

FEES ROLLED ON ALL SUMMER LONG: EXAMINING THE LIVE ENTERTAINMENT INDUSTRY

HEARING

BEFORE THE

SUBCOMMITTEE ON CONSUMER PROTECTION,
TECHNOLOGY, AND DATA PRIVACY

OF THE

COMMITTEE ON COMMERCE,
SCIENCE, AND TRANSPORTATION
UNITED STATES SENATE

ONE HUNDRED NINETEENTH CONGRESS

SECOND SESSION

JANUARY 28, 2026

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SENATE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

ONE HUNDRED NINETEENTH CONGRESS

SECOND SESSION

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WEDNESDAY, JANUARY 28, 2026

U.S. SENATE,
SUBCOMMITTEE ON CONSUMER PROTECTION,
TECHNOLOGY, AND DATA PRIVACY,
COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION,
Washington, DC.

The Subcommittee met, pursuant to notice, at 2:30 p.m., in room SR-253, Russell Senate Office Building, Hon. Marsha Blackburn, Chairwoman of the Subcommittee, presiding.

Present: Senators Blackburn [presiding], Cruz, Young, Schmitt, Lummis, Hickenlooper, Cantwell, Klobuchar, Markey, Luján, and Blunt Rochester.

OPENING STATEMENT OF HON. MARSHA BLACKBURN, U.S. SENATOR FROM TENNESSEE

Senator BLACKBURN. Hello, and welcome to everyone. Thrilled that you all are here, and as we begin this hearing today for my fellow Tennesseans I want them to know we are certainly keeping them in our prayers as they work through this incredible ice storm that we have had.

But I am grateful that you all are here for this hearing. If you were to ask any of my fellow Tennesseans what is wrong with ticketing today, they will not hesitate to tell you that the system feels rigged against them.

They follow the rules, they get in the queue so that they can make a purchase, so they are in there in advance and they do everything right. And then they watch the tickets vanish in seconds and they come back on the secondary markets at three or four times the price.

Now, sometimes they have these tickets in their cart and they move to checkout, and before they can click to buy the ticket vanishes. It is gone.

And then sometimes the other problem is they go to the resale site and they think they are buying a ticket. Again, they are following the rules. They want to go to the show.

They want to go to the concert. They want to go to the sporting event. But the ticket really does not exist because the scammers and the scalpers are selling speculative tickets.

And I hear from a lot of these constituents that are buying these tickets that do not exist or are priced at exorbitant prices.

Now, it might be the nurse who has just finished working a double shift and so she logs on the minute the tickets go on sale, and before she can click to buy it says sold out.

Or maybe it is the dad who has promised their 16-year-old for their birthday they are going to get to go to a concert, the first big concert.

And if I went around this hearing room and I said, tell me the first concert you went to, nearly every one of you could name that event for me.

You could talk about that day. Some of you would talk about what you wore. Some of you would talk about what you said and the friends that went with you for that event.

And, of course, the disappointment mounts because the tickets are gone. Fans are not angry about the fact that tickets are popular and that events are popular. They are fans and they want this experience.

What they are mad as hell about is that the system is stacked against them. The ticket industry should desire to do better. They should want to do better for fans of these artists and sports teams and shows.

But consumers have lost faith that the rules apply not equally to the marketplace and to them. They favor the bots, the brokers, all the bad actors that are in this marketplace.

Now, for years—many of you know this—about a decade I have been working to address these ticketing issues because fans deserve fairness, transparency, and a real chance to see the artists they love, the teams that they love, and that is why Congress passed the bipartisan bicameral Better Online Ticket Sales Act—the BOTS Act—to stop the use of these automated tools and the other schemes that are cheating consumers, that are circumventing safeguards, and undermining trust in the live entertainment marketplace.

For years, the FTC failed to use the tools at their disposal to go after the scalpers and, by the way, they did not have any help from Ticketmaster going after these guys.

Now, that changed when President Donald Trump went into office, and he was joined in the Oval Office by my friend Kid Rock, and President Trump issued an executive order on combating unfair practices in the ticketing marketplace.

The order specifically urged the FTC to rigorously enforce the BOTS Act. Chairman Ferguson immediately answered that call, and I am pleased that the BOTS Act is finally being enforced as intended.

There is so much that we are going to discuss today, including the ongoing enforcement action being pursued by the FTC against Live Nation and Ticketmaster.

The FTC suit alleges that bad actors routinely bypass ticket limit enforcement measures to buy large blocks of tickets, which were then sold on Ticketmaster and Live Nation's own resale platform.

How about that? Going to get you coming and going. Instead of holding these brokers accountable—and, by the way, they know that these bad actors are out there—the FTC alleges that Ticketmaster turned a blind eye to these violations and violated

the BOTS Act simply because Ticketmaster wanted to make an extra buck. They are looking for that extra percent on every sale.

Over three years ago, Mr. Joe Berchtold, the Live Nation President then, sat before me under oath in the Senate Judiciary Committee and said that Ticketmaster does everything in its power to stop scalpers using bots and other means of circumvention from hoarding tickets and harming consumers.

If the lawsuit against them is any indication, that is far from the truth. I will tell you this. If the local utility company and the local bank can block the bots that are trying to get in their system every single day, every day, a powerhouse like Live Nation, Ticketmaster, honest to God ought to be able to figure this out and I am tired of waiting on them to do something about it. It is negligent.

I am also looking forward to discussing the consumer protection issues specific to the secondary market like speculative tickets, deceptive URLs, exorbitant resale prices, and a number of other issues addressed in legislation that this committee has worked on for years. Here in Congress, we are going to continue to fight for the fans and for the artists and ensure a fair ticketing marketplace.

At this time, I recognize the Ranking Member for his opening statement.

**STATEMENT OF HON. JOHN HICKENLOOPER,
U.S. SENATOR FROM COLORADO**

Senator HICKENLOOPER. Thank you, Madam Chair. Thank you all for being here.

It is easy to see that we deal with a lot of emotional issues in this building and this is not—there is no difference here. People care about music in a very powerful way.

I think this is an important discussion around the live entertainment industry today in this country. Fans across the country dedicate their time and their energy to attend live entertainment.

Like, whether it is on concerts and sporting events, live events brighten our days. They help bring communities together and create a sense of purpose and unity. When you see a—when you are part of an audience at a major musical event, you become part of a community in the duration of that performance.

These events allow performers to show off their talent, oftentimes at the highest level, and they are creating memories that will last a lifetime.

Somebody who grew up in the Sixties and went to Woodstock, I realize that is no proof of product, but I have seen my whole life people having those memories change their lives for the better.

What once was an easy, clear, reliable experience for fans to get online or walk up to a box office and buy tickets has turned into a confusing marketplace. Today, a consumer will have to pay an additional administrative fee, a delivery fee, a payment processing fee for every ticket they purchase. It is a checkout gauntlet.

When we first—I was in the restaurant business and we opened brew pubs across Colorado, our North Star was to always make sure that our customers—in music you would call them our fans—that they had the best possible experience, that there would be the

highest probability that they would come back and be a repeat customer.

The cheapest customer to get is the one that you have already had. If they ordered a craft beer, our job was to make sure that the craft beer was the best craft beer that they could get.

Today, a fan can purchase what they believe is a legitimate ticket to an event only to be turned away once they get to the venue because what they bought was a fake or a speculative ticket.

This deception means less fans for supporting performers. It erodes the trust in the entire entertainment industry. Obviously, it disappoints fans. We want fans to experience Colorado's landmark venues—you know, Fiddler's Green Amphitheater, the Fillmore auditorium, or God bless it forever, Red Rocks Amphitheater.

I have had some of my greatest performance memories—not me performing, trust me, although I did once play the banjo on the stage to Red Rocks, but I will stop bragging.

Senator BLACKBURN. Maybe you can get hired.

Senator HICKENLOOPER. Yes, exactly. Well, I have tried. It did not work out. I will never be hired to do music, that is for sure.

But I think whether it is at large sold-out arenas or small pubs with an open mic, every corner of Colorado is brimmed with talented performers waiting for their chance to engage and entertain and move people, and that is why Colorado, you know, we feel it is the heartbeat of the live music scene in the West.

It has become a leader by passing customer protection laws to make sure that those critical fans are not pissed off. Our state has passed legislation to guard against speculative tickets and passed measures to make all-in ticket pricing transparent for all fans.

Here in Congress and across the Federal Government, we need to continue beating the same drum of customer fairness to make sure that every American is protected by these common-sense guardrails.

Federal Trade Commission—the FTC—has begun enforcing its junk fees rule to promote upfront pricing and fight against deceptive advertising for both products and services.

Congress also passed the BOTS Act, as the Chair had mentioned, in 2016 to stop ticket scalpers from using bots to buy all available tickets for a show just to be able to resell them to the highest bidder.

Despite this progress, we need to work together to make sure across government and industry that we can do more. A level playing field with fair competition, clear rules, strong enforcement is going to help every aspiring artist to sell as many tickets as they can, sell out every place they can, and make sure that every performer gets that chance to reach new fans and every consumer that chance to create new memories.

This committee has shown that on a bipartisan basis Democrats and Republicans can come together and begin to make common-sense reforms a reality.

The TICKET Act, led by Senators Schmitt and Markey, ensures that every consumer sees the price transparency they need from first click so they are not blindsided at the checkout.

The MAIN Ticketing Event Act improves data sharing between ticket platforms and helps the FTC catch the bad actors who use

bots to hoard tickets and rip off fans, and beyond regulation, I am proud to partner with Chair Blackburn on the American Music Tourism Act, which will grow the entire music ecosystem through economic development, not just regulate it.

Each of these bills have passed this committee with bipartisan support. Now we need to make sure that we get them all signed into law so consumers can reap the benefits of these protections.

This is about more than just a lower service fee. It is about protecting the live experience that brings so many people together. Let us get the junk fees out of the way so we can get back to enjoying the music of, well, of John Denver and “Rocky Mountain High.”

Chair Blackburn, I yield back.

Senator BLACKBURN. I thank the gentleman and, you know, we might let Red Rock or some of your Colorado venues be a little Nashville.

[Laughter.]

Senator BLACKBURN. Well, we will take that on.

I want to say a thank you to each of our witnesses today. What a great panel. We are grateful that you are here.

And at this time, I would like to introduce our witnesses. Our first is Mr. Robert Ritchie. Perhaps he is better known as “Kid Rock”. Kid Rock is a well-known singer-songwriter who has sold over 25 million albums around the world. He brings firsthand experience, drawing sold-out crowds to events across the country.

Our second witness is Brian Berry, Executive Director of Ticket Policy Forum, an advocacy coalition representing the Nation’s six major online ticket marketplaces. Mr. Berry has spent the last decade working at the intersection of live events ticketing, competition, advocacy at the Federal and the state level.

Our third witness is Dan Wall. Dan Wall is the Executive Vice President for Corporate and Regulatory Affairs at Live Nation Entertainment. Live Nation Entertainment, the parent company of Ticketmaster, is the largest ticket vendor in the world.

And our final witness, David Weingarden, Chair and Co-Founder of the Colorado Independent Venue Association, representing over a hundred promoters and venues. He also serves as the vice president for concert and events at Z2 Entertainment.

At this time, Mr. Ritchie, you are recognized for 5 minutes for your opening statement.

STATEMENT OF ROBERT RITCHIE “KID ROCK”, ENTERTAINER

Mr. RITCHIE. Is this—there it is.

Good afternoon. Thank you, Senator Blackburn and committee members, for this opportunity.

My name is Robert Ritchie, PKA Kid Rock. I am proud to say I have been packing arenas, amphitheaters, and stadiums with the greatest fans on earth for over 25 years. I am also a capitalist.

I am here today because I love God. I love this country. I love live music and sports, and I believe music fans and artists have been getting screwed for far too long by the ticketing system.

I am in a unique position to testify because, unlike most of my peers, I am beholden to no one—no record companies, no managers, no corporate endorsements or deals. To put it plainly, I ain’t scared.

I ain't scared to speak out on these issues like many artists, managers, and agents are for fear of biting the hand that feeds them.

I am here because hardworking Americans who love live music deserve better and because artists deserve control over their own work. And let us be clear, this problem is older than timeouts and participation trophies.

Thirty years ago, members of the rock band Pearl Jam—excuse me, members of the rock band Pearl Jam sat in these same seats warning Congress about ticketing abuse. In 2009, Congress was told under oath that merging Live Nation and Ticketmaster would benefit artists and fans. The CEO of Live Nation called the merger an experiment and promised it would increase competition, empower artists, and lower costs. He also said, and I quote, “A system that empowers artists benefits everyone.” Almost need a rim shot after that.

The CEO of Ticketmaster at the time also testified in 2009 and said, “We believe the combination of our two companies will benefit artists, fans, theaters, sports teams, museums, and all the other facilities, performers, and spectators who use our services.”

The economic foundation that supported artists in the past is crumbling. Piracy is threatening their livelihood. Secondary ticketing is driving up prices for the fans with absolutely no benefit to the artist.

Needless to say, that experiment has failed miserably. Independent venues have been crushed. Artists have lost leverage. Fans are paying more than ever and getting blamed for it.

Should Ticketmaster and Live Nation be broken up? Probably. Would that alone fix things? Not sure it would. But I am sure of this, no artist should be forced to sell their tickets without a say in who sells them and how they are sold.

What other business in America does not control or at least have a say in their own inventory? If artists had real choice, real competition would follow and tickets would end up in the hands of real fans at the prices we, the artists, set.

It is no secret—it is no secret, none, that this industry is full of greedy snakes and scoundrels, too many suits lining their pockets off talent they never had and fans they mislead.

The truth is much of this could have been or still could be solved through technology, especially proof of humanity tools. It has not happened yet because there is just too much money in the secondary ticket market.

Ticketing companies did not fail to stop this. It seems they chose not to. In parts—now, meanwhile, the problem has been addressed with much success overseas. In parts of Europe, resale ticket prices are capped and it seems to be working.

I have been advocating for a 10 percent price cap here in the states on the resale of a ticket and in fairness—in fairness, Ticketmaster and Live Nation have supported this cap.

Where I am confused is this. I do not think Ticketmaster needs a law passed to do this. If that is true, then it only proves these companies have not been reactive—have not been reactive—have been reactive, not proactive.

I would implore Congress—this is important—to subpoena the contracts and deals between artists, promoters, buildings, ticketing companies, agencies, and vendors because as I understand it, you will find mountains of fraud and abuse.

Now, my positions and solutions are as follows. Number one, artists should control who sells their tickets and how.

Number two, resale ticket price caps work and protect real fans.

Number three, the BOTS Act should be enforced. Brokers and bad actors must be stopped and all should face serious penalties and consequences. All-in pricing is great, but it does not fix the system. Outlawing speculative ticketing is obvious.

The problem is that ticketing lobbyists push these reforms as cover, while fighting to keep tickets in an open market and let them exploit fans under the guise of capitalism.

Do not be fooled by these tactics. Congress and many others have been fooled since the mid-1990s, fooled again in 2009 and so on. This was not an experiment; it was a monopoly dressed up as innovation.

So I will close now with the words of one of my favorite rock bands, The Who, and say it is my sincere hope we will not get fooled again.

Thank you. Rock on.

[The prepared statement of Mr. Ritchie follows:]

PREPARED STATEMENT OF ROBERT J RITCHIE/KID ROCK

Good afternoon. Thank you Senator Blackburn and committee members for this opportunity.

My name is Robert Ritchie aka Kid Rock. I'm proud to say I have been packing arenas, amphitheaters and stadiums with the greatest fans on earth for over 25 years.

I am also a capitalist.

I'm here today because I love God, I love this country, I love live music and sports, and I believe music fans and artists have been getting screwed for far too long by the ticketing system.

I'm in a unique position to testify because unlike most of my peers I am beholden to no one.

No record label.

No manager.

No corporate endorsements or deals.

To put it plainly, I ain't scared to speak out on these issues like many artists, managers and agents are.

I'm also not here for personal gain. I'm here because hard working Americans who love live music deserve better, and because artists deserve control over their own work.

And let's be clear—this is FAR from a new problem.

Thirty years ago, members of the rock band Pearl Jam sat in these same seats, warning Congress about ticketing abuse.

In 2009, Congress was told—under oath—that merging Live Nation and Ticketmaster would benefit artists and fans.

The CEO of Live Nation called the merger an “experiment” and promised it would increase competition, empower artists, and lower costs. He also said, and I quote “a system that empowers artists benefits everyone.”

The CEO of Ticketmaster also testified in 2009 and said

“We believe the combination of our two companies will benefit artists, fans, theater, sports teams, museums and all the other facilities, performers and spectators who use our services.” “The economic foundation that supported artists in the past is crumbling. Piracy is threatening their livelihood. *Secondary ticketing is driving up prices for the fans with absolutely no benefit to the artist.*”

Needless to say, that experiment has failed miserably.

Independent venues have been crushed.
 Artists have lost leverage.
 Fans are paying more than ever—and getting blamed for it.
 Should Ticketmaster and Live Nation be broke up?
 Probably.
 Would that alone fix things? I'm not sure it would.
 But I am sure of this: no artist should be forced to sell their tickets without a say in who sells them and how they are sold.
 What other business in America doesn't control or have a say in its own inventory?
 If artists had real choice, real competition would follow. And tickets would end up in the hands of real fans—at the prices the artists set.
Its no secret this industry is full of greedy snakes and scoundrels. Too many suits lining their pockets off talent they never had and fans they mislead.
 The truth is, much of this could have been or will be solved through technology—especially proof-of-humanity tools. It hasn't happened yet because there's just too much money in the secondary ticket market.
 Ticketing companies didn't fail to stop this—it seems they chose not too.
 Meanwhile, this problem has been addressed with much success over seas.
 In parts of Europe, resale ticket prices are capped. And it seems to be working. I've been advocating for a 10 percent cap here in the States, and in fairness, Ticketmaster and Live Nation have supported a cap on the resale of a ticket. Where I'm confused is I don't think Ticketmaster needs a law passed to do this? If that's true, than it only proves these companies have been reactive, not proactive.
 I would employ Congress to subpoena the contracts and deals between the artists/promoters/buildings/ticketing companies/agencies and vendors because as I understand it, you will find mountains of fraud and abuse.
 My position and solutions are as follows:

- 1: Artists should control who sells their tickets and HOW.
- 2: Resale ticket price caps work and protect real fans.
- 3: The Bots Act should be enforced, brokers and bad actors must be stopped and all should face serious penalties and consequences

All-in pricing is great but it doesn't fix the system.
 Outlawing speculative ticketing is obvious. *The problem* is that ticketing lobbyists push these reforms as cover—*while fighting to keep tickets in an 'open market' that lets them exploit fans under the guise of capitalism.* Don't be fooled by these tactics.
 Congress and many others have been fooled since the mid 90s.
 Fooled again in 2009, so on and so forth.
 This wasn't an experiment—it was a monopoly dressed up as innovation.
 So I'll close now with the words of one of my favorite rock bands, The Who: and say it is my sincere hope
"We won't get fooled again."
 Thank you and Rock on.

Senator BLACKBURN. Mr. Wall, you are recognized for five minutes.

**STATEMENT OF DAN WALL, EXECUTIVE VICE PRESIDENT,
 CORPORATE AND REGULATORY AFFAIRS,
 LIVE NATION ENTERTAINMENT**

Mr. WALL. Thank you, Chairman Blackburn, Ranking Member Hickenlooper, and other members of the Subcommittee. I am Dan Wall, Executive Vice President for Corporate and Regulatory Affairs at Live Nation.

I thank you for the invitation to appear today. Just like the members of this subcommittee, we love the live entertainment experience, the magic of the show or the big game, and we are proud of our contribution to the explosive growth in the industry.

Today, there are more shows than ever before, more artists touring, and more tickets available to fans at every price point.

We are also proud that Live Nation and Ticketmaster have led the industry in working with artists in particular, and finding solu-

tions to the problems in the ticketing marketplace that frustrate fans.

We are proud that our resale marketplace stands alone in putting the interests of artists and fans first, in sharp contrast to the ticket broker-driven business models of the secondary resellers represented at this table.

And we actively support public policy initiatives and reforms on transparency and unfair resale practices, the kinds of things addressed by the MAIN Event Act and the TICKET Act, and on these issues Live Nation consistently stands with artists, with venues, and with fans, and in opposition to ticket brokers and other resale marketplaces.

We are acutely aware of the frustrations fans feel about their ability to get tickets to in-demand shows, the kinds of things that you mentioned in your opening statement, Madam Chair.

How are those—how are so many tickets getting into the hands of scalpers? Well, the short answer is through an increasingly sophisticated technology package that is automating the business of ticket scalping.

For a long time, we thought of this as the bots problem, and that remains a problem. Through Senator Blackburn's leadership, the principal law on this subject is the BOTS Act of 2016.

The problem is only escalating. Our data shows an extraordinary escalation in bot attacks. Four years ago in 2022, we were blocking roughly 37 million bots per day. Yet, in the fourth quarter of 2025 alone, we blocked 566 million bots per day on average.

That is a 15-fold increase in three years and, obviously, we cannot block that many unless we are being attacked by that many or more.

And the problem is not just bots. We are facing a proliferation of ticket harvesting technologies. The scalper's technological toolkit has expanded and now includes software that allows users to manage multiple browsing sessions simultaneously, proxy services that mask a user's true IP address, and software that creates a massive number of fake ticket accounts.

Incredibly, Ticketmaster now receives up to 25 million account sign-up attempts every day, 99.7 of which we reject because our technologies determine they are not real fans.

We are fighting back with the most sophisticated defenses out there, including most recently identity verification, which is the technology that Kid Rock mentioned.

Live Nation is also giving artists new and powerful tools to fight scalping such as our face value exchange, a service that permits tickets to be sold for what the first purchaser paid and no more.

We know, as the Chair has said many times, that doing all of this and addressing these problems is our job. We do not shirk that responsibility at all.

We, in fact, are stepping up to it like never before, and yet our artists and fans still need help, which we hope will be the focus of this hearing.

Now, I know that some of you will want to ask about the FTC's lawsuit against Ticketmaster for allegedly violating the BOTS Act. My October 17 letter to Senators Blackburn and Luján goes into this in some detail.

What I want to say now, Madam Chair, especially to you and Senator Luján, is that your letter to our company after the lawsuit was filed did get us thinking about this as more than a legal issue between us and the FTC.

You pointedly asked us why Ticketmaster allows brokers to maintain multiple accounts and use them to join on sales to buy tickets. That prompted us to take a harder look at our own policies and implement changes that we hope creates a better experience for fans.

We have made big changes. Ticketmaster policy is now to limit everyone and every entity, ticket brokers included, to only one Ticketmaster account.

We will no longer let any broker maintain, buy concert tickets with, or post resale tickets for concerts using more than one account, and we will not allow any broker to post more tickets on our resale marketplace than the posted ticket limit for the show.

In closing, I submit to you the real question is how we are going to get others to do the same thing. The broker-first resale sites will never do this voluntarily. Their business is 80 to 100 percent broker driven. About 3 percent of our income comes from the resale of concert tickets.

So when you look at it from that perspective, the question is what can we do to get them to comply.

Thank you.

[The prepared statement of Mr. Wall follows:]

PREPARED STATEMENT OF DANIEL M. WALL, EXECUTIVE VICE PRESIDENT, CORPORATE AND REGULATORY AFFAIRS, LIVE NATION ENTERTAINMENT, INC.

Chairman Blackburn, Ranking Member Hickenlooper, Senator Luján, and other Members of the Subcommittee, I'm Dan Wall, Executive Vice President for Corporate and Regulatory Affairs at Live Nation Entertainment, Inc. I thank you for the invitation to appear today to address important issues in the live entertainment industry.

We are grateful that this subcommittee—particularly its leadership—includes many long-time advocates for the live event industry and the millions of fans who attend our events.

The issues we are here to discuss are very important to Live Nation and Ticketmaster, and to me personally. All of us at Live Nation and Ticketmaster love the live entertainment experience—the magic of the show or the big game. And we are proud of our contribution to the explosive growth of the industry. Today, there are:

- More shows than ever before
- More artists touring at every level
- More consumer choice—from \$25 lawn seats to full-blown VIP experiences
- More innovation in production and performance—creating once-in-a-lifetime memories for millions of fans

Yet we are also acutely aware of the many frustrations fans feel about their ability to get tickets to the most popular shows—especially when, somehow, tickets to those shows are showing up on resale sites at enormous markups. In fact, because of the practice called speculative ticketing, they appear to be available on many resale sites even before there has been an onsale.

So how are so many tickets getting in the hands of scalpers? The short answer is through increasingly sophisticated ticket harvesting technologies.

For many years we have talked about this as the bots problem. And through Senator Blackburn's leadership, as well as others on this subcommittee including Senators Moran and Luján, the principal legislation we have on this subject is the BOTS Act of 2016. Bots are essentially automated purchase scripts that can complete the process of buying a ticket much faster than any human. They also swarm onsales at massive scale. Ticketmaster has been routinely fending off millions of

bots for years, but the scale of the bots problem today is remarkable. Our data show that throughout 2022 we were blocking roughly 1.1 billion bots per month, 37 million bots per day. While those are large numbers, they are a fraction of what we are experiencing today. By 2024, blocks had increased to 6.8 billion per month, or 227 million per day. And then we get to 2025, where in the fourth quarter alone, just three months, we blocked 51 billion malicious bots or 566 million bots per day on average. Put it all together and since 2022, blocks have increased by over 3,600 percent.

We are proud that our Fraud and Abuse teams have improved their game to the point that we can block hundreds of millions of bots every day. It is an incredible achievement. Yet we can only block hundreds of millions of bots every day because we are being attacked by hundreds of millions of bots every day. That is the root of the problem: there is an industry of scalper accomplices directing massive bot attacks at us all the time.

Bots are also only one technique the scalping industry uses to intercept tickets that artists want to sell to real fans. Last year, in our Comments in response to President Trump's Executive Order on Combating Unfair Practices in the Live Entertainment Market, we called attention to the proliferation of ticketing harvesting technologies. Among the many tools that are now available to ticket scalpers are:

Browser Extensions and Multi-Session Tools: Software that allows users to manage multiple browsing sessions simultaneously.

Proxy Services: Tools that mask a user's true IP address and location.

Virtual Credit Card Services: Enterprise payment platforms that generate multiple virtual credit card numbers and billing addresses.

Tools to Evade SafeTix Protections: Used to transfer tickets meant to be non-transferable and conceal ticket transfer patterns that we use as a signal of a bad actor.

Data Scraping and Analysis Tools: Software for gathering and analyzing ticket availability and pricing data.

Comprehensive Resale Platforms: Integrated solutions for large-scale reselling including technology that automates pricing, selling and delivery.

One of the manifestations of this new technology is that we are now facing large-scale efforts to create Ticketmaster accounts and obfuscate their ownership. Those numbers are staggering too. Ticketmaster now receives up to 25 million account sign-up attempts every day, *99.7 percent of which we reject because our technologies determine these are not real fans*. Over the past two years, our systems have prevented more than one billion fraudulent account creations, systematically dismantling bot network infrastructure before it can impact fans. We are now in the process of aggressively using our latest risk models to identify existing Ticketmaster accounts that are likely not owned by real fans and disabling their ability to purchase tickets. As part of that program, we use an identify verification technology to give the owners of the suspect accounts an opportunity to prove they are real humans, and what we find is that well over 90 percent of the time whoever owns these accounts does not even try to pass identify verification. They abandon the account and we shut it down. In the recent past, over 2 million accounts were shut down through this process and related initiatives.

As Ticketmaster fights to keep the bad actors at bay, we are also using our account scoring and queue-ordering systems to elevate real fans to the front of our queues. In the past two years we have substantially improved the fan attendance rate and the probability that accounts at the front of our queues are real fans has increased by 66 percent. Accounts at the front of the queue are now nearly two times more likely to attend the show than those at the end of the queue, a direct reflection of our improved abuse modeling. Unfortunately, the scalpers are trying to undermine this effort as well. They are funneling tickets they acquire through a third-party service that hides the transfer from us so that we think the original purchaser attended the show. I can assure you we are working on this right now.

We are also seeing more artists embrace our Face Value Exchange, a service that allows artists to restrict transfers to a marketplace that only permits tickets to be sold for what the first purchaser paid. Despite extensive efforts by scalpers and other resale marketplaces to hack the system, Face Value Exchange dramatically reduces scalping. There was clear evidence of this during Billie Eilish's 2025 tour. Ms. Eilish turned on Face Value Exchange in every state she could, but not in three states (NY, IL and CO) where there are anti-artist laws that do not allow restrictions on ticket transfers. Where Face Value Exchange was not used, we saw a 40 percent rate for full-order transfers (*i.e.*, every ticket purchased in a transaction was transferred to someone else, a strong signal that a ticket broker bought those tick-

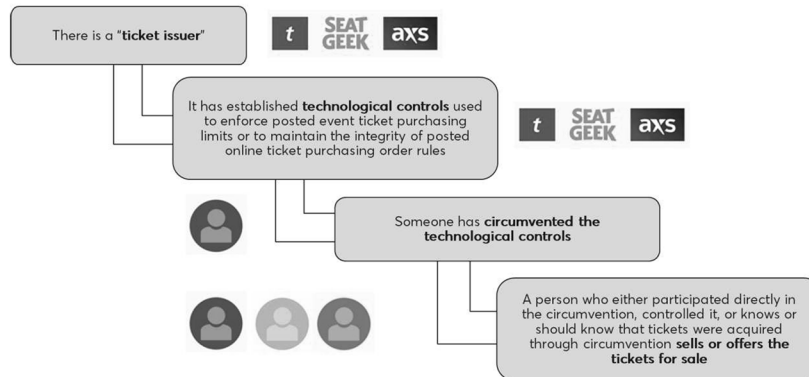
ets). In contrast, where Face Value Exchange was used, the rate of full-order transfers dropped to just 5 percent. And yes, scalpers are trying to undermine Face Value Exchange too. Everything that works to protect the intended artist-fan connection gets targeted by the scalpers.

The FTC's BOTS Act Case

I want to address briefly the FTC's lawsuit against Ticketmaster for allegedly violating the BOTS Act. My October 17, 2024, letter to Senators Blackburn and Luján goes into this at some detail, so I will try to keep these remarks succinct.

We were both surprised and disappointed by this lawsuit since Ticketmaster is, without question, the principal target of the bad actors that use bots and related technological exploits to acquire tickets for resale. We think it is clear from the legislative history of the BOTS Act that it was meant to help primary ticketing companies fight off the bots by adding a layer of legal protections to the technological defenses we put up to stop ticket harvesting. Prior to the FTC's lawsuit, we never conceived of the BOTS Act as creating any obligations for Ticketmaster, and we did not think that brokers buying tickets with multiple accounts was, by itself, a BOTS Act violation.

Instead, we understood the BOTS Act to be a first but important step in addressing the growing problem of ticket scalpers using *technological exploits* to buy substantial volumes of tickets from primary ticketing companies like Ticketmaster. To that end, the BOTS Act makes it unlawful for any person "to circumvent a security measure, access control system, or other technological control or measure" that a primary ticketing company uses "to enforce posted event ticket purchasing limits or to maintain the integrity of posted online ticket purchasing order rules." The act of circumventing a technological control is illegal on its own. But then a companion section makes it illegal "to sell or offer to sell" any ticket acquired through circumvention if the seller participated in the circumvention, controlled the circumvention, or "knew or should have known that the event ticket was acquired" through circumvention. Here is a graphical representation of how we understand the statute works.



At its core, the BOTS Act targets three things a scalper might do: it might circumvent our controls itself, it might get someone else to circumvent our controls, and it will sell or at least try to sell the tickets acquired through circumvention.

The FTC case is based on a fundamentally novel and expansionist view of the BOTS Act that makes it illegal for ticket buyers to circumvent *ticket limits*—full stop—not just technological controls protecting ticket limits. They have written "technological controls or measures" out of the statute, deeming that unnecessary to finding circumvention. And upon that foundation, they claim that whenever a secondary ticketing marketplace sees that an individual or entity is posting more tickets than the one-account ticket limit, the marketplace knows there has been circumvention and therefore also violates the BOTS Act.

We respectfully disagree that the number of tickets one is selling shows that the seller "circumvent[ed] a security measure, access control system, or other technological control or measure" in the course of acquiring those tickets. Indeed, the FTC's position is that we allowed these purchases, which obviates the need for the buyer to circumvent anything. Furthermore, the FTC's position leads to the implau-

sible conclusion that the vast majority of all concert ticket resales are in violation of the BOTS Act—especially the sales on StubHub, SeatGeek and Vivid Seats.

The reason for this is because the FTC’s real complaint is that ticket brokers use multiple accounts to buy tickets. That much is true. Ticket brokers have had multiple accounts for a very long time—long before Ticketmaster entered the secondary ticketing business in 2014, and even before StubHub created the first successful secondary ticket marketplace in the early 2000s. This practice harkens back to the days of physical tickets, when ticket brokers would often have a number of employees or others paid to stand in line and purchase concert tickets—a practice that was generally accepted in the industry. Similarly, it was generally accepted that a broker with multiple employees could have each person hold an account and separately purchase tickets. All this can be done legitimately under the rules of the primary ticketing companies without having to resort to any unlawful behavior or technological circumventions.

One also needs to understand that ticket resale is dominated by broker inventory. StubHub, SeatGeek and Vivid Seats live and die by ticket brokers, getting 80 to 100 percent of their inventory from brokers. And while there are lots of ways brokers acquire inventory, many plainly illegal, using multiple accounts is one method and not inherently illegal. To be sure, it has gotten out of hand, especially since scalpers developed automated tools for creating Ticketmaster accounts. I will address below what we are doing about that at Ticketmaster. But my point for now is that if one reads “technological controls or measures” out of the BOTS Act, then every ticket broker and every resale site has been openly and continuously violating the BOTS Act since the day it was passed without the FTC raising a finger to stop it.

Ironically, just days before the FTC staff revealed their new theory, we had urged President Trump to support an expansion of the BOTS Act that was not limited to circumvention of technological controls. We argued that the required inquiry into whether there is circumvention of security measures does not capture the full range of improper ticket harvesting tactics that we face. We have urged an amendment to the BOTS Act or language in the MAIN Event Act that would make circumvention of security measures subordinate to a broader prohibition that makes it unlawful for ticket brokers “to use or cause to be used any software application that runs automated tasks over the Internet to purchase event tickets from an Internet website or online ticket marketplace.” Live Nation and Ticketmaster are on the side of a stronger BOTS Act and aggressive BOTS Act enforcement. That we find ourselves on the receiving end of a BOTS Act claim is deeply unfortunate.

Addressing the Proliferation of Broker Accounts

If nothing else, the FTC’s lawsuit has focused attention on the fact that ticket brokers now have far too many Ticketmaster accounts. What started as a reasonable and acceptable level of behavior has been abused, largely through technologies that permit multiple accounts to be created, hidden and used at scale. It’s unfair to artists and fans and it is time to do something about it.

My October 17 letter to Senators Blackburn and Luján announced a series of steps Ticketmaster is taking to address this issue.

1. Ticketmaster policy is now to limit everyone and every entity, ticket brokers included, to only one Ticketmaster account.
2. We will no longer let any broker maintain, buy concert tickets with, or post resale tickets for concerts using more than one account.
3. We will not allow any broker to post more tickets on our resale marketplace than the posted ticket limit for the show. To that end, we now require every account that wishes to post tickets for resale on Ticketmaster to have a unique Taxpayer Identification Number (SSN or EID).

Enforcing these new policies effectively is and will remain exceedingly difficult; I do not want to understate that. We know scalpers will do everything in their power to undermine us, first and foremost by ramping up their efforts to create and conceal new portfolios of Ticketmaster accounts. But fortunately, we have new AI tools, risk models, and identity verification technology that we can apply to these efforts. We have already made substantial progress, but this will be an ongoing battle.

Going Forward

I would be remiss if I did not speak the plain truth that so long as there is a \$10–15 billion ticket resale market in the United States, we will always be under siege from new and improved scalper technology. All these problems that plague resale—the bots, speculative ticketing, the sale of fraudulent tickets, and so much more—are because for-profit ticket scalping now takes place at an industrial scale.

The resale industry regularly argues that it exists to facilitate fan-to-fan exchanges—often in sympathetic scenarios such as when a fan gets ill at the last minute. But that is not what fuels the likes of StubHub, SeatGeek and Vivid Seats. These sites exist to serve ticket brokers first and foremost. And the fuel of this industry is that, without putting on a show or paying artists a dime, the broker can on average resell a concert ticket for twice its face value, and on every such transaction these resale sites are getting a 25–40 percent commission from the buyer—a commission far larger than the 5–7 percent “take rate” that Ticketmaster gets for its share of service fees on primary tickets.

These resale markets cry out for reform. We need clear, legally enforceable rules that in the first place put the content creators—artists, teams, etc.—in charge of what happens to the tickets to their events. If they want to ban resale, they should be able to do so without interference from state or Federal laws. If they want to permit resale, but under conditions, that is their right as well. There should be a unitary Federal law on this, preempting inconsistent state laws. It should completely ban speculative ticketing, fake ticket listings and deceptive websites. Whether by amending the BOTS Act or passing the MAIN Event Act, we should ban all forms of automated ticket harvesting. We appreciate there are competing points of view on this and no easy answers, but the unregulated resale markets we have now are not working for artists or fans.

Thank you again for inviting us to participate in today's hearing.

Senator BLACKBURN. Mr. Berry, you are recognized for 5 minutes.

**STATEMENT OF BRIAN BERRY, EXECUTIVE DIRECTOR,
TICKET POLICY FORUM**

Mr. BERRY. Thank you, Chairwoman Blackburn and members of the Subcommittee.

My name is Brian Berry and I serve as Executive Director of the Ticket Policy Forum. Thank you for inviting me.

First and foremost, we appreciate the Committee's work on the TICKET Act and the MAIN Event Act. The Ticket Policy Forum represents America's leading online ticket marketplaces—StubHub, SeatGeek, Vivid Seats, Gametime, TickPick, and Events Ticket Center.

Importantly, these companies are not just resale marketplaces. The world has evolved. They each have unique business models, but several of them seek to challenge the status quo in so-called primary ticketing and are directly working with teams, venues, and promoters to give fans better access to tickets and much better access to technology, and to give these partners in the industry enhanced options when it comes to the distribution of tickets.

To be candid, real progress in breaking through and getting into the primary ticket has been tough—I do not need to tell you that—mostly because the monopoly makes it that way, as the Justice Department has detailed in its complaint against Live Nation and Ticketmaster.

As an industry, however, we get fans into the events they love. We help to ensure no seat goes empty. It is our obsession.

Our member marketplaces serve tens of millions of fans every year, providing safe, guaranteed ticket transactions and trusted options when it comes to both buying and selling tickets.

Further, we are proud that our online marketplaces brought ticket resale off of street corners where fraud and counterfeits were rampant and into the online space where they are protected, it is transparent, it is tax paying the way it should be.

There is one thing that nearly every one of us will agree on and that is that the system, including the ticketing segment, should work better for fans. Too often, for reasons long before a ticket is even manifested or put on sale, fans are set up to feel confused, frustrated, and shut out entirely.

But blaming ticket resale for all the problems in this system, ticket resale being the very end of the chain, completely misses the mark.

Significant harm to fans originates at the source in the currently rigged system where one dominant player maintains its powerful grip today over artist management, promotion and tours, venue operations and venue ownership, venue ticketing, primary ticketing, and ticket resale.

This committee and the Executive Branch have repeatedly studied this issue and reached several important conclusions about how to improve the fan experience. So I would like to tell you about that. There are four items.

Number one, the FTC now requires all-in upfront pricings so that fans are no longer misled about what the cost of their tickets will be. We can all agree that it took too long, but it was the right outcome.

The Department of Justice, as you know, has sued Live Nation and Ticketmaster repeatedly, has readdressed consent decrees, and now will begin one of the biggest monopoly trials of our lifetimes along with 40 state attorneys general.

Please, Department of Justice, stay the course and finish the job. Congress, Madam Chair, as you know, passed the BOTS Act and the FTC is investigating and suing several alleged violators, including Ticketmaster.

The FTC should continue to enforce the BOTS Act and we agree the Act could benefit from enhancements to help with enforcement through the MAIN Event Act, and in part, thanks to this committee's leadership, the House of Representatives passed the TICKET Act to address things we can all agree upon—refund protection, deceptive websites, and deceptive speculative tickets.

This committee passed it by voice vote. Now, this bill if it were to become law would require significant re-engineering and investment and change from our member marketplaces.

We accept that. We embrace that because it is the right thing to do for the fan. We urge this committee to send it to the President to be signed into law.

You are going to hear a lot of disagreement today. However, there is far more, believe me, that the four of us sitting here agree on than we disagree on.

Go after illegal bots. Ban deceptive websites and ban deceptive speculative ticketing. Our platforms support stronger fan protections that include more transparency, less deception, and more enforcement of fraud and abuse.

What we cannot support and do not, however, is completely locking fans out with other options, eliminating legitimate resale, driving resale into fraudulent black markets, and giving more monopolistic control to one company under the false banner of reform.

I encourage you to resist framing this debate about a zero-sum fight between good and bad players because the fight is about the

fan. For the consumer, it is about banning bots, against deception, and against fraud.

Thank you.

[The prepared statement of Mr. Berry follows:]

PREPARED STATEMENT OF BRIAN BERRY, EXECUTIVE DIRECTOR,
TICKET POLICY FORUM

Chairwoman Blackburn, Ranking Member Hickenlooper, and members of the Subcommittee: My name is Brian Berry, and I serve as Executive Director of the Ticket Policy Forum. Thank you for inviting me to testify on the vital role that secondary ticket markets play in the live event ecosystem.

The Ticket Policy Forum represents America's leading online ticket marketplaces: StubHub, SeatGeek, Vivid Seats, TickPick, Gametime, and Events Ticket Center. Importantly, these companies are not just resale platforms. Several of them seek to challenge the status quo in so-called primary ticketing and are working directly with teams, venues, and promoters to give fans better access, better technology and user experiences, and expanded choice for ticketing distribution partners. But real progress has been tough, mostly because the dominant player (who controls around 80 percent or more of major concert venue ticketing) keeps getting in the way and, as the Justice Department details, allegedly bullies venues into utilizing its services. Bottom line: competition in primary ticketing isn't just small, it remains fragile.

Our member marketplaces serve tens of millions of happy fans every year, providing safe, guaranteed ticket transactions, real competition in pricing and service, and trusted options when it comes to buying and selling tickets. We are proud that our online marketplaces brought resale off street corners where fraud and counterfeits were rampant, and into the world of transparent, protected, tax-paying e-commerce.

There is one thing nearly everyone agrees on: the entire live events ecosystem, including the ticketing segment, should work better for fans. Too often, for reasons that begin long before a ticket is put on sale, fans can feel confused, frustrated, or shut out entirely. But access to tickets is just the result of a long chain of events, relationships, and industry power plays that have been the subject of deep investigation. Therefore, we caution the Subcommittee to avoid defaulting to convenient scapegoats rather than digging deeper into the facts. Blaming ticket resale for all problems in ticketing misses the mark. Significant fan harm originates at the source in the currently rigged system designed and dominated by a single, vertically integrated monopoly that maintains a powerful grip over artist management, event promotion, venue operations, and ticketing.

Problems in ticketing have been repeatedly studied over the last two decades by lawmakers, industry, consumer advocates, and regulators. This process reached several important conclusions about how to improve the fan experience and, as a result:

- The FTC now requires all-in, upfront pricing so fans are not confused or misled about the price of tickets they are purchasing. We can all agree this took too long, but it's the right outcome.
- The Department of Justice has sued Live Nation/Ticketmaster repeatedly, agreed to several consent decrees to change how Live Nation/Ticketmaster operates, and soon a break-up monopoly trial will begin where the DOJ is joined by a bipartisan group of 40 state attorneys general. The Department of Justice should stay on the case until the job is done.
- Congress passed the BOTS Act, and the FTC is investigating and suing several alleged violators, including Ticketmaster. The FTC should keep enforcing the BOTS Act, and we agree that the Act could benefit from updates to improve enforcement.
- In part, thanks to this Committee's years of leadership, The House of Representatives passed the overwhelmingly bipartisan TICKET Act to address refund protection, deceptive websites, and speculative ticket offers. We urge the Committee to push the Senate to send the TICKET Act to the President's desk. That would be a monumentally important accomplishment.

Finishing this work—from the DOJ and FTC lawsuits to Congress and the TICKET Act—will usher in the most significant live event ticket reforms since tickets first went online.

I should note that enactment of the TICKET Act will require investment and change across the industry, including from our member companies. We accept that because it will improve the market in a way that benefits fans.

As aforementioned, our platforms support stronger fan protections that include more transparency, less deception, and more enforcement against fraud and abuse. What we do not support are policies that restrict legitimate resale, eliminate consumer choice, or further entrench monopolistic control under the false banner of reform.

Policymakers should resist framing ticketing reform as a zero-sum fight between “good” and “bad” players. The real divide in ticketing reform is not between primary and secondary markets. It’s between systems that empower fans and systems that lock them into a single platform with no alternatives.

SECONDARY MARKETS CLEANED UP RESALE AND COUNTERFEITS

Twenty-five years ago, buying or selling resale tickets could be a gamble. If you couldn’t make an event, you were often stuck with the ticket and there was no simple way to resell it. Ticketholders would scramble at the last minute to find a friend, coworker, or neighbor to take the seat. If that didn’t work, the ticket (and your money) went to waste, and the event venue ended up with empty seats.

Meanwhile, fans trying to buy tickets outside of supposedly sold-out events had no safe options. You would have to give cash to a stranger on a street corner or meet someone whom you found in a sketchy online forum. No guarantees, no refunds, and no accountability. It was common to end up with counterfeit tickets.

Legitimate resale platforms changed that. Starting in 2000, StubHub introduced real consumer protections, including money-back guarantees, secure payment processing, and delivery verification, that simply didn’t exist before. Other companies, including our members, also then entered the market to meet a significant consumer need and demand: safe and reliable access to tickets in a way that empowered fans. What was once a shadowy transaction is now one of the most transparent, secure, and flexible ways to attend a live event.

Online marketplaces don’t just protect buyers, they empower ticket holders too. With just a few clicks, a season ticket holder who can’t make one game out of 40 can set a price and instantly reach thousands of interested fans. What used to be a frustrating, local-only problem is now a global opportunity to recover costs and pass the experience on to someone else.

This has leveled the playing field. Someone in Colorado can now sell a ticket to a buyer from Tennessee visiting Red Rocks Amphitheater for the first time. A fan who missed the initial on-sale, be it a teacher or nurse who couldn’t leave work and be on their computer screen at 10:00 am, now has other options to see their favorite artist. “Sold out” no longer means inaccessible.

And here’s the most important part: the buyer determines the price. Sellers can list tickets at whatever amount they are willing to accept, but the transaction only happens when a fan decides what the ticket is actually worth to them. If you see an over-priced ticket listed on a marketplace, it is there for a reason—it hasn’t sold, isn’t worth it, and may likely never sell at or near the overvalued listed price.

THE SECONDARY RESALE MARKET SAVES FANS MILLIONS

The resale market not only improves access to events, it also frequently improves affordability. Contrary to popular myths, many resale tickets sell for below face value, often well below face value—especially as the event approaches. The headlines focus on the Taylor Swift or BTS tours—but there are countless affordable shows, sports games, theatre and comedy shows that don’t make for a flashy story.

According to the *American Consumer Institute* Center for Citizen Research, in 2024, lower cost resale tickets were sold for 62 percent of events when compared to their original box office purchase price. The total value of savings was \$414 million across 10.4 million tickets sold for below cost. The average savings was \$40 per ticket and the average ticket price reduction over time (from the public on-sale to the final month before the event) was \$29. Generally speaking, on the secondary resale market, offered prices dip by about one-third from the month when the event goes on sale and the final month before the event.

From last-minute plans or bargain-seeking fans, resale platforms drive downward pricing pressure that benefits consumers, boosts attendance, and helps fill seats in venues around the country.

Thanks to TPF member companies, the result is a more flexible, competitive and transparent ticket industry where fans can browse tickets from their phones at their convenience, compare prices across platforms, and purchase with confidence. Thanks to these companies, fans are not held captive to one dominant company anymore. Instead, fans have alternatives and can comparison shop based on price and availability.

A BROKEN SYSTEM HELD HOSTAGE BY MONOPOLY POWER

Today's fans pay the price for a live event ticketing system that is broken. It is broken because one company, Live Nation/Ticketmaster, wields unprecedented market power over every aspect of the ticketing supply chain—from artist management to venue operations, from primary ticket sales to secondary ticket resale, and even down to the concessions sold at the show. This is not an allegation, it is an observable, measurable reality demonstrated by the DOJ's and 40 state attorneys general bringing a far-reaching antitrust lawsuit in 2024 against Live Nation/Ticketmaster. The case is scheduled to go to trial five weeks from now, on March 2nd, in the United States District Court in the Southern District of New York.

According to *data* in the DOJ's complaint and according to the Department's lawyers at a recent hearing, Live Nation/Ticketmaster controls more than 265 concert venues in North America and manages more than 400 music artists. The data assert that Live Nation Entertainment also controls about 87 percent of the concert ticketing market through its Ticketmaster subsidiary and more than 65 percent of the concert promotion market through Live Nation. And don't forget: Ticketmaster is also among the largest ticket resale platforms, and is actively seeking to dominate resale just as it has primary ticketing.

Being such a dominant vertically integrated entity gives Live Nation/Ticketmaster free rein to abuse its monopoly power, and it does just that. Venues interested in using ticketing systems other than Ticketmaster report that Live Nation, in true predatory fashion, has threatened to withhold or limit how often and when Live Nation-promoted artists will appear in their buildings. Ticketmaster contracts are typically exclusive, multi-year, and structured to punish defection to rivals. In fact, DOJ attorneys argue that venues that left Ticketmaster in favor of another ticket seller ended up losing about five concerts per year promoted by Live Nation, which meant losing a combined \$1.5 million in revenue, or more than \$300,000 per event. These Live Nation/Ticketmaster exclusive agreements, and how they are leveraged, are the keystone of a vertically integrated monopoly that chokes off competition at every stage and level of the live event industry.

This vertical dominance means Live Nation/Ticketmaster is not merely a player—it is the rule maker, the gatekeeper, and the toll collector. No artist can tour at scale without navigating Live Nation/Ticketmaster's murky ecosystem. No venue can reasonably opt out without significant risk of losing shows. And fans can barely avoid them, if at all.

Ticketmaster leverages its technology to abuse fans and foreclose competition

The DOJ also alleges that Ticketmaster's use of its SafeTix anti-fraud and anti-counterfeit technology is used to shut out rivals. With SafeTix, tickets are confined within Ticketmaster's app with frequently changing QR codes for entry. According to the complaint, internal Live Nation/Ticketmaster documents show that one motivation behind SafeTix and making tickets non-transferable was to make it harder for ticket buyers and sellers to use alternative or rival secondary ticket marketplaces. This means that consumers, whether they are buying or selling, are locked into whatever fees Ticketmaster charges.

Ticketmaster's behavior with SafeTix is evidence that the technology serves the company for purposes beyond fraud prevention. The complaint cites internal remarks describing non-transferable digital tickets as a "game-changer" and a "product enhancement . . . for market share" suggesting SafeTix was intended to expand Ticketmaster's control over both primary ticket sales and the resale market.

Restricting Ticketmaster's ability to abuse its technology to lock-in consumers and create uncertainty—such that consumers feel discouraged from buying and selling from its rivals—will hopefully be one of the outcomes of the DOJ lawsuit, if not by FTC action or an act of Congress. Ticketmaster should not be empowered to cancel or invalidate tickets that it previously sold but that were resold on a rival's platform. Consumers feel the greatest harm when Ticketmaster does this, leaving them fearful of buying from other ticketing platforms and being stranded outside of events despite holding legitimate tickets.

Since the Live Nation/Ticketmaster merger in 2010, the average price of concert tickets has risen by over 120 percent—a figure that significantly outpaces inflation. But it's not just about higher prices. It's about *how* those prices are set and *who* controls access.

Ticketmaster was found by enforcers to routinely and secretly *hold back* ticket inventory from the public on-sale. Often these hold backs are directed by the event promoter Live Nation. According to a report by the NY Attorney General's Office, it is common for half of a popular concert's tickets to secretly be held back. Overall, less than half (46 percent) are reserved for the general public. For some concerts, the percentage of tickets made available to the general public was as low as 12 per-

cent of total tickets for the event, yet fans are left presuming nefarious bots scooped up all the tickets when really they remained secretly held-back to deceptively manufacture scarcity.

Consumers without exclusive access to pre-sales or special credit cards are abused during the public on-sale of tickets, where they may miss work and spend hours in an online waiting room only to be left with intentionally opaque options. When the true inventory of tickets or the fact that holdbacks are being used is not disclosed to fans, it is impossible for consumers to make more informed purchasing decisions.

This is not how healthy or pro-consumer markets function. It is not how innovation is fostered. And it is not how fans should be treated. As the DOJ puts it, “fans have been denied access to the benefits a competitive process would deliver, such as more choices in concerts and innovative fan-friendly ticketing options.”

Live Nation/Ticketmaster typically deflects criticism by pointing to bots or the resale market. But let’s be clear: Ticketmaster is deep into resale. As the pending antitrust lawsuit makes clear, its goal is to monopolize the resale segment of the industry as well. In fact, its resale platform brought in *\$4.5 billion in gross transaction* volume in 2022, accounting for nearly one-third of the U.S. resale market.

This is not just a ticketing problem. This is a consumer protection crisis. Fans are being squeezed from every angle, and the only entity that benefits is the monopoly in the middle of almost every transaction.

COMMON GROUND: SUPPORTING THE TICKET ACT

Many of the problems experienced in the market are symptoms of the harmful, anticompetitive practices of the monopoly. However, that does not mean there are no ways to improve the fan experience in the resale industry as well. Deceptive practices, such as fake websites that masquerade as local venues and deceptive speculative ticketing, harm fans and undermine trust in the entire ticketing ecosystem.

Ticket Policy Forum proudly supports the bipartisan TICKET Act, which passed the House in 2025 with an extraordinary *409 to 15* vote and passed the Senate Commerce Committee on a *voice vote*. This legislation addresses many of the real problems fans face:

- Requires upfront, all-in pricing so fans know exactly what they’ll pay. This codifies the new FTC pricing rules into Federal law.
- Cracks down on deceptive websites that masquerade as official venue sites to trick consumers.
- Guarantees refunds for canceled shows and provides flexibility for postponed events fans can no longer attend.
- Directs the FTC to issue a report on bots and BOTS Act enforcement. To its credit, the FTC has announced enforcement action in the last year, though more is needed.
- Bans deceptive speculative ticket sales. Under the TICKET Act, sellers cannot offer tickets for sale unless they have constructive possession of those tickets. This eliminates a practice that has caused harm to consumers.
- Creates rules and guardrails for ticket procurement services to ensure such offerings are not co-mingled with actual tickets. This requires such procurement services to be a distinct and separate offering and that these services come with clear and conspicuous disclosure that what is offered is a service and not a ticket (until the ticket is delivered), refund protection and guarantees. These requirements are designed to prevent a fan from being misled in any way. No ticket seller today offers ticket procurement services in the way the TICKET Act would require, but TPF marketplaces have agreed with TICKET Act authors that this approach will mitigate deception and confusion and that such rules should be required. If enacted, platforms will be required to re-engineer their user experience.

The TICKET Act represents a balanced approach that protects consumers while preserving competition. It enjoys overwhelming support in Congress, within the industry, and among premier consumer protection organizations. We urge the Senate to follow the House of Representatives and pass this legislation without delay.

PRICE CONTROLS ARE THE WRONG SOLUTION

Some argue resale prices should be capped or controlled by the government. Those ideas may sound appealing, but experience *shows* they don’t work. Primary sellers increasingly use dynamic pricing for selling their tickets, so capping resale while the box office adjusts prices higher simply distorts the market. Price controls also create enforcement challenges and push transactions into unregulated corners of the inter-

net, where fraud thrives and consumer protections vanish. This harms fans. In countries like Ireland and Australia, price controls on high demand events did not lead to affordable tickets. To the contrary, they hurt consumers by fueling shadow markets and scams. Notably, the Commonwealth of Massachusetts recently repealed its price cap law because it was not viewed as effective, pragmatic or enforceable.

Legitimate consumer demand cannot be legislatively stifled. When safe and reliable marketplaces are restricted, fans won't stop buying and reselling. They will just do it somewhere much less safe.

REFORM REQUIRES REAL COMPETITION AND A BETTER PATH FORWARD

The Ticket Policy Forum supports strong, meaningful protections for fans. We stand for transparency, less deception, and rigorous enforcement against fraud and abuse. We support ongoing Federal efforts at the DOJ, Federal Trade Commission (FTC), and in Congress to improve the ticketing ecosystem and the fan experience. This includes our support for enforcement of the Federal BOTS Act, the bipartisan TICKET Act and the FTC's new all-in, upfront pricing rules.

What we do not support are policies using "consumer protection" as a trojan horse to restrict legitimate resale, eliminate consumer choice, or further entrench monopolistic control under the false banner of reform.

There is a better path forward, one that protects fans without breaking what works. It starts with recognizing basic consumer rights: the right to give away or sell a purchased ticket without fear of retaliation; the right to enter with a valid ticket regardless of whether it was purchased from the box office or repurchased from a ticketing marketplace; and the right to meaningful transparency about ticket allocation practices and whether dynamic pricing is being used. Moreover, deceptive websites that pretend to be the venue or team, or undisclosed speculative ticket offers, harm everyone and should be banned.

CONCLUSION

We are committed to working with this Subcommittee and with Congress and with the Administration in its efforts to improve the live events system and fan experience.

Thank you.

Senator BLACKBURN. Mr. Weingarden.

STATEMENT OF DAVID WEINGARDEN, CHAIR AND CO-FOUNDER, COLORADO INDEPENDENT VENUE ASSOCIATION (CIVA) AND VICE PRESIDENT FOR CONCERTS AND EVENTS, Z2 ENTERTAINMENT

Mr. WEINGARDEN. Thank you, Chairman Blackburn, Ranking Member Hickenlooper, Ranking Member Cantwell, and the members of the Subcommittee.

My name is David Weingarden, and I am grateful to be here to discuss all of this. I am Vice President of Concerts for Z2 Entertainment.

We operate three independently owned venues across Colorado: the Boulder Theater and Fox Theaters in Boulder, Aggie Theater in Fort Collins, and exclusively book several more across the state, producing approximately 700 live shows annually.

We did not choose to become policy advocates. We chose to run small businesses, employ local workers, and bring live music to our communities. But the scale and aggressiveness of the ticket scalping market has left us with no choice but to speak up.

So what is going wrong? Fans are unnecessarily price gouged on reseller sites when cheaper tickets are still available from our box office. Billions of dollars in Google ads steer fans into the scalping market.

StubHub alone spends \$800 million annually to have their website and ticket listings appear on search engines ahead of ours.

StubHub had active listings advertising \$40 parking spaces at the Merriweather Post Pavilion right here.

The problem? Parking is free at the Merriweather. Every night our box office staff deals with fake tickets that do not scan for seats that do not exist for events that were never scheduled at all.

Ticket Network listed tickets for a Joey Valence and Brae show at the Fox Theater. The problem? The show did not exist.

One fan paid more than \$300 to a scalper for two Big Bad Voodoo Daddy tickets at the Boulder Theater, which cost \$27 on our site. The reseller also promised, quote/unquote, “guaranteed first eight rows.”

The problem? The show was standing room only. The most extreme version of this is what resale sites call “concierge” or “seat saver” tickets, which are not tickets at all.

Fans are led to believe that they are buying a real seat, but they are unknowingly paying overprice for a price gouge promise that someone might try to find a ticket later. It is purposely deceptive.

For example, the Howlin’ Wolf in New Orleans was charging \$10 to a show before a single ticket had been sold. Despite that, StubHub was listing a speculative ticket for \$964.

We found seat saver tickets on Vivid Seats for Beyonce in Houston, Atlanta, New Jersey, and Las Vegas for rows at the venues that did not exist.

This is the core of the concierge model. Charge first, source later, maybe. That is why the music industry does not support the House TICKET Act as written.

It claims to ban speculative tickets but creates loopholes that allow this deception to continue under a fancy new name. You could not sell a car, a hotel room, or a plane ticket you do not own and call it a service. Live shows should not be any different.

When something goes wrong with these fake tickets and over-charged tickets, fans do not blame the scalper who sold it to them. They blame the venues and the artists.

We are responsible for paying artists, staffing, safety, production, payroll, rent, performing rights organizations like ASCAP and more.

Scalpers and their platforms do not pay any of these costs, nothing, and they definitely do not deal with the upset and angry fans at the door.

At Z2, we have been forced to print out and keep this reseller customer support sheet because fans are angry and confused that this is quite literally the only thing that we can do to help.

Anyone who has tried to get help from these sites knows that phones do not get answered, e-mails go nowhere, and travel expenses are not reimbursed.

The question before Congress is not whether fans are being harmed. They are. It is whether Federal policy will finally catch up to the realities of ticketing in the United States.

Congress should ban speculative ticketing with zero loopholes for schemes like seat saver, embrace bipartisan movement in the states by passing a national ban on resale above face value and a cap on outrageous resale fees, ban deceptive URLs, spoof websites, and predatory search engine advertising.

Support the U.S. Department of Justice's effort to break up Live Nation and Ticketmaster, and close the BOTS Act enforcement gaps by passing the Blackburn-Luján MAIN Event Ticketing Act.

Artists should be able to control how their tickets are sold, the fans should be able to trust the platforms that they use, and independent venues should not have to fight for survival while scalpers make billions off of our risk.

We need Congress to act now. In an era defined by division, live music continues to create connection and common ground. Making it affordable for Americans is definitely worth fighting for.

Thank you for your time.

[The prepared statement of Mr. Weingarden follows:]

PREPARED STATEMENT OF DAVID WEINGARDEN, VICE PRESIDENT OF CONCERTS + EVENTS, Z2 ENTERTAINMENT & COLORADO INDEPENDENT VENUE ASSOCIATION

Introduction

Chairman Blackburn, Ranking Member Hickenlooper, and Members of the Subcommittee, thank you for the opportunity to testify today.

My name is David Weingarden, and I am the Vice President of Concerts + Events for Z2 Entertainment, an independent live entertainment company based in Boulder, Colorado. Z2 owns and operates three independently owned venues across Colorado, including the Boulder Theater and Fox Theatre in Boulder, the Aggie Theatre in Fort Collins, and exclusively book additional venues in Boulder, Steamboat, Frisco. Together, we produce approximately 700 live shows each year, featuring artists at every stage of their careers.

I am here today not only on behalf of Z2, but also representing the Colorado Independent Venue Association, which includes more than 100 locally owned venues across the state. All of these venues and festivals are independent rooms ticketed by more than 20 different ticketing services. We are also a proud member of the National Independent Venue Association, which represents the independently-owned venues, festivals, and promoters nationwide.

I got into this business because of a love of live music. Independent venues exist to bring performance to new audiences, to create shared experiences, and to serve as cultural gathering places in our communities. We don't do this work because it's easy or highly profitable. We do it because live music and performance matters.

While independent venues operate on tight margins, our economic impact is significant. Across the country, independent stages support nearly \$52 billion in wages and benefits each year and contribute more than \$19 billion annually in local, state, and Federal tax revenue.¹ In Colorado alone, independent live venues generate approximately \$2.3 billion in annual economic output.² Venues like ours are community anchors and economic engines but our business model is fragile.

Artists are typically paid through a guaranteed fee or a percentage of ticket sales after show expenses, whichever is greater. Their income is directly tied to how many tickets are sold. Venues, meanwhile, rely heavily on food and beverage revenue to stay afloat. We staff and budget weeks in advance based on ticket sales data, building each show carefully to ensure we can pay artists, employ our staff, and keep our doors open.

When something goes wrong in this ecosystem, the risk falls almost entirely on venues and artists. We are responsible for staffing, safety, production, payroll, and compliance regardless of what happens in the secondary market. Resellers do not share that risk. Yet increasingly, the practices of the secondary ticketing industry are directly undermining the stability of businesses like ours and truly harming the fans we serve.

Let me begin with several key points:

- Fans are being systematically steered into the resale market, where they are overcharged, misled, and frequently sold tickets that do not exist.

¹National Independent Venue Association, *The 2025 State of Live Economic Research Study* (2025), <https://www.nivassoc.org/stateoflive>.

²National Independent Venue Association, *The 2025 State of Live Report: Colorado* (2025), <https://static1.squarespace.com/static/5e91157c96fe495a4baf48f2/t/68e5b46c9ce4337898935182/1759884396101/2025-NIVA-State-of-Live-Report-CO.pdf>

- Speculative and “concierge” tickets are simply ghost tickets, they are not real tickets, and they must be prohibited with no loopholes.
- Congress should ban resale above face value and allow for a reasonable fee of no more than 10 percent to be added to cover resale processing costs so that tickets cannot be flipped at extreme markups with unlimited add-on fees.
- Congress should also ban resale before the public onsale and prohibit deceptive URLs and spoof websites that impersonate official venue box offices.
- Congress should increase oversight of illegal bots by strengthening and enforcing the BOTS Act and by passing the MAIN Event Ticketing Act, a bipartisan bill led by Senator Blackburn and Senator Luján.
- Live Nation leverages their dominant control of tours and artists—with billions in revenue from Ticketmaster to allow them to take losses on shows—to systematically disadvantage independent venues and festivals. Congress should ensure the Administration, the U.S. Department of Justice, and state attorneys general have the support and resources they need to break up Live Nation and Ticketmaster.
- The Committee should be skeptical of “consumer” groups like the National Consumers League and Sports Fans Coalition as they are financed by resale platforms to lobby against real consumer protections in ticketing.

We are one venue operator from one state, but I speak with independent venues and festivals across the country daily. What we are seeing is widespread and growing. This is not anecdotal. It is systemic, and it deserves a real response that puts people over profits.

What’s Going Wrong? The Deceptive Practices Harming My Fans

One of the biggest problems we see is price gouging driven by the secondary market. Fans regularly pay far more for tickets on secondary sites when cheaper tickets are still available directly. That doesn’t happen because of demand. It happens because fans are pushed into the resale market and made to believe the highly inflated prices are their only option. In a recent IPO filing, StubHub alone spends more than \$800 million annually to have their websites and tickets appear on search engines ahead of ours.³

This is happening right now in Colorado. As of January 23, 2026, there are active listings on StubHub advertising \$37 tickets for Shakedown Street, a Grateful Dead cover band, performing on February 7th at the Boulder Theater. The problem? The show is free before 9pm. As of the same date, StubHub is advertising tickets priced as high as \$342 for Oh Wonder’s April 24th performance at the Boulder Theater, even though most seats are still available directly through our official box office. In fact, the seat immediately next to one listed on StubHub in Floor Section C is available from us for \$65.68. That’s more than *5 times* the price for tickets we still have available. Five times!

In another case this past year, a fan buying tickets to see The Devil Makes Three selected what appeared to be a \$95 option for two tickets, only to receive a confirmation charging \$165, with no explanation and no added value. These fans didn’t do anything wrong. They were misled, and by the time they realized it, their money was gone and *we* were left to deal with the fallout.

Beyond price gouging, our box office staff deals with speculative and fake ticketing every day. These include tickets that don’t scan, tickets sold multiple times, tickets for seats or sections that don’t exist, and even tickets for events that were never scheduled at all. At the Fox Theatre in Boulder, tickets were advertised and sold online for a Joey Valence & Brae show on a date when no such event existed on our calendar.⁴ At the Boulder Theater, a fan paid more than \$300 for two tickets to a Big Bad Voodoo Daddy show that cost \$27.50 at our box office. The resale site promised “guaranteed first eight rows,” even though the show was standing room only! The customer ultimately had to cancel his entire credit card to avoid charges.

At the Aggie Theatre in Fort Collins, fans arriving to see Champagne Drip had resale tickets that simply would not scan, forcing our staff to step in and prove the tickets were invalid just so the fans could try to get refunds. And at the Boulder

³StubHub Holdings, Inc., *Form S-1 Registration Statement* (U.S. Securities and Exchange Commission), consolidated statements of operations, reporting approximately \$828 million in sales and marketing expenses for the year ended December 31, 2024, <https://www.sec.gov/Archives/edgar/data/1337634/000119312525060140/d225849ds1.htm>

⁴National Independent Venue Association, Letter to Yelp CEO Jeremy Stoppelman (Aug. 28, 2024), <https://static1.squarespace.com/static/5e91157c96fe495a4baf48f2/t/66cf14e95dfd2e53976dedfb/1724887295053/NIVA+Letter+to+Yelp>

Theater, a fan paid \$173.50 on a secondary site to see Ladysmith Black Mambazo, only to arrive and learn the tickets didn't exist. She purchased valid tickets at our box office for \$40. These aren't isolated incidents. They are daily examples of how speculative ticketing harms fans and leaves independent venues to clean up the damage.

“Seat Saver” or “Concierge Services” Are Actually Ghost Tickets

The most extreme version of this is what resale sites now call “concierge” or “seat saver” tickets. These are really non-existent ghost tickets. They're actually not tickets at all. The seller doesn't have the ticket when they sell it. Fans are led to believe they are buying a real seat, but they're just paying for a promise that someone might try to find a ticket later. This isn't an accident. It's how the secondary market keeps selling fake or speculative tickets under a nicer name.

Resale platforms market these ghost tickets as if they are a helpful convenience. In practice, they function as speculative ticketing: the seller takes a fan's money before possessing a real ticket, then may locate something later or plan to never deliver it at all. Scalpers list their ghost ticket at an extreme price (say \$1000) which is exponentially above the original price (say \$100). They use their expensive reseller software to scour the Internet and as long as they find a ticket below \$1000, they've turned a significant profit, manipulated the market, and price gouged the consumer. The patterns are consistent and documented across the country:

- *Fake ticket listings appear before any legitimate ticket could exist.* For example, a show at Britt Pavilion (Bonnie Raitt, June 3, 2026) was not scheduled to begin member presale until January 26, 2026. Yet a resale listing was already posted on November 17, 2025, offering a “ticket” for \$453. A consumer cannot resell what no consumer can legally possess. The only way that listing exists is if the seller is speculating, planning to source later, or relying on broker inventory that never went through fair consumer access.⁵
- *Speculative sellers manufacture urgency to push fans into overpaying early.* For Aimee Mann at Revolution Hall (March 13, 2026) in Portland, OR, the first presale was scheduled for November 18, 2025 at 10:00 AM, with public onsale on November 21. Yet a resale listing appeared at 8:54 AM on November 18, 2025 offering “tickets” for \$143, paired with a scarcity claim like “less than 2 percent remaining,” while the official ticket price was shown as \$63.23. This is not a functioning market. It is a pressure tactic built on a listing that should not exist yet.⁶
- *Speculative sellers set extreme prices on ghost tickets before a single ticket is sold.* An internal primary system screenshot for a Rachel Is Kozi show at The Howlin' Wolf (October 3, 2025) in New Orleans, LA showed a \$10 face value price and zero tickets sold, meaning no inventory was circulating. Despite that, a resale listing was posted on StubHub offering a speculative ticket for \$964 while claiming “Only 1 percent of tickets left.” That is the core of the “concierge” and “seat saver” model: charge first, source later, and use fear to justify the markup.⁷
- *Seats and rows are advertised that do not exist, even for the biggest tours in the world.* We have seen “Seat Saver” resale listings sell “seats” that do not exist in the venue, such as seats 9001 to 9004 for a show at The Fitzgerald Theater in St. Paul, MN even though the venue has 1,058 seats and no seat numbers anywhere near the 9000s. We have also seen the same practice scaled up for stadium events, including multiple Beyonce shows where resale listings advertised floor tickets in rows that the primary ticketing seat map does not show at all, such as NRG Stadium in Houston listing Floor Q, Row 22 when the primary map's last listed row is Row 12, Mercedes Benz Stadium in Atlanta listing Floor M, Row 20 when the primary map's last listed row is Row 15, MetLife Stadium listing Floor 12, Row 24 when the primary map's last listed row is Row 12, and Allegiant Stadium in Las Vegas listing Field A3, Row 25 when the primary map's last listed row is Row 8. These are not minor discrepancies. They

⁵National Independent Venue Association, Independent Venues & Festivals Call for U.S. States to Replicate the UK's New Ticket Resale Price Cap Policy and to End Speculative Listings (Nov. 19, 2025), <https://www.nivassoc.org/statements/2025/independent-venues-festivals-call-for-us-states-to-replicate-the-uks-new-ticket-resale-price-cap-policy-and-to-end-speculative-listings>

⁶Same reference as 5.

⁷Same reference as 5.

are concrete proof that platforms are hosting listings that are not tied to real tickets that could ever exist.⁸

When these ghost tickets fall apart, fans come to our box offices desperate for help after they've already spent money on travel, hotel rooms, outfits, childcare, and time off work. And there's nothing we can do for them. The resale platforms face little to no consequence for listing something that was never real in the first place. You couldn't sell a car, a hotel room, or a plane ticket you don't own and call it a service. Live entertainment shouldn't be any different. Unfortunately, the Federal TICKET Act currently explicitly says some of these practices should be legal—and *that needs to change*.

Negative Impact of The Mounting Resale Deceptive Practices

When something goes wrong with these fake and overcharged tickets, fans don't blame the scalper who sold it to them from a basement halfway across the country. They blame the venues. They come to our box offices angry and confused when their ticket doesn't scan or when they realize they wildly overpaid. Our staff is the only face they see, so we take the hit. We get the bad reviews, and it is our reputation that is damaged.

At Z2, we've been forced to print out and keep a sheet at our box office with customer service contact information for all the major resale sites, not because it helps us but because fans are desperate, and this is quite literally the only thing we can do to help. Anyone who's tried to get help from these sites knows how that goes. 99 percent of the time, phones don't get answered. E-mails go nowhere. Fans leave frustrated and that frustration lands squarely on us.

The damage doesn't stop there. On the night of a show, we staff as if it's sold out: full production, bar, security, and box office. But when resellers can't unload their inventory, a show that looked sold out on paper is suddenly only 60 to 70 percent full but we don't know that until doors open. That means we lose 30 to 40 percent of our expected food and bar revenue, while labor costs stay the same. And to add a pile of salt on the wound, venues find out weeks later that the scalpers claim fraud for what was unsold and are refunded thousands of dollars by the credit card companies. These 'chargebacks' also come with a fee, which is paid by the venues. That shortfall comes after the show, after the band is paid, after staff is paid, after the lights are turned off. And there's no way to make that money back. This amounts to stealing, but we have no recourse.

Z2 produces around 700 shows a year. That adds up to a massive amount of lost revenue, but more importantly, it represents hundreds if not thousands of fans who were deceived and left with a worse experience. Fewer fans come back. Bar sales drop. Merchandise sales drop. Money that should stay with the artist and local businesses leaves the community and the state. And increasingly, fans give up entirely or look elsewhere, even traveling out of the country for shows because 1) it's cheaper and 2) they no longer trust the system here. The fans, the venues, the artists, and local economies all lose.

Independent venue owners did not choose to become policy advocates. We chose to run small businesses, employ local workers, and bring live music to our communities. The scale and aggressiveness of today's scalping platforms has left us with no choice. The harm to our fans and our businesses has become so severe that we have been forced to dig into what's happening behind the scenes and engage in policy fights simply to protect the people who walk through our doors.

That reality hit home in Colorado. As deceptive resale practices escalated, well-funded resale interests poured resources into shaping state legislation that directly affected our businesses, often without independent venues meaningfully included at the table. We watched policies, including the scalper-backed Colorado House Bill 24-1378, being pushed that favor resale profits over fan protection, even as local venues were left dealing with the fallout night after night. That experience made one thing clear: this is not just a local problem, and it is not accidental.

When we followed the money, the same players kept appearing. What looks like a scattered, chaotic resale market on the surface is, underneath, a highly coordinated and professionalized national industry. To understand why independent venues across the country like mine are facing the same problems every day, and why government intervention is necessary, it's important to understand who is shaping the debate, how much money is at stake, and why these companies are fighting so hard to preserve the status quo.

⁸ Same reference as 5.

The Multibillion Dollar Industries That Are Harming Our Consumers and Our Business

The highly professionalized resale industry extracts enormous profits while refusing to operate transparently. The Ticket Policy Forum, led by former National Association of Ticket Brokers' lobbyist Brian Berry, is a clear example. It is a coalition of the largest resale platforms in the country, including StubHub, SeatGeek, TickPick, GameTime, Vivid Seats, and Event Tickets Center. These companies are not advocating for fans or venues. Their platforms host scalpers and they are advocating for their own revenue streams and stock prices—and the scale of their profits matters. In 2024, StubHub reported approximately \$1.77 billion in revenue, and Vivid Seats reported roughly \$780 million.^{9 10} That is more than \$2.5 billion from just two of the six companies represented by the Ticket Policy Forum.

When this coalition opposes reform, it is not protecting constituents. It is protecting their profit margins. SeatGeek, Event Tickets Center, and GameTime routinely receive some of the lowest consumer ratings in the industry, averaging around one out of five stars with the Better Business Bureau. If an independent venue treated patrons that poorly, it would shut down.

These platforms like to argue that they sometimes sell tickets below face value. That is fine. We have no quarrel with that and no issue with genuine fan-to-fan resale. We understand sometimes fans can't make it to shows. But that is not what defines this market. According to the U.S. Government Accountability Office, "professional resellers, or brokers, have a competitive advantage over consumers in buying tickets as soon as they are released. Brokers can use numerous staff and software ('bots') to rapidly buy many tickets. As a result, many consumers can buy tickets only on the resale market at a substantial markup."¹¹ This is not a consumer-driven ecosystem. It is a professionalized extraction machine.

What makes this even more troubling and frustrating is how these companies fund and hide behind organizations that masquerade as consumer advocates. Across the country, and in Colorado, scalping platforms finance groups that lobby against consumer protection reform while claiming to speak for fans.¹² Organizations like the National Consumers League, Sports Fans Coalition, Protect Ticket Rights, Fan Freedom Project, Coalition for Ticket Fairness, Chamber of Progress, and NetChoice have all received funding or direct support from ticket resale companies, including StubHub, Vivid Seats, Event Tickets Center, and the National Association of Ticket Brokers. These groups lobby against bans on speculative tickets, resale price caps, and limits on predatory resale practices while marketing themselves as defenders of consumers, which could not be further from reality.

Time and time again, resale companies will not disclose who on their platforms are professional resellers. They will not identify broker networks. They don't even disclose the username, or business name of who is reselling these tickets. And they will not cooperate in ways that allow regulators to enforce the law.

Instead, they fund front groups to muddy the waters and slow reform. Their business model does not improve with transparency. It collapses under it. That is why it festers in darkness, purposefully.

Industrial Resellers With No Skin In the Live Entertainment Game Should Not Be Treated The Same As the Artists and Small Businesses That Assume The Risk

This is a professional resale industry getting richer through fees, while independent venues are just trying to keep the doors open. The secondary market is fundamentally different from what we do. These are large, well-capitalized companies that don't actually put on the show and don't carry the costs or risks of live events.

⁹ StubHub's 2024 revenue was approximately \$1.77 billion, per the company's IPO filing disclosures and reporting on that filing, <https://www.reuters.com/markets/deals/ticketing-market-place-stubhub-files-us-ipo-2025-03-21/>

¹⁰ Vivid Seats reported full-year 2024 revenues of approximately \$775.6 million, per the company's reported financial results, <https://investors.vividseats.com/news-releases/news-release-details/vivid-seats-reports-fourth-quarter-and-full-year-2024-results-0>

¹¹ U.S. Government Accountability Office, *Event Ticket Sales: Market Characteristics and Consumer Protection Issues*, GAO-18-347 (Apr. 12, 2018), <https://www.gao.gov/products/gao-18-347>.

¹² Marc Hogan, *A Guide to "Fan" Organizations Funded by the Ticketing Industry*, Pitchfork (Aug. 3, 2023), <https://pitchfork.com/thepitch/consumer-groups-take-money-from-ticketing-industry/>.

Companies like StubHub have publicly disclosed that they have no show costs at all, yet they collect significant fees on every resale transaction.¹³

By contrast, the fees charged by independent venues exist to cover the real and unavoidable costs of producing live events: paying artists through guarantees or box office splits; employing production crews, sound and lighting engineers, and front-of-house staff; staffing security, box office, bar, and cleaning teams; covering payroll taxes and workers' compensation; maintaining and insuring the building; paying utilities and basic operating expenses; running ticketing systems and payment processing; meeting safety, accessibility, and compliance requirements; promoting shows so fans know they exist; and paying mandatory performing rights organization fees to ASCAP, BMI, and SESAC so songwriters are compensated when their music is performed live.

Secondary ticket platforms and scalpers don't pay any of these costs. They don't carry the legal, financial, or operational responsibility of hosting live events, yet they collect ticket service and other fees on top of ours. That is why comparing primary ticket fees to secondary resale fees is misleading, and why the responsibility and risk remain squarely with local venues even as resale platforms extract billions from the system.

The Disastrous Market Control of Live Nation

Live Nation doesn't just sell tickets. It controls the choke points that determine who gets access to tickets at all. And when one company controls ticketing, artist management, promotion, venue ownership, and resale, it has the ability to shape the market in ways that no independent venue, artist, or fan can counter on their own. From where I sit as a venue operator, Live Nation is not adjacent to these problems. It is part of the structure that allows them to persist.

Live Nation employs a suite of anti-competitive tactics that severely limit access to the live music market for independent operators. It manages hundreds of major artists, giving its promotions division the right of first refusal on those artists' live shows. It leverages all-or-nothing touring deals that route artists exclusively through Live Nation venues and ticketing systems, while using a stick or a carrot to ensure artists know there are financial penalties if they choose to work with independent promoters. It enforces radius clauses that are waived for other Live Nation venues but not for independent ones. Local artists have been barred from performing at non-Live Nation festivals because they agreed to play a Live Nation-branded event. Even when Live Nation controls a venue, it has refused to rent the space to artists or promoters it does not control, leaving rooms dark rather than enabling competition. Independent venues report being told they will lose performers whose tours are managed by Live Nation if they don't switch to Ticketmaster, a clear violation of their consent decree. And in some cases, Live Nation has demanded to be added as a "co-promoter" on shows it had no involvement in booking, claiming up to half of the profits under threat that refusal will jeopardize future bookings. This is not competition, and the U.S. Department of Justice lawsuit to break up this monopoly makes this clear.

Those tactics do not operate in isolation. They are reinforced by Live Nation and Ticketmaster's vertical integration, a flywheel that links artist management, promotion, venue access, primary ticketing, and monetization through fees and affiliated resale channels. When one company can influence routing decisions, venue availability, and the ticketing system fans must use, it can raise rivals' costs and reduce competitive alternatives without ever having to compete on service or price. That is why independent promoters and venues experience these tactics as a package: pressure on tours, pressure on rooms, pressure on ticketing, and limited recourse.

The competitive harms are not only theoretical. They translate directly into the ticketing outcomes that fans experience, including diminished access to face value inventory and an ecosystem that is more vulnerable to manipulation by professional resellers. In its lawsuit, the FTC alleges that Ticketmaster and Live Nation knowingly allowed, and even encouraged, brokers to use multiple Ticketmaster accounts to circumvent Ticketmaster's own security measures and access control systems, and that those resellers then listed tickets directly on Live Nation's resale marketplace. The FTC also alleges that a senior Ticketmaster executive admitted in an internal e-mail, copied to Live Nation leadership, that the companies "turn a blind eye as a matter of policy" to brokers' violations of posted ticket limits, including an internal review finding that five brokers controlled 6,345 Ticketmaster accounts and pos-

¹³ StubHub Holdings, Inc., *Form S-1/A* (SEC), describing a business model that does not assume ticket inventory risk, <https://www.sec.gov/Archives/edgar/data/1337634/000119312525197614/d225849ds1a.htm>.

sessed 246,407 concert tickets to 2,594 events.¹⁴ This is all why Live Nation must be broken up.

What Reform Looks Like

At this point, we know the harm is real. We see it every night at our box offices. We know the scale of the abuse, and we know it is being driven by highly professionalized, multibillion-dollar operations. The question before Congress is not whether fans are being harmed. It is whether Federal policy will finally catch up to the realities of how tickets are bought, sold, and manipulated in the digital age. From where I sit as a venue operator, meaningful reform must protect fans at every step of the experience, from the moment they search for a show online to the moment they walk through our doors.

Ban Predatory Resale Before the Public Onsale

One of the most damaging practices we see is the resale of tickets before the public ever has a fair chance to buy them, and it must be banned. Professional scalpers routinely invade artist presales, fan clubs, and early-access programs meant for real fans. They buy up inventory in bulk and immediately list those tickets on secondary platforms at inflated prices before the public onsale even begins.

From a fan's perspective, it looks like the show sold out instantly. In reality, access was intercepted by design. This practice creates artificial scarcity, allows resellers to set prices before the real market ever opens, and guarantees tickets will be funneled into the secondary market. It is pure manipulation. Ending resale before the public onsale is essential to restoring fair access and price integrity.

Ban Deceptive URLs, Spoof Websites, and Predatory Search Engine Optimization

Reform must also address what happens when fans search for tickets online. Right now, deceptive resale websites routinely impersonate official box offices. At Z2, fans regularly show up believing they purchased tickets directly from us, only to discover they were misled by a site designed to look official. In most cases, our venues don't even appear on the first page of search results for our own shows. Large resale platforms like StubHub spend hundreds of millions of dollars each year on advertising and marketing, a level of spending independent venues cannot match. The result is resale sites appearing ahead of official venue websites, forcing consumers to scroll past resale listings to find the original seller.

No other consumer market allows businesses to impersonate official sellers and profit from confusion. Live entertainment should not be an exception. Congress should ban deceptive URLs and spoof websites outright. And, they should investigate how predatory search engine optimization harms fans.

Ban Speculative Tickets With Zero Loopholes

Speculative ticket listings must be banned outright, with no loopholes. It is unacceptable for resale platforms to allow brokers to sell tickets they do not own, do not possess, or may never deliver. This includes so-called "concierge" or "seat saver" services, which are simply ghost tickets under a different name.

These listings mislead fans, create artificial scarcity, and regularly result in serious financial and emotional harm. In some cases, fans only learn their tickets are invalid after traveling long distances, booking nonrefundable hotels, taking time off work, and arranging childcare. No legitimate consumer market allows companies to sell products they don't have and cancel at the last minute without consequence. Any serious reform must prohibit speculative tickets entirely.

Institute Resale Price Caps to Restore Affordability

From where I sit as a venue operator, resale price caps are about affordability and restoring balance to a market that has gone largely unchecked for decades. Ticketing moved online faster than policy ever caught up. In that gap, a resale industry emerged that now inflates prices instantly, at scale, with almost no limits.

This is not about setting ticket prices or interfering with artists and venues in the primary market. It is about stopping extreme markups that have nothing to do with demand and everything to do with speculation. Without guardrails, tickets meant to cost \$40 or \$60 are flipped for hundreds of dollars before fans ever get a fair chance to buy them. That is not access. That is exclusion.

States are already responding to this reality. Washington, D.C., Delaware, Hawaii, Oklahoma, Washington State, Wisconsin, and Vermont have all introduced re-

¹⁴*FTC v. Live Nation Entertainment, Inc. and Ticketmaster LLC, Complaint (C.D. Cal. Sept. 18, 2025)*, https://www.ftc.gov/system/files/ftc_gov/pdf/FTCVLiveNation-Ticketmaster-Complaint-filed.pdf

sale price cap legislation recently, and Maine passed one last year, because they are seeing the same harm in their communities. Federal policy is falling behind.

Close BOTS Act Enforcement Gaps and Pass the MAIN Event Ticketing Act

Many of these abuses are fueled by automated bots that buy up tickets at scale the moment they go on sale. Congress recognized this problem when it passed the BOTS Act in 2016. But in nearly a decade, that law has been enforced only once.

That lack of enforcement has sent a clear message to bad actors. The risk is low and the rewards are high in duping fans. Independent venues like mine want to see the MAIN Event Ticketing Act passed because without real enforcement authority, the same abuses will continue no matter how many rules exist on paper.

Stop Letting Scalper-Funded Front Groups Speak for Fans

Finally, Congress and Federal agencies need to be clear-eyed about who is shaping this debate. Across the country, resale platforms fund organizations that claim to represent consumers while lobbying against reforms that would actually protect fans. These are not independent voices. When questioned closely, their representatives have acknowledged selective data, partial studies, and direct financial ties to the resale industry. That alone should give policymakers pause. Congress should be listening to constituents, artists, and local businesses who live with the consequences of these practices, not corporate-funded groups whose job is to obfuscate and defend resale profits.

Conclusion

This is a defining moment. The live entertainment industry is not broken by accident. It has been bent, over time, by unchecked consolidation, deceptive business models, and deliberate inaction. Every fake ticket, every hidden fee, every mandated transfer or inflated resale is not just a flaw in the system. It reflects a system built to serve profit, not the people. But artists should be able to control how their tickets are sold. Fans should be able to trust the platforms they use. And independent venues should not have to fight for survival while others make billions off of their risk. We are not asking for favors. We are demanding guardrails and consumer protection. Congress is charged with protecting consumers and ensuring competition must meet this moment and the threats facing our Nation in ticketing deserve more than words. In an era defined by division, live music and performance continues to create connection and common ground. And that is worth protecting.

While there are organizations truly advocating for fan and small business voices, like the Fix the Tix Coalition or the Fan Alliance, we cannot do it alone. We need Congress to act now. Consumers are helpless. In the absence of Congressional action, we have gone state-by-state to pass strong consumer protections in ticketing, and we will continue to do so. At the same time, a national solution is what fans, artists, and independent venues need, and we stand ready to craft it with you.

Thank you for your time.

Senator BLACKBURN. Thank you, all.

We are going to begin our five-minute round of questioning and work through the Members as they come to the dais.

Mr. Wall, I want to come to you. I want to thank you and your team for collaborating with us as we planned our hearing today, and your appearance is—it is certainly appreciated.

I will say I was quite disappointed when I read the FTC complaint against Live Nation/Ticketmaster as well as your response.

I could not help but remember our hearing from the Judiciary Committee that I referenced earlier and it was after Taylor Swift's—your platform had such a meltdown, and your President—Ticketmaster's President—told members of the Committee unequivocally that your company does everything in its power to stop the circumvention of your ticket purchasing limits and security measures.

So given the allegations in the FTC's complaint, how can you possibly stand by that sentiment saying you do everything you possibly can?

Mr. WALL. Well, thank you, Madam Chair.

Of course, it is in litigation and it is not going to surprise anyone that we contest a lot of the most basic allegations in that case.

But let me just say that the reason that I feel that I can say that quite confidently is because, you know, when we left that hearing we got the message.

We understood that we had to up our game, and we have made increase after increase in the resources that we throw into the battle against not just the bots but all of the different techniques that we——

Senator BLACKBURN. Does Live Nation/Ticketmaster employ a Chief Technology Officer?

Mr. WALL. Yes, and in fact we have a brand new CEO who is a technologist.

Senator BLACKBURN. What is your expectation of that CTO?

Mr. WALL. Our expectation on this particular issue is to make every effort possible to get the tickets that an artist like Mr. Ritchie wants to sell to his fans in there——

Senator BLACKBURN. Have you consulted with other companies in similar nature to yours or other companies, like I said, financial institutions that fight bots every single day?

Mr. WALL. Of course.

Senator BLACKBURN. Have you all consulted with them to see what they are doing?

Mr. WALL. Of course, and the new——

Senator BLACKBURN. So you have consulted with them. Have you picked up any of their best practices?

Mr. WALL. Absolutely.

Senator BLACKBURN. And so why are you not able to block the bots?

Mr. WALL. We are blocking over 500 million.

Senator BLACKBURN. But you are not getting all the bots. If the local power company had your approach to this, every day they would have a bot scoop in and get user data.

They would get information. They might even corrupt the system because they get these cyber attacks daily. It is inexcusable—inexcusable—that you all cannot find a way to keep transparency and fairness in this marketplace.

Mr. Berry, do other of your members have problems such as Ticketmaster has?

Mr. BERRY. So our members have similar teams of employees who take care of those problems as well, and we have a company that is well known and is trying very difficult to break into the primary and has done a little bit of that and does not experience those problems and does ticket football stadiums as well.

Senator BLACKBURN. Mm-hmm. So you had mentioned if a broker could not be a part of a resale system, it would be a black market. So what is the process somebody goes through to become a broker?

Is it just an e-mail address? Is it a physical address? What is the process you require of people?

Mr. BERRY. So to become a broker—we are online marketplaces. So in order to sell tickets on an online marketplace, I do not know if there is a process to become a broker.

Senator BLACKBURN. I am fully aware you are an online marketplace. In other words, do you know the people that are there? Do you have the information? Do you do enough research to know that this is actually an ongoing concern and not a scalper?

Mr. BERRY. So every seller that is on the marketplace has to set up an account and be verified and provide their information and their address, et cetera. If there is ever a problem as a marketplace, like any marketplace—in our case tickets—we only do one thing and that is tickets.

Senator BLACKBURN. Mr. Weingarden, you are kind of rolling your eyes on that. You got a response to that?

Mr. WEINGARDEN. I do not think that that is even possible for the amount of—

Senator BLACKBURN. So you do not believe what they are saying?

Mr. WEINGARDEN. I do not.

Senator BLACKBURN. OK. That is great.

Mr. Ritchie, I want to come to you. I know you have got the reputation not only in Nashville but around the country you do a barn burner of a show and you are known—

Mr. RITCHIE. Thought you were going to say something else.

[Laughter.]

Senator BLACKBURN. Not quite. But you take care of your fans. You are known for taking care of your fans.

So how has this price gouging in the marketplace affected your fan base? What do they tell you?

Mr. RITCHIE. They are pissed. It prices them out of the market, many of them, especially, you know, working class folks.

And like I have explained before, you know, people do not realize why this is so different than another business where—or maybe if a grocery store is gouging on the price of something, you might be able to go to another store close by if you have those means to get that little better price.

When you are talking about your favorite artist—you know, I am looking back when I was a child and some of my favorite artists, you know, I would have done anything to get into those shows.

And so some of these people, you know, they are maxing out their credit cards and they are in debt. They are missing a house payment, things like this. So the way it affects them is terrible.

You see it all the time. Go onto any artist's message board who is popular and tickets come, and it is a conundrum to get them. Just look at those messages—oh, I wish I could go. I wish I could afford it. I am priced out. Like, blah blah blah. You know, it just—it is really just common sense—

Senator BLACKBURN. Frustrating.

Mr. RITCHIE.—which is we keep—we keep talking about it. I have heard from Mr. Hickenlooper and down here, they are trying to run this disguise again of, like, speculative ticketing and all-in pricing.

These things are great. We do all agree on it. It does not solve the problem because what they hide in these things, which I believe they have done in Colorado and that they are doing in California or they have done, is they do all these wonderful things and goes, oh, they are doing all this stuff for ticketing.

What they do not do or what they do is they sneak in or they say we must keep tickets on the free market, and all that does is give the scalpers, the bad actors, the bots, a license to ill. That is it.

So they keep running this game. Do not be fooled. Like, the only way I have seen it that we can fix this is—and Live Nation, us and Ticketmaster agree on this, you know, oddly enough, that there needs to be a price cap.

They have tried this in Europe. Just look at it. It works there. Do I want to be a follower of Europe? Not really.

Senator BLACKBURN. Yes.

Mr. RITCHIE. But you know what I mean? They did something that is kind of working. We ought to—we ought to take a hard look at that.

Senator BLACKBURN. My time has expired.

Senator Klobuchar.

**STATEMENT OF HON. AMY KLOBUCHAR,
U.S. SENATOR FROM MINNESOTA**

Senator KLOBUCHAR. Thank you very much, Senator Blackburn. I actually chaired the hearing in Judiciary that Senator Blackburn took part in, and I—Mr. Ritchie, thank you for being here.

I remember that well because we had trouble getting artists that wanted to come forward. We found a guy, Clyde Lawrence of the band Lawrence, and what I remember most is that he ended up being a great witness but he kept turning to the person behind him and everyone on TV thought it was his lawyer. It was his saxophone player, and that hearing—

Mr. RITCHIE. I have the same lawyer present.

Senator KLOBUCHAR. There you go.

[Laughter.]

Mr. RITCHIE. None.

Senator KLOBUCHAR. But it made a difference because we gathered evidence that we gave to the—we gave to the Justice Department and with Senator Lee, and what we found out at that hearing was that Live Nation and Ticketmaster's size is unbelievable.

No company should have 80 percent of ticket sales at major concert venues, own 40 percent of the top 50 amphitheaters in the U.S., and control 60 percent of promotion revenue.

We also discussed many of the issues that you talked about today about the bots and about what is happening in the resale market, and I have been frustrated. While some things have improved and we have appreciated the companies worked with us on some of these, but it just continues to be a problem.

Mr. Berry, I would start with you. Why does breaking up Live Nation and Ticketmaster help?

Mr. BERRY. Thank you, Senator, for the question.

I believe this case that faces the entire nation right now will answer the question of whether or not a monopoly can be held accountable and do better, or run roughshod over our government and the market, simply put.

In terms of specifics, you know, there is then this conversation around exclusive contracts and venues. We agree a venue should be able to decide. A venue should be able to decide, but not ex-

torted into making a decision because that affects the downstream effects.

In the world of ticketing, one of the greatest examples—and it is in the amended complaint, Senator—had to do with the Ticketmaster SafeTix technology. It was announced as anti-fraud and counterfeit technology.

The way it is being used is to foreclose competitors and abuse fans. It abuses a fan after the fact when months down the line—because they do not deliver tickets when you buy them, you pay for it and you get them 6 months later where they disappear or they get canceled. Worse yet, you leave fans with legitimate tickets—

Senator KLOBUCHAR. OK.

Mr. BERRY.—outside of venues not able to get in because their tickets have been taken back by Ticketmaster.

Senator KLOBUCHAR. OK. Thank you. Thank you.

Mr. Weingarden, as an independent owner, could you talk about for a concert venue how this issue, these anti-competitive practices, affect independent venues?

Mr. WEINGARDEN. Well, when you have got one company that controls that much, and it is not just the amount of money that they have, they have got a significant amount of leverage managing artists.

They have got all-or-nothing ticketing deals, touring deals, that will not allow for any other plays unless they are in these venues, and these are multi-multimillion-dollar deals. If you are radius—if you are radiusing out any other sort of, like, play within a market or close by—

Senator KLOBUCHAR. The radius clauses that you are talking about?

Mr. WEINGARDEN. Radius clauses, that is correct. Those make—and if I am, like, sort of a known promoter that has brought an artist up for a while and I want to be—you know, and I want to continue to work with that act, you know, and put them in maybe a larger space, they are not going to—they would not be renting to me.

Senator KLOBUCHAR. Right.

Mr. WEINGARDEN. I mean, the list goes on, and they are a behemoth for sure and it makes things very difficult for independent promoters.

Senator KLOBUCHAR. Right. Thanks also for focusing on some of the deceptive practices. That bill that Senator Cornyn and I did, the Fans First Act, some of those provisions are in this—in the TICKET Act.

Mr. WEINGARDEN. Yes, thank you.

Senator KLOBUCHAR. Mr. Wall, as we look at advancing some of this legislation but also as we look at what is happening with that case—and I believe you have got to let the Justice Department do their job, I know that Live Nation has hired a number of lobbyists—that always happens, but Trump-aligned lobbyists to apply pressure to overrule the antitrust division and settle the case.

The former deputy assistant AG for antitrust, Robert Alford, someone I have called as a witness in Judiciary several times, appointed and subsequently fired by this administration, warned about these lobbyists' influence over the case.

Would you agree that the Justice Department's antitrust lawsuit should be resolved based on the law—

Mr. WEINGARDEN. A hundred percent.

Senator KLOBUCHAR.—and the facts and not political pressure?

Mr. WEINGARDEN. One hundred percent, and I—and I expect that to be resolved in our favor.

One thing I wanted to tell you, Senator Klobuchar, because you brought it up is that in that lawsuit, in the ticketing market that is not gerrymandered but simply takes the full range of opportunities in large concert venues, our share is actually under 50 percent. So that is the government economists' number, not ours.

So I think that you should take some comfort in that.

Senator KLOBUCHAR. OK. Mr. Ritchie, I have a feeling you do not take comfort in that but—

Mr. RITCHIE. Well, I was just going to add, I know no one likes a tattle, but from what my sources tell me—you might want to ask Mr. Wall—is that my friend President Trump, Live Nation has also hired a couple of his friends, Ric Grenell and Kellyanne Conway. That says a lot right there.

Senator KLOBUCHAR. Yes.

Senator BLACKBURN. OK, Senator.

Senator KLOBUCHAR. OK. On that note, so but would you just—could I just ask one last question on the subject here of just what you think the effect is on smaller bands, not ones that fill the whole—

Mr. RITCHIE. On smaller bands?

Senator KLOBUCHAR.—whole arenas like you, of a monopoly?

Mr. RITCHIE. Smaller bands? I mean, if you get popular as a smaller band, it is almost the same problem. You are just selling out a smaller venue. No tickets, and they get jacked up in prices, and all the same things still happen.

Senator KLOBUCHAR. Mm-hmm. All right. Thank you very much.

Mr. RITCHIE. Thank you.

Senator BLACKBURN. Thank you.

Senator Schmitt.

**STATEMENT OF HON. ERIC SCHMITT,
U.S. SENATOR FROM MISSOURI**

Senator SCHMITT. Thank you, Madam Chair, and I want to thank you for having this hearing.

The reason why I introduced the bill is I agree, I think that for me and I think a lot of Americans these live events, whether it is a concert or a sporting event, it brings people together.

You do have those memories. I remember the first concert was Tom Petty and the Heartbreakers at what used to be called Riverport in the St. Louis area, and just loved going to concerts, and you just hate seeing people get priced out.

You know, I am a big Cardinals fan. You see people getting priced out of those playoff tickets. I mean, look at the college football playoff, the national championship game.

I mean, these Indiana fans, like, the worst program in the history of college football I cannot get in the arena. And I understand there is limited capacity, but I just think that there is—the more transparency that we have, I think, is really important.

I think, Mr. Ritchie, what I hear you saying is we should do that. This is broad bipartisan so we should do that, but there is more to do, right?

There is more to do than just the transparency, because you are just seeing regular people that are just getting boxed out, right?

Mr. RITCHIE. Yes. Those are things we can all agree on—the speculative ticking—

Senator SCHMITT. Yes.

Mr. RITCHIE.—transparency, all that stuff, but it does not solve the problem of getting the tickets into the hands of the fans at the prices the artists set.

Like I said, I am a capitalist. I am a deregulation guy. But something needs to be done here. This has gone on for 30 years. It has only gotten worse.

Senator SCHMITT. Right. Right. And I appreciate you coming here today because I think you lending your voice to this is important.

I wanted to ask Mr. Wall, in a lot of these sporting events the dynamic pricing and inventory holdbacks are now kind of routine, with only a fraction of the seats, I would say, often actually released to the general public.

Given this kind of structure that exists, what is Ticketmaster's policy on disclosing to fans how many seats are truly available for the event at the moment of sale, and do you support greater transparency standards on that point?

Mr. WALL. Thank you, Senator.

We definitely support greater transparency. I do have to say that there is a wrinkle in this in that certain kinds of information are primarily useful to ticket brokers that are trying to size the market for what they can—how much they can charge and we draw some lines there.

I want to take this opportunity to say that we do not ever hold back. Ticketmaster would not have the authority to do this anyway but we do not hold back tickets from the primary ticketing market.

We do not secretly send them over to brokers or anything like that, and that is one of the fundamental ramifications of the fact that a concert promoter with a CEO like Michael Rapino owns Ticketmaster.

That puts us on this side of the aisle instead of this side of the aisle because we are going to make the decisions that are good for Mr. Ritchie and other artists.

Senator SCHMITT. How does—and I will stay with you just for just a sec—Ticketmaster recently announced several policy changes, including limiting entities to a single verified account—you mentioned that—and removing broker management tools.

How would this legislation, the TICKET Act's requirement for full transparency complement that or help that as far as the internal changes that you are already making in that regard? Or does it?

Mr. WALL. I do not—I do not see a particular connection to it, but we are going to vote yes on transparency pretty generally just because we agree that that is an important part of the market.

And a lot of these issues, particularly in the resale markets, there is so much opaqueness, there is so much misdirection, that as a society we have got to do something about that.

Senator SCHMITT. OK, thanks. Thank you, Madam Chair.
 Senator BLACKBURN. Thank you.
 Senator Luján.

**STATEMENT OF HON. BEN RAY LUJÁN,
 U.S. SENATOR FROM NEW MEXICO**

Senator LUJÁN. Thank you, Madam Chair.

Mr. Berry, music venues and promoters traditionally guarantee that every ticket sold by their box office admits them to the shows. How do your ticket resale platform members verify that a ticket is real prior to it being listed on their resale platforms?

Mr. BERRY. Thank you, Senator, for the question.

We advocate, as your office knows, for interoperability and greater connections between the primary and secondary.

A great example, sir, would be Paciolan. That is a company that Ticketmaster was required to divest during the merger, large in the collegiate area. When there is a ticket purchased or resold, there is a connection on the back end so that there is verification, and when it goes for sale there is a guarantee it goes through. This is not just trusted but it is verified.

We would advocate for that across the entire ecosystem. When 80 percent or more of popular concert tickets are controlled by one company that will not share that information, there has to be a lot of trust and there has to be a lot of customer support. The greatest thing we can do as marketplaces then is hold the sellers accountable.

Senator LUJÁN. So, Mr. Berry, do all your members guarantee that the ticket is good?

Mr. BERRY. All guarantee refund protection or comparable——

Senator LUJÁN. No, that is not what I am asking.

Mr. BERRY. Yes, Senator.

Senator LUJÁN. Do all your members guarantee when you buy the ticket you are going to get in?

I mean, the answer is no. We can just say it. The answer is no. I can move on to this——

Mr. BERRY. We guarantee is that your ticket will work or you can get comparable——

Senator LUJÁN. OK, let me move on to the next question. I will help—I will help you with this, sir.

You are not going to say it. I will say it. The answer is no, and we know it is a problem. We need to fix it. So if you are saying that you want everyone to guarantee it then make them.

Do not allow them to be a member unless they guarantee it and then we will not need to pass legislation. So I hope we can work on that one together.

Mr. Berry, which of your companies allow speculative ticketing and which ones ban it?

Mr. BERRY. So multiple companies do not allow it on their platforms and, you know, the challenge with speculative ticketing, sir, is that there are a lot of tickets that you may presume are speculative——

Senator LUJÁN. Yes.

Mr. BERRY.—that have already been provided through different allotments that no one knows about because it is completely opaque and secret. There can be, you know, multiple pre-sales.

There can be deceptive, secret holdbacks of tickets, and I understand today that was challenged. But through subpoena authority, the New York State attorney general obtained this information. So when we see some of these tickets, they are not speculative.

Senator LUJÁN. Let me ask you the question—

Mr. BERRY. As for speculative, sir, we would support a ban on deceptive speculative tickets as the TICKET Act has prescribed.

Senator LUJÁN. Would you support a ban on speculative ticketing?

Mr. BERRY. Yes, sir, and that is why I call for this committee to pass the TICKET Act.

Senator LUJÁN. So will you do me a favor? And Mr. Ritchie, I appreciate your response earlier to all my colleagues on the Committee. I had the amendment. I had the amendment to get rid of speculative ticketing, and then I was told by some of the offices take it down because it is going to take the whole act down.

And I talked to the main author, Ms. Blackburn. We said, well, OK, we need this. We need the act, but if there is—everyone here agree we should get rid of speculative ticketing?

Mr. Ritchie, yes or no?

Mr. RITCHIE. Yes.

Senator LUJÁN. Mr. Wall?

Mr. WALL. In stronger terms than he wants.

Senator LUJÁN. Mr. Berry, I heard you say yes. You want to repeat that?

Mr. BERRY. Yes, Senator. Pass the TICKET Act.

Mr. WEINGARDEN. Absolutely. Get rid of speculative ticketing.

Senator LUJÁN. Let me ask you a question just real quick, Mr. Berry.

You support getting rid of speculative ticketing, yes or no?

Mr. BERRY. Yes, sir. It is a big change in the industry. We think it is the right thing to do for the fans.

Senator LUJÁN. Appreciate that.

Mr. Weingarden?

Mr. WEINGARDEN. Absolutely, 100 percent.

Senator LUJÁN. OK. Well, Mr. Chairman, I am glad you are here, sir, and we hear this and all the staff in here hears it, and maybe we can just offer this up next time we have any bill that comes in.

Since we are in the Senate there is nothing that restricts us on offering whatever we want to do. It is in the Committee's jurisdiction. So I look forward to doing that with everybody here as well.

Mr. Wall, let me jump to you here real quick, sir. September 2025 the FTC brought suit against Ticketmaster alleging that the company knowingly allowed brokers to use multiple accounts to evade ticket limits.

Now, I am aware that you dispute these allegations and there is ongoing litigation, but my question is how many bot-related circumvention referrals has Live Nation made to the FTC since the BOTS Act passed in 2016?

Mr. WALL. I am not sure of the exact number, but there came a point when they told us to stop doing that because they understood that the bots problem was an ongoing problem.

Senator LUJÁN. So have you disciplined, Mr. Wall, any brokers or your company disciplined any brokers or banned them from buying or listing tickets on Ticketmaster based on their circumvention of your technological controls?

Mr. WALL. Yes.

Senator LUJÁN. I appreciate that.

Madam Chair, I am going to turn this back over to you. I know everyone here knows that I have been proud to work with Senator Blackburn on this issue as well. I now am proud that I heard from everyone in the industry that we can get rid of speculative ticketing.

I look forward to working with the Chair and the Ranking Member of the Full Committee to bring that up and all I—all the staff that are in here I hope you just author it.

If the Chair wants to put his name on it, I would be happy to turn it over. Well, let us get that done. Let us get rid of it. Thank you for the time.

Senator BLACKBURN. Thank you, Senator Luján.

Senator Cruz.

**STATEMENT OF HON. TED CRUZ,
U.S. SENATOR FROM TEXAS**

The CHAIRMAN. Thank you, Madam Chair. Welcome to all the witnesses.

Mr. Ritchie, let me say as a Texan I am particularly happy to see you bringing cowboy hats back to the U.S. Senate. It warms my heart.

Mr. RITCHIE. Yes, sir.

The CHAIRMAN. Let me start with you, Mr. Ritchie. In your testimony, you talk a lot about how music fans and artists have been harmed by systemic problems within the ticketing system.

You have been doing this for over 25 years with a ton of success. What do you see as the biggest problem for music fans?

Mr. RITCHIE. Well, just like we are saying, we keep going back to these speculative ticketing. You know, transparency, all this stuff, great. Everyone does agree on these small things, but it does not solve this problem.

The biggest problem I see as an artist is getting the tickets at the prices I set into the hands of the fans. And like I said, I will say it again, I am a capitalist. I am a deregulation guy.

There is no way around this but to put a price cap on this, or technology figure it out. But technology has not yet. Maybe they do not want them to.

I mean, when people are making a lot of money in the secondary market—and I even told the CEO of Live Nation a couple years ago, I go, you know, you guys would have probably gotten away with this a lot longer if you just would have paid the artists some of the money in the secondary market, which they never did. We never shared in that.

But either way, I am here for the fans. That is it. I would actually take a pay cutoff this. I would rather have more fans and take

a little less money or have packed buildings and play to that because let us face it, as a front man and a lot of front men, we have a little bit of egos, all of us. And rather than take that little bit extra money—

The CHAIRMAN. Fortunately, no one in politics has that.

Mr. RITCHIE. Yes, not at all. So it is getting the prices we set getting them in the hands of the fans.

The CHAIRMAN. You also talked about how artists have lost leverage in the ticketing system and, obviously, venues make relationships with ticket sellers.

Can you explain what it means, how performers have lost leverage, and what might change if artists had more control over ticket sales?

Mr. RITCHIE. I mean, just with this—speaking of the secondary market, if I went to Ticketmaster, I do not know, a couple months ago—I got a tour coming up. I could go, like, hey, we have agreed on a price for the ticket with the building, with the fees, everything.

OK, I want to buy all 15,000 tickets. No way that is happening. You can only get a certain amount for your fan club that you want.

Maybe I want to do special things there. Maybe I want to do things like, you know, give—like I said, have first class tickets available like an airline, but then also have some really cheap tickets around there without doing dynamic pricing, which kind of takes one ticket right next to another ticket and for no reason just jacks it up.

I would rather be transparent about this going into it, like, yes, we know we have first-class customers, people who have worked hard and done well. We want to provide them very expensive tickets so they are going to be there toward the end.

I also want to have very cheap tickets, but I want to lay this out across the board. Just all sorts of unique things we could do with those tickets, whether it is giveaways, fan clubs. Some people have corporate deals they want to do things with.

And it is not like they have not worked with us on that. I am not saying Ticketmaster does not. But just the freedom to say, like, I do not want my ticket resold at all.

I would rather a couple percentage, a few hundred people kind of get screwed over and say, you know, I cannot sell my ticket back—I got to eat it—because I know right now if that happened that 90, 95, 96 percent of those people would have a great experience of buying the ticket.

And some of these things now I have heard in the last 6 months, we can do that. We can do that. I am, like, why could not we do that for all these years, and it seems like, like I said, people are being reactive instead of proactive.

The CHAIRMAN. Let me ask the other witnesses do you agree with Mr. Ritchie, number one, that as an artist he could not buy, say, all 15,000 tickets, and if that—if you agree that under the status quo he cannot, why not?

Mr. WALL. I can answer that, Senator. The reason is because in the United States the tickets are issued and owned by the venues. The ticket is literally a license to come onto the premises during the show.

And so there are venue interests here that are reflected in thousands of contracts, and what the venues will defer to Mr. Ritchie or any other artist on are on the pricing, resale restrictions, things like that, but they are not going to give up their property rights in the tickets.

Mr. BERRY. We too are rooting for fan success, Senator Cruz. We believe that the artist and the artist's success and event success we want to see sold out. We help achieve 100 percent sold out, but at the end of the day, I agree the artist, they should set whatever price they want to set.

I think Kid Rock, if I may, I think he is absolutely right. If he wants to set different tiers of his pricing he can, and fans should have that option. They should also have the option, if they choose, to recover their costs if they cannot use it or to be able to resell it. Ticketmaster does not make it very easy, sir.

Sometimes these price caps come with price floors. It happened to me—and I am in the industry—last year up in Baltimore to see Billy Joel and Stevie Nicks. Took my kid up there.

One of us could not make it due to business, and we were not allowed to even resell it for \$50. It was a \$180 ticket. They set a floor. That seat went empty. An empty seat does not buy beer, hot dogs, or merchandise.

So we think there ought to be options for consumers.

Mr. WEINGARDEN. I do not think anybody disagrees with the fact that there should be some resale available for those types of events that occur.

That being said, when a bot or somebody comes in and purchases hundreds of tickets or whatnot, and we are looking at it as a venue as a sold-out performance so we staff as such, with 100 percent staffing, the whole lot, and we are also paying the artist for those—for that sold out show as well.

And, unfortunately, when those brokers cannot get their tickets sold they—we will see a drop count, which is how many people are actually through the door, of 60 percent to 70 percent. Now we have lost 30 percent to 40 percent of the income from food and beverage, which is how we make our money as a venue.

And so—and to put the salt on the wound is that these brokers, these scalpers, will then claim fraud on all of the unsold tickets and will get their money back from these credit card companies, and so we will get—and we will get charged that as well. They are called “charge backs”.

So not only do we lose 30, 40 percent on those tickets that go unsold for the food and beverage, we get double charged on the chargeback and there is no way for us to make our money back at all.

The CHAIRMAN. All right. So my time has expired but, Mr. Ritchie, I will give you a chance if you want to respond to those comments. I do not know if you have any response.

Mr. RITCHIE. I think they are—I think we are all—for lack of a better term, we are all kind of smoking the same dope.

The CHAIRMAN. All right. That spices up the hearing even more. [Laughter.]

Senator BLACKBURN. Thank you, Senator Cruz.

Senator Cantwell, you are recognized.

Senator CANTWELL. Thank you, Madam Chair.

Senator, have you gone?

Senator BLUNT ROCHESTER. I have not.

Senator CANTWELL. Do you want to allow her to go or——

Senator BLACKBURN. Sure, it is fine.

Senator Blunt Rochester, go ahead.

**STATEMENT OF HON. LISA BLUNT ROCHESTER,
U.S. SENATOR FROM DELAWARE**

Senator BLUNT ROCHESTER. Thank you very much, Madam Chair, and thank you also to the Ranking Member.

A special thank you to Ranking Member Cantwell for letting me go before her, and to the witnesses, thank you so much for being here.

I appreciate the work of Senators Blackburn and Luján on the MAIN Event Ticketing Act, and also Senators Schmitt and Markey on the TICKET Act. I came to Washington to fight for Delaware families—the fans, artists, and consumers.

To me, live events should not be a luxury, but all too often fans are actually facing a stacked deck online from hidden fees, to misleading listings, to speculative tickets, to bots that scoop up all the inventory in seconds.

As everyone has said, I think many of us have experienced it. I too experienced it for Beyonce tickets. When I served in the House, I offered an amendment that was included in the previous version of the TICKET Act to crack down on deceptive ticketing websites or fake URLs, and I am committed to building on that work and making online ticketing fairer, more transparent, and more affordable for fans.

Mr. Berry, we know cybersecurity is a major threat to online ticket consumers. As Anthropic found in a November 2025 report, cybersecurity attacks are now beginning to use AI agents to execute cyber attacks by themselves.

Mr. Berry, is the online ticket industry prepared for the AI agent cybersecurity threat?

Mr. BERRY. Senator, it is a constantly evolving challenge, and the bottom line is the industry has to meet that challenge.

Senator BLUNT ROCHESTER. So you would say——

Mr. BERRY. Yes.

Senator BLUNT ROCHESTER. Yes?

Mr. BERRY. And primarily when we examine the bot problem, because it is a problem—you have heard today these are attacks—there is no place in the system for them.

Jumping ahead of a consumer in line and scooping up the tickets just should not be something that can be done by technology. Candidly, that just speaks to an anti-fan approach.

But it happens in the primary sector, so when tickets first go online is when these attacks happen. We have a member of our forum that, you know, does a very good job. We are talking 99 percent records they can provide the specific numbers, but it is very high in terms of keeping them out.

Senator BLUNT ROCHESTER. Yes, I would say I remain still very, very much concerned. For example, the Associated Press reported last year that a crew in New York illegally and without the AI

tools—this was without the AI tools—used e-mail redirects to take over accounts and then resold more than 900 digital tickets for pricey events, including the Taylor Swift concerts.

Considering this and many other examples, Mr. Wall, what steps has Live Nation taken that will reassure consumers that the ticketing marketplace will be fair and secure?

Mr. WALL. Thank you, Senator.

It is obviously an important question with AI and all the various manifestations, and we are very much looking at both the positives and the negatives of AI.

Your question about the defenses, one of the things we are seeing—Mr. Ritchie mentioned earlier about how an important tool that we use to stop the bad actors is identity verification.

Well, of course, now what we are seeing is AI agents pretending to be humans to try to pass the identity verification.

Right now, I think we are on top of that issue but it is one of the major initiatives that we have announced at the company as an across-the-board investment in the AI technologies, both on the kind that can serve the fan and the kind that can protect the fan.

Senator BLUNT ROCHESTER. And I know you just mentioned new steps have been taken to address it.

Mr. Weingarden and Mr. Wall, one popular tactic is used and it is called the wall garden model in exchange for stronger security, and the model requires consumers to give up some of their personal data and convenience by locking tickets into a special app that prevents using these tickets with screenshots or wallets.

Yet, reports like the one from 404 Media suggest resellers can still bypass these walled gardens.

Mr. Weingarden, from the independent venue perspective, do ticket transfer restrictions genuinely reduce fraud?

Mr. WEINGARDEN. You know what? I am not quite sure if that actually reduces fraud or not, but I do know that at some points it is necessary to be able to transfer tickets to—if you cannot make a show or something like that.

But I am not quite sure and I had never heard of the—this—the walled garden either. So I am sorry that I do not know about that answer.

Senator BLUNT ROCHESTER. That is OK. That is OK.

I will submit some more questions for the record for the witnesses but, again, bottom line, this is truly about the fans, it is about the artists, and it is about making sure that we in this age also care about what is coming next, whether it is AI or quantum and how it is going to be attacking these systems.

So thank you very much. I yield back, Madam Chair.

Senator BLACKBURN. Thank you, Senator.

Senator Cantwell, you are recognized.

**STATEMENT OF HON. MARIA CANTWELL,
U.S. SENATOR FROM WASHINGTON**

Senator CANTWELL. Thank you, Madam Chair, and thank you for holding this important hearing and for you and Senator Hickenlooper, but I want to thank you particularly for your advocacy for the music industry and for your steadfast approach in helping on all sorts of legislation that is trying to make sure that

content created by artists are protected and that it is not replicated with AI and a variety of other things.

So I am definitely supportive of the speculative TICKET Act that Senator Cruz and I we passed here, but it has not gone all the way through the process.

Definitely I think Senators Markey and Schmitt—I think Senator Schmitt was here earlier and mentioned that he is supporting that—definitely in support of upgrading the BOTS Act of 2016. I do not think it is strong enough.

But I think the larger issue here—first of all, love music in the Northwest. We are a big music state, and, Mr. Ritchie, appreciate you mentioning Pearl Jam. We have lots of venues. We have lots of places for artists to perform.

We are very proud of that, but we are not proud if we cannot get the artists in those venues, and the sea change that has happened in the meantime that we have had this conversation is the fact that Live Nation and the tickets are now 80 percent of the market.

So the Department of Justice, along with 40 attorney generals including my home state, are currently suing Live Nation and Ticketmaster including monopolizing live events industry.

So, Mr. Weingarden, earlier this conversation came up about the radius clauses in contracts and so, you know, what are we doing to look at this management structure?

It was very interesting. The Seahawks said, you know what? Do not resell your tickets, last Sunday. Do not. They literally sent a message to all the season ticket holders.

They said, do not do it or we will take your tickets away from you, and believe me I did not see any Rams fans in that stadium, like, a few, like 12, OK. But the fans knew they were serious.

Now, they could have made lots of money off those tickets, but the venue in this case said do not do it. So they do have the power to do something here. They just do not use it, and that is an interesting point.

To Mr. Ritchie's earlier testimony, why do they not, particularly when the artists are trying to protect the fans and protect their fan base?

But, Mr. Weingarden, it is even worse when the marketplace does not function and Mr. Ritchie cannot go to one of your venues because somebody already wrote a clause that says that he cannot or that you cannot go within certain miles.

So what are we doing to create a competitive environment? You know, again, we have lots of venues that are in the 5,000 to 7,000 thousand seat range created by lots of outdoor sites, you know, tribes.

You know, we have 29 tribes. They are creating venues. Like, there are lots of opportunities for people to go but not if somebody is shutting the market down because they control 80 percent of the market.

So what do we do to get at these contract clauses that would give other artists like Mr. Ritchie the availability to go where they want? So why cannot he, you know, or some of these other artists just agree to go to another venue at a lower price?

Mr. WEINGARDEN. I think that asking Kid Rock and his management about those deals, you know, would probably be a good idea, but also the—you know, it is not necessarily——

Senator CANTWELL. I am asking you whether we need to see the contracts that show that these kind of manipulative practices are actually being deployed that curtail artists from signing up in your venues. That is what I want to know.

Mr. WEINGARDEN. I think that when you are talking about multi-million dollar national touring—all-in touring deals, and they all want to make sure that they are playing in those Live Nation/Ticketmaster rooms, the artists will play in just those rooms only.

And even, you know, with some of these, like, bigger festivals that are playing in L.A. or in other places, they make these incredibly massive radius clauses that no artist can play anywhere within, you know, the western half of the United States for a specific period of time.

And so, they are locked in contractually to not do that, and when you are talking about, again, these multi-million dollar contracts, that is something that happens.

I do think that with radius clauses when you are talking about different artists and playing in the same market and whatnot, I do think that there is some discussion that needs to be had around announcements so you are not cannibalizing the different ticket sales.

But when we are talking about, you know, the fact that somebody cannot play in Colorado because they are playing at a festival in Los Angeles or something like that, those are definitely more egregious.

Senator CANTWELL. If Brandi Carlile wants to play the Gorge——

Mr. WEINGARDEN. Right.

Senator CANTWELL.—and she makes an agreement to play the Gorge, but Brandi Carlile also wants to go to Walla Walla and have an event, she should be allowed to go and have——

Mr. WEINGARDEN. She should.

Senator CANTWELL. And she should—and because otherwise you are just price gouging.

Mr. WEINGARDEN. Right.

Senator CANTWELL. You are not giving the artists the flexibility. You are basically taking the consumer and you are price gouging, running up the price.

And so I just think these clauses are the ones that are, again, with a control of 80 percent of the market, Mr. Wall, it is just too much, and I know that is what is happening to art.

Mr.—I mean, Mr. Ritchie, do you have a comment about this? You seem to know a little bit.

Mr. RITCHIE. Well, as much as I would like to agree with you, if you have a radius clause, if I am going to play a big place and I sell out that place and I want to play in other places in that radius, I am kind of battling myself.

It is like having a great restaurant and I am going to open up another great restaurant right next door. I am going to split my audience, you know, and it just might not make the most sense.

But what I am hear—that can be debated until the cows come home. I think I am right on——

Senator CANTWELL. Well, I am saying they are curtailing these venues from getting these future events over a time period.

Mr. RITCHIE. I think what you are talking about——

Senator CANTWELL. So what I am saying is you want to let the pressure off where you are——

Mr. RITCHIE. I think what you are talking about is if Live Nation owns 80 percent of this market, they own most of the venues and the management and this, that, and the other ticketing company, and an act is coming up, and they know they are going to blow up, right? They are going to be a big act, but they are still in, like, the 5,000-seater range.

Live Nation has bought the Fillmore or whatever that is 5,000 seats, but there is an independent promoter that owns another one. Live Nation can come in if they are going to get a \$10,000 guarantee and they can say, we are going to invest in their future—we are going to get \$15,000, \$20,000, and that small promoter can never compete with them. Or they are going to give them some back-end deal here or there.

Is that illegal? I do not know. Is it bad business, good business? I am not sure. But, you know, there is something to be said when you own most of the market, you know, which nobody really in Congress voted for. You know, they were all kind of against the merger.

Senator CANTWELL. Yes. Thank you. Thank you, Madam Chair.

Senator BLACKBURN. Thank you.

Senator Lummis.

**STATEMENT OF HON. CYNTHIA LUMMIS,
U.S. SENATOR FROM WYOMING**

Senator LUMMIS. Thank you, Madam Chairman.

I am not on the Subcommittee but I am on the Commerce Committee, and when I was downstairs in my office just now and heard some of this testimony, I cleared my schedule to run up because I have gotten so many complaints since I have been here about Ticketmaster specifically.

And so when I have a chance to ask you some questions, Mr. Wall, I am pleased to. Can you explain—first of all, welcome.

Mr. WALL. Thank you.

Senator LUMMIS. And welcome to all of you.

Is Ticketmaster a monopoly?

Mr. WALL. No, we are not.

Senator LUMMIS. And tell me how you come to that conclusion?

Mr. WALL. Because we are at the—near the end of the road in the antitrust case and the math has been done, and if you just look at the addressable market for large venues, the government's economist is putting our market share under 50 percent so that is not a monopoly share.

They have an alternative argument that looks at 20 percent of that market and says that we have a monopoly of that, but there is no such thing as a monopoly of 20 percent of a market. That is why.

Senator LUMMIS. So what defines a monopoly?

Mr. WALL. It is typically that you have the ability to charge monopoly prices, reduce output, things like that.

Senator LUMMIS. OK. If you control artists, venues, and tickets, and a person has to choose—who chooses your venue has to use Ticketmaster or an artist that you have a relationship with, that sounds like a monopoly to me, because you have relationships with artists and with venues and with tickets.

And when you are able to combine the three it forces artists to use your venues and your tickets, it requires venues to use your artists and your tickets, and it takes choice away from both the artists and the venues, and to me, that sounds like a monopoly.

Mr. WALL. I understand, Senator, and that is the story we hear a lot. But if I could just give you a couple of data points without getting too argumentative about this.

We are not a big—we may be the largest venue owner in the sense of the number of venues but we do not have any stadiums. We do not have any arenas. So where all of these big shows play—the major concert venues—we own hardly any of them.

What we own—the only venues that we own that even fit within this market, the government is claiming, are amphitheaters, which are a small part of the whole.

And as far as artist choice, the one thing I will just say is know us by the company we keep. We are on this team. We do not wear the same uniform by any means, but we are on the artists' team here and, you know—

Mr. RITCHIE. So I would like to start calling the shots then.

[Laughter.]

Mr. WALL. Yes. But it is important to point out that on almost everything, our position is exactly what Mr. Ritchie's is and it is because his position is very typical of what the artist's position is.

Senator LUMMIS. Mr. Ritchie, how would you respond to my question?

Mr. RITCHIE. Well, I think monopoly is having no competition. I think it is the opposite of this number and that number. I cannot keep up with you, Mr. Wall, with the numbers.

But it is lack of competition, and I think if there is more competition, let us say, in the ticketing market, then that would make things better for the fans and for prices and for the artists.

And, you know, and I would say let the artists bear the blunt. Take the risk and reward. You know what I mean? If I say that I want tickets to be sold with a no resale—you cannot resell them, period—my fans are going to go like, oh, I could not go and Kid Rock is a jerk. Whatever, that is fine.

I mean, they pretty much bear the blunt of it now and StubHub does, and rightfully so—rightfully so, because they do not give us the freedom to do what we want with our inventory. They do not exist without me and everyone else. That is a fact. I think we can all agree on that.

Senator LUMMIS. Right. Mr. Berry, how would you respond to my questions?

Mr. BERRY. First and foremost, on the monopoly question, Senator, I am looking forward to the Justice Department and 40 state attorneys general—bipartisan team of attorneys general figuring that out.

The Department of Justice should stay the course, finish the job. If they are watching today, do not settle. Let this play out.

As a fan foremost—that is how I got into all of this—I am pretty sure if it is someone in the schoolyard that can bully and beat everybody up that sounds like a monopoly to me, and that is what is happening.

Senator LUMMIS. Mr. Weingard? Garden, sorry.

Mr. WEINGARDEN. Yes, I—we—the artists hold all the marbles. I mean, the artist and the artist's team, they hold all the marbles and we want to play with the marbles.

So we are going to do everything that we can to make sure that the artist is happy and we want to—and get them what they need.

At the same time, when you are dealing with, you know, a monopolistic corporation or you are dealing with a bunch of StubHub, you know, and secondary—and scalpers and whatnot that pay none of the costs—none of these costs are getting paid by these scalpers. None of them.

We pay them constantly, and when that is happening, it is not equitable. It is not fair. There is no competition. You know, they are making—their profit margins are enormous because they are not sharing in any of the risk.

Senator LUMMIS. Mr. Ritchie, do you hold all the cards?

Mr. RITCHIE. No, hardly. I just want to say there is so much money in this business there is enough to go around for everyone.

That is a fact, but the one thing we can agree on—there is a lot of merit here to everything we are talking about, but we have to get the middleman out of the way. Just let me get the tickets to the fans at the prices I want to set.

Senator LUMMIS. Madam Chairman, thank you.

Senator BLACKBURN. Senator Hickenlooper, you are recognized.

Senator HICKENLOOPER. I was enjoying being incognito.

Long before I ever dreamed of getting into politics, I opened a—I was an out-of-work geologist and opened a large restaurant in Denver called the Wine Coop Brewing Company. Brewed its own beer.

It took us two years to raise the money. My mother would not even invest, although you do not really care about that. We put a jazz club in the basement, so I became a venue, and so we were the place between Chicago and San Francisco, so Freddie Hubbard would come and play a weekend.

We did not ever get any of the big acts but we did well enough to lose \$30,000 or \$40,000 a year, which I looked at as collateral damage because people came in and ate in the restaurant upstairs.

But I did get a sense of how it worked. I got to be friends with a guy named Doug Kauffman, who was a local promoter.

He was trying to renovate this beautiful old theater from the 1920s, the Ogden Theater. I knew him from that, and he was putting on a show at Red Rocks and he had Spin Doctor, Gin Blossoms, and Cracker.

This was, like, in 1993 or 1994, and his father, who had always loaned him the money when time came due to make the big down payment for the lead act, which in this case was the Spin Doctors, his father was building a—renovating his house so he could not do it, so he came to me.

And I got my restaurant. We co-signed the \$40,000 loan so we could give all that money to the Spin Doctors, who turned out to be out of fashion by the time the concert started.

And Doug had promised me that—you know, he could tell how much they had already sold 25 percent of the seats 2 months out and he said, I guarantee you—I guarantee you, you will not lose money, and we did not.

And that, you know, there is a poster somewhere in the universe produced by nobody in particular presents—that is Doug Kauffman's company—and the Wine Group Brewing Company.

But I saw just how arbitrary and how fast it all happened. I ended up—you know, basically, I took all my ill-gotten gains and put them back into gift certificates to help him renovate the Ogden Theater, but it created this.

Once I became mayor—and the City of Denver owns the Red Rocks—I became obsessed with why can we not do more acts and more things, and it turned out we could. It turned out the mayor gets to make that final decision, and I think that is where a lot of my passion from this kind of comes from is seeing how it works up close and personal.

Let me start. Mr. Weingarden, thank you for joining us today, and your work in the Colorado music industry has helped keep us a leader in music.

Now that the center from Washington is gone I can say really on a per capita basis way beyond Washington.

Next year, Boulder is actually going to start hosting the Sundance Film Festival. As you mentioned, when fans purchase a ticket, they expect to be allowed to enter the show to get what they paid for.

Can you paint a picture for us? When Coloradans attend one of your venues and realize they are the victim of buying speculative tickets or fake tickets, what happens?

MR. WEINGARDEN. Yes, and that is a daily—that is a daily occurrence. Anytime that we have shows we have issues. It does not matter how big the act is or how small the act is, people are coming into our box offices at the Fox Theater, the Boulder Theater, the Aggie, and Fort Collins, and they are—and not only is the fan helpless but the venue is helpless because we have no—the only way that we can help them, as I had mentioned before, is that we can give them—we have these sheets printed out, laminated sheets printed out that say the customer support of each of the different—the scalper sites so they can call.

But the problem is is that, one, the phones do not get answered, the e-mails do not get—people do not respond to the e-mails, and it is always after the fact.

And so what happens is the—we are at a loss. We have no recourse that evening, and so we are left with, you know, a father who brought his teenage daughter to a show. They are—maybe they have come in from out of town, they have bought—they have hotels, they have got—they went to the restaurant, they have done everything they did. They are out of that money. Where does that—

Senator HICKENLOOPER. Right.

Mr. WEINGARDEN. Where is the recourse there as well, you know? So we see this on a daily basis and it is a massive problem.

Senator HICKENLOOPER. Well, we will do our best to fix that.

Mr. Ritchie, and I have been—I am sure you have been astonished seeing, just as we all have, that the revenue that an artist makes is now no longer your royalties. It is where you perform, at least for most people. I think you might be in a different league in that.

But you have worked with countless venues and performers and middlemen and promoters and platforms, and as much as you love seeing fans sold out, I wanted to ask just a question about dynamic pricing and whether there is not a way to get the artist more money from that.

If that ticket is going to be resold, should not the artist get a piece of that, a cut of that, and would that not justify that open market after the tickets have been sold?

Mr. RITCHIE. I do not know if it justifies it, but it definitely would have shut everybody up for a little while longer if they would have let the artist share——

Senator HICKENLOOPER. That is all we hope for in the Congress, right?

Mr. RITCHIE. You know, secondary market or whatnot, but I think that was kind of—they started this thing called platinum ticketing and that is kind of what it was. It kind of shared a little—some of that revenue with the artist. It was just this—it is like, no, no, we do not want any of this.

You know, and to be honest with you, back in the day, I did not really understand it. I do not think most acts do either. You got these managers who are not really managers anymore. Manager used to just look out for one act. Now they have these conglomerate of acts. They have 10, 20, sometimes hundreds of acts.

So they got to play nice with everybody. They cannot just go, screw you, this is what my artist wants to do, blah, blah, blah, and they are going to take as much money as they can because they usually get paid a percentage off the top.

So I am not a fan of any of that. Like I said, I would rather just have them like an airline. I am going to have some first-class seats. I am going to have some economy seats. You are going to know what they are right up front.

Senator HICKENLOOPER. Yes. Well, I am out of time but I do appreciate all of you being here. You know, when I first got elected Governor, we had One Republic, Lumineers, Nathaniel Rateliff. All came and donated their time to play for our inaugural. That was fun.

Senator BLACKBURN. And like most good fans, you remember those special nights——

Senator HICKENLOOPER. Exactly.

Senator BLACKBURN.—around a concert and around a venue.

Senator Markey, recognized.

**STATEMENT OF HON. EDWARD MARKEY,
U.S. SENATOR FROM MASSACHUSETTS**

Senator MARKEY. Thank you so much, Madam Chair. Thank you to Ranking Member Hickenlooper for holding today's important hearing.

And with my New England Patriots now playing Senator Cantwell's Seattle Seahawks in a Super Bowl in less than two weeks, this hearing comes at a fitting time because prices are sky high.

In fact, right now they are double the price to go to Denver for the Patriots-Denver game in that beautiful snow globe that you created.

[Laughter.]

Senator MARKEY. And so just absolutely—he was Governor and Mayor in Denver so just incredible.

But it is just absolutely crazy how high the prices are for a single ticket to these games, and it also comes just a few months ahead of the World Cup in the United States where ticket demand and ticket prices are just absolutely astronomical right now.

So consumers are understandably frustrated by the state of ticketing today. From hidden fees to ghost tickets to deceptive advertising, misleading ticketing practices plague the industry and it is time for them to end.

That is why Senator Schmitt and I have introduced the TICKET Act to clean up these unfair and harmful practices and we are doing it on a bipartisan basis, and I thank Senator Cruz and Senator Cantwell for signing up for this legislation and moving it through by a voice vote last year.

And I would like to ask for this letter from the Consumer League—National Consumers League, in support of the TICKET Act to be included in the record by—

Senator BLACKBURN. Without objection.

[The information referred to follows:]

NATIONAL CONSUMERS LEAGUE
Washington, DC, November 5, 2025

Hon. BRIANNA K. NADEAU, Chairperson,
Committee on Public Works and Operations,
Council of the District of Columbia,
Washington, DC.

Re: Submission of Supplemental Context on Testimony Supporting the RESALE Amendment Act of 2025 (B26-0224)

Dear Chair Nadeau and Members of the Committee:

On behalf of the National Consumers League (NCL), I respectfully submit the attached memorandum entitled "*Highlighting the Need for Context and Clarifications on Testimony Supporting the RESALE Amendment Act of 2025 (B26-0224)*." This document is intended to assist the Committee in its review of testimony presented at the October 22, 2025, hearing.

As outlined in the memorandum, a number of claims made by witnesses in support of the legislation relied on incomplete or inaccurate data, lacked methodological transparency, or omitted relevant affiliations bearing on the credibility of their arguments. NCL urges the Council to rely on verifiable evidence in evaluating these assertions to ensure that any legislative action taken serves the interests of District consumers and supports a fair, transparent live entertainment marketplace.

As noted in our testimony before the committee, NCL objects to huge secondary market ticket mark-ups that rip off consumers. Many of the reforms proposed in the RESALE Amendment Act echo protections that NCL has long supported at the Fed-

eral and state levels.¹ Indeed many, if not most, of the RESALE Act's provisions, including a ban on speculative ticketing, all-in pricing requirements, refund requirements, anti-bot protections, and reseller registration requirements already enjoy nearly universal stakeholder support.

NCL wholeheartedly supports the Council's efforts to reform a live event ticket marketplace that puts industry giants like Live Nation and unscrupulous scalpers first and fans last. We appreciate the Committee's continued attention to consumer protection issues and its commitment to evidence-based policymaking. NCL remains available to provide further information or analysis at the Committee's request.

Respectfully submitted,

JOHN BREYALT,
Vice President, Public Policy, Telecommunications, and Fraud,
National Consumers League.

Attachment

¹ Iscil, Eden. Oral testimony before the Council of the District of Columbia, Public Works and Operations Committee, October 22, 2025, 5:22:33 mark, video recording. Online: https://archive-video.granicus.com/dc/dc_2b34ed3c-bcbc-428a-8f89-fcc1c53e5802.mp4

ATTACHMENT

November 5, 2025

HIGHLIGHTING THE NEED FOR CONTEXT AND CLARIFICATIONS ON TESTIMONY
SUPPORTING THE RESALE AMENDMENT ACT OF 2025 (B26-0224)**Introduction**

The National Consumers League (NCL) respectfully submits this document to provide additional context and clarification regarding testimony presented in support of the RESALE Amendment Act of 2025 (B26-0224) at the Public Works and Operations Committee's October 22, 2025 hearing.¹ Several claims made by industry representatives relied on incomplete or misleading data, lacked transparency about sources, or omitted relevant affiliations that bear on the credibility of their arguments. NCL urges the Council to base its decisions on verifiable evidence rather than industry-funded studies or anecdotal accounts, to ensure that any legislative action on ticket resale protects both consumers and the integrity of the District's live entertainment market.

I. Claims regarding low ticket fraud rates in Europe are not consistent with reported ticket fraud rate increases

"You will hear about people claiming that resale price caps result in fraud. Just hasn't been the international experiences in countries like Belgium, Denmark, France, Italy, Poland, etc."

—Kevin Erickson, Future of Music Coalition

NCL Response: With the caveat that these kinds of crimes are significantly under-reported and that there are language barriers in access to local reporting, there is data out of Europe showing issues with resale cap enforcement. For example, Belgium's Federal government recently reported a 250 percent increase in ticket fraud.² Danish police also noted an uptick in recent years, from below 50 reports a year before 2019 to 496 reports in 2023.³ In Poland, consumers still faced fraud issues, with a 52 percent increase in reported scams to the payment app Revolut ahead of Taylor Swift concerts. Revolut stated that 91 percent of the transactions were initiated on Facebook.⁴

II. Rates of fraudulent tickets at I.M.P. venues require additional data

*"Secondary sites are awash with fraudulent tickets, and they may have a quote, unquote 'guarantee,' for tickets, but when fans come to our box offices with fake tickets, it's us at the venue that are faced with an understandably angry customer that thinks it's our fault."*⁵

—Audrey Schaeffer, I.M.P.

NCL response: This statement cites no data for either the scale of fraudulent tickets on secondary platforms or how often fans present fake tickets at I.M.P. box offices. While the secondary exchanges are not perfect, they are regulated and do not intentionally seek to defraud their consumers. It is likely that ticket fraud will increase if policies push ticket sales away from regulated secondary exchanges, as price caps are likely to do.

¹ Public Works and Operations Committee Hearing Details (October 22, 2025) Online: <https://lims.dccouncil.gov/Hearings/hearings/1952>

² Walker, Lauren. "Tip of the iceberg": Reports of fake tickets to events in Belgium have doubled." *The Brussels Times*. (June 25, 2024) Online: <https://www.brusselstimes.com/1108280/tip-of-the-iceberg-over-doubled-reports-of-fake-tickets-to-belgian-events>

³ Santos, Stacy Simmons. "Ticket Fraud Surges Amid High Demand in Denmark." *CelebrityAccess.com* (August 2, 2023). Online: <https://celebrityaccess.com/2023/08/02/ticket-fraud-surges-amid-high-demand-in-denmark/>

⁴ Ujazdowski, Adam. "Revolut Confirms Increase in Ticket Scams Ahead of Concerts in Warsaw." *Poland Insight*. (July 31, 2024). Online: <https://polandinsight.com/revolut-confirms-increase-in-ticket-scams-ahead-of-concerts-in-warsaw-55806/>

⁵ Audrey Fix Schaeffer, *Testimony in Support of B26-0224, Restricting Egregious Scalping Against Live Entertainment (RESALE) Amendment Act of 2025*, Committee on Public Works and Operations, Council of the District of Columbia, October 22, 2025. Online: <https://lims.dccouncil.gov/Hearings/hearings/1952>

III. Transparency about bill supporters' links to Live Nation is necessary

*"MAC is an artist-driven organization that fights to ensure that music creators have a voice at the table in policy negotiations concerning industry practices that will directly impact their careers, their livelihoods, and their families."*⁶

—Ron Gubitz, Music Artists Coalition (MAC)

NCL response: Gubitz's claim that MAC is an "artist-driven organization" neglects to note MAC's close ties to Live Nation Entertainment, with multiple two board members serving as current or former Live Nation executives.⁷

MAC board member Irving Azoff is the former CEO and chairman of Ticketmaster and executive chairman of Live Nation. Azoff oversaw the merger of Live Nation and Ticketmaster in 2010. In 2012, Azoff stated, "[a]fter successfully overseeing the integration of Live Nation and Ticketmaster over the past two years, my job here is done."⁸ Azoff is also a co-founder of Oak View Group,⁹ a venue management company implicated in the U.S. Department of Justice's antitrust lawsuit against Live Nation Entertainment.¹⁰ The Federal Government stated that "Live Nation and Oak View Group have colluded and established a partnership to allocate business lines, avoid competing with each other, and chart a mutually beneficial plan to cement Live Nation's dominance."¹¹

In addition to Azoff, MAC board member Ali Harnell is the global president and chief strategy officer for Live Nation Women.¹² MAC board member Coran Capshaw has partnered with Live Nation to develop multiple venues (e.g., Ascend Amphitheater in Nashville, Tennessee¹³ and Riverfront Amphitheater in Richmond, Virginia¹⁴) and holds equity positions in multiple large scale music festivals that Live Nation has stock in (e.g., Bonaroo¹⁵ and Lollapalooza^{16 17}).

MAC board member Susan Genco is a co-president of the Azoff Company,¹⁸ an entertainment company founded by Irving Azoff that includes Oak View Group in its portfolio.¹⁹

⁶Ron Gubitz, *Testimony in Support of B26-0224, Restricting Egregious Scalping Against Live Entertainment (RESALE) Amendment Act of 2025*, on behalf of the Music Artists Coalition, before the Committee on Public Works and Operations, Council of the District of Columbia, October 21, 2025. Online: <https://lims.dccouncil.gov/Hearings/hearings/1952>

⁷Music Artists Coalition, "Who We Are," Music Artists Coalition, 2025, <https://www.musicartistscoalition.com/who-we-are> Accessed November 5, 2025

⁸Live Nation Entertainment, "Irving Azoff Resigns as Live Nation Entertainment Chairman and Front Line CEO," PR Newswire, 31 Dec. 2012, <https://www.prnewswire.com/news-releases/irving-azoff-resigns-as-live-nation-entertainment-chairman-and-front-line-ceo-185320572.html>. Accessed November 5, 2025.

⁹Madison Square Garden Sports Corp. "Tim Leiweke and Azoff MSG Entertainment Join Forces to Launch the Oak View Group (OVG)," *Investor Relations—Madison Square Garden Sports Corp.*, November 16, 2015, <https://investor.msgsports.com/press-releases/news-details/2015/Tim-Leiweke-and-Azoff-MSG-Entertainment-Join-Forces-to-Launch-the-Oak-View-Group-OVG/default.aspx>.

¹⁰United States Department of Justice, Office of Public Affairs, "Justice Department Sues Live Nation-Ticketmaster for Monopolizing Markets Across the Live Concert Industry," *U.S. Department of Justice*, May 23, 2024, <https://www.justice.gov/archives/opa/pr/justice-department-sues-live-nation-ticketmaster-monopolizing-markets-across-live-concert>

¹¹United States Department of Justice, Antitrust Division, *Complaint: United States of America and Plaintiff States v. Live Nation Entertainment and Ticketmaster LLC*, 2024, p. 31. Online: <https://www.justice.gov/atr/media/1353101/dl>

¹²Harnell, Ali. "Ali Harnell—LinkedIn." LinkedIn, <https://www.linkedin.com/in/aliharnell/> Accessed November 5, 2025

¹³Capshaw, Coran. "Coran Capshaw, Founder, Red Light Management," *Pollstar News*, May 16, 2019, Online: <https://news.pollstar.com/2019/05/16/coran-capshaw-founder-red-light-management/>

¹⁴Spiers, Jonathan. "‘You Can Almost Feel the Energy’: Riverfront Amphitheater Project Breaks Ground," *Richmond BizSense*, January 25, 2024, <https://richmondbizsense.com/2024/01/25/can-almost-feel-energy-riverfront-amphitheater-project-breaks-ground/>

¹⁵Sisario, Ben. "Live Nation Takes Control of Bonnaroo Festival," *The New York Times*, April 26, 2015, <https://www.nytimes.com/2015/04/29/business/media/live-nation-takes-control-of-bonnaroo-festival.html>

¹⁶Dent, Robert. "Universal Music Chairman Tops Billboard Industry Power List," *Chicago Tribune*, February 8, 2013, <https://www.chicagotribune.com/2013/02/08/universal-music-chairman-tops-billboard-industry-power-list-2/>

¹⁷"Live Nation Takes Control of Lollapalooza's C3 Presents," *Music Business Worldwide*, December 21, 2014, <https://www.musicbusinessworldwide.com/live-nation-takes-control-of-lolla-paloozas-c3-presents/>

¹⁸Susan Genco—LinkedIn." LinkedIn, <https://www.linkedin.com/in/susan-genco-5b0484166/> Accessed November 5, 2025

¹⁹Madison Square Garden Entertainment Corp. "The Azoff Company Holdings Completes Acquisition of the Madison Square Garden Company's 50 Percent Interest in Azoff MSG Entertainment" Continued

*"I represent the National Independent Venue Association. We are the small stages in every community in the country. We are promoters, we are venues, we are festivals, we are small businesses and we're nonprofits."*²⁰

—Steven Parker, National Independent Venue Association (NIVA)

NCL Response: Mr. Parker's statement neglects to mention that in addition to his role at NIVA, he is also the Chairman of the Board of the Country Music Association (CMA) Foundation²¹ and an Ex-Officio Member of the CMA itself. CMA has numerous Live Nation executives on its Board of Directors, including Brian O'Connell (Live Nation Nashville), Anna-Sophie Mertens (Live Nation UK), Sally Williams (Live Nation).²²

NIVA's Board President is Audrey Schaeffer of I.M.P.²³ All of I.M.P.'s venues are clients of Ticketmaster for primary ticketing services.²⁴

*"The Fix the Tix Coalition is a broad alliance of organizations and professionals across the live entertainment ecosystem including Universal Music Group, the Recording Industry Association of America, the Recording Academy, SAG-AFTRA, the National Independent Venue Association, and many independent venues, artists, and fan organizations across the country."*²⁵

—Fix the Tix Coalition written testimony

NCL Response: Members of the Fix the Tix Coalition²⁶ also have ties to Live Nation Entertainment. The Music Artists Coalition has significant Live Nation influence on its board as outlined above. Universal Music Group has partnered with Live Nation on various business dealings.²⁷ Sean Moriarty, the former president and CEO of Ticketmaster, is a board member of Eventbrite,²⁸ which is also a Fix the Tix Coalition member.

IV. NIVA's "State of Live" report data requires additional context

*The two biggest threats to their continued existence are Live Nation and Ticketmaster and an unchecked resale market. . . . Last week, my organization released a report that showed that 60 percent of independent stages in DC were not profitable. Part of that is the scalper problem. Part of that is the resale platform, and ultimately, businesses will close without action by this council."*²⁹

—Steven Parker, National Independent Venue Association

NCL Response: This statement requires correction and context. Mr. Parker's claim that scalping is one of the "two biggest threats to their continued existence" is contradicted by NIVA's "State of Live" report that Mr. Parker apparently references. That report lists "Scalpers and Predatory Resale Platforms" and as the 7th most fre-

ment." *Company News*, December 6, 2018, <https://www.msgentertainment.com/the-azoff-company-holdings-completes-acquisition-of-the-madison-square-garden-companys-50-percent-interest-in-azoff-msg-entertainment/>

²⁰ Steven Parker, Executive Director, National Independent Venue Association. Oral testimony before the Committee on Public Works and Operations, Council of the District of Columbia, October 22, 2025. *Hearing on B26-0224, Restricting Egregious Scalping Against Live Entertainment (RESALE) Amendment Act of 2025*. Video recording, 3:20:27 mark. Online: https://archive-video.granicus.com/dc/dc_2b34ed3c-bcbc-428a-8f89-fcc1c53e5802.mp4

²¹ Stephen Parker—LinkedIn." LinkedIn, <https://www.linkedin.com/in/sparkerva/> Accessed November 5, 2025

²² Country Music Association, Inc. (CMA). "Board." *CMA Member*, <https://cmamember.com/board/> Accessed November 5, 2025

²³ National Independent Venue Association. "NIVA Board & Committees." *National Independent Venue Association*, <https://www.nivassoc.org/board-committees> Accessed November 5, 2025

²⁴ I.M.P. Concerts, <https://impconcerts.com/faq/> Accessed November 5, 2025

²⁵ Fix the Tix Coalition. *Written Testimony on the Restricting Egregious Scalping Against Live Entertainment (RESALE) Amendment Act of 2025*. Public Works and Operations Committee, Council of the District of Columbia, 22 Oct. 2025. <https://lms.dccouncil.gov/Hearings/hearings/1952>

²⁶ National Independent Venue Association. "Fix The Tix." *National Independent Venue Association*, <https://www.nivassoc.org/fixthetix> Accessed November 5, 2025

²⁷ Live Nation Partners with Universal Music Group." *License Global*, April 6, 2018, <https://www.licenseglobal.com/music/live-nation-partners-universal-music-group>

²⁸ Eventbrite, Inc. "Board of Directors." *Eventbrite—Corporate Governance*, <https://investor.eventbrite.com/corporate-governance/board-of-directors/default.aspx> Accessed November 5, 2025

²⁹ Steven Parker, Executive Director, National Independent Venue Association. Oral testimony before the Committee on Public Works and Operations, Council of the District of Columbia, October 22, 2025. *Hearing on B26-0224, Restricting Egregious Scalping Against Live Entertainment (RESALE) Amendment Act of 2025*. Video recording, 3:20:40 and 3:24:49 mark.

quently ranked operational challenge for independent venue, after marketing, higher artist fees, staffing costs, inflation, monopolies, and rising insurance costs.³⁰

The “State of Live” report also states that 64 percent of independent stages were unprofitable in 2024. However, the report makes no distinction between independent venues operated by non-profit organizations versus for-profit companies. Despite Mr. Parker’s statement to the contrary NIVA’s report did not specify how many of those unprofitable venues are in the District. The report also noted that nearly half (49 percent) of stages reporting difficulty in maintaining their businesses in 2024 expect 2025 profitability to improve.

V. NITO data relies on unclear data sources and flawed methodology

“Building on that data, the National Independent Talent Organization recently conducted a study of 65 random shows by artists represented by our members. The findings are staggering.

Ticket resellers earned an average cumulative profit of \$41,000 per show by charging roughly double the original ticket price. In multiple cases, tickets were resold for 10 times face value. In one instance, a ticket was resold for \$1,014.49 when the average face value was just \$79.55.”³¹

—Randy Nichols, National Independent Talent Organization

NCL Response: The National Independent Talent Organization (NITO) frequently cites a self-commissioned study to argue that restricting ticket transfers benefits fans.³² However, the study’s design and data raise serious questions about its reliability and usefulness for policymaking.

First, the sample includes only 65 shows, with no explanation of how they were chosen or whether they represent broader market conditions. The lack of transparency around venue size, artist type, and timing makes it impossible to know if the findings are generalizable.

Second, the study fails to disclose its data sources or methods for verifying resale prices. It appears to rely on ticket listings rather than actual sales—an invalid assumption that inflates the apparent cost of resale tickets. Moreover, because NITO represents only a small segment of the live entertainment industry, its findings are not necessarily applicable to larger venues or artists using different ticketing models.

Finally, the report does not account for basic market variables such as artist popularity, regional demand, or seasonality, nor does it explain whether outliers distorted its averages. By attributing all high resale prices to “predatory resellers,” the study overlooks other possible explanations such as limited supply, strong fan demand, or the pricing practices of primary sellers themselves. In short, the study provides a selective and incomplete view of the ticket market.

Conclusion

In sum, the October 22nd hearing revealed significant gaps in the data and transparency underlying many arguments in favor of the RESALE Act. Claims of low fraud rates in Europe are contradicted by reports showing sharp increases in ticket scams abroad. Assertions about widespread fraud in U.S. secondary markets were unsupported by verifiable data, while the role of regulated resale platforms in protecting consumers was overlooked.

Several witnesses representing “artist-driven” or “independent” organizations also failed to disclose close ties to Live Nation Entertainment and its affiliates, raising questions about potential conflicts of interest.

Taken together, these issues highlight the need for a more data-driven, transparent policymaking process before moving forward with legislation that could limit consumer choice and push ticket transactions into less regulated spaces. The Council should require credible, independently verifiable data on fraud rates, resale pricing, and market impacts before adopting measures that would affect both consumers and small businesses across the District’s live entertainment ecosystem.

Senator MARKEY. I thank you.

³⁰ National Independent Venue Association. *The State of Live: National Report*. 2025. Pg. 10. <https://static1.squarespace.com/static/5e91157c96fe495a4baf48f2/t/68e55e39bce25b729b47932e/1759874617679/2025-NIVA-State-of-Live-Report.pdf>

³¹ Nichols, Randy. Testimony before the Council of the District of Columbia, Committee on Business and Economic Development, Re: B26–0224, the RESALE Amendment Act of 2025. National Independent Talent Organization, 2025. Online: <https://lims.dccouncil.gov/Hearings/hearings/1952>

³² National Independent Talent Organization. *Ticket Resale Study*. October 2024, <https://nitolive.org/wp-content/uploads/2024/10/NITO-Ticket-Resale-Study.pdf>

The National Consumers League and other groups such as the Sports Fan Coalition have been critical advocates for pro consumer and pro competition policies and I am proud to have their support on this bill.

And now I want to get each witness on the record about important policies in the TICKET Act, and I recognize, as Mr. Ritchie said earlier, that the TICKET Act does not solve every problem. We are aware of that.

But I do want to get some of the basic answers on the record in terms of what is in the bill itself, and so the first would be on all-in pricing.

Starting from my left, do you agree that ticket sellers and marketplaces should disclose the full price of a ticket up front?

Mr. Ritchie?

Mr. RITCHIE. Yes.

Mr. WALL. Absolutely.

Mr. BERRY. Yes, Senator.

Mr. WEINGARDEN. Yes.

Senator MARKEY. Thank you. Good.

Next, speculative ticketing. Do you support a ban on speculative ticketing?

Mr. RITCHIE. Yes.

Mr. WALL. In all circumstances without exceptions.

Mr. BERRY. Pass the TICKET Act and ban speculative ticketing.

Mr. WEINGARDEN. Absolutely.

Senator MARKEY. Thank you. So I thank you so much for that.

Do you—as we move to disclosure requirements, do you support prohibiting misleading resale advertising and use of deceptive URLs?

Mr. RITCHIE. Yes.

Mr. WALL. Yes.

Mr. BERRY. Yes, Senator.

Mr. WEINGARDEN. Yes.

Senator MARKEY. And last will be refunds. Do you support providing consumers with a full refund when an event is canceled?

Mr. RITCHIE. Yes.

Mr. WALL. Yes.

Mr. BERRY. Yes, Senator.

Mr. WEINGARDEN. Of course, yes.

Senator MARKEY. Thank you. Thank you.

Those answers were almost as good as the Patriots' defense against Denver on Sunday. So sorry about that.

[Laughter.]

Senator MARKEY. But I hear unanimous support for the key provisions in the TICKET Act from the main stakeholders in the ticketing industry, and I look forward to working with my colleagues to get this. It is a good start.

Senator BLACKBURN. Thank you, Senator Markey.

I want to go to a second round of questions before we close this out and, Mr. Wall, I want to come to you, because in the FTC's complaint executives at Ticketmaster knew that scalpers were violating the ticket purchasing limits, and it seemed, from what I have read, that it was a big inside joke that you all knew this but you were allowing it to happen. Your C-suite knew of this.

One of your executives even wrote in an e-mail that we have stating that you, and I am quoting, “turn a blind eye as a matter of policy,” end quote.

Now, you have emphatically denied that this conduct needed—really had any sort of malfeasance. You all have denied that but I want you to answer.

Why would you have to turn a blind eye, as your executive put it, if there was no wrongdoing that was taking place?

Mr. WALL. I think that is taken very much out of context, Senator, but let me just cut to the chase here. Our actions speak—

Senator BLACKBURN. We will be happy to provide you the e-mail.

Mr. WALL. I have the e-mail. I have seen it.

Senator BLACKBURN. OK.

Mr. WALL. But our actions—

Senator BLACKBURN. Not out of context.

Mr. WALL.—speak louder than anything else. We showed up. We walked the walk. We actually put the money in. We improved our defenses. Our bot defenses are second to none in the world.

Senator BLACKBURN. They are, obviously, not up to par. You have got bots still getting through—

Mr. WALL. And we will—

Senator BLACKBURN.—and you have got scalpers that are still scooping up these tickets. So we have got a disconnect going on here somewhere.

Mr. WALL. And, Senator, we will always take the position that so long as tickets are still going on this way then we are not up to par. That is our position, too.

Senator BLACKBURN. OK. Well, let us accept that and let us say there is work to be done. So do you accept any responsibility when a fan is hit with a speculative or ghost ticket?

Mr. WALL. Never, because we do not allow those on Ticketmaster and have not for years.

Senator BLACKBURN. But it is happening.

Mr. Berry, how about your members?

Mr. BERRY. I am sorry, Senator. Do our members support—

Senator BLACKBURN. Take any responsibility?

Mr. BERRY. Absolutely, Senator. We serve tens of millions of fans every year.

Senator BLACKBURN. OK. And, Mr. Wall, why can't Ticketmaster not work with artists and do what Mr. Ritchie has recommended where you would have tiered opportunities for fans? Why can you not all make that happen?

Mr. WALL. So Ticketmaster never sets prices itself. However, Live Nation and Ticketmaster do offer the whole—the tiers, the platinums.

For example, we are—we stand alone. We are the only resale site that will consistently—if Mr. Ritchie says he does not want us to turn on resale on our Ticketmaster marketplace we will not. If we do, we will pay him a portion of it.

Senator BLACKBURN. Mr. Ritchie?

Mr. RITCHIE. I do not—that is the first time—I have heard very recently from Michael, the CEO, that we could do this cap or not have resale.

I am like—he goes, yes, we have done it for other artists for a while now for Pearl Jam, which is maybe why they are not here making a stink today still. They might have a side deal from what I have seen. I am, like, why do not——

Senator BLACKBURN. So it is not standard operating——

Mr. RITCHIE. They are, like, you can have this deal, too. I am, like, why have you not told us this? Oh, we are really bad at advertising. I am, like, come on, that is bull—that is BS.

Senator BLACKBURN. Yes.

Mr. WALL. There is nothing—there is nothing unusual about these arrangements I am talking. Every artist that we promote has the option to tell us——

Senator BLACKBURN. How can it not be unusual if the artists do not know that this is an option?

Mr. RITCHIE. Right. We have no idea.

Mr. WALL. You know, I would be happy to put in the record the list of dozens of artists——

Senator BLACKBURN. Then you need to start supplying——

[Simultaneous speaking.]

Senator BLACKBURN. You need to—I would recommend that you submit a list. Let me ask you to submit a list of artists who are able to control their ticket sales, who are able to turn off the secondary market, and who are able to work with you how they want to tier these tickets.

Let me move on to——

Mr. WALL. Senator—if I may, Senator——

Senator BLACKBURN. Well, no, I am moving on.

Mr. WALL. Face value exchange. We are the only one that offers artists the opportunity to do face value exchange.

Mr. RITCHIE. How long?

Senator BLACKBURN. Mr. Wall, I have got another—I have got another question for you.

Mr. WALL. Since we had invented it a few years ago.

Mr. RITCHIE. I have never heard of it. I am very close with a lot of people at Live Nation.

Senator BLACKBURN. OK. We are going to move on to another.

Senator Luján referenced the letter that he and I sent to you.

Mr. WALL. Yes.

Senator BLACKBURN. And I have got it right here. I will submit it for the record without objection.

[The information referred to follows:]

UNITED STATES SENATE
Washington, DC, September 30, 2025

VIA ELECTRONIC TRANSMISSION

JOE BERCHTOLD,
President & Chief Financial Officer,
Live Nation Entertainment, Inc.,
Beverly Hills, CA.

Dear Mr. Berchtold:

We write to express our grave concern over recent allegations regarding the harm that Ticketmaster engaged in a “bait-and-switch” scheme to drive up ticket prices.¹

¹*FTC v. Live Nation Ent., Inc.*, Compl. for Perm. Inj., Monetary Relief, Civil Penalties, and Other Relief at 6, No. 2:25-cv-08884 (C.D. Cal. Sept. 18, 2025) [hereinafter *FTC Compl.*].

When you testified before the Senate Judiciary Committee in 2023, you told Congress “We believe that the artist-fan connection is the foundation of the live entertainment industry, the source of nearly all commercial value, and the number one thing that public policy should protect.”² Yet, according to a lawsuit filed by the Federal Trade Commission and seven states attorneys general, Ticketmaster coordinated with ticket brokers allowing them to obtain millions of dollars of tickets which they then resold on the secondary market.³

Ticketmaster has allegedly turned a blind eye to bad actors violating the Better Online Ticket Sales (BOTS) Act for years, costing fans billions of dollars in hard earned money. Instead of working with trusted cybersecurity professionals and Congress to protect consumers and stop ticket scalping, Ticketmaster went so far as to provide technical support to help “brokers” exceed their purchasing limits to buy up tickets.⁴ This decision allowed Ticketmaster to collect fees at three different points in the purchasing process. Ticketmaster collects fees when scalpers buy tickets on the primary market, they collect *more* fees when those tickets are then sold on its own secondary market, and they charge *even more* fees when fans eventually purchase the resold tickets.⁵

This conduct was not isolated, nor was meaningful action taken to bring this misconduct to a halt. When employees flagged the abuse occurring on Ticketmaster’s platform, their concerns were allegedly ignored. Ticketmaster was not worried about the consumer. In fact, reporting indicates that Ticketmaster was more concerned when brokers complained about high-volume purchases that were blocked. A Ticketmaster executive even wrote that they “turn a blind eye as a matter of policy” to the violation of their own purchasing limits.⁶ LiveNation went so far as to “offer technological support to brokers through a software platform called TradeDesk, which enables brokers to track and aggregate tickets purchased from multiple Ticketmaster accounts into a single interface for simpler resale management.”⁷ These actions stem from purely financial motives—if Ticketmaster had enforced its ticket purchasing limits, the company stood to lose up to \$220 million in resale revenue per year.⁸

When you appeared before the Senate Judiciary Committee in 2023 following the Taylor Swift Ticketmaster meltdown, you repeatedly assured the committee that Ticketmaster does everything in its power to stop bots and scalpers.⁹ When pressed on the issue of cybersecurity protections, you seemed dumbfounded and argued that LiveNation spent over a billion dollars investing in site protections against bots.¹⁰ It is astounding that you would make such a claim while actively colluding with scalpers and bad actors to extort the American public.

America’s world-leading live entertainment industry is the center of our culture, and consumers deserve the opportunity to see their favorite band or cheer on their hometown sports team without competing with bots and fraudsters. Instead of casting blame on any entity other than Ticketmaster, we urge you to be forthright with Congress and the American public about the extent of your complicity in allowing bots to buy up and hoard massive amounts of tickets. With that in mind, please respond to the following questions by October 14, 2025:

1. Live Nation’s July 2025 comment in response to the DOJ–FTC RFI on Anticompetitive Practices in Live Ticketing claims that “Ticketmaster does not turn a blind eye”¹¹ to violations of the BOTS Act. However, in an internal e-mail that copied Live Nation leadership, a senior Ticketmaster executive wrote that the companies “turn a blind eye as a matter of policy” to brokers’ violations of posted ticket limits.¹² Do you stand by the statement that Live Nation, its Ticketmaster subsidiary, or any other Live Nation-affiliated entity does not “turn a blind eye” to violations of the BOTS Act?

²*That’s the Ticket: Promoting Competition and Protecting Consumers in Live Ent. Hearing Before the S. Comm. on the Judiciary*, 118th Cong. 8 (2023) (statement of Joe Berchtold, President & CEO, Live Nation Ent.) [hereinafter Senate Hearing].

³FTC Compl. at 54.

⁴*Id.* at 41.

⁵*Id.*

⁶*Id.* at 9.

⁷*Id.* at 43.

⁸*Id.* at 49.

⁹*See, e.g.*, Senate Hearing at 9 (statement of Joe Berchtold, President & CEO, Live Nation Ent.).

¹⁰*Id.* at 48.

¹¹Live Nation Ent. Inc., Comment Letter on DOJ–FTC RFI on Anticompetitive Practices in Live Ticketing 12 (July 7, 2025), <https://www.regulations.gov/comment/ATR-2025-0002-3566>.

¹²FTC Compl. at 9.

2. Did Live Nation or Ticketmaster ever purposefully relax enforcement of ticket limits for certain buyers or brokers for financial gain?
 3. In 2023, you told the Senate Judiciary Committee that the issues in the ticketing industry are “the direct result of the industrial-scale scalping that goes on today”¹³ and that “[w]e are doing everything we can to fight the people who attack our sales and steal tickets meant for real fans.”¹⁴ By contrast, a recent investigation found that Ticketmaster knew that just five brokers controlled thousands of Ticketmaster accounts, possessing nearly a quarter of a million tickets. Despite being aware of this, Ticketmaster continued to offer and sell tickets to these very same brokers purchased by circumventing Ticketmaster’s enforcement measures. Do you still stand by your statement that the company is doing “everything we can” to fight “industrial-scale scalping”?
 4. You testified in 2023 that Ticketmaster invested millions in anti-BOT technology every year and that the company is “far and away the leader in preventing fraud and getting tickets into the hands of real fans.”¹⁵ By contrast, the FTC’s investigation found that—far from preventing fraudulent use of multiple accounts by brokers—the company considered encouraging brokers to consolidate their duplicate accounts into a single account so that they could continue accessing their unlawfully purchased tickets.
 - a. Why is Ticketmaster investing millions of dollars annually in anti-bot technology while you are actively helping scalpers circumvent it?
 - b. Given the FTC’s findings, do you stand by your statement that Ticketmaster is “far and away the leader in preventing fraud and getting tickets into the hands of real fans”?
 5. The FTC asserts that brokers routinely exceeded posted ticket limits and then resold through Ticketmaster’s resale marketplace.
 - a. Did Live Nation or Ticketmaster ever audit brokers to ensure compliance with posted limits?
 - b. If any brokers were discovered to have exceeded limits, how were they disciplined or excluded?
 6. Do you support the MAIN Event Ticketing Act’s reporting requirement that obligates ticket sellers to notify the FTC of any known circumvention incidents?
- Sincerely,

MARSHA BLACKBURN,
United States Senator.
 BEN RAY LUJÁN,
United States Senator.

LIVE NATION
Beverly Hills, CA, October 17, 2025

VIA EMAIL

Senator MARSHA BLACKBURN,
 United States Senate,
 Washington, DC.

Senator BEN RAY LUJÁN,
 United States Senate,
 Washington, DC.

Re: *September 30, 2025, Letter Concerning FTC Allegations*

Dear Senators Blackburn and Luján:

I write in response to your letter dated September 30, 2025, seeking information regarding certain allegations in the complaint recently filed by the Federal Trade Commission (“FTC”) and seven state attorneys general against Ticketmaster L.L.C. (“Ticketmaster”) and its parent, Live Nation Entertainment, Inc. (“Live Nation”).¹

¹³ Senate Hearing at 9 (statement of Joe Berchtold, President & CEO, Live Nation Ent.).

¹⁴ Senate Hearing at 57 (written statement of Joe Berchtold, President & CEO, Live Nation Ent.).

¹⁵ *Id.*

¹ Complaint, *FTC v. Live Nation Ent., Inc.*, No. 2:25-cv-08884 (C.D. Cal. Sept. 18, 2025) (“Compl.”).

I want to assure you that Live Nation and Ticketmaster share your commitment to supporting artists and fans and protecting the integrity of the live entertainment industry. Unfortunately, the recently filed lawsuit does not advance that shared objective. The FTC complaint presents a distorted view of the facts and the law, specifically the Better Online Ticket Sales (BOTS) Act. While we would prefer to work with the FTC on addressing the real threats to the live event industry instead of litigating these claims, we look forward to setting the record straight here, and if necessary in court.

Ticketmaster is an industry leader in the fight against bots and ticket scalping.² Among its many initiatives, Ticketmaster has:

- Invested more than \$1 billion in ticketing technology, including anti-bot technology, fraud detection, and ticket security.
- Invented rotating barcodes and digital ticketing to stop screenshot resale.
- Pioneered SafeTix and the smart queue digital waiting rooms to get tickets in the hands of real fans rather than bad actors.
- Developed powerful new technologies designed to prevent inauthentic account creation and provide for ongoing account validation.

At the same time, Ticketmaster has recognized that private sector action alone cannot outpace rapid advancements in ticket scalping technology. Especially with AI, bad actors are only getting faster, smarter, and harder to stop. We recently called attention to the proliferation of ticket harvesting technologies in our comments in response to President Trump’s Executive Order on Combating Unfair Practices in the Live Entertainment Market. And since this is an industry-wide problem, Live Nation and Ticketmaster have repeatedly called on Congress and regulators to act in this space by enhancing legislative and regulatory protections. We have offered to lend our extensive experience in combatting ticket scalpers, as well as evidence from our various abuse-detection measures, to assist in formulating policies and legislation, and building cases against bad actors. The decision by the FTC to forgo that path in favor of litigation is disappointing. Even more disappointing is the complaint’s strained attempt to portray Ticketmaster—the company that has indisputably done more than anyone else in the industry to fight the bad actors—somehow complicit in their schemes.

In your letter, you expressed concerns about Ticketmaster’s ticketing practices based on allegations in the complaint. We address each of the major contentions.

1. “Colluding with Scalpers”: Your letter paraphrases the FTC as alleging that “Ticketmaster coordinated with ticket brokers allowing them to obtain millions of dollars of tickets which they then resold on the secondary market.” Later you state Ticketmaster was “actively colluding with scalpers and bad actors to extort the American public.” We fully understand how one could get this impression from the FTC’s complaint and press statements, but it is categorically false. No facts alleged in the FTC complaint indicate that Ticketmaster has conspired with ticket brokers to put tickets directly on resale markets. Live Nation and Ticketmaster do not allow that. We have for many years opposed the various “direct-to-secondary” schemes that others have come up with. We believe that other than standard industry and venue holds, all tickets to every concert should be made available to fans through the primary ticketing channel. And we can assure you that today *every* concert ticket that Ticketmaster is asked to distribute is sold through onsales that are open to fans. *None* are secretly sold or transferred to ticket brokers. To answer one of your questions directly, no, neither Live Nation nor Ticketmaster *ever* “purposefully relax enforcement of ticket limits for certain buyers or brokers for financial gain.”

The FTC complaint creates this misimpression by conflating “conspiracy” with a longstanding practice of primary ticketing companies allowing ticket brokers to maintain multiple accounts. That ticket brokers have been allowed to maintain multiple accounts is true; calling that conspiracy is specious. The reality is that brokers have had multiple accounts for a very long time—long before Ticketmaster entered the secondary ticketing business in 2014, and well before StubHub created the first successful secondary ticket marketplace in the early 2000s. This practice harkens back to the days of physical tickets, when ticket brokers would often have a number of employees or others paid to stand in line and purchase concert tickets—a practice that was generally accepted in the industry. Similarly, it was generally accepted

²See *That’s the Ticket: Promoting Competition and Protecting Consumers in Live Entertainment: Hearing Before the S. Comm. on the Judiciary*, 118th Cong. 8–9, 57 (2023) (statement of Joe Berchtold, President & CFO, Live Nation Entertainment) (“Senate Hr’g”); Live Nation Ent. Inc., Comment Letter on DOJ–FTC RFI on Anticompetitive Practices in Live Ticketing 2–3 (July 7, 2025) (“DOJ–FTC Comment”).

that a broker with multiple employees could have each person hold an account and separately purchase tickets. All this can be done legitimately under the rules of the primary ticketing companies without having to resort to any unlawful behavior.

This is all apparently a surprise to the FTC, but as the agency singularly charged with BOTS Act enforcement, it shouldn't be. Ticket resale is dominated by broker inventory. StubHub, SeatGeek and Vivid Seats live and die by ticket brokers, getting 80 to 100 percent of their inventory from brokers. And while there are lots of ways brokers acquire inventory, many plainly illegal, using multiple accounts is one method and not inherently illegal. To be sure, it has gotten out of hand, especially since scalpers developed automated tools for creating Ticketmaster accounts. Given the level of abuse we are now seeing, we are no longer permitting this, as described below. But this is neither conspiracy nor collusion as implied by the FTC lawsuit.

2. TradeDesk: Your letter also appears to accept the FTC's characterization of an inventory management system, TradeDesk, as technological support for unlawful ticket harvesting. This is plainly false. TradeDesk is a suite of ticket management tools that streamline a reseller's business operations, including pricing, inventory distribution, and order fulfillment on various ticket marketplaces, including but not limited to Ticketmaster. It is one of numerous inventory management systems for ticket resellers, some from other ticketing companies like Ticket Utils from StubHub³ and SkyBox from Vivid Seats,⁴ and some from independent technology providers like Automatiq.⁵ Brokers use these tools to manage all their tickets across sports, concerts, etc.

TradeDesk has no functionality to buy primary tickets. Contrary to the FTC's allegation, the TradeDesk platform does not in any way enable "bots to buy up and hoard massive amounts of tickets."⁶ And while TradeDesk—like every product in this class—has a syncing feature that enables brokers to aggregate tickets from multiple accounts into a single interface, that feature is simply a reflection that ticket brokers have multiple accounts.⁷ If anything, the prevalence of tools like this from multiple vendors should indicate that it is not unlawful, nor a violation of our terms and conditions, to hold multiple accounts.

We have come to the conclusion that the reputational harm to Ticketmaster from having to explain and defend TradeDesk exceeds its value. While we believe this criticism is unfair, we are removing TradeDesk's concerts ticket management functionality from the market.⁸ As noted, there are many similar products, so TradeDesk users will likely shift to them. But at least no one will again be able to claim that because Ticketmaster has a resale management product, it has no standing to advocate for resale market reforms.

3. "Turning a Blind Eye": Live Nation and Ticketmaster do not "turn a blind eye to bad actors violating the Better Online Ticket Sales (BOTS) Act."⁹ This is a particularly frustrating allegation, since we have invested more than a billion dollars in ticketing technology, including anti-bot and fraud detection measures.¹⁰ These investments are unmatched in the industry, and they have allowed Live Nation and Ticketmaster to block an ever-increasing number of bots—including some 8.7 billion bots in April 2025 alone.¹¹ We are the only company active in secondary ticketing that supported the BOTS Act and encouraged its enforcement. We encouraged and supported President Trump's Executive Order, have called on the FTC to more aggressively pursue enforcement actions for BOTS Act violations, and also called on Congress to broaden the BOTS Act, provide a private right of action, ban speculative ticket listings, and more. Far from turning a blind eye, Live Nation and Ticketmaster have been facing these issues head on and diligently trying to address them. So, yes, in answer to your question 4.b, we do stand by our previous state-

³<https://www.ticketutils.com/> We understand StubHub is replacing TicketUtils with a new product called Reach.

⁴<https://skybox.vividseats.com/welcome.html>

⁵<https://automatiq.com/>

⁶9/30/2025 Ltr. at 2.

⁷Furthermore, in Ticketmaster's case, the syncing feature is used as a consumer-protective strategy to prevent fraudulent listings—a serious problem on other resale platforms. TradeDesk provides an efficient way for Ticketmaster to verify that a ticket is valid and in the seller's possession.

⁸The primary use of TradeDesk has been in sports, where many teams use brokers for distribution and brokers need multiple accounts to do what the teams ask of them. We intend to incorporate some TradeDesk functionality into a new product to support this. It will not support concert ticket resale.

⁹9/30/2025 Ltr. at 1.

¹⁰Live Nation and Ticketmaster do not publicly discuss the methods and technologies used to enforce ticket limits and prevent bots, but they have provided detailed information to the FTC.

¹¹See DOJ-FTC Comment 2, 5.

ment that Ticketmaster is “far and away the leader in preventing fraud and getting tickets into the hands of real fans.”

The FTC’s blind-eye allegations are premised on the idea that Ticketmaster cozies up to ticket brokers “to collect fees at three different points in the purchasing process.”¹² This makes no economic sense. It *would* were Ticketmaster a resale-only marketplace like StubHub and Vivid Seats, or even like SeatGeek, which makes most of its money from secondary. But secondary ticketing accounts for approximately 3 percent of Live Nation’s revenue, and revenue from fees on concert ticket resale is less than 2 percent of Live Nation’s revenue. Ticketmaster’s market share in concert ticket resale is also less than 20 percent, meaning that over 80 percent of the time a concert ticket gets resold, *some other marketplace collects any resale fees*. In this setting, Live Nation’s incentives are plainly to favor its relationships with artists and fans and Ticketmaster’s primary ticketing business, and not to jeopardize any of that for the benefit of such a small portion of its operations. This is why Ticketmaster is alone among secondary marketplaces in supporting resale reform.

Against all that, the FTC complaint repeatedly highlights a September 2018 internal e-mail among Ticketmaster and Live Nation personnel to assert that the companies “‘turn a blind eye as a matter of policy’ to brokers’ violations of posted ticket limits.”¹³ That is not what the e-mail says, nor what the author of the e-mail meant—which the FTC failed to understand in part because they did not take any depositions prior to filing its lawsuit. The author’s point was that while Ticketmaster has “lots of anti-abuse tools that we use actively,” because of the company’s “policy of keeping a wall between our primary and resale operations,” the Ticketmaster resale operation could not distinguish between properly and improperly sourced tickets. In other words, the “policy” he was complaining about was the “wall,” which the company had erected for antitrust compliance reasons, *i.e.*, to guard against claims that it was using its primary ticketing business to advantage its resale business. He was *not* saying that Ticketmaster had a policy to let brokers circumvent ticket limits. The FTC picked nine words out of context and *changed the policy those words addressed* to create that misimpression.¹⁴ It also misleadingly presented that seven-year-old e-mail as reflecting present-day policy.¹⁵

This discussion occurred in the aftermath of the CBC stories about TradeDesk in October 2018. At that time, Ticketmaster indeed reviewed its policies toward brokers and resale generally. And of course, as the FTC emphasizes, Ticketmaster assessed the economic implications of various alternatives as anyone would. But what the FTC missed is that Ticketmaster mainly focused on what would be *effective* in addressing the root cause of brokers creating and using inauthentic Ticketmaster accounts (irrespective of predicted impact on the business). Measures that would simply cause brokers to avoid Ticketmaster and post on other resale marketplaces instead were fundamentally illusory, and rejected on that basis. On the other hand, Ticketmaster did not decide to do nothing, as the FTC claims. To the contrary, it chose to expand its abuse prevention and account verification measures, which it determined would address root causes. Wave after wave of more sophisticated and effective abuse prevention measures followed, counter to the FTC’s suggestion that Ticketmaster decided to do nothing at all.

4. The BOTS Act: We want to be very clear that Ticketmaster has never tolerated, let alone facilitated, violations of the BOTS Act. We do not believe the FTC has alleged a credible BOTS Act violation by Ticketmaster, and we are confident it will not prove one.

As strong supporters of the BOTS Act, we have always been thankful to Sen. Blackburn for championing it—and thankful to you both for looking to enhance it through the MAIN Event Ticketing Act. We have also had a clear understanding of its meaning. It was passed as a first but important step in addressing the growing problem of ticket scalpers using automated purchasing scripts called bots and other *technological exploits* to buy substantial volumes of tickets from primary ticketing companies like Ticketmaster. In short, it was passed to help us with our work to fend off automated ticket harvesting by making it illegal to circumvent the technological controls we use to enforce ticket limits.

To that end, the BOTS Act makes it unlawful for any person “to circumvent a security measure, access control system, or other technological control or measure” that

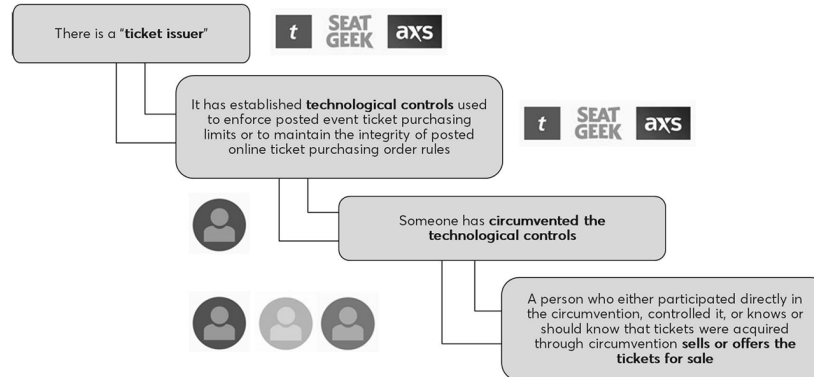
¹² 9/30/2025 Ltr. at 1.

¹³ Compl. ¶ 15; *see id.* ¶¶ 82, 90–91.

¹⁴ The “wall” exists to this date, as in the ensuing years unfounded complaints that Ticketmaster leverages its position in primary ticketing for the benefit of its resale business have been constant.

¹⁵ *See* Compl. ¶¶ 90–91.

a primary ticketing company uses “to enforce posted event ticket purchasing limits or to maintain the integrity of posted online ticket purchasing order rules.” The act of circumventing a technological control is illegal on its own. But then a companion section makes it illegal “to sell or offer to sell” any ticket acquired through circumvention if the seller participated in the circumvention, controlled the circumvention, or “knew or should have known that the event ticket was acquired” through circumvention. Here is a graphical representation of how the statute works.



At its core, the BOTS Act targets three things a scalper might do: it might circumvent our controls itself, it might get someone else to circumvent our controls, and it will sell or at least try to sell the tickets acquired through circumvention.

The FTC case is based on a fundamentally novel and expansionist view of the BOTS Act that makes it illegal to circumvent *ticket limits*—full stop—not just technological controls protecting ticket limits. They have written “technological controls or measures” out of the statute, deeming that unnecessary to finding circumvention. And upon that foundation, they claim that whenever a secondary ticketing marketplace sees that an individual or entity is posting more tickets than the one-account ticket limit, the marketplace knows there has been circumvention and therefore also violates the BOTS Act.

This will all be resolved in the litigation but suffice it to say that we strongly disagree with the FTC’s position. Ironically, just days before the FTC staff revealed their new theory, we had urged President Trump to support an expansion of the BOTS Act that was not limited to circumvention of technological controls.¹⁶ For now, however, that is undisputedly a limiting principle. The Act does not give the ticket limit itself the power of Federal law. The countless families, friends groups, church groups and others who have used multiple accounts to seek tickets to see a favorite artist are not BOTS Act violators. The scalpers who use technological exploits to buy tickets are.

The key prohibition [of the BOTS Act] is structured so that it is unlawful for any person to “circumvent a security measure, access control system, or other technological control or measure” used “to enforce posted event ticket purchasing limits or to maintain the integrity of posted online ticket purchasing order rules.” That is a rather indirect way to describe what bots do. It requires an inquiry into whether there is “circumvent[ion]” of security measures, which is not only unnecessary but invites arguments that defenses ticketing companies put up against improper ticket harvesting do not qualify as security measures to enforce ticket limits or ticket purchasing order rules.

Live Nation has proposed an amendment to the BOTS Act that would make circumvention of security measures subordinate to a broader prohibition that makes it unlawful for ticket brokers “to use or cause to be used any software application that runs automated tasks over the Internet to purchase event tickets from an Internet website or online ticket marketplace.” Since there is no downside from “over-deterring” bots usage, the prohibition should be broadly worded.

5. Addressing the Proliferation of Broker Accounts: We of course understand that the emotional force of the FTC’s lawsuit comes from the fact that some ticket brokers today simply have too many accounts. It doesn’t matter whether that’s lawful or unlawful. What started as a reasonable and acceptable level of behavior has been abused, and today it is growing exponentially through digitally exploited means. It’s unfair to artists and fans and it is time to do something about it.

¹⁶ See DOJ–FTC Comment at 11:

This is not an easy issue, because, as we have said before, the practice in the industry for a very long time has been to let professional resellers have multiple accounts and use them to try to buy tickets. We have never thought it was our place to change unilaterally the historical practices of the industry.¹⁷ Instead, we have focused on stopping scalpers from creating fake accounts, and we have developed ticket queueing processes that with increasing efficacy favor fans who actually attend events over purchasers that transfer tickets instead of attending. Favoring fans is also the idea behind our preregistration product Artist Sign Up, and our Face Value Exchange that allows artists to choose not to permit any for-profit transfers.

To counter this increasingly unfair behavior, our policy will now be to limit everyone and every entity, ticket brokers included, to only one Ticketmaster account. This is not easy to do—and we know scalpers will do everything in their power to undermine us. But fortunately, we have new AI tools and identity verification technology that we think makes this a reasonable aspiration. It also aligns with the FTC’s position that it is illegal for brokers to use more than one account to buy tickets. We are therefore announcing today that we will no longer let any broker maintain, buy tickets with, or post resale tickets with more than one account. Excess accounts will be canceled in due course. Nor will we allow any broker to post more tickets on our resale marketplace than the posted ticket limit. To that end, we will require every account that wishes to post tickets for resale on Ticketmaster have a unique Taxpayer Identification Number (SSN or EID).

Experience teaches us that we can expect all sorts of exploits and subterfuges to get around this policy. We will therefore be increasing our efforts to prevent the creation of new, unauthorized accounts that may be used to replace cancelled accounts. Ticketmaster already blocks over 99 percent of the up to 25 million account sign-up attempts *every day* because our technologies determine these are not real fans, and we have stopped over 6 billion fake accounts so far this year. We will also be deploying AI tools on existing accounts, identifying those accounts most likely to be unauthorized accounts, requiring validation that the accounts are held by fans, and canceling those that are not validated. Yet it is, and always will be, a numbers game, with bad actors throwing billions of account creation requests at us figuring that if even a small fraction succeed, they can buy and scalp lots of tickets. With our new AI models and identity verification tools, we will make that harder.

6. Better Anti-Bot Measures: We are also improving our technologies against bots. Ticketmaster already blocks over 200 million bots *daily*, a five-fold increase from 2019. We continue to invest to improve our ability to block bots on Ticketmaster, and in addition we will be offering artists additional anti-bot tools for Artist Sign Ups for major onsales and post-onsale ticket sweeps. Together we expect these tools will increase the percentage of tickets going to real fans and enable faster assessment and cancellation of bot-purchased tickets.

Ultimately, Ticketmaster’s commitment is to do what it takes to make sure that tickets meant for fans get to fans. That should not be as hard as it is—but it is every bit as hard as one should expect when ticket scalpers are making billions of dollars every year. Regardless, to protect fans, artists, and event organizers, Ticketmaster will continue to invest in abuse-prevention measures designed to detect and prevent scalpers and other bad actors from interfering with sales or acquiring tickets in violation of Ticketmaster’s terms.

* * * * *

Live Nation and Ticketmaster once again reiterate their commitment to supporting artists and fans while protecting the integrity of the live entertainment industry. We respectfully believe this litigation is misguided. Litigating this case will needlessly consume resources that should be directed toward our shared objective of addressing the problem of ticket scalping. Thus, while Live Nation and Ticketmaster will vigorously defend against these allegations, we remain committed to working with Congress and the FTC on real solutions as well.

As to the MAIN Event Ticketing Act, Live Nation and Ticketmaster support it but would go further. We appreciate the addition of a BOTS Act prohibition that covers the use of ticket buying software directly, but as noted earlier we would not tie this to “circumvention of an access control system, security measure, or other technological control or measure.” It ought to be illegal to use any software application

¹⁷ Your Question 5 asks whether Ticketmaster audits brokers to ensure compliance with posted limits. At an artist’s request, Ticketmaster conducts “OTL Sweeps” that are meant to determine if tickets were acquired with bots or other unauthorized means. Brokers are regularly caught in OTL sweeps, since normally bad brokers rather than fans are acquiring tickets through improper means.

that runs automated tasks over the Internet to purchase event tickets, period. There should not be any qualifiers on how the software automates ticket harvesting for live events.

We support, with some concerns, the proposal to require online ticket issuers to report to the FTC any incidents of circumvention of which the ticket issuer has actual knowledge. We have proactively shared information with the FTC about suspected ticket harvesting efforts on multiple occasions, but we have yet to see the FTC take action on any of our tips. But the larger issue is that attempted circumvention of technological controls is not an occasional, noteworthy event. It happens constantly and at enormous scale, and we are confident the FTC understands that. A reporting requirement is also problematic because it is in the nature of this arms race that the ticket company may know when it has *won* a battle by stopping a circumvention attempt, but probably not when it has *failed*. To illustrate, with the new technologies we have and the initiatives described above, we may cancel up to 10 million fake accounts (out of over 300 million accounts on the Ticketmaster Host system). It is very hard for us to believe that 10 million fake accounts were created without some kind of technological tool that, in our view, should be unlawful. Our data scientists can make educated guesses about how some of those accounts were created (e.g., using technology that creates fake e-mails). But when do inferences lead to the “actual knowledge” that triggers the reporting requirement? This concerns us.

The obvious targets for BOTS Act enforcement actions are the purveyors of ticket harvesting technology and their customers. The FTC already knows who these people are. Furthermore, if the FTC genuinely believes that secondary marketplaces violate the BOTS Act by allowing brokers to post more tickets than the one-account ticket limit, all secondary marketplaces are targets for enforcement. In all events, we need more enforcement as opposed to simply more reporting.

We trust this letter answers your questions, and that the policy changes we are making demonstrates our commitment to real change. Please do not hesitate to contact us again should you have further questions.

Very truly yours,

DANIEL M. WALL,
Executive Vice President,
Corporate and Regulatory Affairs,
Live Nation Entertainment, Inc.

Senator BLACKBURN. And in it you said, and I am going to quote, “given the level of abuse you are now seeing you will no longer permit brokers to use multiple accounts.”

So before now, you have allowed brokers to use multiple accounts?

Mr. WALL. Yes.

Senator BLACKBURN. This gets to what I was talking to Mr. Berry about—about verification of these accounts. So you have allowed them to use these multiple accounts, but then you also said in that letter that you were not turning a blind eye.

So were you all screwing up or were you lying?

Mr. WALL. Neither.

Senator BLACKBURN. Neither? OK.

Mr. Weingarden, what do you have to say about that?

Mr. WEINGARDEN. Well, I mean, just a couple of things just from what has been said, and I just want to make clear that the TICKET Act as it is written does not outright ban spec ticketing.

Senator BLACKBURN. Right.

Mr. WEINGARDEN. So that definitely does need to get updated or changed, and since we are all in agreement that would be great.

But the other piece is that—sorry, I lost my train of thought. What was the question again? I apologize.

Senator BLACKBURN. We were talking about he was saying that—we were talking about the brokers, scalpers—

Mr. RITCHIE. Multiple accounts.

Senator BLACKBURN.—and the multiple——

Mr. WEINGARDEN. Oh, yes.

Senator BLACKBURN.—accounts that the brokers had, and they had responded—we have the e-mail where one of the C Suites said that they just turned a blind eye. It was standard practice.

But in the response to Senator Luján and I, they responded, “Given the level of abuse you are now seeing”—like it was just now beginning to happen—“you will no longer permit brokers to use multiple accounts.”

And you had referenced the ghost tickets, speculative tickets.

Mr. WEINGARDEN. Right.

Senator BLACKBURN. So I was asking if you agreed with them?

Mr. WEINGARDEN. I would definitely say that we experienced that quite a bit. In fact, when we are looking at different—trying to do some, like, scrubs to see how many scalpers are potentially hitting a particular show, sometimes they are even egregiously even utilizing the Boulder Theater’s address as—and we will see 20 to 30 different——

Senator BLACKBURN. And then when you find one of these scalpers what do you do?

Mr. WEINGARDEN. We try to cancel those orders and get rid of them because when you are seeing——

Senator BLACKBURN. Cancel the orders. And you do it before——

Mr. WEINGARDEN.—when you are seeing 60—when you are seeing 60 different orders—not tickets, 60 different orders from the state of Indiana or something like that, come in for a show at the Fox Theater in Boulder on a particular night, we know that that is fraudulent activity.

Senator BLACKBURN. OK. Mr. Wall, I want to come back to you on this because I think it gets—why did you allow the abuse of the system for years? Before you said you were not turning a blind eye and before you said you were going to clean it up.

Mr. WALL. What we allowed was brokers to have multiple accounts, and that is because virtually all brokers have multiple accounts and always have.

Senator BLACKBURN. So you did not do verification if these were actual brokers or they were bots?

Mr. WALL. Oh, sure we did. Of course, we did.

Senator BLACKBURN. Well, you ended up with a whole lot of bots, and then you said you are blocking a lot of the bots. So, I mean, we have still got a difference.

Mr. Ritchie, you had a comment?

Mr. RITCHIE. It is this simple. If I buy a ticket and I go to the show I am their worst customer. If they allow these multiple accounts to go on, that ticket resells and they make more money. Boom.

Senator BLACKBURN. Mr. Wall, I want to come back to you.

July of last year Ticketmaster filed a public comment in response to the DOJ and the FTC request for information on issues in the ticketing industry.

Now, in that public comment, you made some very interesting arguments. Not sure I agree with all of this, but you made some interesting arguments.

On page 11 of that comment you wrote that the BOTS Act, and I am quoting, “implicitly obligates ticketing platforms not to turn a blind eye to patterns of behavior that indicate unlawful ticketing harvesting,” end quote.

Mr. WALL. Yes.

Senator BLACKBURN. OK. Now, I agree with that. You should not turn a blind eye to that. This supports the fact that the BOTS Act holds companies like Ticketmaster liable for selling unlawfully purchased tickets.

Senator Moran and I wrote the BOTS Act, and the BOTS Act was never meant to be Section 230 for ticketing platforms. So why are you now taking the opposite position in ongoing litigation?

Mr. WALL. We are not. There must be a misunderstanding, because our interpretation of the BOTS Act is fundamentally the interpretation that you and Senator Luján put forward in your amicus brief in the key investment group case.

Senator BLACKBURN. And we have another amicus brief coming on the second one.

OK. Do you have—Senator Hickenlooper, do you have any questions?

Senator HICKENLOOPER. I have myriad questions, but I will restrain myself.

I wanted to—Mr. Ritchie, I wanted to ask, in your experience—your direct experience—how much control does the artist have in what the final price for an artist—or a customer pays for that ticket relative to the add-ons?

Mr. RITCHIE. The final price or setting the price of what we would like?

Senator HICKENLOOPER. The final price.

Mr. RITCHIE. The final price, well, not much. That includes all the fees, the tacked on—how the buildings make their money, everyone this, that, and the other. There is—you know, they charge how much to print out a ticket at home, all these little stuff that makes no sense, like, that everyone is up in arms about.

We get a ton of say in what we want the tickets price to at because that is where we make our money, and we make the majority of that money, as I am sure Mr. Wall would be happy to tell you. That is true.

But at the end of the day, no, we do not have any over all those fees and everything that they tack on and all the stuff that people are really upset about.

You know, if I say tickets are \$49, whatever, fans are usually, like, OK, that is great. You know, as artists, we want to treat our fans right. They know that.

But then when they get to the end and they check out they are, like, why is this thing \$75?

Senator HICKENLOOPER. Right.

Mr. RITCHIE. It was supposed to be \$49. That is a huge problem.

Senator HICKENLOOPER. Right, and there is no way, when you are—you cannot restrict the contract. When you are signing a contract with that promoter, they are unwilling or unable to guarantee that they can, assuming—obviously, if we do a Federal law that—

Mr. RITCHIE. I mean, this is why I said subpoena some of this stuff, because what I have heard people are getting kickbacks from this. Sometimes it is—it is the managers or the artists.

You know, there is a lot of people at fault here. You know, I cannot—I would like to put it all on Ticketmaster and take—they take the majority of these blows, no question, and Live Nation.

But there are a lot of people there with their hands in this cookie jar that it should not be in and that is why I hope you subpoena a lot of these contracts and look for some of this fraud because I bet there are some folks who go to jail.

Senator HICKENLOOPER. I am not going to judge anybody on that evidence.

You know, since last year the FTC's all-in pricing went into effect has that—have you guys seen a change in the market since that? And maybe each one of you can describe a little bit whether—what the change is.

And then also, if we made that a Federal law rather than just a rule would that make a difference? So that is the two questions. Have you seen a change and would it—

Mr. RITCHIE. That is great. I think that is great for fans. Just more transparency so they are not—they do not get sticker shock when they go to checkout with all these hidden fees.

Senator HICKENLOOPER. OK.

Mr. WALL. It has been very important because contrary to what a lot of people believe, ticketing companies cannot decide how to—how to show these prices. It is the content owners who sort of dictate this and so you have a problem of getting everybody on board.

It is now—we have been pushing this for years—the system is working. Some people were saying that there could be a lot of problems. There have not been any problems. It turns out this works just fine.

Senator HICKENLOOPER. Right. And do you think there is a benefit to making a Federal law as opposed to just a FTC rule?

Mr. WALL. The only thing I would ask with that is the industry has adjusted to the FTC rule so try to be as consistent as possible. But otherwise, yes, absolutely.

Senator HICKENLOOPER. Taking what is working and just—thank you.

Senator BLACKBURN. Codifying. Yes, codifying.

Senator HICKENLOOPER. I yield to the more experienced person up here than myself.

Mr. Berry?

Mr. BERRY. We absolutely support all-in total upfront pricing. We have been advocating for years and I want to thank the FTC for doing it, and I do agree it should be codified into statute.

Senator HICKENLOOPER. OK. Mr. Weingarden?

Mr. WEINGARDEN. Yes, the—we have been working. We, meaning the National Independent Venue Association, has been a working nation—throughout the states and we have gotten a lot of states onboard for some time. And they have been—everybody, it has been great and I think a Federal law with that would be terrific.

Senator HICKENLOOPER. Right. I appreciate that. I do have more questions but I am going to just put them in written form for you all and let you go.

Senator BLACKBURN. Yes. We have had them here for a little while.

Mr. Berry, I do have one more for you.

What percentage of the tickets that are sold on your platform are from brokers?

Mr. BERRY. I do not have a specific percentage, Senator. But I can tell you this, if you are a broker or if you are a nurse or if you are a season ticket holder, you are held to the same rules.

You have to deliver the tickets as they have been ordered. You will be penalized or thrown off platform if you are not. The marketplace has to keep both sides of the equation honest.

Senator BLACKBURN. I would like for you to submit for the record that number.

Mr. BERRY. Absolutely.

Senator BLACKBURN. Mr. Weingarden, do you agree with that?

Mr. WEINGARDEN. I 100 percent do not agree with that. I think that is very false, and we experience that—as I mentioned in my testimony, we experience that on a day-to-day basis and I guarantee you that all the 100 venues that I represent for the Colorado Independent Venue Association and elsewhere will say the same thing.

Senator BLACKBURN. Well, I want to draw this hearing to a close. You all have been gracious and you have been patient with our questions, and I am grateful for that.

Members of the Committee are going to have until February 4 to submit their questions for the record. As you have heard many say, they have got more questions so you are going to get questions for a response in writing. We will expect that response back from you by February 18 and would appreciate it.

As you can see, this is something people are—they have lost their patience with this price gouging and they want to see some consistency, transparency, and maybe even a little bit of equitable treatment for fans in this marketplace.

And at this point, I will conclude this hearing. As I say, thank you all for your time.

[Whereupon, at 4:23 p.m., the hearing was adjourned.]

A P P E N D I X

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. JERRY MORAN TO DAN WALL

Question 1. In 2016, I introduced the Better Online Ticket Sales—or “BOTS”—Act, to end the practice of using “ticket bots”—automated software that purchases event tickets online far quicker than a human could—monopolizing tickets for live events. My bill, which was signed into law nearly 10 years ago, makes evading guardrails—including through the use of “bots”—that online ticket sellers have put in place to enforce ticket purchasing limits a violation of the Federal Trade Commission Act. Today, nearly a decade after enactment of the BOTS Act, the FTC has taken a renewed interest in enforcing its provisions, reflecting positive momentum toward a more competitive and fairer live event ticketing marketplace. What steps have Live Nation Entertainment and Ticketmaster taken to mitigate circumvention of anti-bot guardrails on Live Nation and Ticketmaster platforms? In your view, have these measures been effective in deterring the use of bots? What additional steps could be taken (either by Ticketmaster or other entities) to deter deployment of bots in the online ticketing industry?

Answer. Live Nation and Ticketmaster (collectively, “we”) lead the live event industry in efforts to prevent the harvesting and scalping of event tickets at the expense of fans. Since 2010, we have invested more than \$1 billion in ticketing technology, including anti-bot measures, fraud detection and ticket security. Ticketmaster has also prioritized hiring and retaining personnel with deep abuse prevention, engineering, and data science expertise drawn from a range of industries, including major technology companies. We have also repeatedly explained, including during the hearing, that the threat posed by scalpers, including from their use of increasingly sophisticated bots, continues to grow. This growth is driven by the significant financial incentives for scalpers to harvest tickets and resell them without restrictions on platforms that derive all or almost all of their revenue from the resale market. The escalation is reflected in the scale of automated attacks on our systems. For example, Ticketmaster blocked 566 million bots per day on average in the fourth quarter of 2025—an increase of over 3,600 percent from 2022 when Ticketmaster blocked 37 million bots per day. Further, Ticketmaster rejects 99.7 percent of the up to 25 million account sign-up attempts every day, based on technological determinations that these are not from real fans. These figures reflect both the sustained growth in abusive activity and a systematic, technology driven response designed to detect, block, and deter bad actors at scale.

Given these evolving threats, Ticketmaster has built a multi layered, lifecycle based defense system designed to deter scalpers and bots at every stage of the ticketing process, from network level attacks to resale activity. At the outermost layer, we block automated attacks at scale. The 3,600 percent increase of bots blocked per day since just 2022 reflects the growing financial incentives in the resale market and the corresponding escalation in bot activity. The next layer focuses on preventing fraudulent access to the marketplace where we reject, as previously noted, 99.7 percent of up to 25 million daily account sign up attempts. We also conduct ongoing sweeps of atypical activity and shut down high risk accounts, including 2.5 million such accounts in the last six months alone. During high demand onsales, we deploy structured access controls designed to prioritize trusted participation by fans and manage traffic at scale, including smart queue technology and artist directed distribution tools. In the instances where purchases made violate event terms, including purchase limits, we cancel those transactions to return tickets to inventory for fans. We also apply layered controls to the resale marketplace to limit large scale commercial reselling. Every seller is required to maintain a single account verified through tax identification, speculative listings are banned, and all resale tickets are authenticated before being listed. Taken together, these measures reflect a coordinated and technology driven strategy that targets abusive acquisition, fraudulent account creation, policy violations, and resale exploitation in a structured and continuous manner rather than through isolated controls.

We also address the threat of abuse by empowering artists to have more control of ticket resale on Ticketmaster's platform, including through the Face Value Exchange program. This service, available to any artist, limits the ability for tickets sold on Ticketmaster in the primary market to be resold on Ticketmaster for a value higher than what the first purchaser paid. We have seen this significantly reduce professional resale activity for artists that choose to use this service. While Face Value Exchange enables artists to control resale on Ticketmaster, it cannot stop resale on other platforms, where the majority of resale transactions occur. For this reason, we have advocated for legislation, including the MAIN Event Act, that would ban speculative ticketing, give artists full control over resale across platforms, and impose price caps on resale tickets to address the fundamental economic incentive for ticket harvesting and scalping. We have worked with a broad industry coalition to develop these proposals, which are described in more detail at [Fairticketing.com](https://www.fairticketing.com).

Ticketmaster measures the effectiveness of its abuse prevention systems across several core indicators, including bot traffic blocked, fraudulent account creation prevented, and high risk accounts removed. On each of these metrics, we have seen both significant scale and continuous improvement. For example, as previously noted the number of bots blocked has increased by more than 3,600 percent between 2022 and 2025, reflecting both the growth in automated attacks and the expansion of our detection capabilities. These systems are designed to operate at scale and adapt as tactics evolve. At the same time, no large ecommerce platform can eliminate abuse entirely. The volume of bots we block underscores the reality that ticketing remains a high incentive target. As long as tickets can be resold at substantial markups on platforms that do not honor artist resale restrictions or pricing caps, bad actors will continue to invest in tools designed to bypass safeguards. Our approach is to continuously strengthen defenses across account creation, onsale access, order monitoring, and resale controls in order to reduce the success rate and profitability of that activity.

Problems such as bots and speculative ticketing persist because resale-centric platforms like StubHub, SeatGeek, and Vivid Seats allow brokers to resell tickets on average at twice the face value and earn a 25–40 percent commission from the buyer on each transaction. As long as these economic incentives exist, platforms like Ticketmaster will be under siege from new and improved scalper technology to exploit these opportunities. As we explained in our comment to President Trump's Executive Order on Combating Unfair Practices in the Live Entertainment Market, we are increasingly of the view that the only thing that will address this industry wide problem is legislative reform. Legislation that empowers artists and reforms resale markets to reduce or eliminate the economic incentives will be the best deterrence against the use of bots.

The most effective legislative measures would be to amend the BOTS Act so that it covers the broader range of ticket harvesting and scalping tactics. Indeed, we have proposed an amendment to the BOTS Act to prohibit bad actors "to use or cause to be used any software application that runs automated tasks over the Internet to purchase event tickets from an Internet website or online ticket marketplace." This would allow for BOTS Act claims against scalpers without showing a technological circumvention as the law currently requires. We also encourage Congress to pass legislation that codifies artist's rights to impose restrictions on resale and cap resale prices. This would help ensure that the ways Ticketmaster already tries to honor the preferences of artists are also consistently honored by all participants in the resale market.

Question 2. The live event ticketing industry has seen an influx of newer entrants with unique offerings or services that seek to differentiate their platforms from competitors. As in every industry, it is incumbent upon the FTC to make certain that consumers seeking to benefit from the unique offerings of the plethora of ticket sellers are able to do so freely. Given your organization's role as a leader in the primary and secondary ticket sales markets, how do Live Nation and Ticketmaster view their responsibilities in stewarding this significant market share, particularly with respect to promoting competition and consumer protection?

Answer. Live Nation and Ticketmaster are continuously evolving and enhancing practices to keep up with the increasingly competitive ticketing marketplace.

We compete for venue clients who are free to choose among ticketing providers based on price, technology, service, and overall value. In today's competitive bidding environment, venue operators routinely solicit and evaluate multiple proposals, and contracts are awarded based on a range of factors. The most important of those factors is which platform can most effectively sell tickets for events. Venues and promoters depend on strong ticket sales to drive attendance, revenue, and the overall success of their events. That same capability directly benefits fans, because a plat-

form that can manage high demand, scale securely, and convert interest into completed transactions ensures that more fans are able to successfully purchase tickets. Our continued investment in product development, security, and service reflects the reality that we must compete on performance and results, constantly improving our ability to help our partners sell tickets efficiently and reliably at scale.

Consumer protection is foundational to how we operate our marketplace. Our goal is to deliver a secure, transparent, and fair ticket buying experience, from the moment a fan joins an onsale to the moment they enter the venue.

To protect ticket integrity, we pioneered digital ticketing with rotating barcodes through SafeTix and have invested in evolving anti bot technology, fraud detection, and ticket security systems. To promote fair access during high demand onsales, we developed tools such as Verified Fan and smart queue technology to manage traffic at scale and prioritize trusted participation. To limit abusive resale, we built the artist controlled Face Value Exchange, banned speculative listings, and require sellers to maintain a single verified account tied to tax identification. And to ensure clarity for consumers, we support upfront pricing and clear disclosures so fans understand the full cost of a ticket before purchase.

Together, these efforts are designed to create a secure, transparent, and more equitable ticket buying experience for fans.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. MARSHA BLACKBURN TO
DAN WALL

Question 1. On July 7, 2025, you submitted a public comment in response to the Department of Justice and FTC’s request for information on unfair and anticompetitive practices in live ticketing. On page 11 of that comment, you said the BOTS Act “implicitly. . . obligates ticketing platforms not to turn a blind eye to patterns of behavior that indicate unlawful ticket harvesting.” As I said in the hearing, this supports a reading of the BOTS Act that holds companies like Ticketmaster liable for selling unlawfully purchased tickets. I asked you why you are now taking the opposite position in the ongoing FTC litigation, and you indicated that you had not changed your position. Do you believe that Ticketmaster can be held accountable under the BOTS Act for turning a blind eye to patterns of behavior that indicate unlawful ticket harvesting as you argued on July 7, 2025, or do you stand by the position you now hold in the ongoing litigation?

Answer. Ticketmaster’s position has been consistent for years: we have long advocated for vigorous enforcement of the BOTS Act, taken steps to prevent ticket purchase abuse, and shared information with the FTC to support BOTS Act enforcement. We believe all ticketing platforms should do the same. As you rightly explained in your recent amicus brief filed in the *Key Investment Group* litigation, the BOTS Act prohibits “‘circumvent[ion]’ of ticket issuers’ means of enforcing ‘posted event ticket purchasing limits’ and ‘purchasing order rules.’” This language does not expressly require ticket issuers to deploy specific bot-prevention measures, while at the same time, it is not Section 230 for the ticketing industry. Rather, the BOTS Act assumes ticket issuers will post ticket limits and deploy technical abuse prevention measures because without platform technological controls to prevent scalpers from exceeding posted ticket purchase limits, there can be no BOTS Act enforcement. In turn, Ticketmaster, as a ticket issuer, depends on others in the ticketing industry, particularly resale-focused platforms and brokers, to not facilitate or ignore efforts to harvest and scalp tickets. The arms race to prevent ticket scalping is challenging enough without sophisticated market participants emboldening and enabling scalpers to engage in abusive practices that hurt fans.

Ticketmaster is unquestionably doing its part to prevent abuse and facilitate BOTS Act enforcement. Ticketmaster systematically looks for indications of unlawful ticket harvesting and cancels tickets it concludes were purchased improperly. As set out in more detail in response to Senator Moran’s questions above, Live Nation and Ticketmaster lead the industry in the development and deployment of abuse prevention measures to detect and prevent ticket harvesting and scalping, including SafeTix, smart queues, and artist controls such as Face Value Exchange. Given the ways that scalpers have continued to evolve their tactics, we have worked closely with you and other policymakers in Congress and the states to develop policy solutions, including amendments to the BOTS Act, and the MAIN Event Ticketing Act. We also have and will continue to work closely with Federal and state law enforcement and regulators to communicate the evolving threats posed by ticket harvesters and scalpers.

Unfortunately, we are far from confident that other market participants are doing their part to address these challenges. In fact, there is little evidence that other re-

sale platforms make abuse prevention efforts comparable to Ticketmaster and abundant evidence that they do not. Companies that are resale-focused and derive the majority of their revenue from professional reselling are simply not financially incentivized to adopt prevention measures like those used by Ticketmaster or to work with Ticketmaster to identify and curb suspected abuse. We appreciate that you invited other participants in the ticketing industry to the hearing and hope that you also ask them how they can support BOTS Act enforcement. In turn, we hope these resale-focused organizations will respond by agreeing to closer cooperation with Congress and with ticket issuers, like Ticketmaster, to address the industry-wide challenges of ticket harvesting and scalping. We look forward to continuing those efforts with your office.

Question 2. I asked you about complaints I hear that Live Nation and Ticketmaster doesn't work with artists to give them more control over their shows. You argued that Ticketmaster is the only resale site to listen to artists' desires regarding their tickets. Please provide a list of artists who are able to control their ticket sales through your platform.

Answer. Every artist who sells tickets on Ticketmaster controls how their tickets are sold. Artists and their teams decide pricing, onsale timing, presales, ticket limits, and whether tickets can be transferred or resold. Ticketmaster provides the tools, artists and their teams choose how to use them.

Ticketmaster pioneered Face Value Exchange, an artist-enabled program that helps protect fans from excessive resale markups by allowing ticket holders who can't attend to resell their tickets at the original face value set by the artist, so tickets go back to real fans rather than scalpers.

The only limitation on artist control occurs in states such as New York, Illinois, Colorado, Connecticut, Virginia and Utah, where laws restrict the ability to limit ticket transfer, making it harder for artists to prevent predatory resale and price inflation. Outside of those states, artists can fully choose protections like restricted transfer and Face Value Exchange

Many artists across multiple genres have chosen to use these fan-protective tools on Ticketmaster, including major global tours, benefit concerts, and emerging artists.

Recent artists using Face Value Exchange or transfer controls include:

2026:

1. Noah Kahan
2. Sweet Relief Musicians Fund
3. Kid Rock
4. Andrew McMahon
5. Tame Impala
6. Hilary Duff
7. Ethel Cain

2025:

1. Sturgill Simpson
2. Beth Gibbons
3. Patti Smith
4. Tyler Childers
5. Neil Young
6. Hozier
7. Jack's Mannequin
8. Jonas Brothers (one-off)
9. Rufus Du Sol (benefit show)
10. Blink 182 (benefit show)
11. Billy Strings
12. Ethel Cain
13. Gracie Abrams (benefit show)
14. The Saw Doctors
15. Sleep Token
16. Lisa (of BLACKPINK)
17. Mumford & Sons (one-off)
18. Janie's Fund

19. Billie Eilish
20. Max McNown
21. Yusuf/Cat Stevens book tour
22. Dermot Kennedy
23. Daniel Caesar (Toronto Underplay)
24. Fujii Kaze
25. [SPIRITBOX]
26. Colter Wall
27. Kid Cudi
28. Babymetal (Los Angeles underplay)
29. Brandi Carlile (album listening party)
30. Khruangbin
31. Olivia Dean
32. Hayley Williams
33. Hilary Duff
34. Pinkpanthress
35. Ms. Lauryn Hill
36. Freya Skye
37. Gorillaz
38. Foo Fighters
39. Fred Again
40. Louis Tomlinson
41. Brandi Carlisle
42. Khruangbin
43. Noah Kahan

2024:

1. Neil Young
2. Sleep Token
3. Robert Plant x Alison Krauss
4. Hozier
5. Cigarettes After Sex
6. Noah Kahan
7. Foo Fighters
8. Pearl Jam
9. Wilco
10. PJ Harvey
11. Ben Howard
12. Indigo Girls x Amos Lee
13. Luke Combs
14. Norah Jones
15. Something Corporate
16. Billie Eilish
17. Sturgill Simpson
18. Fred again..
19. Frank Black
20. Tyler Childers
21. Metallica (benefit show)
22. Spiritbox
23. Cage The Elephant
24. Farm Aid
25. Sweet Relief Benefit Concert

2023:

1. Maggie Rogers
2. The Cure

3. Mitski
4. Foo Fighters
5. Tyler Childers
6. U2
7. Hozier
8. Bleachers
9. Noah Kahan
10. [Atlantis Venue Opening—Multiple Artists]
11. Ben Howard
12. Eddie Vedder
13. Indigo Girls x Amos Lee
14. Neil Young
15. Pearl Jam
16. Something Corporate
17. Queen + Adam Lambert
18. Jack White
19. Oliver Anthony (used FVE but had transfer on, added FVE after tix already onsale)
20. Walmart Heroes & Headliners

RESPONSE TO WRITTEN QUESTION SUBMITTED BY HON. JOHN HICKENLOOPER TO
DAN WALL

FIFA 2026 World Cup. The FTC’s Junk Fees Rule and the TICKET Act both mandate ‘all-in pricing’ to ensure fans aren’t blindsided at checkout. However, recent reports indicate that for the 2026 World Cup, mandatory parking fees—a functional necessity for access—are being siloed into a separate, opaque structure. Reported parking fees of over \$250 per parking pass may even exceed the cost to attend a 2026 World Cup match altogether.

Question 1. For tickets sold to consumers for the upcoming FIFA 2026 World Cup, how will your platform ensure fans are not surprised by a separate, opaque fee structure for a necessity to access the venue where a World Cup match is held?

Answer. Ticketmaster is not the primary ticketing provider for the FIFA World Cup 2026, and we do not have visibility into how FIFA or its ticketing partners price tickets, parking, or other ancillary items for this event.

If and when FIFA World Cup tickets or FIFA-related event tickets are sold or resold on Ticketmaster, they will be subject to the same requirements that apply across our platform. Ticketmaster strictly complies with the FTC’s Fees Rule and all applicable state laws governing all-in pricing. Our platform is designed to display the full price of any item sold through Ticketmaster upfront, so fans understand the total cost without unexpected charges added later.

We also want to note that Ticketmaster has not begun offering resale for this event because tickets have not yet been delivered and seat locations have not been confirmed. Until that occurs, listings appearing on other sites may be speculative and cannot guarantee access. We have been advising fans that the safest approach is to wait for official ticket delivery before making a purchase.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. JERRY MORAN TO
BRIAN BERRY

Question 1. In 2016, I introduced the Better Online Ticket Sales—or “BOTS”—Act, to end the practice of using “ticket bots”—automated software that purchases event tickets online far quicker than a human could—monopolizing tickets for live events. My bill, which was signed into law nearly 10 years ago, makes evading guardrails—including through the use of “bots”—that online ticket sellers have put in place to enforce ticket purchasing limits a violation of the Federal Trade Commission Act. Today, nearly a decade after enactment of the BOTS Act, the FTC has taken a renewed interest in enforcing its provisions, reflecting positive momentum toward a more competitive and fairer live event ticketing marketplace. How has the BOTS Act impacted the live event ticketing marketplace from the perspective of consumers? From the perspective of ticket sellers? In practice, how have the provisions

of the BOTS Act impacted original sellers of tickets in the primary ticket market versus resellers of tickets in the secondary market?

Answer. We are pleased Congress passed the BOTS Act, and pleased that the FTC is investigating and suing several alleged violators, including Ticketmaster. The FTC should keep enforcing the BOTS Act, and we agree that the Act could benefit from updates to improve enforcement. Strong enforcement is essential to protecting fans and restoring trust in the ticket-buying experience.

From a consumer perspective, the BOTS Act establishes an important baseline: using automated software script to cut in line to buy tickets and bypass posted ticket purchase limits is illegal. That matters because humans should be competing for a fair shot at tickets on a level playing field. However, consumers may sometimes feel like the system is as complicated as ever and rigged against them when they are led to believe illegal bot users scooped up all the tickets. Importantly, illegal bots are not the sole source for ticket scarcity, as Live Nation has reported most of its events (98 percent) do not sell out and therefore tickets remain for purchase, regardless of bots, when the show begins. Further, Ticketmaster is known to hold back large swaths of tickets from the public on-sale and slowly drip new tickets for sale over time. When this happens, the so-called bot is actually Ticketmaster making tickets difficult to access, not illegal bot users.

Although legitimate resale marketplaces prohibit and penalize the use of illegally obtained tickets, including those purchased with illegal bots, it is impossible for resale marketplaces to know how resellers initially obtained tickets. Nevertheless, we're confident that the BOTS Act has helped deter less reputable actors, and recent enforcement actions send an important signal that violations carry real consequences.

In practice, the BOTS Act impacts only the primary ticket market because that is where illegal bot users use their banned software script to jump ahead of ticket buyers waiting in line and scoop up tickets before real humans can. Unfortunately for fans, and according to the FTC, the largest primary ticketing company, Ticketmaster, has turned a blind eye to bots. Secondary market resale marketplaces, on the other hand, do not operate virtual ticket queues or impose purchase limits. Our members' experience in hosting resale platforms is that the secondary resale market does not suffer bot attacks given they do not control the initial on-sale throttling of access to tickets. As a result, fans can list and purchase tickets at any time on any day and are not subjected to long queues or complicated on-sales. We believe that stronger, more frequent enforcement of the BOTS Act, will help stem the tide of bots.

Question 2. In your view, and with the benefit of nearly a decade of hindsight, how should this Committee view its role in overseeing enforcement of the BOTS Act and providing the FTC and other Federal and state agencies with the authorities and resources needed to foster a competitive and fair live event ticketing marketplace?

Answer. Our member marketplaces serve tens of millions of happy fans every year, providing safe, guaranteed ticket transactions, real competition in pricing and service, and trusted options when it comes to buying and selling tickets. We are proud that our online marketplaces brought resale off street corners—where fraud and counterfeits were rampant—and into the world of transparent, protected, tax-paying e-commerce.

There is one thing nearly everyone agrees on: the entire live event ecosystem, including and especially the live event ticketing segment, should work better for fans. This is where the Committee can help to foster a competitive and fair live event ticketing market. Too often, for reasons that begin long before a ticket is put on sale, fans feel confused, frustrated, or shut out entirely. But access to tickets is just the result of a long chain of events, relationships, and industry power plays and distortions that have been the subject of deep investigation. Therefore, we caution the Subcommittee to avoid defaulting to convenient scapegoats rather than digging deeper into the facts.

Blaming ticket resale for the lion's share of problems in ticketing misses the mark. Significant fan harm originates at the source in the currently rigged system designed and dominated by a single, vertically integrated monopoly that maintains a powerful grip over artist management, event promotion, venue operations, and ticketing.

Problems in ticketing have been repeatedly studied over the last two decades by lawmakers (including on this Committee), industry, consumer advocates, and regulators. This process reached several important conclusions about how to improve the fan experience and, as a result:

- a. The FTC now requires all-in, upfront pricing so fans are not confused or misled about the price of tickets they are purchasing. This is a big win for consumers and the consistency required of both primary and secondary ticket sellers is welcome by industry.
- b. The Department of Justice has sued Live Nation/Ticketmaster repeatedly, agreed to several consent decrees to change how Live Nation/Ticketmaster operates, and soon an antitrust trial will begin where the DOJ is joined by a bipartisan group of 40 state attorneys general in a case that may result in the breaking up of Live Nation and Ticketmaster. The Department of Justice should stay on the case until the job is done.
- c. Congress passed the BOTS Act, and the FTC is investigating and suing several alleged violators, including Ticketmaster. The FTC should keep enforcing the BOTS Act, and we agree that the Act could benefit from updates to improve enforcement.
- d. In part, thanks to this Committee's years of leadership, The House of Representatives passed the overwhelmingly bipartisan TICKET Act to address refund protection, deceptive websites, and speculative ticket offers. We urge the Committee to push the Senate to send the TICKET Act to the President's desk. That would be a monumentally important accomplishment.

The TICKET Act will not safeguard against the foreclosure of competition in ticketing, but it will provide important and meaningful new consumer protections.

I should also note that enactment of the TICKET Act will require significant investment and change across the industry, including from our member companies. We accept that because it will improve the market in a way that benefits fans.

As mentioned, our platforms support stronger fan protections that include more transparency, less deception, and more enforcement against fraud and abuse. What we do not support are policies that foreclose competition, restrict legitimate resale, eliminate consumer choice, and further entrench monopolistic control under the false banner of reform.

Question 3. Existing laws that seek to police unfair, deceptive, and anticompetitive practices in the live event ticketing industry—including the BOTS Act—provide for a certain threshold of interagency and intergovernmental coordination. The BOTS Act, for example, provides for enforcement by the FTC and coordination with state attorneys general, who may bring civil action in Federal court on the basis of the BOTS Act, in consultation with the FTC. In practice—and in other legislative proposals—enforcement and coordination include the Department of Justice and other relevant state and local law enforcement agencies. What are the advantages of the interagency and intergovernmental coordination provided for by the BOTS Act and Federal regulations and guidance promulgated since its enactment to preventing unfair and deceptive conduct in the live event ticketing marketplace? Have you or your members observed obstacles to this sort of coordination and collaboration? Do you feel that consumers and industry have sufficient opportunities to weigh in, where needed?

Answer. It has been our members' experience that consumers and industry have sufficient opportunities to weigh in with relevant authorities and policy makers where and as needed, including by providing lawmaker offices with information, contacting Federal and/or state agencies, etc.

We believe there are strong advantages with interagency and intergovernmental coordination on ticketing-related matters, in particular with respect to the prevention of unfair and deceptive conduct as for the enforcement of laws and rules such as the Federal BOTS Act.

The BOTS Act created a meaningful enforcement framework but that implementation gaps remain. We believe the Act should be enforced rigorously, and that primary ticketing platforms (not just those that enjoy the size and resources of Ticketmaster) should be able to innovate and work with enforcement agencies as partners in the investigation and prosecution of purveyors and users of illegal bots. Our member companies seek an enforcement environment in which cutting-edge technologies can be unleashed and the eradication of bots achieved via technological innovation and deepened partnership with enforcement authorities.

Question 4. The live event ticketing industry has seen an influx of newer entrants with unique offerings or services that seek to differentiate their platforms from competitors. As in every industry, it is incumbent upon the FTC to make certain that consumers seeking to benefit from the unique offerings of the plethora of ticket sellers are able to do so freely. Does the FTC have the authorities and resources required to support a competitive live event ticketing ecosystem? What should this

Committee, the FTC, and other public and private stakeholders do to cultivate competition in the ticket sale and resale marketplace?

Answer. Free markets and fierce competition—not consolidation—is what ultimately lowers costs, drives innovation, and improves the fan experience. Some members of the Ticket Policy Forum are seeking to challenge the status quo in live event ticketing by working directly with teams, venues, and promoters to give fans better access, better technology, more choices and superior user experiences. But real progress has been tough. As I testified on January 28th, the dominant industry player controls around 80 percent or more of major concert venue ticketing and, as the Justice Department antitrust complaint details, illegally acts to limit fair competition.

Therefore, our recommendation is that this Committee not risk inadvertently tipping the scales of competition further in favor of the dominant monopolist. Instead, we recommend policies and rules that strengthen consumer protections in an equitable manner similar to how the FTC's recent all-in price transparency rules applies to all ticket sellers (and not just resale platforms).

With respect to policies that will both not harm competition yet help consumers, the Committee should again focus on the TICKET Act. The TICKET Act addresses refund protection, deceptive websites, and speculative ticket offers. We urge the Committee to push the Senate to send the TICKET Act to the President's desk.

Finally, the Department of Justice has sued Live Nation/Ticketmaster and will hopefully soon commence an antitrust trial where the DOJ, joined by a bipartisan group of 40 state attorneys general will potentially seek far reaching remedies. The Department of Justice should stay on the case until the job is done. A break up of Live Nation and Ticketmaster could remove critical structural and behavioral distortions in ticketing that have resulted in a vertically integrated monopolist that bulies and harms artists, venues, fans, and competing ticketing companies.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. MARSHA BLACKBURN TO
BRIAN BERRY

Question 1. Brokers are very prevalent sellers on resale platforms, and they often markup those tickets at outrageous rates. It is important to understand how prevalent brokers are on your members' platforms and how important they are to their business models. Please provide the percentage of tickets on each of the following platforms that are listed by brokers.

Answer. TPF does not have visibility into the identity of sellers or the percentage of tickets sold by any particular category of seller on member marketplaces and therefore cannot provide that figure.

Importantly, our member marketplaces apply the same rules and standards to all sellers whether a professional reseller, season ticket holder, venue, promoter, team, or an individual fan. All sellers are subject to the same requirements regarding lawful acquisition, ticket delivery, and marketplace conduct.

It is also important to not presume tickets offered to highly popular events are only offered by professional sellers. For example, one member (StubHub) publicly commented that for Taylor Swift's 2023 North American Eras Tour, more than 80 percent of ticket sellers were first-time sellers. While some of these first-time sellers could have been first-time professional sellers, being new to StubHub's marketplace suggests to us that they were likely fan ticketholders looking to sell their tickets at a price of their choosing on a platform that they trust to be safe and secure.

Marketplace integrity is rooted in accountability on both sides of the transaction. Sellers must deliver valid tickets as promised or face financial penalties and removal from the platform.

Buyers must transact through secure accounts and payment systems. These platforms back transactions with fan guarantees, refund protections, ticket verification, and replacement options when available. Seller and buyer identities are kept confidential to protect user safety and reduce fraud risks associated with off-platform transactions.

It is unfortunate that some try to mislead lawmakers and others about professional ticket sellers, creating a false narrative that they do not play a valuable role in the industry and ecosystem or painting a simplistic picture of bad guys versus good guys. Professional ticket sellers are longstanding participants in the live events ecosystem and should not be presumed to be unlawful actors. Like any industry, there are bad actors, but the vast majority of professional sellers operate lawfully and depend on maintaining trust to sustain their businesses. In many cases, they enter into legitimate business arrangements with venues, teams, producers, and promoters, purchasing and assuming ticket inventory and financial risk well before

events occur. This risk transfer can help stabilize revenue for event organizers and provide liquidity in markets with fluctuating demand. To put it simply, these industry participants are early investors in helping live events succeed and leave no seat empty.

TPF supports strong enforcement against unlawful conduct, including violations of the BOTS Act. The focus should remain on those who break the law, not on lawful participants in the resale marketplace.

At their core, our member platforms provide secure, transparent marketplaces that expand consumer choice, flexibility, and access when primary market inventory is limited or unavailable.

Question 2. Resale platforms clearly have a responsibility here. Fans and artists alike want to know that your platforms take the issue of bad actors listing tickets on your platforms seriously. What measures do your members have in place to identify and hold accountable bad actors that list tickets on their platforms?

Answer. Based on what TPF knows, all sellers on marketplaces are held to the same high standard of professional conduct expected of those who offer tickets for sale to consumers.

Marketplaces operate such that both sides of the seller and buyer equation are held accountable. The seller of tickets must deliver legitimate tickets as listed and promised and by the specified delivery date. The buyer must create an account with the platform and use a secure form of payment (credit card) and be prepared to handle the delivery of the tickets when they are transferred. Accountability and trust on our platforms is evidenced by the fact that tens of millions of happy fans buy their tickets each year on our member marketplaces. This accountability and trust is rooted in the 100 percent fan guarantees and refund protection that the marketplaces provide, along with ticket verification and fulfillment services, a comparable replacement ticket option when available should something go wrong, and the ability for marketplaces to financially penalize sellers for not delivering as required and even kicking them off platform entirely.

With tens of millions of successful ticket sales each year on our member company marketplaces, we do not believe we suffer from a “bad actor” problem but a “bad actor” worth the Committee’s time and attention is Live Nation/Ticketmaster. The company could provide the ecosystem with ticket verification such that every legitimate ticket sold by our marketplaces has irrefutable assurance that it will scan for entry. As a result of anticompetitive and harmful exclusionary conduct, however, some states have passed laws that make it illegal for venues to deny entry to a fan on the basis that their ticket was resold. In its amended complaint in the U.S. versus Live Nation/Ticketmaster monopoly case, the DOJ includes detail how Ticketmaster uses technology it markets for anti-fraud and counterfeits (called SafeTix with revolving barcodes and QR codes) to intentionally deny entry to ticketholders who purchased their tickets from a competing non Ticketmaster ticketing company. This is a prime example of a bad actor behaving in bad ways.

Ultimately, our members’ success depends on trust. That trust is built through strong guarantees, meaningful penalties, and decisive action against bad actors—so that fans can focus on enjoying the event, not worrying about whether their ticket will work.

Question 3. Consumer confidence in resale platforms, and the ticketing industry generally, is at an all time low. The BOTS Act was not meant to shield platforms from accountability. It was never meant to be section 230 for ticketing platforms. What do you believe your members’ obligations are under the BOTS Act, and are you confident they’re adhering to those obligations?

Answer. There are agenda-driven industry participants that would like to assert confidence in resale platforms is low, when it is not. In fact our marketplace member companies made “sold out” and “streetcorner ticket scalping” relics of the past. Respectfully, confidence and satisfaction on our platforms is evidenced by the fact that tens of millions of happy fans buy their tickets each year on our member marketplaces. We are proud to successfully serve so many fans each year in getting them into the live events they love.

As for the BOTS Act, it was designed to deter the illegal circumvention of ticket purchase limits at the point of initial sale and specifically at the time of its passage, much of the discussion circled around software script that could “cut in line” and allow someone to jump ahead of those waiting to buy tickets and then be able to scoop up large swaths of tickets in one fell swoop leaving no tickets available for those waiting in line. The BOTS Act was not intended to insulate any platform from responsibility, and resale platforms should not be shielded from accountability.

Our members recognize that obligation.

Under the law, it is illegal to use automated software to bypass primary ticket seller safeguards. While resale marketplaces are not the targets of bot attacks in the same way primary sellers are, our members have clear responsibilities:

1. *Prohibit the listing of illegally obtained tickets.*
Sellers must attest that tickets listed were obtained lawfully and in compliance with applicable laws.
2. *Enforce platform policies against misuse.*
If there is evidence that tickets were acquired through unlawful bot activity, our members investigate and take action, including cancellation of listings, financial penalties, and removal from the platform.
3. *Cooperate with enforcement authorities.*
Our members support FTC and state enforcement efforts and encourage stronger, more consistent enforcement of bot laws.

That said, the ticketing ecosystem presents a structural challenge: resale platforms do not control or operate the primary point of sale, where bot activity occurs. Without interoperability or transparent reporting from primary ticketing systems, there is no independent mechanism for a resale marketplace to definitively determine whether a particular ticket was purchased by a human or a bot.

Primary sellers are the entities that:

- Operate the queue systems,
- Set ticket limits,
- Detect bot intrusions,
- Cancel bot-procured tickets.

Resale platforms do not have visibility into those internal systems.

This is precisely why stronger enforcement and greater transparency at the primary level are critical. If large primary ticketing platforms were required to report confirmed bot breaches and share relevant ticket identifiers with enforcement agencies, the entire ecosystem, including resale marketplaces, would be better positioned to prevent unlawful resale.

RESPONSE TO WRITTEN QUESTION SUBMITTED BY HON. JOHN HICKENLOOPER TO
BRIAN BERRY

FIFA 2026 World Cup. The FTC's Junk Fees Rule and the TICKET Act both mandate 'all-in pricing' to ensure fans aren't blindsided at checkout. However, recent reports indicate that for the 2026 World Cup, mandatory parking fees—a functional necessity for access—are being siloed into a separate, opaque structure. Reported parking fees of over \$250 per parking pass may even exceed the cost to attend a 2026 World Cup match altogether.

Question 1. For tickets sold to consumers for the upcoming FIFA 2026 World Cup, how will your platform ensure fans are not surprised by a separate, opaque fee structure for a necessity to access the venue where a World Cup match is held?

Answer. Our marketplaces offer for sale what the ticketholder/seller purchased—whether that is a ticket for entry and nothing else, or if that ticket includes ancillary services such as parking. So, if a seller has a FIFA ticket with parking, that is what is sold. If a seller only has a parking pass and is selling that, then that is what they can sell. What our customers can expect is a transparent, protected ticket buying experience for the World Cup.

I cannot speak to how FIFA is choosing to list parking passes or other ancillary purchases aside from the tickets themselves, but for listings on our members' platforms that are for parking passes, they comply with all Federal rules and state and local laws regarding price listings, including the FTC Junk Fee Rule. If improprieties are reported to any of our marketplace member companies, they have staff who investigate complaints and work to resolve them. So, for example if a ticket that came with parking is split into two and that is reported to the marketplace, it is easier for the marketplace to contact the seller to remedy the situation.

RESPONSE TO WRITTEN QUESTION SUBMITTED BY HON. JERRY MORAN TO
DAVID WEINGARDEN

Question 1. Existing laws that seek to police unfair, deceptive, and anticompetitive practices in the live event ticketing industry—including the BOTS Act—provide for a certain threshold of interagency and intergovernmental coordination. The

BOTS Act, for example, provides for enforcement by the FTC and coordination with state attorneys general, who may bring civil action in Federal court on the basis of the BOTS Act, in consultation with the FTC. In practice—and in other legislative proposals—enforcement and coordination include the Department of Justice and other relevant state and local law enforcement agencies. How do independent venues such as those represented by your association support a competitive and fair live event ticketing ecosystem?

Answer. Independent venues support a competitive and fair live event ticketing ecosystem by prioritizing fan access, transparent pricing, and accountability across the marketplace.

The BOTS Act was an important first step in outlawing the software used by scalpers to hoard tickets and establishing a framework for enforcement by the FTC and State Attorneys General. However, in the nine years since its passage, there has been only one significant Federal enforcement action despite the rampant bot activity our venues face daily. For an independent promoter, even if enforced, the BOTS Act is a *reactive* tool. It addresses illegal activity after a show, which does nothing to help the fans who were priced out at onsale or the venue that lost night-of revenue to bots and scalpers.

To meaningfully deter bots and restore fairness, two structural reforms are necessary.

First, ticketing companies should be required to disclose when circumvention has occurred on their platforms. If a primary ticketing platform detects that security measures were bypassed during an onsale, that information should be transparently reported and shared with enforcement agencies. Transparency is critical to accountability. Without mandatory disclosure, regulators and the public lack the visibility into the true scope of bot activity. And it is widespread. The MAIN Event Ticketing Act provides a strong model in this regard and we support it moving forward.

Second, Congress and states should adopt resale price caps. Bots exist because there is extraordinary financial incentive to resell tickets in the secondary market. When tickets can be resold at unlimited markups, automated software becomes a highly profitable business model. If reasonable 10 percent resale price caps are implemented, scalpers are disincentivized from employing bots in the first place. We've heard this anecdotally from the venues in states that have already passed resale price caps.

Independent venues like mine also support strong enforcement against anti-competitive conduct in the live entertainment marketplace and want the Live Nation antitrust case to continue in entirety. A competitive ecosystem requires that dominant firms are held accountable under existing antitrust law. Allowing consolidation or negotiated settlements that fail to restore competition undermines independent operators and limits real choice for artists and fans.

While we support the goals of Federal reform efforts, proposals must also avoid creating new loopholes. For example, allowing resellers to rebrand speculative listings as a “concierge” or “procurement” service, like in the current version of the TICKET Act, would effectively legitimize the sale of tickets that do not yet exist and undermine all the work independent venues are doing across the country to protect our fans and businesses. Passing the TICKET Act would weaken consumer protection and enshrine the very predatory practices reform is intended to eliminate.

In the absence of sufficient Federal enforcement, independent venues take real-time protective action. We manually scrub sales data, cancel suspicious orders, limit ticket quantities, and implement delayed delivery to safeguard inventory. But this places us in a constant arms race. Without clear Federal standards that eliminate speculative ticketing—advertising and selling tickets the scalper doesn't actually have—mandate disclosure of security circumvention, impose reasonable 10 percent resale price limits, and hold secondary platforms accountable for the inventory they profit from, independent venues will continue to shoulder the burden alone.

A competitive and fair ticketing ecosystem depends not only on laws on the books, but on meaningful enforcement, structural deterrence, and closing loopholes that allow predatory ticketing practices to persist.