



January 28, 2026

The Hon. Marsha Blackburn, Chair
The Hon. John Hickenlooper, Ranking Member
U.S. Senate Committee on Commerce, Science, and Transportation
Subcommittee on Consumer Protection, Technology, and Data Privacy
Washington, DC 20510

Re: Statement for the January 28, 2026, subcommittee hearing entitled: *Fees Rolled on All Summer Long: Examining the Live Entertainment Industry*

Dear Chairman Blackburn, Ranking Member Hickenlooper, and Members of the Subcommittee:

Thank you for holding a hearing on the live entertainment industry and its ticket sale practices in particular. I write on behalf of the National Association of Consumer Advocates (NACA), a nonprofit organization actively engaged in promoting a fair and open marketplace that forcefully protects the rights of consumers, particularly those of modest means. As the committee examines solutions to address insidious practices in live-event ticketing, including the imposition of excessive charges and fees on ticket buyers, we urge you to consider a critical factor, specifically ticket-selling platforms' use of rights-deletion provisions in their take-it-or-leave-it terms of use. These provisions, including pre-dispute forced arbitration clauses, tie concertgoers' hands and render them powerless to act when they are cheated or deceived in the ticket-buying process.¹

Unfair and deceptive tactics permeate the ticket buying experience for fans of live entertainment events. It is well documented that live-event ticket sellers have been able to squeeze consumers during the ticket purchase process with hidden extra fees, concealment of the true prices of tickets, and even misrepresentations regarding actual ticket availability.² The market dominance of the few ticket-selling platforms also enable predatory and deceptive ticket selling. These dominant players then advance their market positions even further and push out competition by using the fine print to squash the freedom and rights of frustrated fans to challenge harmful practices.

NACA, as a participant in the Ticket Buyer Bill of Rights Coalition, supports legislation to improve the ticket buying process for individuals.³ The Transparency In Charges for Key Events Ticketing (TICKET) Act, for example, would address systemic schemes, such as "drip pricing," where initially a consumer only sees part of the ticket price and then other charges are unveiled later on

¹ Andrea Boyack, *Abuse of Contract: Boilerplate Erasure of Consumer Counterparty Rights*, 110 Iowa Law Review 497 (2025).

² Federal Trade Commission, *FTC Sues Live Nation and Ticketmaster for Engaging in Illegal Ticket Resale Tactics and Deceiving Artists and Consumers about Price and Ticket Limits*, September 18, 2025, <https://www.ftc.gov/news-events/news/press-releases/2025/09/ftc-sues-live-nation-ticketmaster-engaging-illegal-ticket-resale-tactics-deceiving-artists-consumers>.

³ Ticket Buyer Bill of Rights Coalition, *Bipartisan Live Event Ticketing Legislation Advances in Congress; Ticket Buyer Bill of Rights Coalition Supports the Advancement of the TICKET Act and STOP Act*, <https://www.ticketbuyerbillofrights.org/news/bipartisan-live-event-ticketing-legislation-advances-in-congress-ticket-buyer-bill-of-rights-coalition-supports-the-advancement-of-the-ticket-act-and-stop-act>

in the buying process.⁴ Drip pricing, and ticketing platforms' allowed or negligent acceptance of unverified users or bots and scalpers on platforms trap fans into immediately paying higher costs significantly above the advertised ticket price.⁵ The TICKET Act would ensure prominent disclosure of the total ticket price, full disclosure of itemized fees, and other reasonable protections.

Ticket buyers also need legislation to secure their right to seek remedies and hold law-breaking ticketing platforms accountable in court. Ticket sellers use their fine-print terms of use to eliminate their customers' constitutional right to a jury trial and force them to take legal claims into private, secret arbitration. The process locks people out of the court system and prevents them from enforcing even the most basic legal protections. Forced arbitration clauses rig the system in favor of the offenders and stack the system against individuals, with restrictions such as unreasonable short deadlines to bring claims and removal of due process and legal protections. Arbitration as a dispute resolution tool should be chosen by all parties to a dispute only after it arises, not chosen in advance by the lone drafter of the fine print.

Live Nation, the parent company of, Ticketmaster, which dominates the ticketing industry is a prime example.⁶ These entities have been widely criticized for anticompetitive conduct, outrageous fees, and limited options for fans and artists.⁷ When consumers try to challenge their practices, they are forced into arbitration due to the terms in the Ticketmaster app or website. In one recent case, Live Nation unilaterally revised the arbitration rules including the arbitration provider itself in the middle of the litigation. The platform created a process that made it "impossible" for claimants to present their complaints. Fortunately, an appellate court called that action "unconscionable," and allowed the case to go forward in court.⁸

Live Nation/Ticketmaster has since revised its terms of use again but still forces fans into individual arbitration and prohibits them from banding together in class or collection actions. Even when courts recognize the deep inequality and unfairness of forced arbitration practices, ticketing platforms still hold all the leverage against their customers and the live entertainment market at large. It is an unfortunate blueprint for companies that use forced arbitration to suppress complaints and monopolize the market with shady practices.

The court system is a market-based solution for individuals to address violations of their legal and property rights. We strongly recommend that Congress restrict forced arbitration clauses and class action bans in ticket seller terms and conditions and restore fans' freedom to challenge predatory practices and anticompetitive conduct in court.

⁴ H.R.1402 and S.281, TICKET Act (119th Congress (2025-2026)). See, e.g. *District of Columbia v. Stubhub, Inc.*, Sup. Ct. of D.C., July 30, 2024. See, also, Federal Trade Commission, *Trade Regulation Rule on Unfair or Deceptive Fees*, 90 Fed. Reg. 2066, Jan. 10, 2025.

⁵ Report of the Comm. On Commerce, Science, and Transportation on S. 281, Transparency In Charges For Key Events Ticketing Act, April 29, 2025.

⁶ Krista Brown, *The Depth of Live Nation's Dominance*, American Economic Liberties Project, June 15, 2023, <https://www.economicliberties.us/our-work/the-depth-of-live-nations-dominance/>.

⁷ Federal Trade Commission, *FTC Sues Live Nation and Ticketmaster for Engaging in Illegal Ticket Resale Tactics and Deceiving Artists and Consumers about Price and Ticket Limits*, September 18, 2025, <https://www.ftc.gov/news-events/news/press-releases/2025/09/ftc-sues-live-nation-ticketmaster-engaging-illegal-ticket-resale-tactics-deceiving-artists-consumers>. Department of Justice, *Justice Department Sues Live Nation-Ticketmaster for Monopolizing Markets Across the Live Concert Industry*, May 23, 2024, <https://www.justice.gov/archives/opa/pr/justice-department-sues-live-nation-ticketmaster-monopolizing-markets-across-live-concert?emci=44180cae-2f19-ef11-86d0-6045bdd9e096&emdi=a4c08846-3019-ef11-86d0-6045bdd9e096&ceid=4717651>.

⁸ *Heckman v. Live Nation Ent., Inc.*, 120 F.4th 670 (9th Cir. 2024).

Thank you for considering our views. Please feel free to contact me at *christine @ consumeradvocates.org* to discuss these issues further.

Sincerely,

Christine Hines
Senior Policy Director

cc: Members of the U.S. Senate Committee on Commerce, Science, and Transportation