

Congress of the United States

House of Representatives

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6143

MAJORITY (202) 225-5074
MINORITY (202) 225-5051

<https://oversight.house.gov>

March 5, 2026

Mr. Glenn Fogel
Chief Executive Officer
Booking Holdings
Herengracht 597
Amsterdam, Netherlands 1017 CE

Dear Mr. Fogel:

The Committee on Oversight and Government Reform is examining the increased use of artificial intelligence and consumer data for setting prices. Specifically, we are examining the use of artificial intelligence to conduct surveillance pricing of consumers that artificially increases the prices of goods and services.¹ Surveillance pricing refers to pricing practices in which a company uses consumer data to create a “profile” based on individualized data such as geolocation, demographics, browsing history, purchase history, device type, battery life, and even mouse clicks² to assign different prices to different individuals in ways the consumer cannot understand, anticipate, or control. A report evaluating traveling sites, including those operated by Booking Holdings, concluded price discrimination “occurs when online retailers make judgments about what their customer will pay and then hike their rates accordingly.”³ The Committee therefore requests documents and information to better understand the policies guiding your company’s pricing practices.

Companies utilizing surveillance pricing deploy algorithms in conjunction with “harvested” personal data to determine a consumer’s emotional state, purchase intent, maximum

¹ Robert Silk, *ATPCO aims to help airlines do more dynamic pricing*, TRAVEL WEEKLY (Apr. 12, 2024), available at <https://www.travelweekly.com/Travel-News/Airline-News/ATPCO-dynamic-pricing-initiatives> (“At present 258 carriers do at least some dynamic pricing, up from 220 in the fall of 2022 . . .”); Justin Kloczko, *New Report Details How Companies Use Surveillance to Charge Different Prices for the Same Item*, CONSUMER WATCHDOG (Dec. 17, 2024), available at <https://consumerwatchdog.org/privacy/new-report-details-how-companies-use-surveillance-to-charge-different-prices-for-the-same-item/> (“Orbitz learned that Mac users spend more money to stay at hotels and charged them more than non-Mac users.”).

² Press Release, Federal Trade Commission, *FTC Surveillance Pricing Study Indicates Wide Range of Personal Data Used to Set Individualized Consumer Prices* (Jan. 17, 2025); Dana Mattioli, *On Orbitz, Mac Users Steered to Pricier Hotels*, WALL ST. J. (Aug. 23, 2012); Justin Kloczko, *Surveillance Price Gouging*, CONSUMER WATCHDOG (Dec. 16, 2024), available at <https://consumerwatchdog.org/wp-content/uploads/2024/12/Surveillance-Price-Gouging.pdf>, at 1; Kyle Potter, *Exclusive: US Airlines Are Quietly Hitting Solo & Biz Travelers with Higher Fares*, THRIFTY TRAVELER (May 29, 2025), available at <https://thriftytraveler.com/news/airlines/airlines-charging-solo-travelers-higher-fares/>.

³ [Kenneth](#) A. Spencer, *Hotel booking sites show higher prices to travelers from Bay Area*, SFGATE (Feb. 3, 2025).

willingness to pay (or so-called “pain point”) and an individualized price is tailored accordingly.⁴ Often this takes place in a “black box” environment where consumers do not know that personalized pricing is taking place or what information collected about them are driving prices.⁵ Surveillance pricing can be difficult to detect because consumers rarely have a view into what information a company has about them, what the prices they see are based on, or what prices other customers may be seeing for the same goods or services - making it difficult for consumers to make informed purchasing decisions.⁶

To be clear, the Committee is supportive of the advancement and use of artificial intelligence tools that allow companies to align prices with demand fluctuations, consumer preferences, and operational costs to promote efficiency and greater market responsiveness.⁷ However, the rise of surveillance pricing algorithms coupled with highly personalized consumer data may create arbitrage opportunities for companies to “weaponize personal data” and pad their profit margins at the expense of providing transparency to the consumer.⁸

To assist the Committee in its oversight of this matter, we request the following documents and information covering the time period from the initial implementation or consideration of such technologies through the present, as soon as possible, but no later than March 19, 2026:

1. All documents and communications detailing revenue management algorithms deployed for the purpose of setting prices for fares, rates, or products/services to consumers, including but not limited to:
 - a. When implementation of revenue management algorithms began;
 - b. The financial impact of such revenue management algorithms including documents and communications that describe their impact on revenue, pricing, or profitability; and
 - c. Any algorithms discussed or considered for future use for the same purposes;
2. All documents and communications detailing how consumer data is utilized in conjunction with any deployed revenue management algorithms to provide prices for the same fare, rate, or product/service to consumers, including but not limited to:

⁴ David Dayen, *The Emerging Danger of Surveillance Pricing*, JACOBIN (July 9, 2024), available at <https://jacobin.com/2024/07/surveillance-personalized-pricing-data-collection>; FED. TRADE COMM’N, FTC SURVEILLANCE PRICING 6(B): RESEARCH SUMMARIES A STAFF PERSPECTIVE (Jan. 2025), available at https://www.ftc.gov/system/files/ftc_gov/pdf/p246202_surveillancepricing6bstudy_researchsummaries_redacted.pdf; Charles Duhigg, *How Companies Learn Your Secrets*, N.Y. TIMES MAGAZINE (Feb. 16, 2012).

⁵ Emilio Calvano, *et al.*, *Artificial Intelligence, Algorithmic Pricing, and Collusion*, 110 J. AM. ECON. REV. 10 (Oct. 2020), at 3294; See *FTC Issue Spotlight: The Rise of Surveillance Pricing*, FED. TRADE COMM’N (Jan. 17, 2025), available at https://www.ftc.gov/system/files/ftc_gov/pdf/sp6b-issue-spotlight.pdf.

⁶ *Id.*

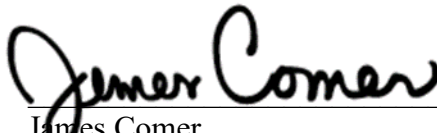
⁷ Aradhna Krishna, *In defense of ‘surveillance pricing’: Why personalized prices could be an unexpected force for equity*, THE CONVERSATION (Oct. 14, 2025), available at <https://theconversation.com/in-defense-of-surveillance-pricing-why-personalized-prices-could-be-an-unexpected-force-for-equity-266293>.

⁸ Justin Kloczko, *Surveillance Price Gouging*, CONSUMER WATCHDOG (Dec. 16, 2024), available at <https://consumerwatchdog.org/wp-content/uploads/2024/12/Surveillance-Price-Gouging.pdf>, at 1 (“It’s price gouging based on predictive behavior. Without more transparency, we don’t know how far surveillance pricing goes.”).

- a. Identifying data sources your company utilizes;
 - b. How such data sources are obtained;
 - c. Purposes for collecting such data sources; and
 - d. Other data inputs that have been discussed for potential future use;
3. All documents and communications detailing any use of a third-party organization to compile data sources including but not limited to the identity of the organization or intermediary from which they are obtained;
4. All documents and communication showing whether the data sources your company utilizes are bought or sold – directly or indirectly – to any competitors including but not limited to any internal analyses or assessments concerning the sharing, sale, or acquisition of such data with or from competitors;
5. All documents and communications describing the impact of consumer data on determining prices for the same product/service, including but not limited to analyses, presentations, or internal assessments that explain how consumer data influences pricing differences and how such pricing differences are internally justified; and,
6. All documents and communications sufficient to show whether the information underlying pricing differences is reasonably explainable and/or disclosed to consumers, including but not limited to detailed descriptions, visual materials, screenshots, mock-ups, or any other consumer-facing disclosures related to pricing.

The Committee on Oversight and Government Reform is the principal oversight committee of the U.S. House of Representatives and has broad authority to investigate “any matter” at “any time” under House Rule X. To arrange for delivery of documents or to ask any related follow up questions, please contact the Committee on Oversight and Government Reform Majority staff at (202) 225-5074. Thank you for your attention to this important matter.

Sincerely,

A handwritten signature in black ink that reads "James Comer". The signature is fluid and cursive, with the first name "James" and last name "Comer" clearly distinguishable.

James Comer

Chairman

Committee on Oversight and Government Reform

cc: The Honorable Robert Garcia, Ranking Member
Committee on Oversight and Government Reform