AMENDMENT TO RULES COMMITTEE PRINT 115–25

OFFERED BY MS. MENG OF NEW YORK

Page 306, after line 10, insert the following:

SEC. 515. FREQUENT FLYER PROGRAMS FAIRNESS AND TRANSPARENCY.

(a) In General.—Section 41712(c) of title 49, United States Code, is amended by adding at the end the following:

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

“(A) to materially change the terms or conditions of the frequent flyer program without providing reasonable notice to consumers; or

“(B) to unfairly reduce or eliminate benefits earned by members of the frequent flyer program.”.

(b) Regulations.—

(1) In General.—Not later than 180 days after the date of the enactment of this Act, the Sec-
Secretary, in consultation with the Administrator, shall prescribe such regulations as may be necessary to carry out section 41712(c)(3) of title 49, United States Code, as added by subsection (a).

(2) CONSIDERATIONS.—In prescribing the regulations required under paragraph (1), the Secretary shall—

(A) take into consideration—

(i) the significance of the change to the frequent flyer program’s terms and conditions; and

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

(B) require each air carrier that offers a frequent flyer program to disclose, in a standardized format, when offering or enrolling consumers into the program, accurate information regarding the program’s rules, including—

(i) the rate at which credits are earned;

(ii) the minimum number of credits earned per flight;
(iii) the number of credits needed for each award;
(iv) any applicable deadlines for redeeming credits;
(v) any restrictions on the transferability of earned credit and awards;
(vi) other conditions and limitations of the program;
(vii) the percentage of successful redemptions; and
(viii) frequent flyer seats made available in the top origin and destination markets.