

GOVERNMENT OF PUERTO RICO  
LA FORTALEZA  
SAN JUAN, PUERTO RICO

Administrative Bulletin Number: OE-2020-065

EXECUTIVE ORDER OF THE GOVERNOR OF PUERTO RICO, HON. WANDA VÁZQUEZ-GARCED, DECLARING A STATE OF EMERGENCY AS A RESULT OF THE PASSAGE OF TROPICAL STORM LAURA AND ACTIVATING THE NATIONAL GUARD TO PROVIDE SUPPORT DURING THIS EMERGENCY.

- WHEREAS:** The Government of Puerto Rico is responsible for taking all necessary measures to safeguard the health, life, and property of the residents and the Government of Puerto Rico.
- WHEREAS:** On August 21, 2020, the National Hurricane Center, a division of the National Weather Service, reported that Tropical Depression Number 13 became Tropical Storm Laura and issued a tropical storm warning for Puerto Rico, Vieques, Culebra, and the U.S. Virgin Islands in view of this weather event. It was informed that Puerto Rico will be facing heavy rainfall that would produce up to six inches of rain and tropical storm wind gusts.
- WHEREAS:** This weather event threatens to cause damage and has created an emergency situation that poses a threat to public safety, citizen’s utility services, economic activity, and Puerto Rico’s social well-being.
- WHEREAS:** Section 4 of Article IV of the Constitution of Puerto Rico provides that the executive power shall be vested in the Governor, who, given the subordination of the military to the civil authority as imposed by the democratic regime, is the Commander in Chief of the Militia, with the power to call out the militia to active state military duty.
- WHEREAS:** Meanwhile, Act No. 62 of June 23, 1969, as amended, better known as the Military Code of Puerto Rico (“Military Code”), empowers the Governor to call Puerto Rico’s military forces, composed of the National Guard and the State Guard, to Active State Military Duty in support of civil authorities, to maintain or reestablish public order and to guarantee the safety of citizens’ lives and property, as well as to provide essential services when required for public safety and when civil authorities are not able to guarantee the social well-being.
- WHEREAS:** Sections 207 and 226 of the Military Code also empower the Governor to call the Puerto Rico National Guard, or any part of it, to Active State Military Duty when required for public safety, as well as to order the use of Puerto Rico National Guard

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|                   | <p>equipment, assets, and personnel if this constitutes a viable alternative to provide specialized health, technical engineering equipment or education services, when these services are not reasonably available from public or commercial civilian sources. Provided, that the agency requesting such services shall pay, from any available funds, all costs incurred by the National Guard in the provision of the requested service.</p>                                     |
| <b>WHEREAS:</b>   | <p>Article 6.10 of Act 20-2017, as amended, better known as the “Puerto Rico Public Safety Department Act,” empowers the Governor to declare a state of emergency on our Island, and “to establish or modify state regulations, orders, plans, or measures for emergencies or disasters as deemed necessary,” as well as “to enact, amend or repeal any regulation, and to enact, amend, or rescind any order as deemed appropriate during the state of emergency or disaster.”</p> |
| <b>THEREFORE:</b> | <p>I, WANDA VÁZQUEZ-GARCED, Governor of Puerto Rico, by virtue of the powers inherent to my office and the authority vested in me by the Constitution and the Laws of the Government of Puerto Rico, hereby DECLARE and ORDER the following:</p>  |
| <b>Section 1:</b> | <p>A state of emergency is hereby declared throughout Puerto Rico as a result of the impending arrival of Tropical Storm Laura and its potential impact.</p>  |
| <b>Section 2:</b> | <p>This declaration of emergency meets the requirements for all agencies and municipalities to activate special emergency procurement procedures in order to acquire any materials and services that may be essential to respond to the emergency. This declaration of emergency is independent from the declaration of emergency issued to address the COVID-19 pandemic.</p>  |
| <b>Section 3:</b> | <p>The Department of Public Safety (DPS) shall prepare and submit an estimate to the Governor, to the Office of Management and Budget Director, and to the Secretary of the Department of Treasury, regarding all the funds required to carry out the evacuation, rescue, response, and recovery activities in the affected areas.</p>  |
| <b>Section 4:</b> | <p>Based on the estimate submitted by the DPS and the Puerto Rico National Guard’s Adjutant General, the Secretary of the Department of Treasury and the Office of Management and Budget Director shall allocate the funds available to comply with the provisions of this Executive Order to the DPS Secretary and</p>   |



other relevant agencies (as identified by the Secretary of the Department of Treasury and the Office of Management and Budget Director). The Secretary of the Department of Treasury and the Office of Management and Budget Director are hereby authorized to identify a special budget from any funds available, including the Emergency Fund, to cover all necessary expenses to carry out evacuation, rescue, response, and recovery efforts in accordance with this Executive Order.

**Section 5:** The DPS and other relevant agencies must submit a detailed report to the Secretary of the Department of Treasury and the Office of Management and Budget Director on all costs incurred upon the conclusion of the work carried out in accordance with this Executive Order.

**Section 6:** The National Guard is hereby activated in order to assist the Government in preparing for and addressing the state of emergency declared herein.

**Section 7:** The authority to determine the identity of the units and troops to be called to Active State Military Duty for the law and order operations authorized hereby is delegated to the Puerto Rico National Guard's Adjutant General.

**Section 8:** Officers and enlisted members of the Military Forces of Puerto Rico called to State Active Duty in compliance with this Executive Order are hereby designated as law enforcement officers, with all the powers and obligations inherent to the nature of said position, pursuant to the provisions of Section 228 of the Military Code.

**Section 9:** I hereby authorize the Adjutant General to incur reasonable expenses inherent to the activation of troops and equipment of the Military Forces of Puerto Rico for the items indicated below:

- A. Compensation for the Military Forces of Puerto Rico called to State Active Duty under this Executive Order in accordance with the Military Code.
- B. Food and supplies for active military personnel.
- C. Materials and other items necessary to perform the duties assigned herein to the Military Forces of Puerto Rico.
- D. Insurance premiums necessary to perform the duties authorized herein.
- E. Fuel, oil, and lubricants necessary for land, air, and



maritime transportation of the Military Forces of Puerto Rico during the authorized operation.

F. Rental costs of vehicles used for the transportation of activated personnel.

G. Hospital and medical expenses incurred by members of the Military Forces of Puerto Rico for illness or injuries sustained while performing their duties as part of the deployment authorized herein and until discharged by competent medical authorities.

H. Any other expenses incurred that are necessary to carry out the mission assigned herein to the Military Forces of Puerto Rico.

**Section 10:** The Secretary of the Department of Treasury and the Office of Management and Budget Director are hereby authorized to allocate all necessary financial resources to the National Guard’s Adjutant General (as identified by the Secretary of the Department of Treasury and the Office of Management and Budget Director) to carry out the operation authorized herein.

**Section 11:** The National Guard’s Adjutant General shall submit detailed reports to the Secretary of the Department of Treasury and the Office of Management and Budget Director regarding all expenses incurred as of the closing of the operation in the exercise of the duties and powers delegated under this Executive Order.

**Section 12:** **DEFINITION OF “AGENCY”**. For the purposes of this Executive Order, the term “Agency” refers to any agency, instrumentality, office, or department of the Executive Branch of the Government of Puerto Rico, including public corporations, regardless of its name.

**Section 13:** **REPEAL**. This Executive Order supersedes any other executive order that may be inconsistent with the provisions herein, to the extent of such inconsistency.

**Section 14:** **VALIDITY**. This Executive Order shall enter into force immediately.

**Section 15:** **SEVERABILITY**. The provisions of this Executive Order are separate and independent of each other, and if any part, section, provision, or sentence of this Executive Order is declared unconstitutional, void, or invalid by a court of jurisdiction and venue, such decision shall not affect the validity



of the remaining provisions, which shall remain in full force.

**Section 16:**                **NON-CREATION OF ENFORCEABLE RIGHTS.** This Executive Order is not intended to create any rights, substantive or procedural, enforceable at law or equity, by any person or entity, in any matter, civil, criminal, or administrative, against the Government of Puerto Rico or its agencies, officials, employees, or any other person.

**Section 17:**                **PUBLICATION.** This Executive Order must be filed immediately with the Department of State and the widest possible publication is hereby ordered.



IN TESTIMONY WHEREOF, I hereby issue this Executive Order under my signature and cause the Great Seal of the Government of Puerto Rico to be affixed in San Juan, Puerto Rico, on this 21st day of August of 2020.

  
WANDA VÁZQUEZ GARCED  
GOVERNOR

Enacted in accordance with the law on this 21st day of August of 2020.

  
ELMER L. ROMÁN-GONZÁLEZ  
SECRETARY OF STATE





I, Juan E. Segarra, USCCI #06-067/translator, certify that the foregoing is a true and accurate translation, to the best of my abilities, of the document in Spanish which I have seen.