

January [DATE], 2020

Pearl Jam

Sent via email: Info@PearlJam.com

The Honorable Frank Pallone
Committee on Energy and Commerce
2125 Rayburn House Office Building
Washington, DC 20515

Dear Chairman Pallone and Ranking Member Walden,

We write to you as one of the biggest touring bands of the last three decades. We also write to you as the **working musicians and the MUSIC FANS we were for years before that**. We haven't forgotten what it is like to hunger and work so hard to see our favorite bands and as a result, we have worked continuously to ensure our fans can see our shows at a reasonable cost.

WE KNOW HOW TO SERVICE TICKETS TO OUR FANS. Only a few artists in our profession have worked to provide tickets directly to fans. We developed a system for our fan club outside of public sales. For almost thirty years, we have learned from our successes and failures; we have real time experience making sure people buying our tickets actually attend the shows and do not merely sell seats at a markup. We are sympathetic to fans who haven't seen their favorite acts and who mistakenly believe that artists and promoters who are driving prices up through manufactured scarcity.

It is with that in mind that we oppose the Better Oversight of Secondary Sales and Accountability in Concert Ticketing (BOSS Act) (H.R. 3248/S.1850). H.R. 3248 has been presented as a protection for concertgoers to get access to live concerts. Instead, we believe that it primarily, if not entirely, benefits professional ticket resellers using the so-called "secondary market." We urge you to stand with us and our fans to reject this flawed legislation.

Some challenges we see with H.R. 3248:

It blocks non-transferrable ticketing: CONSUMERS NEED ARTISTS TO LIMIT SCALPING AND TICKET FRAUD to use and ensure that tickets go to fans instead of profit seekers; transfer restrictions make that possible. Over the last decade of selling concert tickets, we have seen this become an important tool to ensure our fans get to see us at a reasonable price. The benefits to bad actors in the secondary market ultimately hurt the consumers more than the challenges around restricting transferability as professional resellers get tickets meant for fans.

It requires primary ticket sellers to disclose the total number of tickets offered to the general public a week before the primary sale. THIS HURTS CONSUMERS MORE THAN IT WILL HELP, because consumers don't make purchasing decisions based on how many tickets are available—bulk purchasers like professional resellers do. Many times in final planning, after tickets have gone on-sale, we are able to create additional ticket opportunities. Artists need to retain this flexibility, for example, to open "obstructed view" seats after a concert nears sellout. We have found this to be beneficial to true fan

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consumers that otherwise would have missed a sold-out show.

While H.R. 3248 as it is currently written would ultimately hurt our fans, we do think it contains some reforms that would benefit both consumers and touring artists. We support the elements that prevent “speculative ticketing,” where “bots” hold many tickets until they find a buyer, preventing real fans from buying tickets directly and misleading others into thinking they’re guaranteed a particular seat. We also agree that the secondary market should not be permitted to confuse consumers by using deceptive websites and support the provisions requiring clear disclosure of all fees attached to a particular ticket.

We constantly think about these issues. Concert tickets are THE connection to our fans. We understand that people occasionally need to re-sell a ticket, and there can be beneficial elements to a secondary market, but we believe H.R. 3248 in its entirety strengthens mass resellers and does not protect the consumer.

Please join us in opposing H.R. 3248.

Sincerely,

PEARL JAM

CC:

Consumer Protection and Commerce Subcommittee

Chairwoman Jan Schakowsky

Ranking Member Cathy McMorris Rodgers

Oversight and Investigations Subcommittee

Chairwoman Diana DeGette

Ranking Member Brett Guthrie