

118TH CONGRESS
2D SESSION

H. R. 6543

IN THE SENATE OF THE UNITED STATES

JUNE 12, 2024

Received; read twice and referred to the Committee on Commerce, Science,
and Transportation

AN ACT

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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “No Hidden Fees on
3 Extra Expenses for Stays Act of 2023” or the “No Hid-
4 den FEES Act of 2023”.

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

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

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

19 **SEC. 3. ENFORCEMENT.**

20 (a) ENFORCEMENT BY FEDERAL TRADE COMMIS-
21 SION.—

22 (1) UNFAIR OR DECEPTIVE ACTS OR PRAC-
23 TICES.—A violation of section 2(a) shall be treated
24 as a violation of a regulation under section
25 18(a)(1)(B) of the Federal Trade Commission Act

1 (15 U.S.C. 57a(a)(1)(B)) regarding unfair or decep-
2 tive acts or practices.

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

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

16 (b) ENFORCEMENT BY STATES.—

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

25 (2) RIGHTS OF COMMISSION.—

1 (A) NOTICE TO COMMISSION.—

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

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

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

21 (B) INTERVENTION BY COMMISSION.—The
22 Commission may—

23 (i) intervene in any civil action
24 brought by an attorney general, official, or

1 agency of a State under paragraph (1);

2 and

3 (ii) upon intervening—

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

5 (II) appeal a decision in the civil

6 action.

7

8 (C) LIMITATION ON STATE ACTION WHILE

9 FEDERAL ACTION IS PENDING.—If the Commis-

10 sion or the Attorney General of the United

11 States has instituted a civil action for violation

12 of section 2(a) (referred to in this subparagraph

13 as the “Federal action”), no State attorney

14 general, official, or agency may bring an action

15 under paragraph (1) during the pendency of the

16 Federal action against any defendant named in

17 the complaint in the Federal action for any vio-

18 lation of such section alleged in such complaint.

19 (3) RULE OF CONSTRUCTION.—Nothing in this

20 subsection may be construed to prevent an attorney

21 general, official, or agency of a State from exercising

22 the powers conferred on the attorney general, offi-

23 cial, or agency by the laws of the State to conduct

24 investigations, to administer oaths or affirmations,

1 or to compel the attendance of witnesses or the pro-
2 duction of documentary or other evidence.

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

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

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

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

21 (2) preempt any law of a State or political sub-
22 division of a State to the extent that such law re-
23 lates to an act of fraud, unauthorized access to per-
24 sonal information, or notification of unauthorized ac-
25 cess to personal information.

1 **SEC. 5. DEFINITIONS.**

2 In this Act:

3 (1) COMMISSION.—The term “Commission”
4 means the Federal Trade Commission.

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

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

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

19 (3) COVERED PROVIDER.—

20 (A) IN GENERAL.—The term “covered pro-
21 vider” means a provider of a place of short-
22 term lodging, a provider of an internet website
23 or other centralized platform, or any other enti-
24 ty who advertises, displays, markets, or other-
25 wise offers a price of a reservation for a place
26 of short-term lodging.

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

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

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

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

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

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

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

Attest: KEVIN F. MCCUMBER,
Clerk.