

118TH CONGRESS
2D SESSION

H. R. 10364

To safeguard children from harmful app services accessible through app stores across the United States, to provide parents with parental controls, to provide parents clear and accurate information about apps and their services to ensure proper parental consent is achieved, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 11, 2024

Mr. JAMES introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To safeguard children from harmful app services accessible through app stores across the United States, to provide parents with parental controls, to provide parents clear and accurate information about apps and their services to ensure proper parental consent is achieved, 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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “App Store Accountability Act”.

1 (b) TABLE OF CONTENTS.—The table of contents for
 2 this Act is as follows:

Sec. 1. Short title; table of contents.
 Sec. 2. Findings; sense of Congress.
 Sec. 3. Definitions.
 Sec. 4. App store obligations.
 Sec. 5. Developer obligations.
 Sec. 6. App age ratings transparency advisory committee.
 Sec. 7. Compliance.
 Sec. 8. Enforcement.
 Sec. 9. Preemption.
 Sec. 10. Severability.
 Sec. 11. Effective date.

3 **SEC. 2. FINDINGS; SENSE OF CONGRESS.**

4 (a) FINDINGS.—Congress finds the following:

5 (1) Minors do not have the same capacity to
 6 consent to a contract as adults.

7 (2) Many apps allow in-app purchases without
 8 confirming that an adult has consented to such a
 9 purchase.

10 (3) Many apps contain content or features inap-
 11 propriate for minors, such as obscene or explicitly
 12 sexual content, addictive features, and adult themes.

13 (4) 95 percent of teenagers in the United
 14 States own a smart phone and have access to apps
 15 through an app store.

16 (5) The leading app stores provide some ability
 17 for parents to oversee a minor's use of apps, but
 18 those abilities are incomplete to appropriately pro-
 19 tect minors.

1 (6) The leading app stores provide some age
2 rating for apps, but those ratings can be inaccurate,
3 vague, deceptive, or otherwise unhelpful to parents.

4 (7) Some developers claim to limit or prohibit
5 the use of their app by minors but too often fail to
6 enforce those policies.

7 (8) Several online services provide the capability
8 to verify the age of a user.

9 (9) App stores have the ability to, but too often
10 do not, verify the age of a user.

11 (10) Requiring age verification by the largest
12 app store providers may empower parental oversight
13 of minors' use of apps while minimizing the burden
14 on developers, entrepreneurs, parents, and other
15 adult users of apps.

16 (11) Two app stores, the Apple App Store and
17 the Google Play Store, almost entirely control the
18 app distribution market in the United States, and
19 these 2 stores provide methods for parents to over-
20 see a minor's use of apps, but those methods are in-
21 complete to appropriately protect minors.

22 (b) SENSE OF CONGRESS.—It is the sense of Con-
23 gress that—

24 (1) requiring age verification by the largest app
25 store providers may empower parental oversight of

1 minors' use of apps while minimizing the burden on
2 developers, entrepreneurs, parents, and other adult
3 users of apps;

4 (2) mobile device usage depends on access to
5 certain apps;

6 (3) mobile devices have evolved to command a
7 uniquely pervasive presence as a medium of expres-
8 sion, are impossible to completely avoid, and are
9 foundational to both public and private life; and

10 (4) disclosure of offensive content within
11 apps—

12 (A) empowers parents to better understand
13 what apps their children are using and exercise
14 their parental oversight; and

15 (B) ensures that minors are better able to
16 avoid content they are instructed against ac-
17 cessing or would otherwise desire to personally
18 avoid.

19 **SEC. 3. DEFINITIONS.**

20 In this Act:

21 (1) **AGE CATEGORY.**—The term “age category”
22 means the category of an individual based on their
23 age, including the following categories:

24 (A) **ADULT.**—An “adult” is such an indi-
25 vidual who has attained 18 years of age.

1 (B) TEENAGER.—A “teenager” is such an
2 individual who has attained 16 years of age but
3 has not attained 18 years of age.

4 (C) CHILD.—A “child” is such an indi-
5 vidual who has attained 13 years of age but has
6 not attained 16 years of age.

7 (D) YOUNG CHILD.—A “young child” is
8 such an individual who has not attained 13
9 years of age.

10 (2) AGE RATING.—The term “age rating”
11 means a public display that indicates the appro-
12 priateness of an app for different age categories.

13 (3) APP.—The term “app” means a software
14 application or electronic service that may be run or
15 directed by a user on a computer, mobile device, or
16 any other general purpose computing device.

17 (4) APP STORE.—The term “app store” means
18 a publicly available website, software application, or
19 other electronic service that distributes and facili-
20 tates the download of an app from a third-party de-
21 veloper by a user of a computer, mobile device, or
22 any other general purpose computing device.

23 (5) COMMISSION.—The term “Commission”
24 means the Federal Trade Commission.

1 (6) COVERED APP STORE PROVIDER.—The
2 term “covered app store provider” means any person
3 that owns or controls an app store available in the
4 United States and for which users in the United
5 States exceed 5,000,000.

6 (7) DEVELOPER.—The term “developer” means
7 any person that owns or controls an app on the app
8 store of a covered app store provider and available
9 in the United States.

10 (8) KNOW.—The term “know” means to have
11 actual knowledge or knowledge fairly inferred based
12 on objective circumstances.

13 (9) MINOR.—The term “minor” means an indi-
14 vidual who has not attained 18 years of age.

15 (10) MOBILE DEVICE.—The term “mobile de-
16 vice” means a tablet or smart phone that is capable
17 of running a mobile operating system.

18 (11) MOBILE OPERATING SYSTEM.—The term
19 “mobile operating system” means a set of software
20 that manages mobile device hardware resources and
21 provides common services for mobile device pro-
22 grams.

23 (12) PARENT.—The term “parent”, with re-
24 spect to a minor, means an adult with the legal right

1 to make decisions on behalf of the minor, includ-
2 ing—

3 (A) a natural parent;

4 (B) an adoptive parent;

5 (C) a legal guardian; or

6 (D) an individual with legal custody over
7 the minor.

8 (13) SIGNAL.—The term “signal” means age
9 bracketed data sent by a real-time secure application
10 programming interface or operating system that is
11 likely to be accessed by minors.

12 (14) VERIFIABLE PARENTAL CONSENT.—The
13 term “verifiable parental consent” means authoriza-
14 tion that is provided—

15 (A) by a parent who a covered app store
16 provider has verified is an adult;

17 (B) in response to a disclosure from a cov-
18 ered app store provider that identifies what is
19 specifically being consented to, including the
20 age rating for the app or in-app purchase at
21 issue; and

22 (C) in response to a clear choice to consent
23 or to decline to consent to the request from the
24 covered app store provider.

1 **SEC. 4. APP STORE OBLIGATIONS.**

2 (a) IN GENERAL.—Each covered app store provider
3 shall do the following:

4 (1) AGE VERIFICATION.—Determine the age
5 category for each individual in the United States
6 that uses the app store of such provider and verify
7 such individual’s age using commercially reasonable
8 methods.

9 (2) PARENTAL OVERSIGHT OF APP STORE
10 USAGE.—Obtain verifiable parental consent prior to
11 allowing a minor to use the app store of such pro-
12 vider, including by providing a mechanism for a par-
13 ent to block a minor from downloading any app that
14 is not suitable for the age category of the minor.

15 (3) PARENTAL OVERSIGHT OF APP
16 DOWNLOADS.—Obtain verifiable parental consent, on
17 a download-by-download basis, prior to allowing a
18 minor to download an app from the app store of
19 such provider, including by providing an easily ac-
20 cessible mechanism for a parent to consent to the
21 download of an app.

22 (4) PARENTAL OVERSIGHT OF APP PUR-
23 CHASES.—Obtain verifiable parental consent, on a
24 purchase-by-purchase basis, prior to allowing a
25 minor to purchase any app through the app store of

1 such provider, and such consent shall be valid for up
2 to 7 days.

3 (5) PARENTAL OVERSIGHT OF IN-APP PUR-
4 CHASES.—Obtain verifiable parental consent, on a
5 purchase-by-purchase basis, prior to allowing a
6 minor to make an in-app purchase through the app
7 store of such provider.

8 (6) PARENTAL OVERSIGHT OF APP USAGE.—
9 With respect to any covered app store provider that
10 owns or controls a mobile device’s mobile operating
11 system, to the extent practicable, provide to parents
12 a clear and easy mechanism to set—

13 (A) filters that prevent a minor from ac-
14 cessing any adult website on the web browser of
15 the mobile device; and

16 (B) usage limits, including daily limits and
17 limitations during school and evening hours.

18 (7) APP AGE RATING DISPLAY.—To the extent
19 the covered app store provider displays age ratings
20 or descriptions of content, clearly and prominently
21 display the age rating or description of content for
22 each app available in the app store of the provider,
23 including information regarding the minimum age
24 category suitable for usage of an app.

1 (8) AGE CATEGORY SIGNAL TO DEVELOPERS.—

2 Provide to developers the ability to determine, in
3 real time, the age category of any user and, with re-
4 spect to any user that is a minor, whether the cov-
5 ered app store provider has obtained verifiable pa-
6 rental consent in accordance with this section.

7 (b) RULES OF CONSTRUCTION.—Nothing in this sec-
8 tion shall be construed—

9 (1) to prevent a covered app store provider
10 from taking reasonable measures to block, detect, or
11 prevent the distribution of unlawful, obscene, or
12 other harmful material to minors, to block or filter
13 spam, to prevent criminal activity, or to protect the
14 security of an app store or app;

15 (2) to require a covered app store provider to
16 disclose to a developer any information about a user
17 other than such user’s age category and, with re-
18 spect to any user that is a minor, whether the cov-
19 ered app store provider has obtained verifiable pa-
20 rental consent in accordance with this section;

21 (3) to allow a covered app store provider to use
22 any measures required by this section in a way that
23 is arbitrary, capricious, anti-competitive, or unlaw-
24 ful; or

1 (4) to affect or restrict the expression of polit-
2 ical, religious, or other viewpoints.

3 **SEC. 5. DEVELOPER OBLIGATIONS.**

4 (a) APP AGE RATING.—To the extent that a devel-
5 oper provides age ratings or descriptions of content to
6 users, the developer shall—

7 (1) clearly provide the description of content
8 and clearly identify the age category eligible for
9 usage of an app consistent with the rating system
10 developed in accordance with the best practices es-
11 tablished by the Advisory Committee under section
12 6; and

13 (2) provide such information to each app store
14 available in the United States.

15 (b) PARENTAL OVERSIGHT OF APP USAGE.—To the
16 extent technically feasible, each developer shall use the ap-
17 plication programming interface of a covered app store
18 provider to verify—

19 (1) the age category of its users; and

20 (2) in the case of a minor, whether verifiable
21 parental consent has been obtained before allowing
22 the use of the app or in-app purchases.

23 (c) TIME RESTRICTIONS.—Each developer shall pro-
24 vide readily available features for a parent to implement
25 time restrictions with respect to the app of such developer,

1 including the ability to view metrics reflecting the amount
2 of time that a minor is using the app and set daily time
3 limits on a minor's use of such app.

4 (d) USE OF APP STORE PROVIDER SIGNAL.—Each
5 developer shall use a covered app store provider's signal
6 to determine the age category of a user.

7 **SEC. 6. APP AGE RATINGS TRANSPARENCY ADVISORY COM-**
8 **MITTEE.**

9 (a) ESTABLISHMENT.—Not later than 60 days after
10 the date of enactment of this Act, the Commission shall
11 establish and convene the App Age Ratings Transparency
12 Advisory Committee (in this section referred to as the
13 “Advisory Committee”) to recommend best practices re-
14 garding the age rating of apps offered on the app store
15 of any covered app store provider for different age cat-
16 egories.

17 (b) PARTICIPATION.—The Advisory Committee shall
18 include members from—

19 (1) content creators;

20 (2) developers;

21 (3) public interest groups focused on child wel-
22 fare;

23 (4) parents; and

24 (5) any other representatives deemed appro-
25 priate by the Commission.

1 (c) REPORT.—Not later than 1 year after the date
2 on which the Advisory Committee is established, and every
3 3 years thereafter until the date described in subsection
4 (d), the Advisory Committee shall submit to Congress, and
5 publish in a publicly available manner, a report that in-
6 cludes recommendations for best practices regarding the
7 age rating of apps offered on the app store of any covered
8 app store provider.

9 (d) TERMINATION.—The Advisory Committee shall
10 terminate on the date that is 15 years after the date on
11 which the Advisory Committee is established, unless the
12 Commission determines that the continued involvement
13 and guidance of the Advisory Committee is in the public
14 interest.

15 (e) NON-APPLICABILITY OF FACA.—Chapter 10 of
16 title 5, United States Code, other than section 1009 of
17 such Chapter, shall not apply to the Advisory Committee
18 established under this section.

19 **SEC. 7. COMPLIANCE.**

20 Not later than 1 year after the date of enactment
21 of this Act, the Commission shall issue guidance to assist
22 covered app store providers and developers in complying
23 with the requirements of this Act.

1 **SEC. 8. ENFORCEMENT.**

2 (a) UNFAIR OR DECEPTIVE ACTS OR PRACTICE.—A
3 violation of this Act or a regulation promulgated there-
4 under shall be treated as a violation of a rule defining
5 an unfair or deceptive act or practice under section
6 18(a)(1)(B) of the Federal Trade Commission Act (15
7 U.S.C. 57a(a)(1)(B)).

8 (b) POWERS OF THE COMMISSION.—

9 (1) IN GENERAL.—Subject to subsection (c),
10 the Commission shall enforce this Act in the same
11 manner, by the same means, and with the same ju-
12 risdiction, powers, and duties as though all applica-
13 ble terms and provisions of the Federal Trade Com-
14 mission Act (15 U.S.C. 41 et seq.) were incor-
15 porated into and made a part of this Act.

16 (2) PRIVILEGES AND IMMUNITIES.—Any person
17 who violates this Act or a regulation promulgated
18 thereunder shall be subject to the penalties and enti-
19 tled to the privileges and immunities provided in the
20 Federal Trade Commission Act (15 U.S.C. 41 et
21 seq.).

22 (3) AUTHORITY PRESERVED.—Nothing in this
23 Act shall be construed to limit the authority of the
24 Commission under any other provision of law.

25 (c) ADDITIONAL PENALTIES AND AUTHORITY.—In
26 addition to the authority and penalties provided in the

1 Federal Trade Commission Act (15 U.S.C. 41 et seq.),
2 the following authority and penalties shall apply with re-
3 spect to a violation of this Act:

4 (1) SPECIFIC CIVIL PENALTIES.—

5 (A) KNOWING MISSTATEMENT OF CON-
6 TENT.—Any covered app store provider or de-
7 veloper who knowingly and willfully misstates
8 the content of an app as required under section
9 4(a)(7) or 5(a) shall be subject to a civil pen-
10 alty of \$500 for each user as determined by the
11 Commission.

12 (B) NEGLIGENT MISSTATEMENTS OF CON-
13 TENT.—Any covered app store provider or de-
14 veloper who negligently misstates the content of
15 an app as required under section 4(a)(7) or
16 5(a) shall be subject to a civil penalty of \$250
17 for each user as determined by the Commission.

18 (C) FAILURE TO VERIFY PARENTAL CON-
19 SENT.—Any covered app store provider or de-
20 veloper who knowingly or negligently fails to
21 comply with parental consent verification as re-
22 quired under this Act shall be subject to a civil
23 penalty of \$1,000 for each user as determined
24 by the Commission.

1 (D) MAXIMUM PENALTY.—The amount of
2 any civil penalty under this paragraph shall not
3 exceed a total of \$4,000,000,000 per violation.

4 (E) CONSTRUING SPECIFIC CIVIL PEN-
5 ALTIES.—Each instance of misstatement of
6 content or failure to obtain verifiable parental
7 consent shall be defined by the number of indi-
8 vidual downloads or purchases of an app that
9 occurred in noncompliance with this Act.

10 (2) GENERAL CIVIL PENALTIES.—

11 (A) IN GENERAL.—Any covered app store
12 provider or developer who violates any provision
13 of this Act or any regulation promulgated under
14 this Act, other than violations described in
15 paragraph (1), shall be subject to a civil penalty
16 for each violation.

17 (B) MAXIMUM PENALTY.—The amount of
18 any civil penalty under this paragraph shall not
19 exceed \$2,000,000,000 per violation.

20 (3) INJUNCTIVE RELIEF.—

21 (A) IN GENERAL.—The Commission may
22 seek a temporary restraining order, preliminary
23 injunction, or permanent injunction to prevent
24 any violation of this Act or any regulation pro-
25 mulgated thereunder.

1 (B) ADDITIONAL RELIEF.—The Commis-
2 sion may seek other forms of equitable relief,
3 including rescission or reformation of contracts,
4 restitution, the refund of money, and the return
5 of property.

6 (4) CONSUMER REDRESS.—The Commission
7 may seek monetary redress for consumers affected
8 by a violation of this Act or any regulation promul-
9 gated thereunder, including through a refund, reim-
10 bursement, or other form of compensation.

11 (5) CEASE AND DESIST ORDERS.—

12 (A) IN GENERAL.—The Commission may
13 issue a cease and desist order to prohibit fur-
14 ther violation of this Act or any regulation pro-
15 mulgated thereunder.

16 (B) COMPLIANCE REQUIREMENTS.—Cease
17 and desist orders issued under this paragraph
18 may include specific compliance requirements
19 such as changes to business practices, disclo-
20 sures, and record-keeping.

21 (6) MAXIMUM PENALTIES.—The maximum pen-
22 alty described in paragraph (1)(D) or paragraph
23 (2)(B) shall be doubled upon a finding by the Com-
24 mission that the covered app store provider or devel-
25 oper in violation of this Act or a regulation promul-

1 gated thereunder has repeatedly or flagrantly vio-
2 lated this Act or a regulation promulgated there-
3 under.

4 **SEC. 9. PREEMPTION.**

5 Any law, regulation, or other requirement of a State
6 or political subdivision of a State with respect to imposing
7 substantially similar or the same obligations on app store
8 providers and developers as laid out in this Act is hereby
9 preempted by this Act.

10 **SEC. 10. SEVERABILITY.**

11 If any provision of this Act, or the application thereof
12 to any person or circumstance, is held invalid, the remain-
13 der of this Act, and the application of such provision to
14 other persons not similarly situated or to other cir-
15 cumstances, shall not be affected by the invalidation.

16 **SEC. 11. EFFECTIVE DATE.**

17 Except as otherwise provided in this Act, this Act
18 shall take effect on the date that is 1 year after the date
19 of enactment of this Act.

○