

119TH CONGRESS  
1ST SESSION

# H. R. 5313

To prohibit unfair or deceptive acts or practices in the app marketplace,  
and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 11, 2025

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

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## A BILL

To prohibit unfair or deceptive acts or practices in the app  
marketplace, 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 “App Store Freedom  
5 Act”.

6 **SEC. 2. PROTECTING A COMPETITIVE APP MARKET.**

7 (a) REQUIREMENTS.—

8 (1) INTEROPERABILITY.—A covered company  
9 that owns or controls the operating system on which  
10 an app store owned or controlled by the covered

1 company operates shall allow and provide readily ac-  
2 cessible means for a user of such operating system  
3 to—

4 (A) choose a third-party app or app store  
5 as a default;

6 (B) install a third-party app or app store  
7 through means other than the app store owned  
8 or controlled by the covered company; and

9 (C) hide or delete an app or app store pro-  
10 vided or pre-installed by the covered company  
11 (or any business partner of the covered com-  
12 pany).

13 (2) OPEN APP DEVELOPMENT.—A covered com-  
14 pany, in a timely manner, without cost, and on  
15 terms that are equivalent to the terms of access by  
16 the covered company or any business partner of the  
17 covered company, shall provide to a developer of an  
18 app accessible on an operating system, or distributed  
19 through an app store, owned or controlled by the  
20 covered company—

21 (A) access to any interface and hardware  
22 and software feature of the operating system  
23 that are generally available to the covered com-  
24 pany and any business partner of the covered  
25 company; and

1 (B) documentation and development infor-  
2 mation sufficient to access any such interface  
3 and feature.

4 (3) COMPLIANCE.—A covered company shall be  
5 in compliance with the requirements described under  
6 paragraph (2) if that company—

7 (A) licenses any intellectual property that  
8 the developer of an app needs to access any  
9 interface or hardware or software feature of  
10 such operating system; or

11 (B) limits the interfaces and hardware and  
12 software features of the operating system gen-  
13 erally available to the covered company and any  
14 businesses partner of the company to interfaces  
15 and hardware and software features that do not  
16 implicate such intellectual property rights.

17 (b) PROHIBITIONS.—

18 (1) EXCLUSIVITY AND TYING.—A covered com-  
19 pany may not—

20 (A) require, as a condition for an app to  
21 be accessible on an operating system or distrib-  
22 uted through an app store that is owned or con-  
23 trolled by the covered company, that—

24 (i) a developer of the app use or en-  
25 able an in-app payment system owned or

1 controlled by the covered company or any  
2 business partner of the covered company;  
3 or

4 (ii) pricing or other terms of sale be  
5 equal to or more favorable on such oper-  
6 ating system or app store than on another  
7 operating system or app store; or

8 (B) take punitive action or otherwise im-  
9 pose less favorable terms and conditions against  
10 a developer of an app distributed outside of an  
11 app store that is owned or controlled by the  
12 covered company—

13 (i) for using or offering different pric-  
14 ing or other terms of sale on an app store  
15 or through an in-app payment system that  
16 is not owned or controlled by the covered  
17 company; or

18 (ii) on the basis that such app pro-  
19 vides access to a third-party app that is  
20 not owned or controlled by the covered  
21 company through remote electronic services  
22 rather than through download from an op-  
23 erating system or an app store that is  
24 owned or controlled by the covered com-  
25 pany.

1           (2) INTERFERENCE WITH LEGITIMATE BUSI-  
2       NESS COMMUNICATIONS.—

3           (A) IN GENERAL.—A covered company  
4       may not impose any restriction or fee on the  
5       communication of a developer of an app acces-  
6       sible on an operating system or distributed  
7       through an app store that is owned or con-  
8       trolled by the covered company with a user of  
9       the app, whether through such app or direct  
10      outreach to such user, concerning legitimate  
11      business offers, including pricing or other terms  
12      of sale and product or service offerings.

13          (B) RULE OF CONSTRUCTION.—Nothing in  
14      this paragraph may be construed to prohibit a  
15      covered company from requiring that consent of  
16      a user be obtained prior to collecting and shar-  
17      ing data of the user through an app accessible  
18      on an operating system or distributed through  
19      an app store that is owned or controlled by the  
20      covered company if the apps and services of the  
21      company are subject to the same consent.

22          (3) NONPUBLIC BUSINESS INFORMATION.—A  
23      covered company may not use nonpublic business in-  
24      formation derived from an app accessible on an op-  
25      erating system or distributed through an app store

1       that is owned or controlled by the covered company  
2       for the purpose of competing with such app.

3   **SEC. 3. ENFORCEMENT.**

4       (a) ENFORCEMENT BY FEDERAL TRADE COMMIS-  
5   SION.—

6           (1) UNFAIR OR DECEPTIVE ACTS OR PRAC-  
7   TICES.—A violation of this Act shall be treated as  
8   a violation of a regulation under section 18(a)(1)(B)  
9   of the Federal Trade Commission Act (15 U.S.C.  
10   57a(a)(1)(B)) regarding unfair or deceptive acts or  
11   practices.

12          (2) POWERS OF COMMISSION.—Except as pro-  
13   vided in paragraph (3)—

14           (A) the Commission shall enforce this Act  
15   in the same manner, by the same means, and  
16   with the same jurisdiction, powers, and duties  
17   as though all applicable terms and provisions of  
18   the Federal Trade Commission Act (15 U.S.C.  
19   41 et seq.) were incorporated into and made a  
20   part of this Act; and

21           (B) any covered company who violates this  
22   Act shall be subject to the penalties and enti-  
23   tled to the privileges and immunities provided  
24   in the Federal Trade Commission Act.

25          (3) PENALTIES.—

1 (A) ADDITIONAL CIVIL PENALTY.—In ad-  
2 dition to any penalty applicable under the Fed-  
3 eral Trade Commission Act, any covered com-  
4 pany who violates this Act shall be liable for a  
5 civil penalty of not more than \$1,000,000 for  
6 each violation.

7 (B) METHOD.—Any civil penalty described  
8 in subparagraph (A) shall be obtained in the  
9 same manner as a civil penalty for a violation  
10 of a regulation under section 18(a)(1)(B) of the  
11 Federal Trade Commission Act (15 U.S.C.  
12 57a(a)(1)(B)).

13 (4) AUTHORITY PRESERVED.—Nothing in this  
14 section may be construed to limit the authority of  
15 the Commission under any other provision of law.

16 (b) ENFORCEMENT BY STATES.—

17 (1) IN GENERAL.—If the attorney general of a  
18 State, or an official or agency of a State, has reason  
19 to believe that an interest of the residents of the  
20 State has been or is threatened or adversely affected  
21 by an act or practice that violates this Act, the State  
22 may bring a civil action on behalf of the residents  
23 of the State in an appropriate district court of the  
24 United States to obtain appropriate relief.

25 (2) RIGHTS OF COMMISSION.—

1 (A) NOTICE TO COMMISSION.—

2 (i) IN GENERAL.—Except as provided  
3 in clause (iii), an attorney general, official,  
4 or agency of a State, before filing a civil  
5 action under paragraph (1), shall provide  
6 written notification to the Commission that  
7 the attorney general, official, or agency in-  
8 tends to bring such civil action.

9 (ii) CONTENTS.—The notification re-  
10 quired under clause (i) shall include a copy  
11 of the complaint for the civil action.

12 (iii) EXCEPTION.—If it is not feasible  
13 for an attorney general, official, or agency  
14 of a State to provide the notification re-  
15 quired under clause (i) before filing a civil  
16 action under paragraph (1), the attorney  
17 general, official, or agency shall provide  
18 the notification to the Commission imme-  
19 diately upon the filing of the civil action.

20 (B) INTERVENTION BY COMMISSION.—The  
21 Commission may—

22 (i) intervene in any civil action filed  
23 by an attorney general, official, or agency  
24 of a State under paragraph (1); and

25 (ii) upon so intervening—



1 (I) be heard on all matters arising in the civil action; and

2  
3 (II) appeal a decision in the civil  
4 action.

5 (C) LIMITATION ON STATE ACTION WHILE  
6 FEDERAL ACTION IS PENDING.—If the Commis-  
7 sion or the Attorney General of the United  
8 States has instituted a civil action for violation  
9 of this Act (referred to in this subparagraph as  
10 the “Federal action”), no State attorney gen-  
11 eral, official, or agency may bring an action  
12 under paragraph (1) during the pendency of the  
13 Federal action against any defendant named in  
14 the complaint in the Federal action for any vio-  
15 lation of such Act alleged in such complaint.

16 (3) RULE OF CONSTRUCTION.—For purposes of  
17 bringing a civil action under paragraph (1), nothing  
18 in this Act may be construed to prevent an attorney  
19 general, official, or agency of a State from exercising  
20 the powers conferred on the attorney general, offi-  
21 cial, or agency by the laws of the State to conduct  
22 investigations, administer oaths or affirmations, or  
23 compel the attendance of witnesses or the production  
24 of documentary or other evidence.

1 **SEC. 4. EFFECT ON STATE LAW.**

2 (a) IN GENERAL.—A State, or political subdivision  
3 of a State, may not maintain, enforce, prescribe, or con-  
4 tinue in effect any law, rule, regulation, requirement,  
5 standard, or other provision having the force and effect  
6 of law of the State, or political subdivision of the State,  
7 that—

8 (1) prohibits a covered company from engaging  
9 in any conduct prohibited by section 2; or

10 (2) requires a covered company to take any ac-  
11 tion required by section 2.

12 (b) RULE OF CONSTRUCTION.—This section may not  
13 be construed to—

14 (1) preempt any law of a State or political sub-  
15 division of a State relating to contracts, torts, or un-  
16 fair competition; or

17 (2) preempt any law of a State or political sub-  
18 division of a State to the extent that such law re-  
19 lates to an act of fraud, unauthorized access to per-  
20 sonal information, or notification of unauthorized ac-  
21 cess to personal information.

22 **SEC. 5. RULES OF CONSTRUCTION.**

23 Nothing in this Act may be construed—

24 (1) to limit—

25 (A) any authority of the Federal Trade  
26 Commission under the Federal Trade Commis-

1           sion Act (15 U.S.C. 41 et seq.), or any other  
2           provision of law; or

3           (B) the application of any Federal law;

4           (2) to require a covered company—

5           (A) to provide service under a hardware or  
6           software warranty for damage caused by a  
7           third-party app or app store installed through  
8           means other than an app store owned or con-  
9           trolled by the covered company; or

10          (B) to provide customer service for the in-  
11          stallation or operation of such a third-party app  
12          or app store;

13          (3) to prevent an action taken by a covered  
14          company that is reasonably tailored to protect the  
15          rights of a person under section 106, 1101, 1201, or  
16          1401 of title 17, United States Code, or rights ac-  
17          tionable under sections 32 or 43 of the Act entitled  
18          “An Act to provide for the registration and protec-  
19          tion of trademarks used in commerce, to carry out  
20          the provisions of certain international conventions,  
21          and for other purposes”, approved July 5, 1946  
22          (commonly known as the “Lanham Act” or the  
23          “Trademark Act of 1946”) (15 U.S.C. 1114, 1125),  
24          or corollary State law;

1           (4) to require a covered company to license any  
2           intellectual property, including any trade secrets,  
3           owned by or licensed to the covered company;

4           (5) to prevent a covered company from assert-  
5           ing rights of the covered company under intellectual  
6           property law to prevent the unlawful use of any in-  
7           tellectual property owned by or duly licensed to the  
8           covered company;

9           (6) to require a covered company to work with  
10          or share data with any person who—

11                (A) is on any list maintained by the Fed-  
12                eral Government by which entities are identified  
13                as limited or prohibited from engaging in eco-  
14                nomic transactions as part of United States  
15                sanctions or export control regimes;

16                (B) is a foreign entity that has been identi-  
17                fied by the Federal Government as a national  
18                security, intelligence, or law enforcement risk,  
19                including the Government of the People’s Re-  
20                public of China or the government of a foreign  
21                adversary (as defined in section 8(c)(2) of the  
22                Secure and Trusted Communications Networks  
23                Act of 2019 (473 U.S.C. 1607(c)(2))); or

24                (C) is a foreign adversary controlled appli-  
25                cation (as defined in section 2(g)(3) of the Pro-

1           tecting Americans from Foreign Adversary Con-  
2           trolled Applications Act (Public Law 118–50;  
3           15 U.S.C. 9901 note)); or  
4           (7) to limit any Federal or State law relating  
5           to antitrust.

6 **SEC. 6. DEFINITIONS.**

7           In this Act:

8           (1) APP.—The term “app” means a software  
9           application or electronic service that may be run or  
10          directed by a user on a computer, a mobile device,  
11          or any other general purpose consumer computing  
12          device.

13          (2) APP STORE.—The term “app store” means  
14          a publicly available website, software application, or  
15          other electronic service that may distribute apps  
16          from third-party developers to users of a computer,  
17          a mobile device, or any other general purpose con-  
18          sumer computing device.

19          (3) COMMISSION.—The term “Commission”  
20          means the Federal Trade Commission.

21          (4) COVERED COMPANY.—The term “covered  
22          company” means any person who owns or controls—  
23                  (A) an app store for which the number of  
24                  users in the United States exceeds  
25                  100,000,000; and

1 (B) the operating system on which such  
2 app store operates.

3 (5) DEVELOPER.—The term “developer” means  
4 a person who owns or controls an app or an app  
5 store.

6 (6) IN-APP PAYMENT SYSTEM.—The term “in-  
7 app payment system” means an application, service,  
8 or user interface to manage billing or process a pay-  
9 ment from a user of an app.

10 (7) NONPUBLIC BUSINESS INFORMATION.—The  
11 term “nonpublic business information” means non-  
12 public data that is—

13 (A) derived from a developer or an app or  
14 app store owned or controlled by a developer,  
15 including an interaction between a user and the  
16 app or app store of the developer; and

17 (B) collected by a covered company in the  
18 course of operating an app store or providing  
19 an operating system.

20 (8) OPERATING SYSTEM.—The term “operating  
21 system” includes an operating system configuration.

22 **SEC. 7. GUIDANCE; EFFECTIVE DATE.**

23 (a) FTC GUIDANCE.—Not later than 180 days after  
24 the date of the enactment of this Act, the Commission

1 shall issue guidance to assist covered companies in com-  
2 plying with this Act.

3 (b) EFFECTIVE DATE.—This Act shall take effect on  
4 the date on which the Commission issues guidance under  
5 subsection (a).

○