



October 3, 2022

VIA ELECTRONIC MAIL

The Honorable Joseph R. Biden
President of the United States
The White House
1600 Pennsylvania Ave.
Washington DC 20500

Dear Mr. President:

It is good to have you in Puerto Rico. As I said in a prior communication, we appreciate your commitment to the well-being of our constituents. It is difficult to overstate the importance of your visit to oversee the recovery efforts in the aftermath of Hurricane Fiona, but in order to do it properly you must take into consideration the recovery and reconstruction process of Hurricane María that began five years ago.

Why is this important? Why is it still relevant? The answer to those questions can be simple and complicated at the same time. The simple answer would be that the billions of dollars appropriated for the reconstruction have not been received. The General Accountability Office (GAO) told Congress that only 2 percent of the money appropriated has been disbursed. This is particularly problematic since the money appropriated for the restoration of the electric power grid and many other important infrastructure projects is still in federal accounts.

Here comes the complicated part. Red tape, plain and simple. After María, Congress appropriated billions for the reconstruction projects within Puerto Rico, but federal agencies modified the rules for the use of those funds making it practically impossible for the government of Puerto Rico to use the money. Why they did it? Because they can. We have raised this issue with many congressional leaders and administration officials and the outcome is almost always the same. Congress blames the Executive and the Executive blames Congress.

This is where it gets even more complicated. You have instructed many federal agencies to break the red tape and to use the same rules that usually apply to any State in order to speed up the process. But if you were able to do that, it means that someone can actually reverse it in the future. This would not have happened to any State. This is where our status as an *"unincorporated territory"* hurts our constituents by allowing the federal government to geographically discriminate with Puerto Rico. This political arrangement has a critical flaw, a democratic deficit. These hurtful actions are based on the *"insular cases"*, and believe me, the policy of, *"Puerto Rico belongs to, but is not part of..."* looks as abominable as *"Plessy"* and its *"separate but equal"* ruling. *Plessy* was rightly overturned by *Brown* 58 years later, but the *infamous insular cases* are still standing today.

Although we recognize the importance of your visit, I must stress that your administration has adopted something like an evasive policy towards Puerto Rico. People in important levels within the administration constantly avoid discussions on the process to finally solve the political status of Puerto Rico. I am sure your staff has asked you to evade the answer of the political future of the island. They may have asked you to say that it is up to the people of Puerto Rico to decide and you will probably add, that if you were able to vote you would vote for statehood. The fact remains that it is not that simple. Why? Because we already asked for statehood.

It is well known in Washington, DC, that Puerto Rico asked for statehood. That vote should have been more than enough to take action, but no. The opponents of equality and statehood have been lobbying the Administration and Congress against a federally sanctioned plebiscite to ratify the results. Why? Simple, to freeze the issue and delay their political demise. Since those who oppose equality do not have the votes to defeat Statehood, their only play, to ensure their political survival, is to block a federally sanctioned vote.

The question that you should be asking is not that difficult; Is blocking equality and statehood for Puerto Rico for political survival is the right thing to do? In a democracy there will always be two sides. Those who have the votes to win and those who do not. This is a fact that should be remembered.

I hope we can have move Puerto Rico forward together.

Sincerely,

A handwritten signature in blue ink, appearing to read 'José Enrique Meléndez-Ortiz', with a stylized flourish at the end.

José Enrique Meléndez-Ortiz, JD, LLM