

Congress of the United States

House of Representatives

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

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September 9, 2026

The Honorable Andrew Ferguson
Chairman
Federal Trade Commission
600 Pennsylvania Avenue, NW
Washington, D.C. 20580

Dear Chairman Ferguson:

The Committee on Oversight and Government Reform is continuing its investigation into surveillance pricing practices and the impact they have on American consumers. We write to you today regarding the Federal Trade Commission's Proposed Enforcement Policy Statement Regarding Personalized Pricing, which was published for public comment on August 19, 2026.¹ The Commission's policy statement makes clear that where consumers reasonably expect a price will not vary based on their personal data, a company's failure to clearly and conspicuously disclose its use of that data to set a price may constitute an unfair or deceptive act or practice in violation of Section 5 of the FTC Act.² We applaud the Commission's efforts to promote transparency in this evolving business landscape and seek further information to help support the Committee's investigation. Accordingly, we request a staff-level briefing on the Commission's August 19, 2026, proposed policy statement.

The Committee opened an inquiry into surveillance pricing practices in March 2026.³ The Committee's examination of these practices has reinforced our concern that consumers are frequently unable to determine whether or how their personal data is being used to determine the price they are charged in store or online. Several of the companies approached by the Committee in the course of its investigation are the owners of patent technology that tracks consumer behavioral data, including demographic information and consumer shopping history.⁴ Given the rise of "surge" or "dynamic" pricing practices that result in rapidly fluctuating prices, it is

¹ *Federal Trade Commission's Proposed Enforcement Policy Statement Regarding Personalized Pricing*, U.S. FED. TRADE COMM'N (Aug. 19, 2026).

² *Id.*

³ See Letter from James Comer, Chairman, H. Comm. on Oversight & Gov't Reform, to Chris Rogers, Chief Executive Officer, Instacart (Mar. 5, 2026); see Letter from James Comer, Chairman, H. Comm. on Oversight & Gov't Reform, to Mr. Dara Khosrowshahi, Chief Executive Officer, Uber (Mar. 5, 2026); see Letter from James Comer, Chairman, H. Comm. on Oversight & Gov't Reform, to Mr. David Risher, Chief Executive Officer, Lyft (Mar. 5, 2026); see Letter from James Comer, Chairman, H. Comm. on Oversight & Gov't Reform, to Ms. Ariane Gorin, Chief Executive Officer, Expedia Group Incorporated (Mar. 5, 2026); and see Letter from James Comer, Chairman, H. Comm. on Oversight & Gov't Reform, to Mr. Glenn Fogel, Chief Executive Officer, Booking Holdings (Mar. 5, 2026).

⁴ See, e.g., Jennifer Ortakales Dawkins, *Uber wants to know where you're going and what you'll order before you do*, Business Insider (May 3, 2023).

difficult for consumers to know if they are being charged a price truly based on supply and demand or if the price they see is set by an algorithm using personalized data to determine the consumer's maximum "willingness to pay." The Commission's policy statement is a significant step toward addressing this lack of transparency and the Committee supports a final policy that reflects a clear, workable, and well-supported legal framework.

This issue has drawn considerable bipartisan attention. On August 4, 2026, the Senate Judiciary Committee's Subcommittee on Crime and Counterterrorism held a hearing examining the cost of surveillance pricing on consumers.⁵ Given the breadth of federal and state interest in surveillance pricing, the Committee believes a briefing with the Commission on the enforcement policy will advance its oversight.

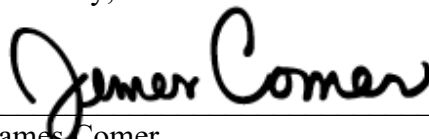
To assist the Committee's oversight, the Committee requests a staff-level briefing to address the following:

1. The process by which the Commission will review public comments received during the 30-day comment period, which closes September 18, 2026, and any anticipated timeline for finalizing the policy; and
2. The Commission's current enforcement priorities and any open investigations involving surveillance, personalized, or algorithmic pricing under Section 5 or other authorities.

Please make arrangements to schedule this briefing with Committee staff as soon as possible, but no later than September 16, 2026.

To schedule the briefing or to ask any related follow-up questions, please contact the Committee on Oversight and Government Reform Majority staff at (202) 225-5074. 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.

Sincerely,



James Comer
Chairman
Committee on Oversight and Government Reform

⁵ *Your Data, Their Profit: The Consumer Cost of AI Surveillance Pricing: A Hearing before the Subcomm. on Crime and Counterterrorism, S. Comm. on the Judiciary*, 119th Cong. 2 (Aug. 4, 2026).

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