

A Glimpse Behind the Aviation Disaster Family Assistance Act of 1996

The Aviation Disaster Family Assistance Act of 1996 was born after areas of critical importance were poorly coordinated or mismanaged following several commercial aviation disasters that occurred between the late 1980's and the mid 1990's. Air carriers, local authorities and federal agencies lacked a comprehensive and compassionate response, leaving family members of those who were killed in accidents with nowhere to turn. Communication from the airlines lacked vital information loved ones were seeking. The victim identification process fell short. Families received human remains that had been misidentified. Burials of unidentified human remains were conducted in several disasters without the families' knowledge. Families learned that identifiable personal effects of their loved ones were intentionally destroyed after the accident rather than being returned. Following one accident, families discovered personal effects and human remains in a dumpster. In other accidents, families and friends who visited some sites months after the mitigation was completed discovered human remains, personal effects, and plane parts.

In 1994, victims' family members and survivors from several aviation disasters came together to advocate for a coordinated and humanitarian approach by the aviation industry and government in working with individuals impacted by a commercial aviation disaster. Families and survivors took their stories to Washington, D.C. seeking change.

On June 20, 1995, family members and survivors from American Eagle flight 4184, US Air flight 427, US Air flight 405, and US Air flight 5050, brought those concerns to a meeting hosted by the National Transportation Safety Board (NTSB) and the Department of Transportation (DOT). The meeting allowed the NTSB and DOT to understand the common issues and develop a plan to improve assistance to family members and survivors. The meeting attendees created an outline of 14 points of concern experienced by victims' families and aviation disaster survivors.

Families and survivors continued their push by participating in congressional meetings and testifying before the United States Congress.

In 1996, two all-fatal commercial aviation disasters, ValuJet flight 592 and TWA flight 800, again highlighted the overwhelming need for a coordinated crisis response plan within the aviation industry. On July 31, 1996, the Aviation Disaster Family Assistance Act (HR3923, 104th Congress) was introduced in the United States Congress by then Congressman Bud Shuster (R-PA) and 42 cosponsors.

On September 6, 1996, President Clinton signed an executive memorandum to seven federal agencies that tasked the NTSB to be the lead agency in coordinating the federal response to major aviation and transportation accidents. The order cited the importance of improving the capacity within the federal government in addressing the needs of families of victims of transportation accidents.

Family representatives from the below accidents advocated or supported efforts of the Act and Task Force:

American Eagle Flight 4184
CT-43 A
KAL Flight 007
Northwest Flight 255
Pan Am Flight 103
TWA Flight 800
United Flight 232
US Air Flight 5050
US Air Flight 1493
US Air Flight 405
US Air Flight 427
ValuJet Flight 592

The Aviation Disaster Family Assistance Act was passed in the House of Representatives on September 18, 1996 by a vote of 401 to 4. Prior to the bill's passage Rep. Shuster stated:

"So it is my hope . . . our colleagues on the other side of the Capitol will indeed move these very, very important pieces of aviation legislation, not the least of which is this very important family bill that is before us today."

Surrounded by victims' family members and survivors, President Clinton signed the *Federal Aviation Administration (FAA) Re-authorization Act of 1996* into law on October 9, 1996. Included in this under Title VII was *Family Assistance - Aviation Disaster Family Assistance Act of 1996*.

President Clinton remarked:

"And I thank all the family members who are here for your efforts to go beyond your own personal suffering to make something positive happen for our country in the future."



The legislation required the creation of a Task Force comprised of aviation disaster survivors and victims' family members, federal agencies, congressional leaders, attorneys, and the aviation industry. They were charged with addressing the concerns that led to the legislation and offer recommendations on how to mitigate such actions in the future. At the conclusion of their eight months of work, they issued 61 recommendations on how to best meet the needs of aviation disaster victims' families. The recommendations addressed a variety of family member concerns, from enlisting the American Red Cross to provide disaster mental health support, to a 45-day moratorium barring attorney's from soliciting victims' families, to guiding the NTSB to brief families prior to the media about their progress of the investigation and early response efforts, to the consultation of common burials prior to completion. Over the next few months, those recommendations evolved into a systematic model that guided the industry and resulted in the development of the Federal Family Assistance Plan for Aviation Disasters.

Additionally, the Act forged a new responsibility for the NTSB to create the Transportation Disaster Assistance (TDA) Division within the agency. The TDA was charged with coordinating the resources of federal, state, and local agencies, transportation carriers, and the American Red Cross, to meet the needs of family members and survivors following a transportation accident. TDA also serves as the primary resource for investigative information for family members and survivors.

Over the years, the Act has influenced creation of the Foreign Air Carrier Support Act of 1997 and the Rail Passenger Disaster Family Assistance Act of 2008. In 2013, the footprint of the Act appeared once again when the International Civil Aviation Organization (ICAO) created the "ICAO Policy on Assistance to Aircraft Victims and Their Families," which guides their 191 member states on effectively addressing the needs of family members for information and access to services.

The history of aviation accident family assistance reflects the capacity of the human spirit rising from tragedy, and underscores the power in building relationships between individuals, industry and government. In the words of Joe Lychner, a TWA flight 800 family member who served on the Task Force,

"Working together, we can make things better."