As FDA continues its ongoing efforts to ensure that the products on the market have been authorized for the protection of public health, your company appears to have been intentionally skirting regulatory authority by using synthetic nicotine instead of tobacco-derived nicotine. In light of the omnibus's recent clarification of FDA's regulatory authority over all tobacco products, including those containing synthetic nicotine and to address the concerns I have outlined above, please provide the following requested information, as well as a briefing by April 5, 2022.

1. Does Puff Bar intend to continue making its products available for sale and submit PMTAs for the products that contain synthetic nicotine? If so, please specify for which products. If Puff Bar does not intend to submit PMTAs for all of its products that contain synthetic nicotine, please describe what steps the company will take to ensure these products are no longer available for sale 60 days after enactment of the omnibus. What actions does Puff Bar intend to take to ensure any unauthorized products are not available for sale following the transition period outlined in the omnibus?
2. What research or studies has Puff Bar conducted or supported related to its products? Please provide the studies and their findings pertaining to the topics below, including whether it was conducted or considered by Puff Bar prior to or after a product's introduction to the market. If any research is currently being conducted, please describe the research objectives, methods, and anticipated timeframe. If none of the above applies, please provide an explanation as to why Puff Bar has not conducted or supported research related to the following:
  - a. The public health impacts of adolescent use versus adult use of Puff Bar products, including the effect of synthetic nicotine;
  - b. The potential appeal of Puff Bar products to adolescents and the appeal of each flavored product to adolescents and the reasons for that appeal;
  - c. The likelihood of adolescents and adults transitioning from Puff Bar products to combustible cigarettes or becoming dual users of Puff Bar products and combustible cigarettes or other e-cigarette products;

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<sup>32</sup> *Id.*

<sup>33</sup> *Id.*

- d. An evaluation of the relative health implications of using Puff Bar products compared to abstaining from using any tobacco or tobacco-derived nicotine products;
  - e. The effectiveness of Puff Bar products in helping smokers quit smoking combustible cigarettes;
  - f. Any evidence that each of the non-tobacco-flavored Puff Bar products are necessary for smoking cessation among adults;
  - g. An evaluation of the health effects of exposure to each characterizing flavor used in Puff Bar products;
  - h. The potential side effects of synthetic nicotine toxicity;
  - i. The potential toxicity or other potential adverse health effects of exposure to each Puff Bar product, including each delivery system, each particular flavor, and each chemical component when heated and when idle, and whether evidence can be provided that every component of Puff Bar's products have no adverse health effect when inhaled; and
  - j. The promotional and marketing research, including the use of social media, on the demographic characteristics (such as age) of adolescent and adult users of Puff Bar products.
3. Is Puff Bar aware of any adverse events associated with use of its products, including health effects like seizures but also product-related defects that could cause harm? If so, how many adverse events associated with Puff Bar products have been reported to Puff Bar? And how many adverse events is Puff Bar otherwise aware of occurring? Have these adverse events been reported to FDA? If not, please explain why.
  4. Does Puff Bar have a system in place to detect and respond to counterfeit Puff Bar products? If a system does exist, please provide a detailed description of the system as it pertains to each of the points below.
    - a. How, if at all, does Puff Bar monitor sellers of counterfeit products.
    - b. The date Puff Bar initiated its counterfeit detection system, whether the system continues to operate, and whether the system's operation ever lapsed. If the system's operation did lapse, please provide approximate dates for each point.
    - c. What, if any, actions does Puff Bar take when Puff Bar detects counterfeit products being sold?

- d. What, if any, actions does Puff Bar take to ensure that counterfeit products come off the market?
  - e. The number of counterfeit Puff Bar products detected between September 2020 and September 2021, including whether more counterfeit products were detected before or after Puff Bar's relaunch in February 2021, and the actions Puff Bar took in response to the detected products.
5. What criteria does Puff Bar use to determine the adequacy of age-verification strategies implemented by retail outlets? Does Puff Bar provide any educational materials or other materials to retail outlets to assist with age-verification?
6. What age-verification strategies does Puff Bar use to prevent underage sales to minors online? Does Puff Bar use a delivery service for online sales that requires proof of age upon delivery, or use an independent third party to verify adequacy and compliance for retail sales?
7. What information, data, or evidence, if any, does Puff Bar have to support its position that the 2021 NYTS overstates youth use of its products, and that young people may be using its products' name to reference other disposable e-cigarette products?
8. How much has Puff Bar spent on marketing and promotions before and after the relaunch of Puff Bar? Please provide a breakdown for each year by media, including television, newspapers, magazines, point-of-sale, direct mail, coupons, endorsement and testimonials, sponsorships, social media paid placement and influencers, website, other internet, promotion allowances for retailers and wholesalers, and retail-value-added services.
9. Has Puff Bar retained, currently or in the past, any social media influencers or paid celebrity spokespeople? If so, please provide a detailed list, including:
  - a. The names of influencers and celebrities and associated social media handles where sponsored content or communications were displayed;
  - b. The duration of Puff Bar's relationship with each influencer or celebrity, including those who Puff Bar still retains and those who were retained for a single event or period; and
  - c. To the extent that each is possible, general engagement information for sponsored content, including views, likes, clicks, and sale conversions.
10. Does Puff Bar use, or did it previously use, social media bots to market its products? If yes, please provide a list of the handles or usernames or other identification of all bots used or paid for by Puff Bar to market its products. Do all bots used or paid for by Puff

Bar disclose their connection with Puff Bar in their posts? If so, how do they disclose that connection? What steps does Puff Bar take to ensure such disclosures are made?

11. What actions, if any, has Puff Bar taken to reduce the presence of Puff Bar-related hashtags and related topics that can be seen and shared by adolescents on social media? Please provide the dates when Puff Bar first contacted each social media company to remove Puff Bar-specific pages or related hashtags or provide explanation for the lack of action.
12. Does Puff Bar currently, or has it ever, run targeted online advertisements? If so, please provide a detailed description of the advertisements, including descriptions of the ads, specific groups targeted, the websites where ads were shown, and, to the extent possible, response metrics.

An attachment to this letter provides additional information about responding to the Committee's request. Thank you for your prompt attention to this matter. If you have any questions, please contact Austin Flack and Jacquelyn Bolen of the Committee staff at (202) 225-2927.

Sincerely,



Frank Pallone, Jr.  
Chairman

cc: The Honorable Cathy McMorris Rodgers  
Ranking Member  
Committee on Energy and Commerce

## **Responding to a Document Request from the Committee on Energy and Commerce**

In responding to the document request from the Committee on Energy and Commerce, please apply the instructions and definitions set forth below.

### **Instructions**

1. In complying with the request, produce all responsive documents in your possession, custody, or control.
2. Documents responsive to the request may not be destroyed, modified, removed, transferred, or otherwise made inaccessible to the Committee.
3. In the event that any entity, organization, or individual denoted in the request has been, or is currently, known by any other name than that herein denoted, the request should be read also to include them under that alternative identification.
4. The Committee's preference is to receive documents in electronic form (i.e., via File Transfer Protocol or other cloud-based online platform, CD, memory stick, or thumb drive) in lieu of paper productions.
5. Documents produced in electronic format should also be organized, identified, and indexed electronically.
6. Documents produced in an electronic format should be produced in a searchable format and, to the extent possible, with each document's original metadata.
7. Documents produced to the Committee must include an index describing the contents of the production. To the extent more than one CD, hard drive, memory stick, thumb drive, box or folder is produced, each CD, hard drive, memory stick, thumb drive, box or folder should contain an index describing its contents. In lieu of an index, staff may agree to accept a production load file consisting of certain metadata accompanying the documents.
8. When producing documents, identify the paragraph or clause in the Committee's request to which the documents respond.
9. For documents produced physically in response to this request should be produced together with copies of file labels, dividers, or identifying markers with which they were associated when this request was issued. To the extent that documents were not stored with file labels, dividers, or identifying markers, they should be organized into separate folders by subject matter prior to production. Each folder and box should be numbered, and a description of the contents of each folder and box, including the paragraph or clause of the request to which the documents are responsive, should be provided in an accompanying index.
10. It is not a proper basis to refuse to produce a document because another person or entity possesses a nonidentical or identical copy of the same document.
11. If any of the requested information is available in machine-readable or electronic form (such as on a computer server, hard drive, CD, DVD, memory stick, or computer backup tape), you should consult with Committee staff to determine the appropriate file format in which to produce the information.

12. Documents produced in electronic format should be organized, identified, and indexed electronically in a manner comparable to the organizational structure called for in (9) and (10) above.
13. In the event that a responsive document is withheld on any basis, you should provide the following information concerning the document: (a) the reason the document is not being produced; (b) the type of document; (c) the general subject matter; (d) the date, author, and addressee; and (e) the relationship of the author and addressee to each other.
14. If any document responsive to this request was, but no longer is, in your possession, custody, or control, you should identify the document (stating its date, author, subject and recipients) and explain the circumstances by which the document ceased to be in your possession, custody, or control.
15. If a date or other descriptive detail set forth in this request referring to a document is inaccurate, but the actual date or other descriptive detail is known to you or is otherwise apparent from the context of the request, you should produce all documents which would be responsive as if the date or other descriptive detail were correct.
16. Unless otherwise specified, the time period covered by this request is from January 1, 2019 to the present.
17. This request is continuing in nature and applies to any newly discovered document. Any document not produced because it has not been located or discovered by the return date should be produced immediately upon location or discovery subsequent thereto.
18. If compliance with the request cannot be made in full by the specified return date, compliance shall be made to the extent possible by that date. An explanation of why full compliance is not possible shall be provided along with any partial production.
19. All documents should be Bates-stamped sequentially and produced sequentially.
20. Two sets of documents should be delivered, one set to the majority staff and one set to the minority staff. The majority set should be delivered to the majority staff in Room 316 of the Ford House Office Building or electronically to a majority staff member, and the minority set should be delivered to the minority staff in Room 564 of the Ford House Office Building or electronically to a minority staff member. Consult with Committee staff regarding the method of delivery prior to sending any materials.
21. Upon completion of the document production, submit a written certification, signed by you or your counsel, stating that: (1) a diligent search has been completed of all documents in your possession, custody, or control which reasonably could contain responsive documents; and (2) all documents located during the search that are responsive have been produced to the Committee or identified in a privilege log provided to the Committee.

## Definitions

1. The term “document” means any written, recorded, or graphic matter of any nature whatsoever, regardless of how recorded, and whether original or copy, including, but not limited to, the following: memoranda, reports, expense reports, books, manuals, instructions, financial reports, working papers, records notes, letters, notices, confirmations, telegrams, receipts, appraisals, pamphlets, magazines, newspapers, prospectuses, interoffice and intra-office communications, electronic mail (email), contracts, cables, notations of any type of conversation, telephone calls, meetings or other communications, bulletins, printed matter, computer printouts, teletypes, invoices, transcripts, diaries, analyses, returns, summaries, minutes, bills, accounts, estimates, projections, comparisons, messages, correspondence, press releases, circulars, financial statements, reviews, opinions, offers, studies and investigations, questionnaires and surveys, and work sheets (and all drafts, preliminary versions, alterations, modifications, revisions, changes, and amendments of any of the foregoing, as well as any attachments or appendices thereto). The term also means any graphic or oral records or representations of any kind (including without limitation, photographs, charts, graphs, voice mails, microfiche, microfilm, videotape, recordings and motion pictures), electronic and mechanical records or representations of any kind (including, without limitation, tapes, cassettes, disks, computer server files, computer hard drive files, CDs, DVDs, memory sticks, and recordings), and other written, printed, typed, or other graphic or recorded matter of any kind or nature, however produced or reproduced, and whether preserved in writing, film, tape, disk, videotape or otherwise. A document bearing any notation not a part of the original text is to be considered a separate document. A draft or non-identical copy is a separate document within the meaning of this term.
2. The term “documents in your possession, custody, or control” means (a) documents that are in your possession, custody, or control, whether held by you or your past or present agents, employees, or representatives acting on your behalf; (b) documents that you have a legal right to obtain, that you have a right to copy, or to which you have access; and (c) documents that you have placed in the temporary possession, custody, or control of any third party.
3. The term “communication” means each manner or means of disclosure or exchange of information, regardless of means utilized, whether oral, electronic, by document or otherwise, and whether face-to-face, in a meeting, by telephone, mail, telexes, discussions, releases, personal delivery, email (desktop or mobile device), text message, instant message, MMS or SMS message, or otherwise.
4. The terms “and” and “or” shall be construed broadly and either conjunctively or disjunctively to bring within the scope of the request any information which might otherwise be construed to be outside its scope. The singular includes plural number, and vice versa.
5. The terms “person” or “persons” means natural persons, firms, partnerships, associations, corporations, subsidiaries, divisions, departments, joint ventures, proprietorships, syndicates, or other legal, business or government entities, and all subsidiaries, affiliates, divisions, departments, branches, and other units thereof.

6. The term “identify,” when used in a question about individuals, means to provide the following information: (a) the individual’s complete name and title; and (b) the individual’s business address and phone number.
7. The terms “referring” or “relating,” with respect to any given subject, means anything that constitutes, contains, embodies, reflects, identifies, states, refers to, deals with, or is in any manner whatsoever pertinent to that subject.
8. The term “employee” means agent, borrowed employee, casual employee, consultant, contractor, de facto employee, independent contractor, joint adventurer, loaned employee, part-time employee, permanent employee, provisional employee, subcontractor, or any other type of service provider.