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(Original Signature of Member)

119TH CONGRESS  
1ST SESSION

**H. R.** \_\_\_\_\_

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

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IN THE HOUSE OF REPRESENTATIVES

Mrs. HARSHBARGER introduced the following bill; which was referred to the  
Committee on \_\_\_\_\_  
\_\_\_\_\_

**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—

1 (1) in subsection (a)(1)—

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

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

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

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

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

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

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

24 “(1) **REQUIREMENT TO ENFORCE SITE POLI-**  
25 **CIES.—**Each ticket issuer that owns or operates an

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

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

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

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

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

24 “(ii) the nature and scope of the ac-  
25 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”; and

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

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).”.