

AMENDMENT TO RULES COMMITTEE PRINT 115-

25

OFFERED BY MS. MENG OF NEW YORK

Page 306, after line 10, insert the following:

1 **SEC. 515. FREQUENT FLYER PROGRAMS FAIRNESS AND**
2 **TRANSPARENCY.**

3 (a) IN GENERAL.—Section 41712(c) of title 49,
4 United States Code, is amended by adding at the end the
5 following:

6 “(3) FREQUENT FLYER PROGRAMS.—It shall be
7 an unfair or deceptive practice under subsection (a)
8 for any air carrier or foreign air carrier that offers
9 a frequent flyer program—

10 “(A) to materially change the terms or
11 conditions of the frequent flyer program with-
12 out providing reasonable notice to consumers;
13 or

14 “(B) to unfairly reduce or eliminate bene-
15 fits earned by members of the frequent flyer
16 program.”.

17 (b) REGULATIONS.—

18 (1) IN GENERAL.—Not later than 180 days
19 after the date of the enactment of this Act, the Sec-

1 retary, in consultation with the Administrator, shall
2 prescribe such regulations as may be necessary to
3 carry out section 41712(c)(3) of title 49, United
4 States Code, as added by subsection (a).

5 (2) CONSIDERATIONS.—In prescribing the regu-
6 lations required under paragraph (1), the Secretary
7 shall—

8 (A) take into consideration—

9 (i) the significance of the change to
10 the frequent flyer program's terms and
11 conditions; and

12 (ii) the amount of time between the
13 notification provided to a consumer and
14 the date on which the change takes effect;
15 and

16 (B) require each air carrier that offers a
17 frequent flyer program to disclose, in a stand-
18 ardized format, when offering or enrolling con-
19 sumers into the program, accurate information
20 regarding the program's rules, including—

21 (i) the rate at which credits are
22 earned;

23 (ii) the minimum number of credits
24 earned per flight;

- 1 (iii) the number of credits needed for
2 each award;
- 3 (iv) any applicable deadlines for re-
4 deeming credits;
- 5 (v) any restrictions on the transfer-
6 ability of earned credit and awards;
- 7 (vi) other conditions and limitations of
8 the program;
- 9 (vii) the percentage of successful re-
10 demptions; and
- 11 (viii) frequent flyer seats made avail-
12 able in the top origin and destination mar-
13 kets.

