

Marsha Blackburn

AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—119th Cong., 1st Sess.

S. 196

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

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended
to be proposed by Mrs. BLACKBURN *and Mr. Luján*

Viz:

1 Strike all after the enacting clause and insert the fol-
2 lowing:

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)—

11 (A) in subparagraph (A)—

1 (i) by inserting "online" before "ticket
2 issuer"; and

3 (ii) by striking "; or" and inserting a
4 semicolon;

5 (B) in subparagraph (B), by striking the
6 period at the end and inserting "; or"; and

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

9 "(C) to use or cause to be used an applica-
10 tion, including a software application, that per-
11 forms automated tasks to purchase event tick-
12 ets from an Internet website or online service
13 used by an online ticket issuer through the cir-
14 cumvention of an access control system, secu-
15 rity measure, or other technological control or
16 measure used by such Internet website or online
17 service to enforce posted online ticket pur-
18 chasing order rules of the Internet website or
19 online service.";

20 (2) by redesignating subsections (b) and (c) as
21 subsections (c) and (d), respectively;

22 (3) by inserting after subsection (a) the fol-
23 lowing new subsection:

24 "(b) REQUIRING ONLINE TICKET ISSUERS TO EN-
25 FORCE SITE POLICIES.—

1 “(1) REQUIREMENT TO ENFORCE AND UPDATE
2 SITE POLICIES.—Each online ticket issuer shall—

3 “(A) establish, implement, and maintain
4 an access control system, security measure, or
5 other technological control or measure to en-
6 force posted event ticket purchasing limits and
7 to maintain the integrity of posted online ticket
8 purchasing order rules; and

9 “(B) regularly evaluate and make adjust-
10 ments, as necessary, to such an access control
11 system, security measure, or other technological
12 control or measure in light of any material
13 changes in technology, internal or external
14 threats to system security, and the changing
15 business arrangements or operations of the
16 ticket issuer.

17 “(2) REQUIREMENT TO REPORT INCIDENTS OF
18 CIRCUMVENTION; CONSUMER COMPLAINTS.—

19 “(A) IN GENERAL.—Each online ticket
20 issuer shall report to the Commission any inci-
21 dents of circumvention of which the ticket
22 issuer has actual knowledge not later than 30
23 days after the incident of circumvention is dis-
24 covered by the online ticket issuer.

1 “(B) ELECTRONIC SUBMISSION.—The
2 Commission may establish a reporting mecha-
3 nism to provide for the electronic submission of
4 reports required by subparagraph (A).

5 “(C) COORDINATION WITH STATE ATTOR-
6 NEYS GENERAL.—The Commission shall share
7 with State attorneys general, as appropriate—

8 “(i) any report received from online
9 ticket issuers under subparagraph (A); and

10 “(ii) consumer complaints related to
11 any violation of this subsection that are
12 submitted through the Commission’s
13 website.

14 “(3) REQUIREMENT TO ADDRESS KNOWN
15 CAUSES OF CIRCUMVENTION.—Each online ticket
16 issuer shall take reasonable steps to improve its ac-
17 cess control systems, security measures, and other
18 technological controls or measures to address any
19 known or reasonably foreseeable risks connected to
20 incidents of circumvention.

21 “(4) COMMISSION GUIDANCE.—Not later than 1
22 year after the date of enactment of the Mitigating
23 Automated Internet Networks for Event Ticketing
24 Act, the Commission shall publish guidance for on-

1 line ticket issuers regarding compliance with the re-
2 quirements of this subsection.”;

3 (4) in subsection (c), as redesignated by para-
4 graph (2) of this subsection—

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

8 (B) by adding at the end the following new
9 paragraph:

10 “(3) LIMITATION ON COMMISSION GUIDANCE.—

11 “(A) IN GENERAL.—No guidance issued by
12 the Commission with respect to this Act shall
13 confer any rights on any person, State, or local-
14 ity, nor shall operate to bind the Commission or
15 any person to the approach recommended in
16 such guidance.

17 “(B) SPECIFIC ALLEGATIONS.—In any en-
18 forcement action brought pursuant to this Act,
19 the Commission—

20 “(i) shall allege a specific violation of
21 a provision of this Act; and

22 “(ii) may not base an enforcement ac-
23 tion on, or execute a consent order based
24 on, practices that are alleged to be incon-

1 sistent with any such guidance, unless the
2 practices allegedly violate this Act.”;

3 (5) in subsection (d), as redesignated by para-
4 graph (2) of this subsection, by striking “subsection
5 (a)” each place it appears and inserting “subsection
6 (a) or (b)”; and

7 (6) by adding at the end the following new sub-
8 sections:

9 “(e) LAW ENFORCEMENT COORDINATION.—

10 “(1) IN GENERAL.—The Federal Bureau of In-
11 vestigation, the Attorney General, and other relevant
12 State or local law enforcement officials shall coordi-
13 nate as appropriate with the Commission to share
14 information about any known instance of a
15 cyberattack on a security measure, access control
16 system, or other technological control or measure on
17 an Internet website or online service that is used by
18 an online ticket issuer to enforce posted event ticket
19 purchasing limits or to maintain the integrity of
20 posted online ticket purchasing order rules. Such co-
21 ordination may include providing information about
22 ongoing investigations, but may exclude classified in-
23 formation or information that could compromise a
24 law enforcement or national security effort, as ap-
25 propriate.

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

5 “(A) disrupting, disabling, destroying, or
6 maliciously controlling a computing environ-
7 ment or computing infrastructure; or

8 “(B) destroying the integrity of data or
9 stealing controlled information.

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

19 (b) ADDITIONAL DEFINITIONS.—Section 3 of the
20 Better Online Ticket Sales Act of 2016 (15 U.S.C. 45c
21 note) is amended by adding at the end the following new
22 paragraphs:

23 “(4) CIRCUMVENTION.—The term ‘circumven-
24 tion’ means the act of avoiding, bypassing, removing,
25 deactivating, or otherwise impairing an access con-

1 trol system, security measure, safeguard, or other
2 technological control or measure described in section
3 2.

4 “(5) ONLINE TICKET ISSUER.—The term ‘on-
5 line ticket issuer’ means a ticket issuer that owns or
6 operates an Internet website or online service that,
7 in the regular course of trade or business of the
8 issuer, facilitates or executes the sale of event tickets
9 to the general public.”.