



Representative H. Morgan Griffith (VA-09)
2202 Rayburn House Office Building
Washington, D.C. 20515

September 27, 2018

Dear Representative Griffith,

I write to respond to the letter we received from your office on September 26, 2018. Below, we have copied the text from your letter and inserted our responses in bold type.

From the office of Representative H. Morgan Griffith:

September 26, 2018

Dear Mr. Andrzejewski:

I write to insist that you cease and desist publishing my name in connection with a grant award made by the National Science Foundation (NSF) to Eclo, Inc. for virtual shoe-fitting because it is fraudulent and misleading.

Mr. Griffith, you represent the congressional district VA-09. Over two fiscal years (FY2015-FY2016), on three separate grant funding transactions between the NSF and two closely related parties in your district, \$902,789 of taxpayer money was spent for the express purpose of creating virtual "shoe fitting systems for online retailers." One of the grants named Eclo, Inc. as the receiving party. Two of the other grants named an individual, "Villanueva, Alexis A."

Here are the details regarding these three federal grant transactions:

In FY2015, a federal grant of \$149,197 flowed to Eclo, Inc. The disclosed federal data shows that this company was based in your district. The recipient address was 1205 S. Main Street, Blacksburg, Virginia. This address is within congressional district VA-09.

In both March and June 2016, two additional federal grant payments totaling \$753,502 flowed to an individual named "Villanueva, Alexis A." These two federal grants also flowed to the address: 1205 S. Main Street, Blacksburg, Virginia. Our additional research shows that Mr. Villanueva is the owner of Eclo, Inc.

We sent your staff an email with the raw federal transaction data (FY2016) on Tuesday, September 25, 2018, confirming the facts of these transactions.

Official federal disclosed data shows that all three federal grant transactions, spanning two fiscal years, flowed to two distinct recipients based in your congressional district. It was a total of \$902,789.

To my knowledge, to date you have published my name in connection with the NSF virtual shoe fitting grant in a letter to President Trump, in an advertisement taken out in the Wall Street Journal, and in your publication titled "Where's the Pork? — An Oversight Report by Openthebooks.com".

We did not publish your name in our open letter to the president.

As you were told by my staff:

1. The grantee, Eclo, Inc. is located in Mountain View, California, as is noted on the NSF website, and not in the 9th Congressional District of Virginia;

In the federal database, each grant has a recipient location and a place of performance location. As stated above, the raw transaction data (emailed to your chief of staff) confirms both recipients were located in your district.

2. I never sent a letter in support of this grant application;

We never said you did.

3. I voted no on the FYI 6 Omnibus, which would have provided appropriations for the NSF to award to grant applicants; and

Thank you for this vote!

4. Further, in an email you sent to my office there was confusion as to whether the money was sent to Blackstone, Virginia or Blacksburg, Virginia, so I do not know where the money was sent. Blackstone, Virginia is not located in the 9th Congressional District of Virginia.

We provided the raw data from the federal government to your chief of staff, and it specifically shows Blacksburg, Virginia as the recipient location.

It is troubling that \$902,789 in grants flowed to a recipient in your district and you knew nothing about it. The chief of staff in your office confirmed this on a phone call.

In response to this information, you claim that I am responsible for the money being awarded because the money allegedly flowed through the 9th District of Virginia and I did not do enough to prevent it, even though:

- 1) There is a ban on earmarks and Members of Congress are not able to allocate money to specific projects or individuals;

- 2) Each respective agency is responsible for determining which specific grants or individuals receive a grant award;
- 3) The specific grantees/projects are not line itemed in any appropriations bill, which means there is no opportunity to advocate for or against a grant on the House Floor through an amendment or otherwise; and
- 4) It would be impossible to offer an amendment to eliminate or reduce funding for a grant that has not yet been awarded.

Congress has the power of the purse. Therefore, agencies have no spending power besides the powers they are granted or ceded by Congress. We are saying Congress has not done an adequate job of limiting the role and authority of agencies. This is, in part, why we see so many examples of waste and abuse.

Congress is not an innocent or helpless bystander. Members of Congress cannot make the argument that they are powerless.

You are making that argument, and we vehemently disagree. You have the option to make this argument to your constituents. Instead, we hope you and your colleagues embrace your constitutional duties regarding proper appropriations.

Specific to your case example: On a go-forward basis, in our new display ads, we've added your colleague – the member of congress in CA-18 (the place of performance by Eclo, Inc.). Furthermore, we've included an additional year (FY2015-FY2016), increasing the total funding amount to \$902,789.

Given the information outlined above, the association of my name in connection with the NSF award for virtual shoe-fitting is fraudulent and misleading. Including my name with the title and amount of the grant award clearly implies to the average reader that I actively and aggressively supported this grant project, which I did not, This false association is damaging to the reputation we have built as a fiscally conservative office.

We never made the case that you “actively and aggressively supported this grant project.” We list the member of congress representing the district where the grant recipient is located.

Once again, I insist that you discontinue publication of my name in connection with this grant award and I await your confirmation as such.

We have a constitutional obligation to give oversight to our elected representatives. It is of the highest duty of a citizen. Therefore, we stand by our very responsible public policy position to map federal grants by congressional district and showcase the worst of those grants in the nation's leading papers.

We would welcome the opportunity to work with you to expose and eliminate federal waste and to

limit the power of federal agencies. We believe limiting the power of agencies and illustrating their expansive powers will help restore the constitutional balance of power between branches of government, protect Congress' power of the purse and help all members perform their oversight responsibilities.

Sincerely,

A handwritten signature in black ink, consisting of the first name 'Adam' on the top line and the last name 'Andrzejewski' on the bottom line, written in a cursive style.

Adam Andrzejewski
CEO & Founder of OpenTheBooks.com