118TH CONGRESS
1ST SESSION

S. _____

To require application stores to publicly list the country of origin of the
applications that they distribute, and to provide consumers the ability
to protect themselves.

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IN THE SENATE OF THE UNITED STATES

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Mr. SCOTT of South Carolina (for himself, Mr. WICKER, and Mr. LANKFORD)
introduced the following bill; which was read twice and referred to the
Committee on _____

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A BILL

To require application stores to publicly list the country
of origin of the applications that they distribute, and
to provide consumers the ability to protect themselves.

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 "Know Your App Act".

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

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

7   (1) Minors engaging with internet-linked appli-

8   cations face heightened susceptibility to privacy risks

9   and potential exploitation through those applica-

2

1   tions. It is crucial for parents and guardians to pos-

2   sess comprehensive knowledge about the applications

3   being accessed so that they can make informed deci-

4   sions to protect their children.

5   (2) Many users are unaware of the country of

6   origin of the applications they download and use, as

7   well as the data handling practices of the developers

8   behind those applications. This lack of transparency

9   can lead to potential risks for users, including expo-

10   sure   to   foreign   government   surveillance,   data

11   breaches, and privacy violations. Users have a right

12   to know baseline information on the country of ori-

13   gin so that they can personally make decisions to

14   mitigate the threat to their personal and biometric

15   information.

16   (3) The potential for foreign governments to ac-

17   cess user data through internet-linked applications

18   presents national security risks. These risks may in-

19   clude the collection of sensitive information, espio-

20   nage, and potential influence over critical infrastruc-

21   ture.

22   (4) Increasing transparency and providing users

23   with the necessary information to make informed de-

24   cisions about the applications they download can

25   help protect consumer privacy and security.

1   (b) SENSE OF CONGRESS.—It is the sense of Con-
2 gress that covered companies and developers already pos-
3 ses the information necessary to provide adequate trans-
4 parency to consumers.

5 **SEC. 3. PUBLIC LISTING OF COUNTRY OF ORIGIN OF APPLI-**
6   **CATIONS.**

7   (a) DEFINITIONS.—In this section:

8   (1) APPLICATION.—The term "application"
9   means a software application or electronic service
10   that may be run or directed by a user on a com-
11   puter, a mobile device, or any other general purpose
12   computing device.

13   (2) APPLICATION STORE.—The term "applica-
14   tion store" means a publicly available website, soft-
15   ware application, electronic service, or platform pro-
16   vided by a device manufacturer that—

17   (A) distributes applications from third-
18   party developers to users of a computer, a mo-
19   bile device, or any other general purpose com-
20   puting device; and

21   (B) has more than 20,000,000 users in the
22   United States.

23   (3) APPLICATION STORE PAGE.—The term "ap-
24   plication store page" means the individual, dedicated
25   listing page within an application store that serves

1 as the primary source of information on a specific

2 application and provides detailed information about

3 the application, including the name of the applica-

4 tion, the developer, a description, user ratings and

5 reviews, screenshots or previews, pricing, and system

6 requirements.

7   (4) ASSISTANT SECRETARY.—The term "Assist-

8 ant Secretary" means the Assistant Secretary of

9 Commerce for Communications and Information.

10   (5) BENEFICIAL OWNER.—The term "beneficial

11 owner" —

12   (A) means, with respect to a developer of

13 an application, an individual who, directly or in-

14 directly, through any contract, arrangement,

15 understanding, relationship, or otherwise—

16   (i) exercises substantial control over

17 the developer; or

18   (ii) owns or controls not less than 25

19 percent of the ownership interests of the

20 developer; and

21   (B) does not include—

22   (i) a minor child, as defined in the

23 State in which the entity is formed, if the

24 information of the parent or guardian of

1 the minor child is reported in accordance

2 with this section;

3   (ii) an individual acting as a nominee,

4 intermediary, custodian, or agent on behalf

5 of another individual;

6   (iii) an individual acting solely as an

7 employee of a corporation, limited liability

8 company, or other similar entity and whose

9 control over or economic benefits from

10 such entity is derived solely from the em-

11 ployment status of the individual;

12   (iv) an individual whose only interest

13 in a corporation, limited liability company,

14 or other similar entity is through a right of

15 inheritance; or

16   (v) a creditor of a corporation, limited

17 liability company, or other similar entity,

18 unless the creditor meets the requirements

19 of subparagraph (A).

20 (6) COUNTRY OF CONCERN.—The term "coun-

21 try of concern" means a country that is on the list

22 described in section 4.

23 (7) COUNTRY OF ORIGIN.—The term "country

24 of origin"—

1   (A) with respect to the developer of an ap-

2   plication, means the country in which the devel-

3   oper is headquartered or principally operates;

4   and

5   (B) with respect to the beneficial owner of

6   the developer of an application—

7   (i) except as provided in clause (ii),

8   means the country from which the bene-

9   ficial owner principally exercises control

10   over the developer; and

11   (ii) if the beneficial owner exercises

12   any control over the developer from a

13   country of concern, means that country.

14   (8) COVERED COMPANY.—The term "covered

15 company" means any person, entity, or organization

16 that owns, controls, or operates an application store

17 that serves customers in the United States.

18   (9) DEVELOPER.—The term "developer" means

19 a person that creates, owns, or controls an applica-

20 tion and is responsible for the design, development,

21 maintenance, and distribution of the application to

22 end users through an application store.

23   (10) PRIMARY COUNTRY OF ORIGIN.—The term

24 "primary country of origin", with respect to an ap-

25 plication—

1   (A) except as provided in subparagraph

2   (B), means the country of origin of the devel-

3   oper of the application; and

4   (B) if the country of origin of the bene-

5   ficial owner of the developer of the application

6   is a country of concern, means that country.

7   (11) PROMINENT DISPLAY.—The term "promi-

8 nent display", with respect to an application store

9 page, means a banner that is immediately and clear-

10 ly visible when the application store page is accessed.

11 (b) REQUIREMENTS.—

12   (1) PUBLIC LISTING.—The Assistant Secretary

13 shall require a covered company to publicly list, in

14 a prominent display on the application store page,

15 the primary country of origin of each application

16 distributed through an application store owned, con-

17 trolled, or operated by the covered company.

18   (2) PROTECTIONS REGARDING CERTAIN FOR-

19 EIGN COUNTRIES.—

20   (A) FILTER FOR CERTAIN APPLICA-

21   TIONS.—The Assistant Secretary shall require a

22   covered company to provide users of the covered

23   company's application store with the option to

24   filter out applications whose primary country of

25   origin is a country of concern.

1   (B) DISCLAIMER FOR CERTAIN APPLICA-
2   TIONS.—The Assistant Secretary shall require
3   that if the primary country of origin of an ap-
4   plication is a country of concern, a covered
5   company that distributes the application
6   through an application store shall provide a dis-
7   claimer, in a prominent display on the applica-
8   tion store page, that data from the application
9   could be accessed by a foreign government.

10   (3) UPDATE OF INFORMATION.—

11   (A) IN GENERAL.—The Assistant Sec-
12   retary shall require a developer to notify a cov-
13   ered company whose application store distrib-
14   utes the developer's application of any change
15   in—

16   (i) the country of origin of the devel-
17   oper;

18   (ii) the beneficial owner of the devel-
19   oper; or

20   (iii) the country of origin of the bene-
21   ficial owner of the developer.

22   (B) DEVELOPER CERTIFICATION.—

23   (i) IN GENERAL.—The Assistant Sec-
24   retary shall require a developer to certify
25   to each covered company that owns, con-

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1 trols, or operates an application store
2 through which the developer's application
3 is distributed, not less frequently than an-
4 nually, that the information displayed on
5 the application store page with respect to
6 the application, including primary country
7 of origin and beneficial ownership, is up-to-
8 date.

9 (ii) VIOLATIONS.—If a developer vio-
10 lates clause (i)—

11 (I) the covered company shall
12 issue the developer a series of not
13 fewer than 3 warnings over a period
14 of not more than 90 days; and

15 (II) if the developer does not cor-
16 rect the violation by the date that is
17 90 days after the date on which the
18 first warning is issued under sub-
19 clause (I), the covered company shall
20 remove the application of the devel-
21 oper from the application store.

22 (4) REPORTING MECHANISM.—The Assistant
23 Secretary shall require a covered company to estab-
24 lish a mechanism that—

1   (A) allows a user of the covered company's

2   application store, an employee of a developer

3   whose application is distributed through the

4   covered company's application store, or an asso-

5   ciated third party to report a potential violation

6   of this subsection by a developer, including in-

7   correct information displayed on the application

8   store page; and

9   (B) allows a report under subparagraph

10   (A) to be made anonymously.

11   (5) WRITTEN POLICY FOR APPEALS OF REMOV-

12   ALS.—The Assistant Secretary shall require a cov-

13   ered company to establish, for any application store

14   owned, controlled, or operated by the covered com-

15   pany, a clear written policy for how a developer can

16   appeal the removal of an application from the appli-

17   cation store and have the application be reinstated.

SEC. 4. LIST OF FOREIGN COUNTRIES WITH NATIONAL

LAWS RESULTING IN GOVERNMENT CON-

TROL OVER APPLICATIONS.

21   (a) IN GENERAL.—Not later than 180 days after the

22 date of enactment of this Act, and annually thereafter,

23 the Secretary of the Treasury and the Secretary of Com-

24 merce shall jointly develop and submit to Congress a list

25 of each foreign country that has in effect a national law

1 that may subject a developer or application to control by

2 the government of the country over content moderation,

3 algorithm design, or user data transfers.

4   (b) PUBLICATION.—With respect to the list developed

5 under subsection (a)—

6   (1) the Secretary of the Treasury shall make

7   the list publicly available on the website of the De-

8   partment of the Treasury; and

9   (2) the Secretary of Commerce shall make the

10   list publicly available on the website of the Depart-

11   ment of Commerce.

SEC. 5. LIMITATION OF ENFORCEMENT AND REGULATION.

13   The Assistant Secretary may not exercise any en-

14 forcement authority or regulatory authority over a covered

15 company or developer that is not provided under this Act,

16 including through rulemaking.

SEC. 6. ENFORCEMENT.

18   The Attorney General may bring a civil action in an

19 appropriate district court of the United States against any

20 covered company that violates this Act.