

119TH CONGRESS
2D SESSION

S. _____

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

Mr. DURBIN introduced the following bill; which was read twice and referred to the Committee on _____

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 2026”.

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 and mobile application of the air
17 carrier information regarding the financial
18 value of one point, mile, or other accrued value
19 promised or offered in connection with a fre-
20 quent flyer program;

21 “(B) in the case that any such financial
22 value differs between various co-branded credit
23 cards, or tiers or iterations of loyalty programs,
24 display information regarding each differing fi-
25 nancial value in a central location on the

1 website and mobile application of the air car-
2 rier; and

3 “(C) update, in real time, any change to
4 the information displayed pursuant to subpara-
5 graph (A) or (B).

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

10 “(3) TRANSFER OF POINTS.—

11 “(A) IN GENERAL.—A covered air carrier
12 shall—

13 “(i) allow a consumer participating in
14 a frequent flyer program to transfer any
15 amount of points, miles, or other accrued
16 value of the consumer to another partici-
17 pant (chosen by the consumer) of the same
18 frequent flyer program; and

19 “(ii) guarantee that, with respect to
20 any such transfer, the points, miles, or
21 other accrued value remain equal in value
22 once transferred.

23 “(B) LIMITATIONS.—A covered air carrier
24 shall not—

1 “(ii) in the case that any cost de-
2 scribed in clause (i) differs between various
3 co-branded credit cards, or tiers or
4 iterations of loyalty programs, information
5 regarding each such differing cost.

6 “(B) MANNER.—An air carrier shall dis-
7 play the information required under subpara-
8 graph (A) in a manner that—

9 “(i) displays all costs described in
10 such subparagraph concurrently; and

11 “(ii) does not require a consumer to
12 alternate between methods to display such
13 costs.

14 “(C) UPDATES.—An air carrier shall up-
15 date, in real time, any change to the informa-
16 tion required to be displayed under subpara-
17 graph (A).

18 “(6) DISPLAY OF REDEMPTION RATES.—Not
19 later than 1 year after the date of enactment of this
20 section, each covered air carrier shall—

21 “(A) display on a page of the website and
22 mobile application of the air carrier the percent-
23 age rate of points, miles, or other accrued value
24 that consumers successfully used or redeemed
25 in the preceding 12 months; and

1 “(B) update such percentage rate on an
2 annual basis.

3 “(7) AIRFARE AND ANCILLARY FEE TRANS-
4 ACTIONS.—Not later than 1 year after the date of
5 enactment of this section, each covered air carrier
6 shall offer to consumers the ability to purchase air-
7 fare or other ancillary fees in any combination of
8 dollars and points, miles, or other accrued value
9 promised or offered in connection with a frequent
10 flyer program.

11 “(8) ACCOUNT SECURITY.—Not later than 90
12 days after the date of enactment of this section,
13 each covered air carrier shall—

14 “(A) require multi-factor authentication
15 for access to a frequent flyer program account;
16 and

17 “(B) implement other reasonable data se-
18 curity protections as the Secretary may require.

19 “(b) CONSUMER NOTICE OF CHANGES TO TERMS OF
20 SERVICE.—

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

1 clude any provision that reserves the right of the
2 covered air carrier to make changes to the terms of
3 service, contract of carriage, or other customer
4 agreement without providing to the consumer at
5 least 1 year of notice of any such change.

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

19 “(3) COORDINATION WITH CFPB AND FTC.—In
20 carrying out paragraphs (1) and (2), the Secretary
21 shall coordinate with the Director of the Consumer
22 Financial Protection Bureau and the Commissioners
23 of the Federal Trade Commission, as necessary.

24 “(c) DEFINITIONS.—In this section:

1 “(1) ANCILLARY FEE.—The term ‘ancillary fee’
2 means any fee paid for service that a consumer may
3 add to a flight booking for an additional cost, or
4 may purchase as an in-flight service, including seat-
5 ing options, baggage, beverages, food, early board-
6 ing, lounge access, internet or wifi access, or any
7 other service determined appropriate by the Sec-
8 retary.

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

14 “(3) COVERED AIR CARRIER.—The term ‘cov-
15 ered air carrier’ means an air carrier (including any
16 program partner of such air carrier or a foreign air-
17 line partnership that includes such air carrier) con-
18 ducting passenger operations under part 121 of title
19 14, Code of Federal Regulations, that offers a fre-
20 quent flyer program.

21 “(4) FREQUENT FLYER PROGRAM.—The term
22 ‘frequent flyer program’ means a program in which
23 a covered air carrier promises or offers points, miles,
24 or other accrued value for tickets purchased from
25 the covered air carrier.

1 “(5) SECRETARY.—The term ‘Secretary’ means
2 the Secretary of Transportation.

3 “(d) REGULATIONS.—The Secretary may issue such
4 regulations as may be necessary to implement this sec-
5 tion.”.

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

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