

Office of Personnel Management.

Jerson Matias,

Federal Register Liaison.

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DEPARTMENT OF TRANSPORTATION

Office of the Secretary

14 CFR Part 259

[Docket No. DOT-OST-2025-2349]

RIN 2105-ZA50

Airline Customer Service Commitments for Controllable Flight Disruptions: Unscheduled Maintenance in Response to FAA Airworthiness Directives

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

ACTION: Notification of enforcement discretion.

SUMMARY: On November 28, 2025, the Federal Aviation Administration (FAA) issued Emergency Airworthiness Directive (EAD) 2025-24-51 requiring airlines to replace or modify affected elevator aileron computers (ELAC) used in certain Airbus aircraft. Due to the significant impact of the EAD on the fleets of some U.S. airlines, clarity was requested from the Department's Office of Aviation Consumer Protection (OACP) regarding airlines' responsibility to provide amenities such as meals and hotels for consumers affected by cancellations or significant delays due to unscheduled maintenance required to comply with the EAD. The largest U.S. airlines have generally committed to provide free rebooking, hotel, and meals to mitigate passenger inconveniences when the cause of a cancellation or significant delay was due to circumstances within the airline's control. This notice announces that as a matter of enforcement discretion, OACP will not treat cancellations or lengthy delays resulting from unscheduled maintenance in response to an airworthiness directive that cannot be deferred or must be addressed before a flight to be due to circumstances within airline control for the purposes of these types of airlines customer service commitments.

DATES: This enforcement policy is effective December 10, 2025 and remains in effect until further notice or conclusion of the Department's rulemaking titled Revisions to Cause of Airline Delay Categories (RIN 2105-AF29), whichever occurs first.

ADDRESSES: This notification of enforcement discretion may be viewed online at www.regulations.gov using the docket number 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' website at www.federalregister.gov and the Government Publishing Office's website at www.govinfo.gov.

FOR FURTHER INFORMATION CONTACT: John Wood or Blane Workie, Office of Aviation Consumer Protection, U.S. Department of Transportation, 1200 New Jersey Avenue SE, Washington, DC 20590, 202-366-9342 (phone), 202-366-7152 (fax), C70notice@dot.gov (email).

SUPPLEMENTARY INFORMATION: The Department's regulations require the largest U.S. airlines (Reporting Carriers)¹ to collect and report to the Department's Bureau of Transportation Statistics (BTS) the causes of airline delays in five broad categories—Air Carrier, National Aviation System (NAS), Extreme Weather, Late-arriving Aircraft, and Security.² The categories for the causes of cancellation are the same, except there is no Late-arriving Aircraft category.³ BTS has published a Reporting Directive with a list of examples of causes for delays and cancellations that it believes are within the control of the air carrier.⁴ According to the BTS Reporting Directive, Reporting Carriers must report maintenance issues using the Air Carrier causal category.⁵ The regulations also provide that maintenance is a circumstance within the control of the airline.⁶

Airlines are also obligated to abide by their customer service commitments, including the commitments the largest U.S. airlines have made in their customer service plans that apply when

¹ Reporting Carriers for calendar year 2025 are as follows: Alaska Airlines, Allegiant Air, American Airlines, Delta Air Lines, Envoy Air, Frontier Airlines, Hawaiian Airlines, JetBlue Airways, PSA Airlines, Republic Airways, SkyWest Airlines, Southwest Airlines, Spirit Airlines, and United Airlines. See 14 CFR 234.2; BTS Technical Reporting Directive #39—Reporting Air Carriers for Calendar Year 2025, Bureau of Transportation Statistics (Dec. 3, 2024), <https://www.bts.gov/sites/bts.dot.gov/files/2024-12/Technical%20Directive%20No%20%2039%20On-Time%202025.pdf>.

² 14 CFR 234.4(a)(17) to (a)(21); 14 CFR 234.4(i).

³ 14 CFR 234.4(a)(16); 14 CFR 234.4(h).

⁴ See id., supra note 2, pages 27–28.

⁵ See id.

⁶ 14 CFR 234.4(h)(1) (“Air carrier cancellations are due to circumstances that were within the control of the air carrier (e.g., lack of flight crew, maintenance, etc.)”).

cancellations or lengthy delays are due to circumstances within the control of the airline. The largest U.S. airlines that sell tickets have generally committed to provide free rebooking, complimentary hotel accommodations, and meals or meal vouchers to affected passengers in these circumstances. The Department displays airline commitments regarding services and compensation to mitigate passenger inconvenience caused by a delay or cancellation due to circumstances within the control of an airline on its online Airline Cancellation and Delay Dashboard.⁷ The Department has aligned the “controllable” standard for its dashboard with the Air Carrier causal category that airlines use when reporting cancellations and delays to BTS. The FAA Reauthorization Act of 2024 (2024 FAA Act) codified this approach in statute.⁸

BTS is currently engaged in rulemaking to update the causal categories for reportable delays and cancellations, including removing certain actions from the Air Carrier category, as required by section 511 of the 2024 FAA Act.⁹ One such circumstance that must be excluded from the Air Carrier category is unscheduled maintenance.¹⁰ The rulemaking will also address the creation of a new category for tracking delays and cancellations due to instructions from the FAA air traffic control system.¹¹

The Department is issuing this notice to address the question of whether cancellations and delays due to an airline's compliance with EAD 2025-24-51¹² should be considered within the control of an airline given the congressional mandate to exclude unscheduled maintenance from the air carrier category. Section 511(b) of the 2024 FAA Act states that “[u]nscheduled maintenance, including in response to an airworthiness

⁷ Airline Cancellation and Delay Dashboard, <https://www.transportation.gov/airconsumer/airline-cancellation-delay-dashboard>.

⁸ FAA Reauthorization Act of 2024, Public Law 118-63 (May 16, 2024). Section 506 of the Act added 49 U.S.C. 42308, which reads as follows: “The website on which such dashboard is displayed shall explain the circumstances under which a delay or cancellation is not due to circumstances in the control of the large air carrier . . . consistent with section 234.4 of title 14, Code of Federal Regulations.” (emphasis added). 49 U.S.C. 42308(a)(2).

⁹ Revision to Cause of Airline Delay Categories (RIN: 2105-AF29), <https://www.reginfo.gov/public/do/eAgendaViewRule?pubId=202504&RIN=2105-AF29>.

¹⁰ 2024 FAA Act, section 511(b)(7).

¹¹ See id. at section 511(a).

¹² See Federal Aviation Administration EAD No. 2025-24-51 (Nov. 28, 2025), <https://drs.faa.gov/browse/excelExternalWindow/DRSDOCID170146585920251129034243.0001>.

directive, manifesting outside a scheduled maintenance program that cannot be deferred or must be addressed before flight" is a cause that "shall not" be included in the Air Carrier reporting category. Cancellations and delays due to compliance with EAD 2025–24–51 fall within the carve-out from the Air Carrier category described in section 511(b) because the EAD required unscheduled maintenance that could not be deferred. Therefore, as a matter of enforcement policy, OACP will not take action against airlines that do not provide services, amenities, or compensation promised in their customer service plans to mitigate passenger inconvenience from controllable flight disruptions in instances when flights are delayed or cancelled due to unscheduled maintenance in response to an airworthiness directive that cannot be deferred or must be addressed before flight such as was the case with EAD 2025–24–51.

Regardless of this statement of enforcement discretion, the Department recognizes that airlines will often go beyond what is required by law to care for customers and may still choose to provide meals, hotels, free rebooking, and other amenities to passengers affected by flight disruptions voluntarily as a matter of good customer relations. To determine whether a flight disruption was due to unscheduled maintenance to comply with an airworthiness directive that cannot be deferred or must be addressed before flight like EAD 2025–24–51, OACP would consider whether the delay or cancellation would have occurred *but for* the actions taken to comply with the EAD. We note that, consistent with current DOT regulations and the BTS Reporting Directive, the Department expects airlines to report cancellations and delays due to compliance with EAD 2025–24–51 in the Air Carrier category.

This notice represents guidance and is not meant to bind the airlines in any way. It also does not prejudge the outcome of the Department's rulemaking titled Revisions to Airline Cause of Delay Categories (RIN 2105–AF29). The notice is intended to address the operational difficulties resulting from airline compliance with a departmental safety rule of immediate applicability and effect, and to clarify existing legal requirements and the Department's enforcement priorities. It will not be relied upon by the Department as a separate basis for affirmative enforcement action or other administrative penalty.

Issued on December 5, 2025, in Washington, DC, under authority delegated in 49 CFR 1.27(n):
Gregory Zerzan,
General Counsel.
 [FR Doc. 2025–22415 Filed 12–9–25; 8:45 am]
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DEPARTMENT OF JUSTICE

Office of the Attorney General

28 CFR Part 0

[Docket No. OAG 195; AG Order No. 6508–2025]

Transfer of the Functions of the Tax Division to the Civil Division and the Criminal Division

AGENCY: Department of Justice.

ACTION: Final rule.

SUMMARY: This rule amends Part 0 of the Department of Justice's ("Department") organizational regulations in title 28 of the Code of Federal Regulations to transfer the functions of the Tax Division to the Civil Division and the Criminal Division, as appropriate.

DATES: Effective December 9, 2025.

FOR FURTHER INFORMATION CONTACT:

For the Civil Division: Sarah Welch, Counsel, Civil Division, 950 Pennsylvania Avenue NW, Washington, DC 20530; telephone: (202) 514–2000 (not a toll-free call).

For the Criminal Division: Samuel R. Lyons, Acting Principal Deputy Chief, Tax Section, 1331 F St NW, Washington, DC 20004; telephone: (202) 353–4641 (not a toll-free call).

SUPPLEMENTARY INFORMATION:

I. Summary

On February 11, 2025, President Trump issued Executive Order 14210, *Implementing the President's "Department of Government Efficiency" Workforce Optimization Initiative*. The President called on Federal agencies to "restore accountability to the American public" by "eliminating waste, bloat, and insularity." In response to that Executive Order, the Department is working to reorganize its workforce so that it can better serve the American public through more efficient operations. This organizational rule transfers certain functions within the Department to achieve these ends.

II. Regulatory Requirements

In developing this rule, the Department considered numerous statutes and executive orders applicable to the rulemaking process. The

Department's analysis of the applicability of those statutes and executive orders to this rule is summarized below.

A. Administrative Procedure Act

This rule concerns agency organization, procedure, and practice; is limited to matters of agency management and personnel; and is not a substantive rule. Therefore, this rule is exempt from the requirements of prior notice and comment and a 30-day delay in the effective date. *See* 5 U.S.C. 553(a)(2), (b)(A), (d).

B. Executive Order 12866 (Regulatory Planning and Review), Executive Order 13563 (Improving Regulation and Regulatory Review), and Executive Order 14192 (Unleashing Prosperity Through Deregulation)

This final rule is not a significant regulatory action under section 3(f) of Executive Order 12866, as supplemented by Executive Order 13563. This rule is limited to agency organization, management, and personnel as described by Executive Order 12866, section 3(d)(3), and therefore is not a "regulation" or "rule" as defined by that Executive Order. Accordingly, this action has not been reviewed by the Office of Management and Budget. Further, as this rule relates to agency organization, management, or personnel, it is not subject to the requirements of Executive Order 14192.

C. Executive Order 14294 (Overcriminalization of Federal Regulations)

Executive Order 14294 requires agencies promulgating regulations with criminal regulatory offenses potentially subject to criminal enforcement to explicitly describe the conduct subject to criminal enforcement, the authorizing statutes, and the mens rea standard applicable to each element of those offenses. This final rule does not impose a criminal regulatory penalty and is thus exempt from Executive Order 14924.

D. Regulatory Flexibility Act

The Regulatory Flexibility Act of 1980, 5 U.S.C. 601–612, as amended, requires Federal agencies to consider the potential impact of regulations on small entities during rulemaking. The term "small entities" comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. 5 U.S.C. 601.

A Regulatory Flexibility Analysis is not required for this final rule because