

**Ranking Member Maria Cantwell**  
**Opening Statement**  
**Federal Trade Commission Oversight Hearing**  
**April 15, 2026**  
[\[VIDEO\]](#)

**Sen. Cantwell:** Thank you, Mr. Chairman, and good morning to the witnesses here today.

Obviously, the FTC is our primary agency for continuing to protect consumers, promote competition and to stop unfair and deceptive practices. So, neutering the FTC, as this administration has done, should have gotten a response and outcry by everyone for the fact that this should be a bipartisan organization nominated by whoever is President at that time.

I would like to begin by noting who's not here today, Commissioner Rebecca Slaughter, former Commissioner Bedoya. They're not here because President Trump illegally fired them without cause, in direct violation of the Federal Trade Commission Act and the Supreme Court precedent. The FTC, which our predecessors on the Senate Committee on Interstate Commerce helped draft, say that the Commissioners can only be fired for "inefficiency, neglect of duty or malfeasance in office," and yet the President fired Commissioners Slaughter and Bedoya for no reason at all.

Congress designed the FTC to be an independent agency so that it would serve the public good, not the President's allies or donors or special interests. Congress rightly understood that impartial decision making was critical to the credibility and effectiveness of the FTC. It also recognized that bipartisan perspectives would contribute to better outcomes. That is why Congress required that no more than three of the five Commissioners come from one party, and Commissioners were given staggered seven-year terms to ensure that they had enough time to learn the issues and promote continuity at the FTC.

Despite Congress' clear direction, President Trump has eviscerated the FTC's independence and eliminated the voices of dissent. And that means for over a year, there have been no Democrats on the Commission. That's not much of a bipartisan commission.

And yes, Mr. Chairman, we did have oversight over the FTC. In fact, we conducted meaningful oversight. One example is when in April 2021, a hearing on the full slate of FTC Commissioners to oversee how the Commission was combating pandemic fraud during COVID. Afterwards, the FTC took actions based on the information and returned tens of millions of dollars to taxpayers. In September [of 2023], we held a hearing on two Republican nominees. So, yes, we have had oversight.

I want to make a statement for Commissioner Slaughter and explain that the Commissioners are critical to pushing the Commission to be more effective "and to provide transparency and accountability into the agency's [work]." I am concerned that one critical question Commissioner Slaughter raised in her statement, the FTC decision to settle with dating website service[s] Match and OK Cupid without restitution or civil penalties. These companies deceived consumers and violated their privacy. But instead of putting consumers first and insisting on restitution and

penalties as part of the settlement, the FTC simply ordered Match and OK Cupid not to be deceptive in the future.

The FTC should be vigorous in protecting consumer privacy, the laws and on deception. The FTC slap-on-the-wrist settlement failed on both fronts. So, I want to thank Commissioner Slaughter for attention to that issue.

And I want to be clear, the problem here is not just that Commissioner Slaughter and Bedoya were illegally removed. The problem is that, instead of being a consumer watchdog, the FTC is now turned into the President's lap dog.

Every agency with jurisdiction should be laser focused on the affordability crisis. Grocery prices are up 30 percent since January 2020, outpacing both wage growth and overall inflation. In my state, a family of four now pays an average of \$1,200 a month for groceries if they can afford it. And over the last 30 years, we've seen [the] grocery industry become more and more consolidated, and grocery chains have used anti-competitive practices to keep competing grocery stores out of their local community.

For example, [when] Albertsons in Bellingham closed in 2016 it created a food desert in [the] Birchwood neighborhood. Albertsons then included a land restriction when it sold its property to prevent another grocery store from actually moving in. Albertsons ultimately removed their restrictions after the Washington Attorney General opened an investigation about whether they had violated our state antitrust laws. And earlier this year, Washington State became the first state to ban restrictive covenants that ultimately raise food prices by decreasing competition in local markets.

But instead of combating grocery retail prices that can raise food prices or protecting consumers from surveillance pricing, the FTC instead voluntarily dismissed a suit against Pepsi for...allegedly colluding with Walmart to raise its wholesale prices for other grocery retailers. Tellingly, this dismissal came shortly after Pepsi made a major contribution to the President of the United States.

What American consumers really want is the FTC to make sure that bad actors are not exploiting things -- including oil prices today -- and I will in the [near] future, reintroduce my legislation that gives the FTC even more authority in going after oil markets. American consumers -- for the Commissioners who are here -- the Northwest and most of the West Coast is an isolated market, which means anytime you have a shortage, we pay extra prices. There's no relief coming. So, in that isolated market, it's easier to have manipulation.

And while the scams have grown exponentially over the last five years, the FTC has been operating without its so called 13(b) authority to get money back for defrauded consumers. For more than 40 years this was used as [by] the FTC [to] return funds that were illegally taken from consumers. Between 2016 and 2020 the FTC returned more than \$11 billion to consumers when they had this authority, but when the Supreme Court struck down that authority, [since 2021] they've returned just \$2 billion to consumers.

So, I will be asking questions about that, and continue to focus on what we can do to get the consumer protections, particularly in a market of inflation, how we can empower the FTC to be even more aggressive.

Thank you, Mr. Chairman.

**Sen. Cruz:** Thank you to Ranking Member Cantwell.

**Sen. Cantwell:** And I would just like to add a statement [from] Commissioner Slaughter to the record.

**Sen. Cruz:** Without objection it will be added to the record. I will note also for the record that this hearing includes all of the currently serving commissioners on the FTC. On March 18, 2025, President Trump fired the two Democrat commissioners -- FTC Commissioner Rebecca Slaughter and Alvaro Bedoya. Doing so immediately prompted litigation, which the President knew that it would. Since that time, Commissioner Bedoya has formally resigned and taken another job, so I cannot imagine any universe in which a former commissioner no longer serving and working elsewhere would be included in a hearing. And Commissioner Slaughter brought litigation challenging the firing. That litigation was initially successful. She prevailed in the U.S. District Court for D.C., and she also prevailed in the D.C. Circuit. But the D.C. Circuit is not the final voice, and in September 2025, Chief Justice Roberts put a stay on the D.C. Circuit's decision, which allowed President Trump's firing to stand.

Supreme Court heard oral arguments in December of 2025 and *Trump vs Slaughter*, and a decision is expected in the next couple of months. I believe the Court is likely to uphold the firing, and in particular, that the case of *Humphrey's Executor* is going to be overturned. I think it should be overturned as I read Article II of the Constitution, all executive power is vested in one President of the United States, and I think *Humphrey's Executor* was a mistake the Court made, that I believe this Court is going to correct. But the bottom line is, neither Commissioner Bedoya nor Slaughter are current Commissioners of the [FTC]. They have both been terminated, and the Supreme Court has stayed any order to the contrary. With that, I want to introduce our witnesses.

**Sen. Cantwell:** Mr. Chairman, If I could...Mr. Chairman, do you believe in a bipartisan Commission? And do you believe in the nominations of Presidents, or do you think in the future, we're just going to continue this process and prosecute individual Commissioners so that you can have a Commission controlled by one party?

**Sen. Cruz:** I don't know what subsequent Presidents are going to do -- either Republicans or Democrats. I don't know if they will appoint bipartisan commissions or not. What I do believe is the President had the authority to make the determination to fire those executive branch employees, just like the President I believe has the authority to fire any other executive branch employee. And I think the court is going to overrule *Humphrey's Executor* and come to that conclusion.

**Sen. Cantwell:** Well, just so I could -- and we'll get to our Commissioners. Yeah, I'm against a lot of the President's firing of various people, including thousands of scientists that could be

providing us better information today. So yes, no doubt I disagree with the President on firings.  
Thank you.

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**Q&A**  
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**Sen. Cantwell:** Thank you, Mr. Chairman. I just...to follow up quickly -- I have some very critical issues here on pricing, for sure -- but I am sure you would agree that this agent issue of people going out and recruiting athletes with no reference[s] of skill or representation, that could be a deceptive practice? And the FTC, in its normal efforts, could be looking at deceptive practices by individuals who are misrepresenting themselves.

**Chairman Ferguson:** Congress has passed a law that addresses this issue, the SPARTA, and we issued warning letters to a bunch of major colleges and universities on those lines.

**Sen. Cantwell:** My colleagues here, Senator Blackburn and Cornyn and myself, have follow on legislation to that so we feel like the problem continues. Trust me, a lot of young men and women being taken advantage of.

But let's turn to this grocery price issue, which I think is really plaguing America. I brought up that instance in my state for both of you and Mr. Meador about covenants [and] the fact that people were using restrictive covenants as a way to, you know, restrict competition. What do you -- do you consider restrictive covenants that keep competitor grocery stores or pharmacies from opening as an unfair method of competition? Either of you -- I'd like to get both of you on the record.

**Ferguson:** I actually was not aware of this issue until I became a Commissioner and learned that this is also an issue that has arisen in some of our partner states -- as in foreign countries. And so I can't comment on the existence or specifics of FTC investigations, but this is an issue that I do think warrants careful attention about whether land covenants or other sort of like deed obligations can be used to restrict robust competition in any industry, but particularly a real estate heavy industry like groceries.

**Sen. Cantwell:** Well, we appreciate, I mean, we had people right on camera, basically said they raised prices because they could. And that lack of, you know, competition -- because people would have to drive further. So, we were definitely outraged. So, take a look at Washington's law.

And Mr. Meador, did you have a comment about that?

**Commissioner Meador:** I was just going to echo that and say that these sorts of kitchen table issues are a top priority for the Commission. And so anytime you raise concerns about the ability of competing grocery stores to enter or expand, that's important to us, and we'd be happy to take a look at it.

**Sen. Cantwell:** And what about surveillance pricing? I mean, I think you guys have looked at a study, but then somebody -- it's now been a year since the release of those research summaries. When do you expect a final report on the 6(b) investigation on surveillance pricing.

**Ferguson:** So generally, can't talk about like ongoing the like content of 6(b) studies. I can say this on the question of personalized pricing -- a couple things. When we learned about the alleged personalized pricing experiment being conducted at Instacart without consumers knowledge, we opened an investigation, and shortly thereafter, they canceled -- they publicly announced that they were canceling the experiment. And so I take the issue of personalized pricing seriously. I have instructed staff to begin

exploring whether the Commission needs a policy statement on whether certain disclosures ought to be required if someone is using highly personalized pricing to set individualized prices. And you know, again, I don't -- because the issue is new, because we remain uncertain about...

**Sen. Cantwell:** But sometimes, you know, theft and crime... can be new. You just have to -- so I'm asking when do you expect a final report on that investigation, which would then lead you to these policies.

**Ferguson:** So I can't give an answer to that, because I don't know, but I will say that in the rulemaking that we announced yesterday-- in the ANPRM -- if you go on delivery, grocery delivery, fee transparency that we announced yesterday, a lot of the questions that we have asked the public and industry to comment on that will inform how we decide to proceed with the rulemaking relates to personalized pricing in grocery and food delivery apps. This is an issue that we are taking seriously.

**Sen. Cantwell:** Mr. Meador?

**Meador:** No, I agree with that approach. I look forward to seeing the report that staff prepares and can echo Chairman Ferguson's comments that this is a top priority for us.

**Sen. Cantwell:** Well, it needs to be a robust investigation, because on top of everything else -- I mean when people are admitting that they are raising the prices -- and then, in this particular case, that it doesn't [matter] whether it's an airline seat or a grocery store price, you know the public is frustrated. Do you agree that we need to restore the 13(b) authority as soon as possible?

**Meador:** Absolutely, as I stated in my opening remarks, this is an imperative thing for the Commission.

**Ferguson:** Yes, I have been imploring the Senate and the House to do this since my confirmation hearing in 2023. In statement after statement, in cases that we have brought, settled or litigated, I have noted that we could do more for American consumers in all sorts of cases, including one that you mentioned in your statement, opening statement, Ranking Member, that we are unable to do because Congress has not given us this important authority.

**Sen. Cantwell:** Well, I -- Mr. Chairman, if I could just -- if the FTC no longer brings Section 5 claims before the ALJ, that means that we [are] no longer able to get cease and desist orders, effectively blocking off one of the last remaining statutory authorities. [It's] loud and clear for me, that consumer pricing issues and consumer cost issues and refunds as a tool must be a very big priority to get this resolved. So thank you.

Thank you, Mr. Chairman.

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