



January 27, 2026

The Honorable Marsha Blackburn  
Chairman  
Subcommittee on Consumer Protection,  
Technology, and Data Privacy  
Committee on Commerce, Science, &  
Transportation  
United States Senate  
254 Russell Senate Office Building  
Washington, DC 20510

The Honorable John Hickenlooper  
Ranking Member  
Subcommittee on Consumer Protection,  
Technology, and Data Privacy  
Committee on Commerce, Science, &  
Transportation  
United States Senate  
316 Hart Senate Office Building  
Washington, DC 20510

**RE: "Examining the Impact of Ticket Sales Practices and Bot Resales on Concert Fans"**

Dear Chairman Blackburn and Ranking Member Hickenlooper,

On behalf of the National Consumers League (NCL), I am writing to request that the following letter be entered into the record for your January 28 subcommittee hearing entitled "Examining the Impact of Ticket Sales Practices and Bot Resales on Concert Fans."<sup>i</sup>

Since 1899, NCL has worked to challenge unfair and deceptive pricing practices in the marketplace. We have testified numerous times before Congress<sup>ii</sup> and state legislatures<sup>iii</sup> in support of live event ticketing industry reforms that promote competition and fairness in this important marketplace. We supported the District of Columbia Attorney General's lawsuit against StubHub for deceptive junk fee and drip-pricing tactics.<sup>iv</sup> In 2024, under the District's consumer protection statute, we brought suit against the Washington Nationals over hidden "ticket processing" fees that obscured true ticket costs.<sup>v</sup> We also filed a separate lawsuit against Starbucks for misleading claims about ethical sourcing,<sup>vi</sup> demonstrating our commitment to transparency and consumer protection in ticketing and beyond.

**A Market Broken by Design**

The live event ticketing experience is broken for consumers. When a market consistently produces higher prices, fewer choices, and worse outcomes for consumers, that is not a mystery; it is market power at work. Today's live event ticketing marketplace exemplifies that reality.

It did not get this way by accident. Approving the Live Nation–Ticketmaster merger in 2010 was the original sin, but it was by no means the only policy failure that led us here. That merger combined the dominant ticketing platform with the dominant concert promoter

and venue operator, creating a vertically integrated behemoth with both the incentive and the ability to foreclose competition, raise prices, and degrade the consumer experience.

The federal government itself has now reached the same conclusion. The Department of Justice has brought an ongoing antitrust lawsuit against Live Nation Entertainment, alleging unlawful monopolization and anticompetitive conduct across promotion, venues, and ticketing.<sup>vii</sup> Separately, the Federal Trade Commission (FTC) has sued Live Nation and Ticketmaster over deceptive practices that obscure the true price of tickets from consumers and mislead fans during the purchasing process.<sup>viii</sup>

These cases underscore a critical point for this subcommittee: the consumer harms discussed at this hearing are not speculative, nor are they merely the product of unfortunate market dynamics. They are the subject of active law enforcement by the nation's top antitrust and consumer protection agencies. Congress should take that as confirmation that legislative intervention is not only appropriate, but necessary. This is why Congress must pass the TICKET Act. Absent meaningful competition or clear rules of the road, dominant ticketing firms will continue to push costs, risk, and frustration onto fans.

### **There Are No White Knights in the Live Event Industry**

Despite what the Committee is likely to hear from other witnesses at this hearing, there are no white knights in the live event ticketing industry. Every major industry stakeholder represented in this debate is pursuing its own commercial interests, often at the direct expense of fans.

Live Nation Entertainment, through its ownership of Ticketmaster, already dominates primary ticketing, venue ownership and operation, artist management, and event promotion. It has used, and continues to use, that dominance to entrench its market power. Its strategic objective is clear: to lock down control over every meaningful choke point in the live event ecosystem. Where it does not already exercise control, most notably in the secondary ticketing market, Live Nation has sought either to absorb that segment or, failing that, to undermine and marginalize it through contractual restrictions, exclusivity provisions, technical barriers, and – increasingly – state legislative proposals that seek to limit competition and consumer choice.

Independent venues, while often portrayed as allies of fans, are not neutral actors. Many rely on Ticketmaster's primary ticketing services and are acutely aware that Live Nation controls the supply of artists, tours, festivals, and other events that fill their rooms. They understand, often implicitly, that failing to "play ball" can invite retaliation, including the opening of competing Live Nation-owned or operated venues in their markets. At the same time, many venues favor severe restrictions or outright elimination of ticket resale, not primarily to protect fans, but because resale dollars are dollars not spent on high-margin concessions, merchandise, parking, and other ancillary services.

Artists like Kid Rock have legitimate but self-interested goals. They want to control their relationships with fans to maximize the long-term value of those relationships, selling

tickets not only for tonight's show, but for next year's tour and the tours after that. They want access to detailed ticketing data so they can market directly to fans. Yet even the most powerful artists remain, in large part, dependent on Live Nation for access to the dominant network of venues and promotion services that make large-scale touring possible.

Secondary market participants, including ticket brokers and resale platforms, seek to preserve the arbitrage opportunities created by systematically underpriced tickets for high-demand events. Their business models rely on price differentials and limited supply in ways that can thrive in opaque market conditions that often prove confusing and frustrating for fans.

None of these stakeholders put consumers' interests first and foremost. While concerts are an emotional and cultural experience, they are also a product sold in a marketplace. The business interests represented at the witness table for this hearing are doing what profit-seeking firms have always done: advocating for public policies that allow them to extract the maximum possible value from consumers.

Rather than honest acknowledgment of these competing commercial incentives, what has dominated this debate for the better part of two decades is finger-pointing. Witnesses routinely blame everyone but themselves for the sad situation consumers find themselves in, with the secondary market serving as a convenient and familiar villain. This hearing is an opportunity for leaders in Congress to break this cycle of blame-shifting and embrace reforms that can finally start to fix a broken industry.

### **Congress Already Has a Real Solution: The TICKET Act**

S. 281/H.R. 1402, the Transparency in Charges for Key Events Ticketing Act ("TICKET Act"),<sup>ix</sup> directly targets many of the most persistent and widely acknowledged abuses in the live event marketplace. Importantly, it does so without picking winners among business models or banning lawful resale. Instead, it focuses on promoting transparency, fairness, and consumer choice. Its key tenets would solve the concerns consumers have long complained about and address many of the issues likely to be raised by many witnesses at this hearing. Its reforms include:

- **Requiring all-in pricing** - The bill requires primary and secondary ticketers to display the full price of a ticket, including mandatory fees, up front. The all-in pricing requirements in the TICKET Act strengthen the FTC's existing Junk Fee Rule by codifying a clear, ticket-specific mandate for transparency that covers both primary and secondary ticket markets. By specifying these protections for tickets, the TICKET Act reinforces and complements the FTC's broader effort to eliminate junk fees, making enforcement more straightforward and reducing opportunities for market participants to exploit loopholes.
- **Banning speculative tickets** - The TICKET Act prohibits nearly all forms of speculative ticketing, a pervasive and egregious resale practice where brokers sell

tickets they do not actually possess. This leads to consumer confusion, market distortions, and, not infrequently, consumers left high and dry when brokers are unable to deliver promised tickets by the day of the event.

- **Prohibiting deceptive resale advertising.** The Act bans ticket issuers and marketplaces from hiding the fact that they are reselling tickets. It also prohibits resellers from using terms like “official” in their advertising or otherwise indicate an affiliation with a venue, team, or artist without permission of those entities.
- **Guaranteeing refunds for event cancellations and postponements** - Fans would receive clearer information about refundability and material changes to events, addressing widespread confusion and frustration when shows are canceled, postponed, or altered.

The TICKET Act received Four Corners support at the end of the last Congress.<sup>x</sup> This Congress, it has already passed the House of Representatives by an overwhelming bipartisan vote (409-15)<sup>xi</sup> and has cleared this Committee on a voice vote.<sup>xii</sup> It has received support from nearly every stakeholder in the live event ecosystem.<sup>xiii</sup> This represents an extraordinary level of agreement that reflects how urgently reform is needed.

### **Strengthening Reform: The MAIN EVENT Act**

While the TICKET Act would represent a major step forward, more can be done to address the scourge of automated ticket bots that continue to block fans from fair access to tickets.

NCL supports Senator Blackburn’s Mitigating Automated Internet Networks for Event Ticketing Act (“MAIN EVENT”) Act,<sup>xiv</sup> which would strengthen and modernize the Better On-line Ticket Sales Act of 2016 (“BOTS Act”).<sup>xv</sup> The MAIN EVENT Act closes loopholes that have allowed increasingly sophisticated bots to evade enforcement, increases penalties, and enhances enforcement authority.

By reinforcing the BOTS Act, the MAIN EVENT Act would make the TICKET Act’s consumer protections more effective in practice. Rules without enforcement are suggestions. Fans cannot benefit from transparency if they are shut out of the market before they ever see a ticket.

### **Conclusion**

Rather than relitigating arguments that have dominated this debate and stymied needed reforms for decades, Congress should act on solutions that already command bipartisan support. Passing the TICKET Act and strengthening it through legislation like the MAIN EVENT Act would finally begin to rebalance a marketplace that has been tilted against fans for far too long.

Consumers do not need another round of blame-shifting. They need Congress to act and to finally fix a live event ticketing system that has been broken by design, not by accident.

Chairman Blackburn, Ranking Member Hickenlooper, on behalf of NCL and the millions of live event fans around the country, thank you for considering our perspective on this important consumer protection issue.

Sincerely,

/s/

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<sup>i</sup> U.S. Senate Committee on Commerce, Science, and Transportation, Subcommittee on Consumer Protection, Technology, and Data Privacy. *Examining the Impact of Ticket Sales Practices and Bot Resales on Concert Fans: Hearing Notice*. 28 Jan. 2026, U.S. Senate Committee on Commerce, Science, and Transportation, <https://www.commerce.senate.gov/2026/1/examining-the-impact-of-ticket-sales-practices-and-bot-resales-on-concert-fans-2>.

<sup>ii</sup> See, e.g., Breyault, John. *Testimony of John Breyault, Vice President, Public Policy, Telecommunications, and Fraud, National Consumers League, on H.R. 5104, the Better On-line Ticket Sales Act of 2016 ("BOTS Act") and H.R. 5245, the Better Oversight of Secondary Sales and Accountability in Concert Ticketing Act of 2016 ("BOSS Act")*. Hearing before the U.S. House of Representatives, Energy and Commerce Committee, Subcommittee on Commerce, Manufacturing, and Trade, 24 May 2016, 114th Cong., <https://docs.house.gov/meetings/IF/IF17/20160524/104976/HHRG-114-IF17-Wstate-BreyaultJ-20160524.pdf>; Breyault, John. *Testimony of John Breyault, Vice President, Public Policy, Telecommunications, and Fraud, National Consumers League, on Proposals to Enhance Product Safety and Transparency for Americans*. Hearing before the U.S. House of Representatives, Energy and Commerce Committee, Subcommittee on Innovation, Data, and Commerce, 27 Sept. 2023, <https://docs.house.gov/meetings/IF/IF17/20230927/116411/HHRG-118-IF17-Wstate-BreyaultJ-20230927.pdf>

<sup>iii</sup> See, e.g., Breyault, John, *et al. Written Testimony in Favor of SB 852/HB 795*. Submitted to the House Economic Matters Committee, 22 Feb. 2023, Maryland General Assembly, [https://mgaleg.maryland.gov/cmte\\_testimony/2023/ecm/1019Iq72dLQWmgBmJluNI-qLFi8kLCOxl.pdf](https://mgaleg.maryland.gov/cmte_testimony/2023/ecm/1019Iq72dLQWmgBmJluNI-qLFi8kLCOxl.pdf); Breyault, John. *Testimony of John Breyault, Vice President of Public Policy, Telecommunications and Fraud, National Consumers League, Before the Joint Standing Committee on Investigations and Government Operations and the Standing Committee on Commerce, Economic Development, and Small Business of the New York Senate*. 22 Apr. 2021, New York Senate, [https://www.nysenate.gov/sites/default/files/national\\_consumers\\_league\\_testimony.pdf](https://www.nysenate.gov/sites/default/files/national_consumers_league_testimony.pdf); National Consumers League. *NCL Testifies in Support of Virginia Ticket Resale Rights Act*. Press release, 24 Jan. 2017, National Consumers League, <https://nclnet.org/ticket-resale-rights-act/>. (nclnet.org)

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<sup>v</sup> National Consumers League. *NCL Sues Washington Nationals Over Hidden Ticket Fees*. Press release, 17 July 2024, National Consumers League, <https://nclnet.org/ncl-sues-washington-nationals-over-hidden-ticket-fees/>.

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