



September 26, 2023

The Honorable Gus Bilirakis  
Chairman  
House Committee on Energy and Commerce  
Subcommittee on Innovation, Data, and  
Commerce  
2125 Rayburn House Office Building  
Washington, DC 20515

The Honorable Jan Schakowsky  
Ranking Member  
House Committee on Energy & Commerce  
Subcommittee on Innovation, Data, and  
Commerce  
2125 Rayburn House Office Building  
Washington, DC 20515

Dear Chairman Bilirakis and Ranking Member Schakowsky:

As the House Committee on Energy and Commerce Subcommittee on Innovation, Data, and Commerce holds a hearing on “Proposals to Enhance Product Safety and Transparency for Americans,” the Travel Technology Association submits the following letter for the record on the discussion draft H.R. \_\_\_\_, No Hidden Fees on Extra Expenses for Stays (FEES) Act. This legislation seeks to prohibit unfair and deceptive advertising of prices for hotel rooms and other places of short-term lodging.

The Travel Technology Association (“Travel Tech”) is the voice of the travel technology industry, advocating for public policy that promotes transparency and competition in the travel marketplace, encourages innovation, and empowers traveler choice. We represent the leading innovators in travel technology, including Online Travel Agencies (“OTAs”) and metasearch engines, short-term rental platforms, travel management companies, and Global Distribution Systems (“GDS”).

Travel Tech member companies created the infrastructure and Internet-based marketplace from which travelers, suppliers, and intermediaries benefit today. Through their platforms and services, our members provide suppliers with access to the vast and diverse travel marketplace while offering consumers transparency, a wide range of options, and customized experiences when purchasing and managing their travel.

Promoting transparency is a top priority for Travel Tech and its members. It is essential that travelers make informed decisions without hidden surprises or unexpected expenses. When travelers have complete pricing details, they can accurately compare different options and make choices that align with their preferences and budget. This transparency enables travelers to plan more effectively and promotes fair marketplace competition.



Public policy that supports clear and upfront information about the total cost of travel early in the planning process and across all booking and advertising channels encourages competitive pricing practices. Congress should enact a single national standard to create uniformity and certainty for hotels, short-term rentals, online ticket agents, metasearch agents and any others, and **most of all, travelers, who will have a better understanding of what is included in advertised pricing for lodging.**

Without a national standard, a “patchwork” of state regulations, with different regulations and potential penalties, would likely emerge. This would place a significant compliance burden on the travel technology industry. A patchwork would also be a source of great confusion for consumers to know whether they are covered by their state regulations or the regulations of the state where their lodging choice is located. Consumers in Florida seeking stays in California or Illinois and vice versa should see the same prices with mandatory fees included.

H.R.\_\_\_\_, No Hidden Fees on Extra Expenses for Stays (FEES) Act is an excellent first step forward. This bill seeks to set one national uniform standard for the display of pricing inclusive of mandatory fees paid by the consumer at hotels and other places of short-term lodging. The legislation would preempt state laws.

Travel Tech has worked closely with subcommittee staff and greatly appreciates their leadership as well as that of its sponsor Rep. Young Kim (R-CA-40) on the legislation. Travel Tech strongly support efforts to move it forward quickly, but have identified the following key changes in our feedback:

- **With regard to Sec. 2: Prohibition on unfair and deceptive advertising of hotel room and other short-term lodging prices:** As currently drafted, H.R.\_\_\_\_, No Hidden Fees on Extra Expenses for Stays (FEES) Act includes a “safe harbor” provision that requires covered providers to make a “reasonable effort” to obtain the mandatory fee if it is not first provided. Accommodation suppliers determine the rates, terms, and mandatory fees. Internet platforms – which include online ticket agents and metasearch platforms – then publish, disclose and share those rates, terms, and fees, to the extent this information is provided to them.

Given the scale at which Travel Tech member companies operate, wherein millions upon millions of rooms and rates from thousands and thousands of hotels across the United States are displayed in real-time, they could not reasonably seek out hotels and hold them to account if they did not first pro-actively share their mandatory fees. The

onus to provide the mandatory fee information must stay with the entity setting the consumer-paid mandatory fee. Furthermore, the legislation should also address situations when incorrect mandatory fee information is provided by the entity setting the fee.

To these ends, we recommend that this section of the bill read as follows: “No person covered by subsection (a)(1) may be found in noncompliance with this section if the person is unable to meet a requirement in this section due to the lack of complete and accurate information or data provided directly or through a third party intermediary by a place of short-term lodging to such person.”

- **With regard to Sec. 5 Definitions. (2) Covered Provider:** The current draft legislation defines a “covered provider” as a “place of short-term lodging, an online travel agency, or a metasearch website.” However, the terms “online travel agency” or “metasearch” do not have definitions in statute.

To control for this issue and future-proof this legislation as well, Travel Tech recommends replacing “online travel agency” and “metasearch website” with “a provider of a place of short-term lodging, an internet website, application, or other centralized platform, or any person that advertises, displays, markets, or otherwise offers for sale a place of short-term lodging.” It is likely in the future that consumers will book their travel through Artificial Intelligence or voice commands. Such tools should be subject to this law in the future just as Travel Tech members would be today.

- **With regard to Sec. 5 Definitions. (3)(A) Mandatory Fee:** As it currently stands, the legislation defines “Mandatory Fee” as “each mandatory fee that is assessed by the covered provider and paid directly by the consumer.” As discussed above and widely known, it is the place of short-term lodging that sets the mandatory fees paid directly by consumers. This definition should be changed to read, “each mandatory fee that is assessed by the short-term lodging provider and paid directly by the consumer.” “Short-term lodging provider” is rightly defined in the draft bill as “a hotel, motel, inn, short-term rental, or other place of lodging that advertises at a price that is a nightly, hourly, or weekly rate.”

Earlier this year, Travel Tech responded to the Federal Trade Commission’s Advance Notice of Proposed Rulemaking regarding the “prevalence of fee practices that may be unfair or deceptive acts or practices,” (Commission Matter No. R207011). In our comments, we detailed how Travel Tech members already provide travelers with all information provided to them by accommodation suppliers so consumers are aware of the resort fees that will be assessed on-



site. Our comments also stated that, “a]ny regulation in this area must apply equally to all entities advertising travel pricing information to consumers both online and offline. Without a level playing field, it could distort the online marketplace for travel, and lead to more consumer frustration, and not less.” With our proposed edits, H.R. \_\_\_\_, No Hidden Fees on Extra Expenses for Stays (FEES) Act will set the right balance among suppliers and platforms.

Thank you for your consideration of our proposed changes and we stand ready to support efforts in moving amended legislation forward immediately.

Sincerely,

*Laura Chadwick*

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President & CEO  
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