

AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 2713
OFFERED BY M. _____

Strike all after the enacting clause and insert the following:

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Mitigating Automated
3 Internet Networks for Event Ticketing Act” or the
4 “MAIN Event Ticketing Act”.

5 SEC. 2. STRENGTHENING THE BOTS ACT.

6 (a) IN GENERAL.—Section 2 of the Better Online
7 Ticket Sales Act of 2016 (15 U.S.C. 45c) is amended—

8 (1) in subsection (a)(1)—

9 (A) in subparagraph (A)—

10 (i) by inserting “online” before “ticket
11 issuer”; and

(ii) by striking “; or” and inserting a semicolon;

14 (B) in subparagraph (B), by striking the
15 period at the end and inserting “; or”; and

16 (C) by adding at the end the following new
17 subparagraph:

1 “(C) to use or cause to be used an applica-
2 tion that performs automated tasks to purchase
3 event tickets from an Internet website or online
4 service in circumvention of posted online ticket
5 purchasing order rules of the Internet website
6 or online service, including a software applica-
7 tion that circumvents an access control system,
8 security measure, or other technological control
9 or measure.”;

10 (2) by redesignating subsections (b) and (c) as
11 subsections (c) and (d), respectively;

12 (3) by inserting after subsection (a) the fol-
13 lowing new subsection:

14 “(b) REQUIRING ONLINE TICKET ISSUERS TO PUT
15 IN PLACE SITE POLICIES AND ESTABLISH SAFEGUARDS
16 TO PROTECT SITE SECURITY.—

17 “(1) REQUIREMENT TO ENFORCE SITE POLI-
18 CIES.—Each ticket issuer that owns or operates an
19 Internet website or online service that facilitates or
20 executes the sale of event tickets shall ensure that
21 such website or service has in place an access control
22 system, security measure, or other technological con-
23 trol or measure to enforce posted event ticket pur-
24 chasing limits.

1 “(2) REQUIREMENT TO ESTABLISH SITE SECU-
2 RITY SAFEGUARDS.—

3 “(A) IN GENERAL.—Each ticket issuer
4 that owns or operates an Internet website or
5 online service that facilitates or executes the
6 sale of event tickets shall establish, implement,
7 and maintain reasonable administrative, tech-
8 nical, and physical safeguards to protect the se-
9 curity, confidentiality, integrity, or availability
10 of the website or service.

11 “(B) CONSIDERATIONS.—In establishing
12 the safeguards described in subparagraph (A),
13 each ticket issuer described in such paragraph
14 shall consider—

15 “(i) the administrative, technical, and
16 physical safeguards that are appropriate to
17 the size and complexity of the ticket issuer;

18 “(ii) the nature and scope of the ac-
19 tivities of the ticket issuer;

20 “(iii) the sensitivity of any customer
21 information at issue; and

22 “(iv) the range of security risks and
23 vulnerabilities that are reasonably foresee-
24 able or known to the ticket issuer.

1 “(C) THIRD PARTIES AND SERVICE PRO-
2 VIDERS.—

3 “(i) IN GENERAL.—Where applicable,
4 a ticket issuer that owns or operates an
5 Internet website or online service that fa-
6 cilitates or executes the sale of event tick-
7 ets shall implement and maintain proce-
8 dures to require that any third party or
9 service provider that performs services with
10 respect to the sale of event tickets or has
11 access to data regarding event ticket pur-
12 chasing on the website or service maintains
13 reasonable administrative, technical, and
14 physical safeguards to protect the security
15 and integrity of the website or service and
16 that data.

17 “(ii) OVERSIGHT PROCEDURE RE-
18 QUIREMENTS.—The procedures imple-
19 mented and maintained by a ticket issuer
20 in accordance with clause (i) shall include
21 the following:

22 “(I) Taking reasonable steps to
23 select and retain service providers
24 that are capable of maintaining ap-

1 appropriate safeguards for the customer
2 information at issue.

3 “(II) Requiring service providers
4 by contract to implement and main-
5 tain adequate safeguards.

6 “(III) Periodically assessing serv-
7 ice providers based on the risk they
8 present and the continued adequacy of
9 their safeguards.

10 “(D) UPDATES.—A ticket issuer that owns
11 or operates an Internet website or online service
12 that facilitates or executes the sale of event
13 tickets shall regularly evaluate and make ad-
14 justments to the safeguards described in sub-
15 paragraph (A) in light of any material changes
16 in technology, internal or external threats to
17 system security, confidentiality, integrity, and
18 availability, and the changing business arrange-
19 ments or operations of the ticket issuer.

20 “(3) REQUIREMENT TO REPORT INCIDENTS OF
21 CIRCUMVENTION; CONSUMER COMPLAINTS.—

22 “(A) IN GENERAL.—A ticket issuer that
23 owns or operates an Internet website or online
24 service that facilitates or executes the sale of
25 event tickets shall report to the Commission

1 any incidents of circumvention of which the
2 ticket issuer has actual knowledge.

3 “(B) CONSUMER COMPLAINT WEBSITE.—
4 Not later than 180 days after the date of enact-
5 ment of the Mitigating Automated Internet
6 Networks for Event Ticketing Act, the Commis-
7 sion shall create a publicly available website (or
8 modify an existing publicly available website of
9 the Commission) to allow individuals to report
10 violations of this subsection to the Commission.

11 “(C) REPORTING TIMELINE AND PROC-
12 ESS.—

13 “(i) TIMELINE.—A ticket issuer shall
14 report incidents of circumvention of which
15 such issuer has actual knowledge within a
16 reasonable period of time after the incident
17 of circumvention is discovered by the ticket
18 issuer, and in no case later than 30 days
19 after an incident of circumvention is dis-
20 covered by the ticket issuer.

21 “(ii) AUTOMATED SUBMISSION.—The
22 Commission may establish a reporting
23 mechanism to provide for the automatic
24 submission of reports required under this
25 subsection.

1 “(iii) COORDINATION WITH STATE AT-
2 TORNEYS GENERAL.—The Commission
3 shall—

4 “(I) share reports received from
5 ticket issuers under subparagraph (A)
6 with State attorneys general as appro-
7 priate; and

8 “(II) share consumer complaints
9 submitted through the website estab-
10 lished under subparagraph (B) with
11 State attorneys general as appro-
12 priate.

13 “(4) DUTY TO ADDRESS CAUSES OF CIR-
14 CUMVENTION.—A ticket issuer that owns or operates
15 an Internet website or online service that facilitates
16 or executes the sale of event tickets must take rea-
17 sonable steps to improve its access control systems,
18 security measures, and other technological controls
19 or measures to address any incidents of circumven-
20 tion of which the ticket issuer has actual knowledge.

21 “(5) FTC GUIDANCE.—Not later than 1 year
22 after the date of enactment of the Mitigating Auto-
23 mated Internet Networks for Event Ticketing Act,
24 the Commission shall publish guidance for ticket

1 issuers on compliance with the requirements of this
2 subsection.”;

3 (4) in subsection (c), as redesignated by para-
4 graph (1) of this subsection—

5 (A) by striking “subsection (a)” each place
6 it appears and inserting “subsection (a) or (b)”;

7 (B) in paragraph (2)—

8 (i) in subparagraph (A), by striking
9 “The Commission” and inserting “Except
10 as provided in paragraph (3), the Commis-
11 sion”; and

12 (ii) in subparagraph (B), by striking
13 “Any person” and inserting “Subject to
14 paragraph (3), any person”; and

15 (C) by adding at the end the following new
16 paragraphs:

17 “(3) CIVIL ACTION.—

18 “(A) IN GENERAL.—If the Commission has
19 reason to believe that any person has committed
20 a violation of subsection (a) or (b), the Commis-
21 sion may bring a civil action in an appropriate
22 district court of the United States to—

23 “(i) recover a civil penalty under
24 paragraph (4); and

1 “(ii) seek other appropriate relief, in-
2 cluding injunctive relief and other equi-
3 table relief.

4 “(B) LITIGATION AUTHORITY.—Except as
5 otherwise provided in section 16(a)(3) of the
6 Federal Trade Commission Act (15 U.S.C.
7 56(a)(3)), the Commission shall have exclusive
8 authority to commence or defend, and supervise
9 the litigation of, any civil action authorized
10 under this paragraph and any appeal of such
11 action in its own name by any of its attorneys
12 designated by it for such purpose, unless the
13 Commission authorizes the Attorney General to
14 do so. The Commission shall inform the Attor-
15 ney General of the exercise of such authority
16 and such exercise shall not preclude the Attor-
17 ney General from intervening on behalf of the
18 United States in such action and any appeal of
19 such action as may be otherwise provided by
20 law.

21 “(C) RULE OF CONSTRUCTION.—Any civil
22 penalty or relief sought through a civil action
23 under this paragraph shall be in addition to
24 other penalties and relief as may be prescribed
25 by law.

1 “(4) CIVIL PENALTIES.—

2 “(A) IN GENERAL.—Any person who vio-
3 lates subsection (a) or (b) shall be liable for—

4 “(i) a civil penalty of not less than
5 \$10,000 for each day during which the vio-
6 lation occurs or continues to occur; and

7 “(ii) an additional civil penalty of not
8 less than \$1,000 per violation.

9 “(B) ENHANCED CIVIL PENALTY FOR IN-
10 TENTIONAL VIOLATIONS.—In addition to the
11 civil penalties under subparagraph (A), a per-
12 son that intentionally violates subsection (a) or
13 (b) shall be liable for a civil penalty of not less
14 than \$10,000 per violation.”;

15 (5) in subsection (d), as redesignated by para-
16 graph (1) of this subsection, by striking “subsection
17 (a)” each place it appears and inserting “subsection
18 (a) or (b)”; and

19 (6) by adding at the end the following new sub-
20 sections:

21 “(e) LAW ENFORCEMENT COORDINATION.—

22 “(1) IN GENERAL.—The Federal Bureau of In-
23 vestigation, the Department of Justice, and other
24 relevant State or local law enforcement officials shall
25 coordinate as appropriate with the Commission to

1 share information about known instances of
2 cyberattacks on security measures, access control
3 systems, or other technological controls or measures
4 on an Internet website or online service that are
5 used by ticket issuers to enforce posted event ticket
6 purchasing limits or to maintain the integrity of
7 posted online ticket purchasing order rules. Such co-
8 ordination may include providing information about
9 ongoing investigations but may exclude classified in-
10 formation or information that could compromise a
11 law enforcement or national security effort, as ap-
12 propriate.

13 “(2) CYBERATTACK DEFINED.—In this para-
14 graph, the term ‘cyberattack’ means an attack, via
15 cyberspace, targeting an enterprise’s use of cyber-
16 space for the purpose of—

17 “(A) disrupting, disabling, destroying, or
18 maliciously controlling a computing environ-
19 ment or computing infrastructure; or

20 “(B) destroying the integrity of data or
21 stealing controlled information.

22 “(f) CONGRESSIONAL REPORT.—Not later than 1
23 year after the date of enactment of this paragraph, the
24 Commission shall report to Committee on Commerce,
25 Science, and Transportation of the Senate and the Com-

1 mittee on Energy and Commerce of the House of Rep-
2 resentatives on the status of enforcement actions taken
3 pursuant to this Act, as well as any identified limitations
4 to the Commission’s ability to pursue incidents of cir-
5 cumvention described in subsection (a)(1)(A).”.

6 (b) ADDITIONAL DEFINITION.—Section 3 of the Bet-
7 ter Online Ticket Sales Act of 2016 (15 U.S.C. 45c note)
8 is amended by adding at the end the following new para-
9 graph:

10 “(4) CIRCUMVENTION.—The term ‘circumven-
11 tion’ means the act of avoiding, bypassing, removing,
12 deactivating, or otherwise impairing an access con-
13 trol system, security measure, safeguard, or other
14 technological control or measure described in section
15 2(b)(1).”.

