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(Original Signature of Member)

118TH CONGRESS  
2D SESSION

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

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.

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IN THE HOUSE OF REPRESENTATIVES

Mr. JAMES introduced the following bill; which was referred to the Committee  
on \_\_\_\_\_

\_\_\_\_\_  
**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,*

1 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

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

4 (b) TABLE OF CONTENTS.—The table of contents for  
5 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.

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

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

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

10 (2) Many apps allow in-app purchases without  
11 confirming that an adult has consented to such a  
12 purchase.

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

16 (4) 95 percent of teenagers in the United  
17 States own a smart phone and have access to apps  
18 through an app store.

19 (5) The leading app stores provide some ability  
20 for parents to oversee a minor’s use of apps, but

1 those abilities are incomplete to appropriately pro-  
2 tect minors.

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

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

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

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

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

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

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

1           (1) requiring age verification by the largest app  
2 store providers may empower parental oversight of  
3 minors' use of apps while minimizing the burden on  
4 developers, entrepreneurs, parents, and other adult  
5 users of apps;

6           (2) mobile device usage depends on access to  
7 certain apps;

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

12           (4) disclosure of offensive content within  
13 apps—

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

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

21 **SEC. 3. DEFINITIONS.**

22 In this Act:

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

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

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

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

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

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

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

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

1           (5) COMMISSION.—The term “Commission”  
2 means the Federal Trade Commission.

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

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

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

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

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

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

1           (12) PARENT.—The term “parent”, with re-  
2           spect to a minor, means an adult with the legal right  
3           to make decisions on behalf of the minor, includ-  
4           ing—

5                   (A) a natural parent;

6                   (B) an adoptive parent;

7                   (C) a legal guardian; or

8                   (D) an individual with legal custody over  
9           the minor.

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

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

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

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

1 (C) in response to a clear choice to consent  
2 or to decline to consent to the request from the  
3 covered app store provider.

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

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

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

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

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



1           (4) PARENTAL OVERSIGHT OF APP PUR-  
2 CHASES.—Obtain verifiable parental consent, on a  
3 purchase-by-purchase basis, prior to allowing a  
4 minor to purchase any app through the app store of  
5 such provider, and such consent shall be valid for up  
6 to 7 days.

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

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

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

20                   (B) usage limits, including daily limits and  
21 limitations during school and evening hours.

22           (7) APP AGE RATING DISPLAY.—To the extent  
23 the covered app store provider displays age ratings  
24 or descriptions of content, clearly and prominently  
25 display the age rating or description of content for

1 each app available in the app store of the provider,  
2 including information regarding the minimum age  
3 category suitable for usage of an app.

4 (8) AGE CATEGORY SIGNAL TO DEVELOPERS.—  
5 Provide to developers the ability to determine, in  
6 real time, the age category of any user and, with re-  
7 spect to any user that is a minor, whether the cov-  
8 ered app store provider has obtained verifiable pa-  
9 rental consent in accordance with this section.

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

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

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

24 (3) to allow a covered app store provider to use  
25 any measures required by this section in a way that

1 is arbitrary, capricious, anti-competitive, or unlaw-  
2 ful; or

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

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

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

9 (1) clearly provide the description of content  
10 and clearly identify the age category eligible for  
11 usage of an app consistent with the rating system  
12 developed in accordance with the best practices es-  
13 tablished by the Advisory Committee under section  
14 6; and

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

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

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

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

1 (c) TIME RESTRICTIONS.—Each developer shall pro-  
2 vide readily available features for a parent to implement  
3 time restrictions with respect to the app of such developer,  
4 including the ability to view metrics reflecting the amount  
5 of time that a minor is using the app and set daily time  
6 limits on a minor’s use of such app.

7 (d) USE OF APP STORE PROVIDER SIGNAL.—Each  
8 developer shall use a covered app store provider’s signal  
9 to determine the age category of a user.

10 **SEC. 6. APP AGE RATINGS TRANSPARENCY ADVISORY COM-**  
11 **MITTEE.**

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

20 (b) PARTICIPATION.—The Advisory Committee shall  
21 include members from—

22 (1) content creators;

23 (2) developers;

24 (3) public interest groups focused on child wel-  
25 fare;

1 (4) parents; and

2 (5) any other representatives deemed appro-  
3 priate by the Commission.

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

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

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

22 **SEC. 7. COMPLIANCE.**

23 Not later than 1 year after the date of enactment  
24 of this Act, the Commission shall issue guidance to assist

1 covered app store providers and developers in complying  
2 with the requirements of this Act.

3 **SEC. 8. ENFORCEMENT.**

4 (a) UNFAIR OR DECEPTIVE ACTS OR PRACTICE.—A  
5 violation of this Act or a regulation promulgated there-  
6 under shall be treated as a violation of a rule defining  
7 an unfair or deceptive act or practice under section  
8 18(a)(1)(B) of the Federal Trade Commission Act (15  
9 U.S.C. 57a(a)(1)(B)).

10 (b) POWERS OF THE COMMISSION.—

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

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

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

4           (c) ADDITIONAL PENALTIES AND AUTHORITY.—In  
5 addition to the authority and penalties provided in the  
6 Federal Trade Commission Act (15 U.S.C. 41 et seq.),  
7 the following authority and penalties shall apply with re-  
8 spect to a violation of this Act:

9           (1) SPECIFIC CIVIL PENALTIES.—

10           (A) KNOWING MISSTATEMENT OF CON-  
11 TENT.—Any covered app store provider or de-  
12 veloper who knowingly and willfully misstates  
13 the content of an app as required under section  
14 4(a)(7) or 5(a) shall be subject to a civil pen-  
15 alty of \$500 for each user as determined by the  
16 Commission.

17           (B) NEGLIGENT MISSTATEMENTS OF CON-  
18 TENT.—Any covered app store provider or de-  
19 veloper who negligently misstates the content of  
20 an app as required under section 4(a)(7) or  
21 5(a) shall be subject to a civil penalty of \$250  
22 for each user as determined by the Commission.

23           (C) FAILURE TO VERIFY PARENTAL CON-  
24 SENT.—Any covered app store provider or de-  
25 veloper who knowingly or negligently fails to

1           comply with parental consent verification as re-  
2           quired under this Act shall be subject to a civil  
3           penalty of \$1,000 for each user as determined  
4           by the Commission.

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

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

14          (2) GENERAL CIVIL PENALTIES.—

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

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

24          (3) INJUNCTIVE RELIEF.—



1 (A) IN GENERAL.—The Commission may  
2 seek a temporary restraining order, preliminary  
3 injunction, or permanent injunction to prevent  
4 any violation of this Act or any regulation pro-  
5 mulgated thereunder.

6 (B) ADDITIONAL RELIEF.—The Commis-  
7 sion may seek other forms of equitable relief,  
8 including rescission or reformation of contracts,  
9 restitution, the refund of money, and the return  
10 of property.

11 (4) CONSUMER REDRESS.—The Commission  
12 may seek monetary redress for consumers affected  
13 by a violation of this Act or any regulation promul-  
14 gated thereunder, including through a refund, reim-  
15 bursement, or other form of compensation.

16 (5) CEASE AND DESIST ORDERS.—

17 (A) IN GENERAL.—The Commission may  
18 issue a cease and desist order to prohibit fur-  
19 ther violation of this Act or any regulation pro-  
20 mulgated thereunder.

21 (B) COMPLIANCE REQUIREMENTS.—Cease  
22 and desist orders issued under this paragraph  
23 may include specific compliance requirements  
24 such as changes to business practices, disclo-  
25 sures, and record-keeping.

1           (6) **MAXIMUM PENALTIES.**—The maximum pen-  
2           alty described in paragraph (1)(D) or paragraph  
3           (2)(B) shall be doubled upon a finding by the Com-  
4           mission that the covered app store provider or devel-  
5           oper in violation of this Act or a regulation promul-  
6           gated thereunder has repeatedly or flagrantly vio-  
7           lated this Act or a regulation promulgated there-  
8           under.

9 **SEC. 9. PREEMPTION.**

10          Any law, regulation, or other requirement of a State  
11          or political subdivision of a State with respect to imposing  
12          substantially similar or the same obligations on app store  
13          providers and developers as laid out in this Act is hereby  
14          preempted by this Act.

15 **SEC. 10. SEVERABILITY.**

16          If any provision of this Act, or the application thereof  
17          to any person or circumstance, is held invalid, the remain-  
18          der of this Act, and the application of such provision to  
19          other persons not similarly situated or to other cir-  
20          cumstances, shall not be affected by the invalidation.

21 **SEC. 11. EFFECTIVE DATE.**

22          Except as otherwise provided in this Act, this Act  
23          shall take effect on the date that is 1 year after the date  
24          of enactment of this Act.