August 1, 2021

The Honorable Joseph R. Biden, Jr.
President of the United States
The White House
1600 Pennsylvania Avenue N.W.
Washington, DC 20500

Re: Request for Establishment of Presidential Board of Inquiry Concerning Ongoing Labor Dispute at Port of San Juan, Puerto Rico

Dear Mr. President:

I write to you in my capacity as Governor of Puerto Rico, and on behalf of its 3.2 million United States citizens on the island, to request that you issue an Executive Order to take such actions as are necessary to establish a Presidential Board of Inquiry, under and pursuant to Section 206 of the Labor Management Relations Act, 29 U.S.C. § 176, in connection with the ongoing labor dispute between the International Longshoremen’s Association, Local 1740, and Luis A. Colón Ayala Sucrs. Inc. These entities conduct the unloading of international cargo vessels at the Port of San Juan, Puerto Rico, and the current work stoppage is imperiling the health and safety of our people.

The parties to this dispute – the International Longshoremen’s Association, Local 1740 (Union), and Luis A. Colón Ayala Sucrs. Inc. (Employer) – have been engaged in efforts since 2019 to negotiate a successor collective bargaining agreement. Although the Union and Employer have been ably assisted in those efforts by the Puerto Rico Department of Labor, no agreement has been reached to date. Moreover, since July 17th, 2021, the Union and its members have been engaged in a work stoppage, refusing to unload international cargo vessels docked at the Port of San Juan, in order to put economic pressure on the Employer in connection with the ongoing collective bargaining.

I fully recognize and support the right of the Union and of employees to engage in protected concerted activities under the National Labor Relations Act, as I know you and your Administration do as well. However, under the present circumstances, including the ongoing COVID-19 pandemic, as well as Puerto Rico’s continuing efforts to recover from the devastation caused by Hurricane Maria in September 2017, the
failure to unload critical international cargo shipments presents a serious threat to the health and safety of Puerto Rico's residents.

At the present time, the international cargo from vessels docked at the Port of San Juan is not being unloaded. In addition, since last week, several international cargo vessels either have been turned away from or have declined to attempt to dock at the Port of San Juan as a direct result of the work stoppage. The facilities of the Port of San Juan operated by the Employer receive nearly 80% of the international cargo being imported to Puerto Rico. Consequently, the current work stoppage at the port is causing a severe disruption to the supply chain in Puerto Rico and is reducing and limiting the availability of critical items necessary to the health and safety of its residents, including, but not limited to, pharmaceutical products, construction materials and perishable food items.

Although I have also requested that the United States Federal Mediation and Conciliation Services (FMCS) intervene and provide its services and assistance to the Union and Employer towards reaching a resolution of their dispute, such efforts may take time that Puerto Rico and its citizens simply do not have. Moreover, the FMCS lacks the authority to require the parties to reach any agreement or to order any party to refrain from any concerted activities and thus even its assistance may not yield a timely resolution to this critical situation.

The Labor Management Relations Act was passed by Congress in 1947 to provide the President the authority to establish a Board of Inquiry in these types of matters. Such Boards of Inquiry are statutorily empowered to investigate and report to the President. The President then may, under the grant of authority in 29 U.S.C. § 178, direct the Attorney General of the United States to seek an injunction in a United States federal district court to enjoin any activities that "imperil the national health or safety".

You have my assurance that I will continue to do whatever I am able to do to assist in a resolution of this matter, but because millions of U.S. citizens, as well as local and national manufacturing and commercial companies, simply cannot face the prospect of not having access to critical goods solely due to this labor dispute, I respectfully ask that you and your Administration take action to intervene in this matter in the interest of national health and safety.

Sincerely,

[Signature]