



# The Family Assistance Act: Thirty Years Later ... Lessons Learned

Aviation Symposium  
February 3-5, 2026

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# NTSB Family Assistance History

- Presidential Memorandum
- ADFAA – 1996
- ADFAA – Foreign Flag Carriers 1997 (FACFSA)
- Task Force Recommendations (1997)
  - Report Contained 61 recommendations
- MOU between DOS and NTSB 1997
- MOU between DOT and NTSB 1997
- MOU between FEMA and NTSB 1998

# NTSB Family Assistance Resources

NTSB TDA Brochures –  
Information for Survivors, Family & Friends

[NTSB Family Assistance Resources Library](#)

# NTSB Family Assistance Resources

- The NTSB's TDA now has information for Survivors, Family and Friends posted on its website for the following transportation accidents (in addition to Part 121 air carriers):
  - General Aviation
  - Railroad
  - Marine
  - Pipeline
  - Overseas and Foreign Accidents

# FAA Family Assistance Resources

- Federal Aviation Administration
  - The Aviation Event Emergency Response Plan (ERP) Review Checklist ([Aviation Event Emergency Response Plan \(ERP\) Review Checklist](#))
    - This is a tool to help FAA inspectors review 2023, for compliance with FAA policies
  - Airports are required to drill and practice their aviation emergency response plans once every three years, See 14 CFR Part 139.325. See also FAA Advisory Circular No 150/5200-31C Airport Emergency Plan (Consolidated AC includes Change 2)
  - Airports are also required to have an SMS (Safety Management System) program in place effective April 24, 2023, which includes Emergency Response Plans
  - Similarly, Part 135 certificate holders and air tour operators are required to have SMS Programs effective May 28, 2024

## Other Family Assistance Resources

- International Civil Aviation Organization (ICAO)
  - Annex 9 (Facilitation) to the Chicago Convention
  - Annex 13 (Aircraft Accident and Incident Investigation) to the Chicago Convention
  - Policy on Assistance to Aircraft Accident Victims and their Families (Doc 9998)
  - Manual on Assistance to Aircraft Accident Victims and Their Families (Doc 9973)
- International Air Transport Association (IATA)
  - *See generally*, IATA Compilation of Emergency Response Planning Regulations, Standards and Guidance Applicable to Civil Aviation, Edition 1.5 October 2024

# Family Assistance Resources

- European Union
  - EU Regulation 889/2002
  - EU Regulation 996/2010 (as amended)

# Family Assistance Resources

- Examples of countries adopting Family Assistance Legislation
  - Australia
  - UK
  - China
  - Argentina
  - Italy
  - Brazil
- *See generally*, IATA Compilation of Emergency Response Planning Regulations, Standards and Guidance Applicable to Civil Aviation, Edition 1.5 May 2023

# Advance Payments

- ADFAA/FACFSA – Not Required
- DOT Order 2006-10-14 approving ATA's (now A4A) 2006 IPA Agreement\*
- Warsaw/Montreal 1999
  - Not required, defers to local law
  - Strict liability up to 128,821 SDR's\*\*
- European Union
  - EU Regulation 889/2002, May 13, 2002
  - Requires EU carriers to make advance payment as soon as possible but in no later than 15 days
  - Advance payment cannot be less than the equivalent in euros of 16,000 SDR's (currently \$23,522)
  - Advance payment shall not constitute recognition of liability and may be offset against later payments

# Thank You

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