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## Congress of the United States House of Representatives

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COMMERCIAL AND ANTITRUST LAW

December 11, 2015

The Honorable Edith Ramirez  
Chairwoman  
Federal Trade Commission  
600 Pennsylvania Avenue, NW  
Washington, DC 20580

Dear Chairwoman Ramirez:

During this holiday season, Americans across the country are booking travel to visit family and friends, or enjoy well-deserved breaks. Unfortunately, all too many are unaware of mandatory hotel and resort fees for services they did not ask for and did not use that suddenly and substantially increase the price of their bill. This practice has impacted too many Americans already, and the Federal Trade Commission (FTC) should ban the practice as an unfair and deceptive trade practice under Section 5 of the Federal Trade Commission Act.

Hotel resort fees are often not included in the base room rates displayed online and purportedly cover hotel amenities such as the pool and the gym. These fees range from \$5 to \$70 a night, averaging around \$25 per night, and can represent a significant percentage of the overall cost of a hotel stay. While hotels argue these mandatory resort fees are a “convenience” for consumers, these fees bear no true relationship to the cost of services and many guests may not even utilize these services.

In reality, resort fees allow hotels to mask the true price of a hotel room and reduce guests’ ability to compare costs and fully budget for a family vacation or a business trip. A recent poll revealed that 80 percent of Americans polled agreed with the simple notion that if a fee is mandatory, it should be included in the base rate. In addition, 87 percent of those polled stated they would be less likely to stay at a hotel that charged a mandatory resort fee. Leading consumers’ rights organizations have called these fees “deceptive” and a “classic bait and switch.” And the Department of Transportation’s Advisory Committee for Aviation Consumer Protection recently recommended that if hotel fees are mandatory, those fees should be included in the room rate.

Unfortunately, the FTC has dealt with this issue as one of simply inadequate disclosure, and has spent considerable time and resources in an unsuccessful attempt to find the correct combination of font color, size, and prominence on a website to rectify this issue. The smaller screen size of

phones and tablets do not lend themselves to extensive disclosures, and consumers are not well served by budgeting for one fare while being presented with another.

We respectfully request the FTC revive its review and utilize the agency's authority to determine that mandatory hotel resort fees are a deceptive and unfair trade practice, as prohibited by Section 5 of the Federal Trade Commission Act. We look forward to receiving your reply.

Sincerely,



Suzan K. DelBene  
Member of Congress



Cheri Bustos  
Member of Congress



Tony Cardenas  
Member of Congress



David N. Cicilline  
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Jim Himes  
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