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(Original Signature of Member)

118TH CONGRESS
1ST SESSION

H. R. _____

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

IN THE HOUSE OF REPRESENTATIVES

Mrs. KIM of California introduced the following bill; which was referred to the Committee on _____

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”.

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

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

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

15 **SEC. 3. ENFORCEMENT.**

16 (a) ENFORCEMENT BY FEDERAL TRADE COMMIS-
17 SION.—

18 (1) UNFAIR OR DECEPTIVE ACTS OR PRAC-
19 TICES.—A violation of section 2(a) shall be treated
20 as a violation of a regulation under section
21 18(a)(1)(B) of the Federal Trade Commission Act
22 (15 U.S.C. 57a(a)(1)(B)) regarding unfair or decep-
23 tive acts or practices.

24 (2) POWERS OF COMMISSION.—The Commis-
25 sion shall enforce section 2(a) in the same manner,
26 by the same means, and with the same jurisdiction,

1 powers, and duties as though all applicable terms
2 and provisions of the Federal Trade Commission Act
3 (15 U.S.C. 41 et seq.) were incorporated into and
4 made a part of this Act. Any covered provider who
5 violates section 2(a) shall be subject to the penalties
6 and entitled to the privileges and immunities pro-
7 vided in the Federal Trade Commission Act.

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

11 (b) ENFORCEMENT BY STATES.—

12 (1) IN GENERAL.—If the attorney general of a
13 State, or an official or agency of a State, has reason
14 to believe that an interest of the residents of the
15 State has been or is being threatened or adversely
16 affected by a practice that violates section 2(a), the
17 State may bring a civil action on behalf of the resi-
18 dents of the State in an appropriate district court of
19 the United States to obtain appropriate relief.

20 (2) RIGHTS OF COMMISSION.—

21 (A) NOTICE TO COMMISSION.—

22 (i) IN GENERAL.—Except as provided
23 in clause (iii), an attorney general, official,
24 or agency of a State, before initiating a
25 civil action under paragraph (1), shall pro-

1 vide written notification to the Commission
2 that the attorney general, official, or agen-
3 cy intends to bring such civil action.

4 (ii) CONTENTS.—The notification re-
5 quired under clause (i) shall include a copy
6 of the complaint to be filed to initiate the
7 civil action.

8 (iii) EXCEPTION.—If it is not feasible
9 for an attorney general, official, or agency
10 of a State to provide the notification re-
11 quired under clause (i) before initiating a
12 civil action under paragraph (1), the attor-
13 ney general, official, or agency shall notify
14 the Commission immediately upon insti-
15 tuting the civil action.

16 (B) INTERVENTION BY COMMISSION.—The
17 Commission may—

18 (i) intervene in any civil action
19 brought by an attorney general, official, or
20 agency of a State under paragraph (1);
21 and

22 (ii) upon intervening—

23 (I) be heard on all matters aris-
24 ing in the civil action; and

1 (II) appeal a decision in the civil
2 action.

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

14 (3) RULE OF CONSTRUCTION.—Nothing in this
15 subsection may be construed to prevent an attorney
16 general, official, or agency of a State from exercising
17 the powers conferred on the attorney general, offi-
18 cial, or agency by the laws of the State to conduct
19 investigations, to administer oaths or affirmations,
20 or to compel the attendance of witnesses or the pro-
21 duction of documentary or other evidence.

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

23 (a) IN GENERAL.—A State, or political subdivision
24 of a State, may not maintain, enforce, prescribe, or con-
25 tinue in effect any law, rule, regulation, requirement,

1 standard, or other provision having the force and effect
2 of law of the State, or political subdivision of the State,
3 that prohibits a covered provider from advertising, dis-
4 playing, marketing, or otherwise offering, or otherwise af-
5 fects the manner in which a covered provider may adver-
6 tise, display, market, or otherwise offer, for sale in inter-
7 state commerce, including through a direct offering, third-
8 party distribution, or metasearch referral, a price of a res-
9 ervation for a place of short-term lodging that does not
10 include each mandatory fee.

11 (b) **RULE OF CONSTRUCTION.**—This section may not
12 be construed to—

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

15 (2) preempt any law of a State or political sub-
16 division of a State to the extent that such law re-
17 lates to an act of fraud, unauthorized access to per-
18 sonal information, or notification of unauthorized ac-
19 cess to personal information.

20 **SEC. 5. DEFINITIONS.**

21 In this Act:

22 (1) **COMMISSION.**—The term “Commission”
23 means the Federal Trade Commission.

24 (2) **CORPORATE, GOVERNMENT, OR INSTITU-**
25 **TIONAL TRAVEL MANAGEMENT PROGRAM.**—The

1 term “corporate, government, or institutional travel
2 management program” means—

3 (A) a program used by a company, govern-
4 ment entity, or not-for-profit institution for the
5 travel of the officers, directors, or employees of
6 such company, government entity, or not-for-
7 profit institution; or

8 (B) a program purchased by a company,
9 government entity, or not-for-profit institution
10 and used for the travel of the officers, directors,
11 or employees of such company, government en-
12 tity, or not-for-profit institution.

13 (3) COVERED PROVIDER.—

14 (A) IN GENERAL.—The term “covered pro-
15 vider” means a provider of a place of short-
16 term lodging, a provider of an internet website
17 or other centralized platform, or any other enti-
18 ty who advertises, displays, markets, or other-
19 wise offers a price of a reservation for a place
20 of short-term lodging.

21 (B) EXCLUSION.—The term “covered pro-
22 vider” does not include any entity who adver-
23 tises, displays, markets, or otherwise offers a
24 price of a reservation for a place of short-term
25 lodging for purchase pursuant to a corporate,

1 government, or institutional travel management
2 program.

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

5 (A) means each mandatory fee required to
6 complete the booking or stay that is assessed by
7 the covered provider and paid directly by the
8 consumer; and

9 (B) does not include any tax or fee im-
10 posed on the consumer by a governmental or
11 quasi-governmental entity or assessment fees of
12 a government-created special district or pro-
13 gram.

14 (5) PLACE OF SHORT-TERM LODGING.—The
15 term “place of short-term lodging” means a hotel,
16 motel, inn, short-term rental, or other place of lodg-
17 ing that advertises at a price that is a nightly, hour-
18 ly, or weekly rate.

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

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

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

1 SEC. 7. EFFECTIVE DATE.

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