

**Office of the Secretary****14 CFR Parts 260 and 399****[Docket No. DOT-OST-2022-0089, DOT-OST-2025-2285]****RIN 2105-AF04, 2105-AF36****Airline Refunds and Other Consumer Protections**

AGENCY: Office of the Secretary of Transportation (OST), U.S. Department of Transportation.

ACTION: Notification of enforcement discretion.

SUMMARY: The U.S. Department of Transportation (Department or DOT) is extending its current enforcement discretion, announced on December 5, 2025, regarding specific refund regulations. Under current regulations, a flight assigned a different flight number than was active at the time of ticket purchase is considered a “cancelled flight,” making the consumer eligible for a prompt refund and related notifications. The Department is extending its discretion to not enforce these requirements for renumbered flights, provided that the passenger is rebooked on a flight with a new number and the flight operates without any “significant change or delay” as defined in its regulations. This extension provides the Department with the necessary time to complete the pending rulemaking addressing the definition of a flight cancellation.

DATES: As of [INSERT DATE OF PUBLICATION IN THE FEDERAL REGISTER], the Department is extending the pause on the enforcement of airline refunds requirements regarding cancelled flights under 14 CFR parts 260 and 399 for flights that are merely renumbered. This enforcement discretion is extended for 1-year from the date of this publication, expiring on July 7, 2027.

ADDRESSES: This notification of enforcement discretion may be viewed online at www.regulations.gov using the docket numbers listed above. Electronic retrieval help and guidelines are available on the website. It is available 24 hours each day, 365 days each year. An

electronic copy of this document may also be downloaded from the Office of the Federal Register's website at www.federalregister.gov and the Government Publishing Office's website at www.GovInfo.gov.

FOR FURTHER INFORMATION CONTACT: Clereece Kroha or Blane Workie, Office of Aviation Consumer Protection, U.S. Department of Transportation, 1200 New Jersey Avenue S.E., Washington, D.C. 20590, 202-366-9342 (phone), 202-366-7152 (fax), *clereece.kroha@dot.gov*, or *blane.workie@dot.gov* (email).

SUPPLEMENTARY INFORMATION: On April 26, 2024, DOT published a final rule titled "Refunds and Other Consumer Protections" (Refund I) (89 FR 32760). Under that rule, a "cancelled flight" was defined in a way that classified a flight operated under a different flight number as a new flight, meaning the original flight was considered cancelled and subject to refund requirements. The rule also requires carriers to provide notifications to affected consumers that they are entitled to a refund when a flight cancellation or significant delay or change occurs. Following the implementation of Refund I, multiple airlines submitted requests highlighting the necessity of flight renumbering for logistical reasons (such as switching between mainline and regional service) and the general lack of material impact on passengers. Upon review, DOT determined that consumers face no inherent harm from routine flight renumbering, and, on December 5, 2025, published a notification of enforcement discretion (90 FR 55999) announcing no enforcement of these specific ticket refund and notification requirements until June 30, 2026.

The Department is engaged in a rulemaking titled "Airline Refunds and Other Consumer Protections III" (Refund III), identified by RIN 2105-AF36. Among other things, this proposed rule aims to reduce unnecessary regulatory burdens by modifying the definition of a flight cancellation that would entitle consumers to ticket refunds. Because the Refund III rulemaking remains pending, the Department is extending the enforcement pause for an additional 1-year period from the date of this publication. Taking this interim step avoids imposing

counterproductive operational and technical difficulties on airlines while the rulemaking process is ongoing.

This enforcement discretion remains temporary and strictly limited. It applies solely to situations where a flight is given a different flight number but the passenger is successfully rebooked on the new flight without experiencing a “significant change or delay” (*e.g.*, changes to departure/arrival times by three or more hours domestically, changes in departure/arrival airports, or downgrades in class of service). If a flight number change is accompanied by any such significant delay or disruptions, standard consumer refund mandates remain fully enforceable.

This extension does not prejudice the outcome of the pending Refund III rulemaking. Furthermore, it does not alter any other consumer protections established in other DOT rulemakings, including airlines’ obligations to offer free rebooking when a change to a smaller aircraft means a passenger’s wheelchair or scooter can no longer be accommodated. It also does not alter how U.S. carriers report on-time performance data to the Department pursuant to 14 CFR part 234.

Issued in Washington, D.C., under authority delegated in 49 CFR 1.27(n):

Gregory Zerzan,
General Counsel.