

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

Administrative Bulletin Number: OE-2022-046

EXECUTIVE ORDER OF THE GOVERNOR OF PUERTO RICO, HON. PEDRO R. PIERLUISI, ACTIVATING THE PUERTO RICO NATIONAL GUARD TO PROVIDE ASSISTANCE DURING THE EMERGENCY DECLARED DUE TO THE IMPENDING PASSING OF TROPICAL STORM FIONA THROUGH THE ISLAND

- WHEREAS:** The main function of the Government of Puerto Rico is to safeguard public order, protect life and property, and ensure the safety of all of the Island’s citizens.
- WHEREAS:** The National Hurricane Center (NHC), operating under the National Weather Service, issued a tropical storm warning for Puerto Rico. A tropical storm warning means that tropical storm conditions are expected within the area under warning during the next hours. It was reported that, starting today, September 17, 2022, in the evening, Puerto Rico will face sustained winds of up to sixty (60) miles per hour and heavy rain that would leave from five (5) to ten (10) inches of rainfall, while the amount of rainfall could be greater in some areas, which may cause flash flooding and landslides. On the other hand, the NHC issued a hurricane watch, which means that hurricane conditions are possible within the area. These conditions may begin to be felt in Puerto Rico late this evening or on Sunday.
- WHEREAS:** This weather event could cause damage, a threat that has created an emergency situation in the areas of public service, utilities and services to citizens, economic activity, and Puerto Rico’s social well-being.
- WHEREAS:** The Military Code of Puerto Rico, Act No. 62 of June 23, 1962, as amended, (“Military Code”) empowers me, as Governor, to call on the Military Forces of Puerto Rico, composed of the National Guard, the State Guard, and the State Active Military Service to support civil authorities in maintaining or reestablishing public order and providing essential services when required for public service and when civil authorities do not have the capacity to guarantee the social well-being.



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.

WHEREAS: Furthermore, Section 207 of the Military Code empowers me to order the use of Puerto Rico National Guard equipment, assets, and staff when it constitutes a suitable alternative to provide specialized health services, technical engineering equipment, or education, due to these not being reasonable available from civil, public, or commercial sources. Providing, that any agency that requests these services will pay, from any available funds, any costs that the National Guard may incur in the provision of services.

WHEREAS: Article 5.10 of Act No. 20-2017, as amended, known as the “Puerto Rico Department of Public Safety Act,” empowers the Governor to declare a state of emergency on the Island and to “render effective any state regulations, orders, plans, or measures for emergency or disaster situations or modify them at his discretion,” as well as to “prescribe, amend, and revoke any regulations as well as issue, amend, and rescind such orders as deemed convenient which shall be in effect for the duration of the state of emergency or disaster.”

WHEREAS: We declared a state of emergency under Administrative Bulletin No. OE-2022-045 due to the passing of Tropical Storm Fiona.

THEREFORE: I, PEDRO R. PIERLUISI, 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:

Section 1: **ACTIVATION OF THE NATIONAL GUARD.** I hereby activate the National Guard in order to provide support to the Government of Puerto Rico in preparing for and addressing the state of emergency declared under Administrative Bulletin No. 2022-045 due to the impending passing of Tropical Storm Fiona over the Island.

Section 2: **DELEGATION OF AUTHORITY TO THE ADJUTANT GENERAL.** I hereby delegate to the Adjutant General of the Puerto Rico National Guard the authority to determine the identity of the units and the personnel that will be activated to State Military Service.

Section 3: **PUBLIC OFFICIAL DESIGNATION.** I hereby designate all officers and enlisted members of State Active Military Service in compliance with this Executive Order as law enforcement officials and, as such, they will have all the powers and



obligations inherent in said role, as provided in Section 228 of the Military Code.

Section 4:

AUTHORIZATION OF REASONABLE EXPENSES. I hereby authorize the Adjutant General of the Puerto Rico National Guard to incur any reasonable costs arising from the activation of troops and equipment of the Military Forces of Puerto Rico in the budget lines indicated below:

1. Compensation to Military Forces of Puerto Rico personnel called to State Active Military Service in accordance with the Military Code.
2. Food and supplies for activated military personnel.
3. Materials and other items necessary for the performance of the duties assigned herein to the Military Forces of Puerto Rico.
4. Any insurance policies that may be necessary for the performance of the duties authorized herein.
5. All fuels, lubricants, and oils required for land, air, and maritime transportation of the Military Forces of Puerto Rico during the authorized operation.
6. Vehicle rental expenses related to the transportation of activated personnel.
7. Hospital or medical expenses incurred due to injury or illness suffered by members of the Military Forces of Puerto Rico in the performance of their duties and under the mobilization authorized herein, until they are discharged by competent medical authorities.
8. Any other costs that may be necessary to carry out the mission assigned hereunder to the Military Forces of Puerto Rico.

Section 5:

ASSIGNMENT OF FINANCIAL RESOURCES TO THE NATIONAL GUARD. I hereby order the Secretary of the Department of Treasury, the Director of the Office of Management and Budget (“OGP,” for its Spanish acronym) and the Executive Director of the Puerto Rico Fiscal Agency and Financial Advisory Authority (“AAFAF,” for its Spanish acronym) to make all necessary arrangements, in accordance with applicable laws, to assign the Adjutant General of the Puerto Rico

National Guard all the necessary financial resources to carry out the operation authorized herein.

Section 6: **NATIONAL GUARD’S EXPENSE REPORT.** The Adjutant General of the Puerto Rico National Guard shall submit a detailed report to the Secretary of the Department of Treasury and the OGP Director including all costs incurred at the closing of the operation conducted in the exercise of the duties and powers delegated under this Executive Order.

Section 7: **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 their name.

Section 8: **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 9: **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 10: **PRIOR ORDERS SUPERSEDED.** This Executive Order repeals any other executive order that may, in whole or in part, be inconsistent with the provisions herein, to the extent of such inconsistency.

Section 11: **PUBLICATION.** This Executive Order must be filed immediately with the Department of State and the widest possible publication is hereby ordered.

Section 12: **VALIDITY.** This Executive Order shall enter into force immediately and shall remain in force until amended or repealed by a subsequent Executive Order or by law.






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 17th day of September of 2022.

A blue ink signature of Pedro R. Pierluisi, written in a cursive style.

PEDRO R. PIERLUISI
GOVERNOR

Enacted in accordance with the law on this 17th day of September of 2022.

A blue ink signature of Omar J. Marrero Díaz, written in a cursive style.

OMAR J. MARRERO DÍAZ
SECRETARY OF STATE

A blue ink signature of Juan E. Segarra, written in a cursive style.

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.