

AMENDMENT TO H.R. 4
OFFERED BY MS. MENG OF NEW YORK

Page 182, after line 10, insert the following:

1 **SEC. ____.** **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-
20 retary, in consultation with the Administrator, shall

1 prescribe such regulations as may be necessary to
2 carry out section 41712(c)(3) of title 49, United
3 States Code, as added by subsection (a).

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

7 (A) take into consideration—

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

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

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

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

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

24 (iii) the number of credits needed for
25 each award;

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

