

119TH CONGRESS
1ST SESSION

H. R. 5313

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

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 11, 2025

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

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 oper-
23 ating 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).

○