



TERRITORY OF GUAM
OFFICE OF THE GOVERNOR
AGAÑA, GUAM 96910
U. S. A.

EXECUTIVE ORDER NO. 97-20

DECLARING A STATE OF EMERGENCY FOR EMERGENCY PROCUREMENT, FOR EMERGENCY EXPENSES, AND FOR EXEMPTION FROM PROHIBITION ON OVERTIME COMPENSATION FOR SUPERVISORY PERSONNEL RELATIVE TO THE PROVISION OF GOODS AND SERVICES BY THE GUAM NATIONAL GUARD DUE TO THE CRASH OF KOREAN AIR FLIGHT 801 IN THE EARLY MORNING HOURS OF AUGUST 6, 1997.

WHEREAS, at approximately 1:50 a.m. on August 6, 1997, a 747 airliner, Korean Air Flight No. 801 en route from Seoul, Korea to Agana, Guam, crashed into a hilly area of dense vegetation on Nimitz Hill, Guam, as it was making its final approach to the A. B. Won-Pat International Airport; and

WHEREAS, Flight No. 801 had 254 persons aboard, and 46 persons were able to be transported to the Guam Memorial Hospital and the Naval Regional Medical Center, and all of those individuals transported did not survive and the remainder of the individuals who were not able to be removed from the site perished in the crash; and

WHEREAS, the Governor is authorized pursuant to §63500 of Title 10, Guam Code Annotated, in time of any territorial emergency, to order the Guam National Guard, or any part thereof, into the active service of the territory of Guam; and

WHEREAS, the government of Guam, if it utilizes federal equipment or supplies, must reimburse the Federal Government for the use and must be responsible for any and all damages to the equipment; and

WHEREAS, the Guam National Guard is required to assist in providing essential services to the public to alleviate the emergency, including but not limited to protecting life and property by providing access to the crash site, assisting in the removal of crash victims, providing supplies and food to the site, and other related activities;

NOW, THEREFORE, I, CARL T. C. GUTIERREZ, Governor of Guam, by virtue of the authority vested in me by the Organic Act of Guam, as amended, and the laws of Guam, do hereby order the following:

1) **Declaration of state of emergency.** A state of emergency exists due to the disastrous crash of Korean Air Flight No. 801 on Nimitz Hill on its final approach en route from Seoul, Korea to Agana, Guam on August 6, 1997.

2) **Activated units of the Guam National Guard and duties.** The following units are ordered to active service of the territory of Guam:

1-294TH INFANTRY BATTALION

Guam National Guard
Korean Air Flight No. 801 crash
Executive Order No. 97-20



1224TH ENGINEER DETACHMENT
GTC MEDICAL PERSONNEL
254TH CIVIL ENGINEERS
254TH SERVICE FLIGHT

3) **Authority of Adjutant General to activate units needed.** The Adjutant General, with approval of the Governor, shall have the authority to call or activate other members of the Guam National Guard from any units needed, to perform missions assigned to the Guam National Guard by the Governor; and

The activated units or members are directed to render all necessary assistance in gaining access to the crash site of Flight No. 801 and removing the victims of the airline crash to medical facilities or other facilities, as appropriate; and

The Guam National Guard is expected to accomplish the above missions while protecting the life, liberty, safety, and health of the persons affected by the crash of Flight No. 801 and further protect all public and private property within the jurisdiction of the territory as set out in the mission above; and

The Guam National Guard Military Commanders will take the measure or perform all those activities necessary to prevent, forestall, or combat the effects of the emergency situation. Accomplishment of the above stated missions and the command and control of the command units are the sole responsibility of the Guam National Guard Military Commander subject to the statutory control of the Governor as the Commander-in-Chief.

3) **Emergency procurement and emergency expenses.** Pursuant to §5215 of Title 5, Guam Code Annotated, authorizing emergency procurement upon executive order, and pursuant to §22402 of Title 5, Guam Code Annotated authorizing the Governor to utilize up to Two Hundred Fifty Thousand Dollars (\$250,000) of outstanding appropriations within the General Fund for expenses caused by civil defense, public safety or health emergencies, the Director of the Bureau of Budget and Management Research is authorized to transfer to the Guam National Guard an amount not to exceed Two Hundred Fifty Thousand Dollars (\$250,000) from outstanding appropriations within the General Fund for immediate procurement by the Guam National Guard to provide goods and services relative to the tragic crash of Flight No. 801.

4) **Further authorization for emergency procurement unnecessary.** The authorization for the certification, approval, and expenditure of necessary funds pursuant to §5215 of Title 5, Guam Code Annotated and §22402 of Title 5, Guam Code Annotated, shall be this Executive Order, subject only to the exhaustion of identified funds. Any funds not so expended shall revert to the General Fund.

5) **Purpose of emergency procurement and expenditure of funds.** Emergency procurement may be used for procurement of any goods and services provided by the Guam National Guard in the provision of goods and services as a result of the tragic crash of Flight No. 801, and continuing for Thirty (30) days after the date of this executive order as provided in §5215 of Title 5, Guam Code Annotated.

6) **Exemption from overtime prohibition of Executive Order No. 95-11.** Notwithstanding the provisions of Executive Order No. 95-11, all employees of the Guam National Guard who work overtime hours from 6:00 a.m. on August 6, 1997 are authorized to receive overtime pay, whether or not their positions are

Guam National Guard
Korean Air Flight No. 801 crash
Executive Order No. 97-20



supervisory in nature, or are listed or not listed in the attachment to Executive Order No. 95-11. Overtime hours shall be as authorized by The Adjutant General.

SIGNED AND PROMULGATED at Agana, Guam this 6th day of August, 1997.



CARL T. C. GUTIERREZ
Governor of Guam

COUNTERSIGNED:



MADELEINE Z. BORDALLO
Lieutenant Governor of Guam

