

118TH CONGRESS
2D SESSION

S. 5272

To amend chapter 423 of title 49, United States Code, to provide protections with respect to frequent flyer programs and co-branded credit cards, and for other purposes.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 25, 2024

Mr. DURBIN introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To amend chapter 423 of title 49, United States Code, to provide protections with respect to frequent flyer programs and co-branded credit cards, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Protect Your Points
5 Act of 2024”.

1 **SEC. 2. PROTECTIONS RELATING TO FREQUENT FLYER**
2 **PROGRAMS AND CO-BRANDED CREDIT**
3 **CARDS.**

4 (a) IN GENERAL.—Chapter 423 of title 49, United
5 States Code, is amended by adding at the end the fol-
6 lowing new section:

7 **“SEC. 42309. PROTECTIONS RELATING TO FREQUENT**
8 **FLYER PROGRAMS AND CO-BRANDED CREDIT**
9 **CARDS.**

10 “(a) PROTECTIONS RELATED TO POINTS, MILES,
11 AND OTHER ACCRUED VALUE.—

12 “(1) VALUE DISCLOSURE.—Not later than 90
13 days after the date of enactment of this section,
14 each covered air carrier shall—

15 “(A) prominently display on each page of
16 the website of the air carrier information re-
17 garding the financial value of one point, mile,
18 or other accrued value promised or offered in
19 connection with a frequent flyer program; and

20 “(B) update, in real time, any change to
21 such information.

22 “(2) EXPIRATION OF POINTS.—A covered air
23 carrier shall not place an expiration date on any
24 points, miles, or other accrued value promised or of-
25 fered in connection with a frequent flyer program.

26 “(3) TRANSFER OF POINTS.—

1 “(A) IN GENERAL.—A covered air carrier
2 shall—

3 “(i) allow a consumer participating in
4 a frequent flyer program to transfer any
5 amount of points, miles, or other accrued
6 value of the consumer to another partici-
7 pant (chosen by the consumer) of the same
8 frequent flyer program; and

9 “(ii) guarantee that, with respect to
10 any such transfer, the points, miles, or
11 other accrued value remain equal in value
12 once transferred.

13 “(B) LIMITATIONS.—A covered air carrier
14 shall not—

15 “(i) limit the number of points, miles,
16 or other accrued value that a consumer
17 may transfer to another participant of the
18 frequent flyer program; or

19 “(ii) impose a fee or other penalty on
20 the consumer in connection with such
21 transfer.

22 “(4) DISPLAY OF AIRFARE VALUE.—Not later
23 than 1 year after the date of enactment of this sec-
24 tion, each covered air carrier shall display on any
25 travel booking page of the website of the air carrier

1 the cost of airfare or other add-on services both in
 2 dollar value and in the value of points, miles, or
 3 other accrued value promised or offered in connec-
 4 tion with a frequent flyer program, in a manner
 5 that—

6 “(A) displays both values concurrently; and

7 “(B) does not require a consumer to alter-
 8 nate between such values to display both costs.

9 “(5) AIRFARE AND ADD-ON SERVICES TRANS-
 10 ACTIONS.—Not later than 1 year after the date of
 11 enactment of this section, each covered air carrier
 12 shall offer to consumers the ability to purchase air-
 13 fare or other add-on services in any combination of
 14 dollars and points, miles, or other accrued value
 15 promised or offered in connection with a frequent
 16 flyer program.

17 “(b) CONSUMER NOTICE OF CHANGES TO TERMS OF
 18 SERVICE.—

19 “(1) CHANGES TO TERMS OF SERVICES.—With
 20 respect to the terms of service, contract of carriage,
 21 or other customer agreement of any frequent flyer
 22 program or airline co-branded credit card of a cov-
 23 ered air carrier, the covered air carrier shall not in-
 24 clude any provision that reserves the right of the
 25 covered air carrier to make changes to the terms of

1 service, contract of carriage, or other customer
2 agreement without providing to the consumer at
3 least 1 year of notice of any such change.

4 “(2) NOTICE TO CONSUMERS.—A covered air
5 carrier shall not take any action that would allow
6 the covered air carrier to devalue a consumer’s ac-
7 crued points, miles, or other accrued value promised
8 or offered in connection with a frequent flyer pro-
9 gram, including any action to decrease the dollar
10 value, eliminate, reduce, suspend, forfeit, invalidate,
11 impose new limits on the access, use, redemption, or
12 validity, or impose new requirements or expense for
13 the redemption or use of any such points, miles, or
14 other accrued value unless the covered air carrier
15 has provided to consumers not fewer than 1 year of
16 notice of any such action.

17 “(3) COORDINATION WITH CFPB.—In carrying
18 out paragraphs (1) and (2), the Secretary shall co-
19 ordinate with the Director of the Consumer Finan-
20 cial Protection Bureau, as necessary.

21 “(c) DEFINITIONS.—In this section:

22 “(1) ADD-ON SERVICES.—The term ‘add-on
23 services’ means any service that a consumer may
24 add to a flight booking for an additional cost, or
25 may purchase as an in-flight service, including seat-

1 ing options, baggage, beverages, food, early board-
2 ing, lounge access, internet or wifi access, or any
3 other service determined appropriate by the Sec-
4 retary.

5 “(2) CO-BRANDED CREDIT CARD.—The term
6 ‘co-branded credit card’ means a credit card jointly
7 offered by a covered air carrier in partnership with
8 a credit card issuer, with an emphasis on rewarding
9 brand loyalty.

10 “(3) COVERED AIR CARRIER.—The term ‘cov-
11 ered air carrier’ means an air carrier conducting
12 passenger operations under part 121 of title 14,
13 Code of Federal Regulations, that offers a frequent
14 flyer program.

15 “(4) FREQUENT FLYER PROGRAM.—The term
16 ‘frequent flyer program’ means a program in which
17 a covered air carrier promises or offers points, miles,
18 or other accrued value for tickets purchased from
19 the covered air carrier.

20 “(5) SECRETARY.—The term ‘Secretary’ means
21 the Secretary of Transportation.”.

22 (b) CLERICAL AMENDMENT.—The analysis for chap-
23 ter 423 of title 49, United States Code, is amended by
24 inserting after the item relating to section 42308 the fol-
25 lowing:

“42309. Protections relating to frequent flyer programs and co-branded credit cards.”.

