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1ST SESSION

S. 3191

To improve online ticket sales and protect consumers, and for other purposes.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 1, 2023

Mrs. BLACKBURN (for herself and Mr. LUJÁN) introduced the following bill;
which was read twice and referred to the Committee on Commerce,
Science, and Transportation

A BILL

To improve online ticket sales and protect consumers, and
for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

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

7 **SEC. 2. STRENGTHENING THE BOTS ACT.**

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

10 (1) in subsection (a)(1)—

1 (A) in subparagraph (A), by striking “;
2 or” and inserting a semicolon;

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

5 (C) by adding at the end the following new
6 subparagraph:

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

16 (2) by redesignating subsections (b) and (c) as
17 subsections (c) and (d), respectively;

18 (3) by inserting after subsection (a) the fol-
19 lowing new subsection:

20 “(b) REQUIRING ONLINE TICKET ISSUERS TO PUT
21 IN PLACE SITE POLICIES AND ESTABLISH SAFEGUARDS
22 TO PROTECT SITE SECURITY.—

23 “(1) REQUIREMENT TO ENFORCE SITE POLI-
24 CIES.—Each ticket issuer that owns or operates an
25 Internet website or online service that facilitates or

1 executes the sale of event tickets shall ensure that
2 such website or service has in place an access control
3 system, security measure, or other technological con-
4 trol or measure to enforce posted event ticket pur-
5 chasing limits.

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

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

16 “(B) CONSIDERATIONS.—In establishing
17 the safeguards described in subparagraph (A),
18 each ticket issuer described in such paragraph
19 shall consider—

20 “(i) the administrative, technical, and
21 physical safeguards that are appropriate to
22 the size and complexity of the ticket issuer;

23 “(ii) the nature and scope of the ac-
24 tivities of the ticket issuer;

1 “(iii) the sensitivity of any customer
2 information at issue; and

3 “(iv) the range of security risks and
4 vulnerabilities that are reasonably foresee-
5 able or known to the ticket issuer.

6 “(C) THIRD PARTIES AND SERVICE PRO-
7 VIDERS.—

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

22 “(ii) OVERSIGHT PROCEDURE RE-
23 QUIREMENTS.—The procedures imple-
24 mented and maintained by a ticket issuer

1 in accordance with clause (i) shall include
2 the following:

3 “(I) Taking reasonable steps to
4 select and retain service providers
5 that are capable of maintaining ap-
6 propriate safeguards for the customer
7 information at issue.

8 “(II) Requiring service providers
9 by contract to implement and main-
10 tain adequate safeguards.

11 “(III) Periodically assessing serv-
12 ice providers based on the risk they
13 present and the continued adequacy of
14 their safeguards.

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

1 “(3) REQUIREMENT TO REPORT INCIDENTS OF
2 CIRCUMVENTION; CONSUMER COMPLAINTS.—

3 “(A) IN GENERAL.—A ticket issuer that
4 owns or operates an Internet website or online
5 service that facilitates or executes the sale of
6 event tickets shall report to the Commission
7 any incidents of circumvention of which the
8 ticket issuer has actual knowledge.

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

17 “(C) REPORTING TIMELINE AND PROC-
18 ESS.—

19 “(i) TIMELINE.—A ticket issuer shall
20 report known incidents of circumvention
21 within a reasonable period of time after
22 the incident of circumvention is discovered
23 by the ticket issuer, and in no case later
24 than 30 days after an incident of cir-

1 cumvention is discovered by the ticket
2 issuer.

3 “(ii) AUTOMATED SUBMISSION.—The
4 Commission may establish a reporting
5 mechanism to provide for the automatic
6 submission of reports required under this
7 subsection.

8 “(iii) COORDINATION WITH STATE AT-
9 TORNEYS GENERAL.—The Commission
10 shall—

11 “(I) share reports received from
12 ticket issuers under subparagraph (A)
13 with State attorneys general as appro-
14 priate; and

15 “(II) share consumer complaints
16 submitted through the website estab-
17 lished under subparagraph (B) with
18 State attorneys general as appro-
19 priate.

20 “(4) DUTY TO ADDRESS CAUSES OF CIR-
21 CUMVENTION.—A ticket issuer that owns or operates
22 an Internet website or online service that facilitates
23 or executes the sale of event tickets must take rea-
24 sonable steps to improve its access control systems,
25 security measures, and other technological controls

1 or measures to address any incidents of circumven-
2 tion of which the ticket issuer has actual knowledge.

3 “(5) FTC GUIDANCE.—Not later than 1 year
4 after the date of enactment of the Mitigating Auto-
5 mated Internet Networks for Event Ticketing Act,
6 the Commission shall publish guidance for ticket
7 issuers on compliance with the requirements of this
8 subsection.”;

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

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

13 (B) in paragraph (2)—

14 (i) in subparagraph (A), by striking
15 “The Commission” and inserting “Except
16 as provided in paragraph (3), the Commis-
17 sion”;

18 (ii) in subparagraph (B), by striking
19 “Any person” and inserting “Subject to
20 paragraph (3), any person”;

21 (C) by adding at the end the following new
22 paragraphs:

23 “(3) CIVIL ACTION.—

24 “(A) IN GENERAL.—If the Commission has
25 reason to believe that any person has committed

1 a violation of subsection (a) or (b), the Commis-
2 sion may bring a civil action in an appropriate
3 district court of the United States to—

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

6 “(ii) seek other appropriate relief, in-
7 cluding injunctive relief and other equi-
8 table relief.

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

1 “(C) RULE OF CONSTRUCTION.—Any civil
2 penalty or relief sought through a civil action
3 under this paragraph shall be in addition to
4 other penalties and relief as may be prescribed
5 by law.

6 “(4) CIVIL PENALTIES.—

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

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

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

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

20 (5) in subsection (d), as redesignated by para-
21 graph (1) of this subsection, by striking “subsection
22 (a)” each place it appears and inserting “subsection
23 (a) or (b)”;

24 (6) by adding at the end the following new sub-
25 sections:

1 “(e) LAW ENFORCEMENT COORDINATION.—

2 “(1) IN GENERAL.—The Federal Bureau of In-
3 vestigation, the Department of Justice, and other
4 relevant State or local law enforcement officials shall
5 coordinate as appropriate with the Commission to
6 share information about known instances of
7 cyberattacks on security measures, access control
8 systems, or other technological controls or measures
9 on an Internet website or online service that are
10 used by ticket issuers to enforce posted event ticket
11 purchasing limits or to maintain the integrity of
12 posted online ticket purchasing order rules. Such co-
13 ordination may include providing information about
14 ongoing investigations but may exclude classified in-
15 formation or information that could compromise a
16 law enforcement or national security effort, as ap-
17 propriate.

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

22 “(A) disrupting, disabling, destroying, or
23 maliciously controlling a computing environ-
24 ment or computing infrastructure; or

1 “(B) destroying the integrity of data or
2 stealing controlled information.

3 “(f) CONGRESSIONAL REPORT.—Not later than 1
4 year after the date of enactment of this paragraph, the
5 Commission shall report to Committee on Commerce,
6 Science, and Transportation of the Senate and the Com-
7 mittee on Energy and Commerce of the House of Rep-
8 resentatives on the status of enforcement actions taken
9 pursuant to this Act, as well as any identified limitations
10 to the Commission’s ability to pursue incidents of cir-
11 cumvention described in subsection (a)(1)(A).”.

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

16 “(4) CIRCUMVENTION.—The term ‘circumven-
17 tion’ means the act of avoiding, bypassing, removing,
18 deactivating, or otherwise impairing an access con-
19 trol system, security measure, safeguard, or other
20 technological control or measure described in section
21 2(b)(1).”.

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