

# Union Calendar No. 416

118<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 6543

**[Report No. 118-500]**

To prohibit unfair and deceptive advertising of prices for hotel rooms and other places of short-term lodging, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

DECEMBER 1, 2023

Mrs. KIM of California (for herself and Ms. CASTOR of Florida) introduced the following bill; which was referred to the Committee on Energy and Commerce

MAY 10, 2024

Additional sponsors: Mrs. LESKO and Mr. GOTTHEIMER

MAY 10, 2024

Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

# **A BILL**

To prohibit unfair and deceptive advertising of prices for hotel rooms and other places of short-term lodging, 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 “No Hidden Fees on  
5 Extra Expenses for Stays Act of 2023” or the “No Hid-  
6 den FEES Act of 2023”.

7 **SEC. 2. PROHIBITION ON UNFAIR AND DECEPTIVE ADVER-**  
8 **TISING OF HOTEL ROOM AND OTHER SHORT-**  
9 **TERM LODGING PRICES.**

10 (a) IN GENERAL.—A covered provider may not ad-  
11 vertise, display, market, or otherwise offer for sale in  
12 interstate commerce, including through a direct offering,  
13 third-party distribution, or metasearch referral, a price of  
14 a reservation for a place of short-term lodging that does  
15 not include each mandatory fee.

16 (b) EXCLUSION.—Subsection (a) does not prohibit a  
17 covered provider from displaying any individual compo-  
18 nent, including any fee or tax, that is part of the total  
19 price, if such total price is clearly and conspicuously dis-  
20 closed to the consumer.

21 **SEC. 3. ENFORCEMENT.**

22 (a) ENFORCEMENT BY FEDERAL TRADE COMMIS-  
23 SION.—

24 (1) UNFAIR OR DECEPTIVE ACTS OR PRAC-  
25 TICES.—A violation of section 2(a) shall be treated

1 as a violation of a regulation under section  
2 18(a)(1)(B) of the Federal Trade Commission Act  
3 (15 U.S.C. 57a(a)(1)(B)) regarding unfair or decep-  
4 tive acts or practices.

5 (2) POWERS OF COMMISSION.—The Commis-  
6 sion shall enforce section 2(a) in the same manner,  
7 by the same means, and with the same jurisdiction,  
8 powers, and duties as though all applicable terms  
9 and provisions of the Federal Trade Commission Act  
10 (15 U.S.C. 41 et seq.) were incorporated into and  
11 made a part of this Act. Any covered provider who  
12 violates section 2(a) shall be subject to the penalties  
13 and entitled to the privileges and immunities pro-  
14 vided in the Federal Trade Commission Act.

15 (3) AUTHORITY PRESERVED.—Nothing in this  
16 Act may be construed to limit the authority of the  
17 Commission under any other provision of law.

18 (b) ENFORCEMENT BY STATES.—

19 (1) IN GENERAL.—If the attorney general of a  
20 State, or an official or agency of a State, has reason  
21 to believe that an interest of the residents of the  
22 State has been or is being threatened or adversely  
23 affected by a practice that violates section 2(a), the  
24 State may bring a civil action on behalf of the resi-

1 dents of the State in an appropriate district court of  
2 the United States to obtain appropriate relief.

3 (2) RIGHTS OF COMMISSION.—

4 (A) NOTICE TO COMMISSION.—

5 (i) IN GENERAL.—Except as provided  
6 in clause (iii), an attorney general, official,  
7 or agency of a State, before initiating a  
8 civil action under paragraph (1), shall pro-  
9 vide written notification to the Commission  
10 that the attorney general, official, or agen-  
11 cy intends to bring such civil action.

12 (ii) CONTENTS.—The notification re-  
13 quired under clause (i) shall include a copy  
14 of the complaint to be filed to initiate the  
15 civil action.

16 (iii) EXCEPTION.—If it is not feasible  
17 for an attorney general, official, or agency  
18 of a State to provide the notification re-  
19 quired under clause (i) before initiating a  
20 civil action under paragraph (1), the attor-  
21 ney general, official, or agency shall notify  
22 the Commission immediately upon insti-  
23 tuting the civil action.

24 (B) INTERVENTION BY COMMISSION.—The  
25 Commission may—

1 (i) intervene in any civil action  
2 brought by an attorney general, official, or  
3 agency of a State under paragraph (1);  
4 and

5 (ii) upon intervening—

6 (I) be heard on all matters arising in the civil action; and

7 (II) appeal a decision in the civil  
8 action.

9  
10 (C) LIMITATION ON STATE ACTION WHILE  
11 FEDERAL ACTION IS PENDING.—If the Commis-  
12 sion or the Attorney General of the United  
13 States has instituted a civil action for violation  
14 of section 2(a) (referred to in this subparagraph  
15 as the “Federal action”), no State attorney  
16 general, official, or agency may bring an action  
17 under paragraph (1) during the pendency of the  
18 Federal action against any defendant named in  
19 the complaint in the Federal action for any vio-  
20 lation of such section alleged in such complaint.

21 (3) RULE OF CONSTRUCTION.—Nothing in this  
22 subsection may be construed to prevent an attorney  
23 general, official, or agency of a State from exercising  
24 the powers conferred on the attorney general, offi-  
25 cial, or agency by the laws of the State to conduct

1 investigations, to administer oaths or affirmations,  
2 or to compel the attendance of witnesses or the pro-  
3 duction of documentary or other evidence.

4 **SEC. 4. ONE NATIONAL STANDARD.**

5 (a) IN GENERAL.—A State, or political subdivision  
6 of a State, may not maintain, enforce, prescribe, or con-  
7 tinue in effect any law, rule, regulation, requirement,  
8 standard, or other provision having the force and effect  
9 of law of the State, or political subdivision of the State,  
10 that prohibits a covered provider from advertising, dis-  
11 playing, marketing, or otherwise offering, or otherwise af-  
12 fects the manner in which a covered provider may adver-  
13 tise, display, market, or otherwise offer, for sale in inter-  
14 state commerce, including through a direct offering, third-  
15 party distribution, or metasearch referral, a price of a res-  
16 ervation for a place of short-term lodging that does not  
17 include each mandatory fee.

18 (b) RULE OF CONSTRUCTION.—This section may not  
19 be construed to—

20 (1) preempt any law of a State or political sub-  
21 division of a State relating to contracts or torts; or

22 (2) preempt any law of a State or political sub-  
23 division of a State to the extent that such law re-  
24 lates to an act of fraud, unauthorized access to per-

1       sonal information, or notification of unauthorized ac-  
2       cess to personal information.

3 **SEC. 5. DEFINITIONS.**

4       In this Act:

5           (1) COMMISSION.—The term “Commission”  
6       means the Federal Trade Commission.

7           (2) CORPORATE, GOVERNMENT, OR INSTITU-  
8       TIONAL TRAVEL MANAGEMENT PROGRAM.—The  
9       term “corporate, government, or institutional travel  
10      management program” means—

11           (A) a program used by a company, govern-  
12      ment entity, or not-for-profit institution for the  
13      travel of the officers, directors, or employees of  
14      such company, government entity, or not-for-  
15      profit institution; or

16           (B) a program purchased by a company,  
17      government entity, or not-for-profit institution  
18      and used for the travel of the officers, directors,  
19      or employees of such company, government en-  
20      tity, or not-for-profit institution.

21           (3) COVERED PROVIDER.—

22           (A) IN GENERAL.—The term “covered pro-  
23      vider” means a provider of a place of short-  
24      term lodging, a provider of an internet website  
25      or other centralized platform, or any other enti-



1 ty who advertises, displays, markets, or other-  
2 wise offers a price of a reservation for a place  
3 of short-term lodging.

4 (B) EXCLUSION.—The term “covered pro-  
5 vider” does not include any entity who adver-  
6 tises, displays, markets, or otherwise offers a  
7 price of a reservation for a place of short-term  
8 lodging for purchase pursuant to a corporate,  
9 government, or institutional travel management  
10 program.

11 (4) MANDATORY FEE.—The term “mandatory  
12 fee”—

13 (A) means each mandatory fee required to  
14 complete the booking or stay that is assessed by  
15 the covered provider and paid directly by the  
16 consumer; and

17 (B) does not include any tax or fee im-  
18 posed on the consumer by a governmental or  
19 quasi-governmental entity or assessment fees of  
20 a government-created special district or pro-  
21 gram.

22 (5) PLACE OF SHORT-TERM LODGING.—The  
23 term “place of short-term lodging” means a hotel,  
24 motel, inn, short-term rental, or other place of lodg-

1       ing that advertises at a price that is a nightly, hour-  
2       ly, or weekly rate.

3               (6) STATE.—The term “State” means each of  
4       the several States, the District of Columbia, and  
5       each territory or possession of the United States.

6       **SEC. 6. APPLICATION TO PRIOR BOOKINGS.**

7       Section 2(a) shall apply only to a reservation for a  
8       place of short-term lodging made on or after the effective  
9       date of this Act.

10       **SEC. 7. EFFECTIVE DATE.**

11       This Act shall take effect on the date that is 1 year  
12       after the date of the enactment of this Act.



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