

**GOVERNMENT OF PUERTO RICO
LA FORTALEZA
SAN JUAN, PUERTO RICO**

Administrative Bulletin No. OE-2019-044

EXECUTIVE ORDER OF THE GOVERNOR OF PUERTO RICO, HONORABLE WANDA VÁZQUEZ-GARCED, DECLARING A STATE OF EMERGENCY DUE TO THE IMMINENT PASSAGE OF TROPICAL STORM DORIAN AND ACTIVATING THE NATIONAL GUARD TO PROVIDE SUPPORT DURING THIS EMERGENCY

- WHEREAS: This Government will take all necessary action to protect public order and the lives, safety, and property of the citizens and the Government.
- WHEREAS: On August 26, 2019, the National Weather Service indicated a great possibility that Puerto Rico may be subject to winds, rain, and flooding, beginning at some time during the next 48 hours as a consequence of the passage of tropical storm Dorian.
- WHEREAS: The passage of this atmospheric phenomenon threatens to cause significant damage and has created an emergency situation endangering public safety, basic citizen services, economic activity, and the social welfare of Puerto Rico.
- WHEREAS: Article IV of the Constitution of Puerto Rico states that the Executive Power shall be exercised by the Governor who by reason of the subordination of the military authority to the civil authority imposed by the democratic regime, is the Commander in Chief of the Militia and has the power to call them to the State Active Military Service.
- WHEREAS: Public Law number 20-2017, as amended (Act. No. 20-2017) vests the Governor with the power to declare a state of emergency when there is any situation or circumstance that requires state or municipal efforts to minimize the risk of disaster, save lives and protect property, health and safety.
- WHEREAS: Sections 207 and 226 of Public Law No. 62 enacted on June, 23 1969, as amended (Military Code of Puerto Rico) empower the Governor to activate the Puerto Rico National Guard to manage public safety situations.
- WHEREFORE: I, WANDA VÁZQUEZ GARCED, Governor of Puerto Rico, by virtue of the powers vested in me by the Constitution and the laws of Puerto Rico, hereby declare and order the following:
- SECTION 1. A state of emergency is hereby declared in all of Puerto Rico as a consequence of the imminent passage of tropical storm Dorian and the impact it may have.

- SECTION 2. This declaration of an emergency meets all the requirements to enable all agencies and municipalities to activate special emergency procurement procedures to acquire the materials and services that are essential for responding to the emergency. The Director of the Office of Management and Budget will enforce the responsible use of these acquisitions by the agencies of the Executive Branch and may require such reports and establish such budgetary controls as may be deemed necessary for the performance of this responsibility.
- SECTION 3. The State Bureau for Emergency and Disaster Management (NMEAD) will prepare and submit to the Governor, the Director of the Office of Management and Budget, and to the Secretary of the Treasury an estimate of the funds that are required to carry out evacuation, rescue, response and recovery work in the affected regions.
- SECTION 4. Based on the estimate submitted by the NMEAD and the Adjutant General of the National Guard, the Secretary of the Treasury and the Director of the Office of Management and Budget will assign to the NMEAD Commissioner and other Agencies involved (as identified by the Secretary of the Department of the Treasury and the Director of the provisions of this Executive Order) any available funds in order to comply with the provisions of this Executive Order. The Secretary of the Treasury and the Director of the Office of Management and Budget are hereby authorized to establish, using any available funds, including the Emergency Fund, a special budget to cover such expenses as may be necessary to carry out evacuation, rescue, response, and recovery work under this Executive Order.
- SECTION 5. The NMEAD and other agencies involved shall submit to the Secretary of the Department of the Treasury and the Director of the Office of Management and Budget a detailed report of the expenses incurred upon the completion of the work performed pursuant to his Executive Order.
- SECTION 6. By virtue of the powers vested in me by the Military Code, I hereby activate the Puerto Rico National Guard to assist the Government in the preparation and service in the state of emergency declared in this Executive Order.
- SECTION 7. I delegate to the Adjutant General of the National Guard the power to determine the identity of the units and personnel to be activated for Active State Military Service as assistance may be requested during the law and order operation herein ordered.
- SECTION 8. The officers and enlisted men and women of the Military Forces of Puerto Rico that are activated in the Active Sate Military Service

incompliance with this Executive Order are designated as being law enforcement officers, with all the powers and obligations inherent to such, pursuant to Section 228 of the Military Code.

SECTION 9.

I authorize the Adjutant General of the National Guard to incur reasonable expenses as are inherent to the activation of the troops and equipment of the Military Forces of Puerto Rico under the following categories:

- A. Compensation for personnel of the military forces of Puerto Rico called to Active State Military Service under this Executive Order pursuant to the Military Code.
- B. Food and provisions for activated military personnel.
- C. Materials and other articles that are necessary for the functions assigned herein to the Military Forces of Puerto Rico.
- D. Insurance premiums that are necessary for performing the functions that are authorized herein.
- E. Fuel, lubricants, and oils that are necessary for land, air and sea transportation of the Military Forces of Puerto Rico that are employed during the authorized operation.
- F. Fuel, lubricants, and oils that are necessary for land, air and sea transportation of the Military Forces of Puerto Rico that are employed during the authorized operation.
- G. Hospitalization and medical expenses incurred because of injury or illness of the member of the Military Forces of Puerto Rico suffered in the performance of duties under the mobilization authorized herein and until they are discharged by the competent medical authorities.
- H. Any other necessary expenses incurred in the fulfillment of the mission assigned herein to the Military Forces of Puerto Rico.

SECTION 10.

The Director of the Office of Management and Budget and the Secretary of the Department of the Treasury may authorize disbursement and release of the Emergency Fund or any available funds, as identified, to reimburse and defray expenses related to the operation herein authorized.

SECTION 11.

The Adjutant General of the National Guard shall submit to the Secretary of the Department of the Treasury and the Director of the Office of Management and Budget, a detailed report of the expenses incurred upon the completion of the operation carried out in the performance of the duties and powers that have been delegated through this Executive Order.

- SECTION 12. DEFINITION OF THE TERM AGENCY. The term "agency", as used in this Executive Order, refers to all the agencies, instrumentalities, offices or subdivisions of the Executive Branch of the Government of Puerto Rico, including the public corporations, regardless of their name.
- SECTION 13. REPEAL. This Executive Order voids any other executive order that, in whole or in part, results incompatible with the provisions herein, to the extent that such incompatibility exists.
- SECTION 14. NO CREATION OF ACTIONABLE RIGHTS. It is not the intention of this Executive Order to create for third parties substantive or procedural rights that are actionable in court or administrative forums or forums of any other kind, against the Government of Puerto Rico or its agencies, officials, employees or any other person.
- SECTION 15. EFFECT. This Executive Order shall enter into effect immediately.
- SECTION 16. PUBLICATION. This Executive Order shall be filed immediately with the Department of State and its broadest possible publication is hereby ordered.



IN WITNESS, WHEREOFF, I ISSUE THIS Executive Order under my signature and I set the great seal of the Government of Puerto Rico, hereto, in La Fortaleza, San Juan, Puerto Rico, today, this 26th day of August, 2019.


WANDA VÁZQUEZ GARCED
GOVERNOR

Promulgated pursuant to law, this 26th day of August, 2019.


MARÍA MARCANO DE LEÓN
ACTING SECRETARY OF STATE