

116TH CONGRESS
2D SESSION

S. 4669

To require sellers of internet applications to disclose country-of-origin information, and for other purposes.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 23, 2020

Mr. SCOTT of Florida (for himself and Ms. CORTEZ MASTO) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To require sellers of internet applications to disclose country-of-origin information, 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 “American Privacy Pro-
5 tection Act” or the “APP Act”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) COMMISSION.—The term “Commission”
9 means the Federal Trade Commission.

1 (2) INTERNET APPLICATION.—The term “inter-
 2 net application” means a computer program or soft-
 3 ware application that is downloaded by a user to an
 4 internet-connected device.

5 **SEC. 3. COUNTRY OF ORIGIN DISCLOSURE REQUIREMENTS**
 6 **FOR SELLERS OF INTERNET APPLICATIONS.**

7 (a) IN GENERAL.—Beginning on the date that is 180
 8 days after the date of the promulgation of final regulations
 9 implementing this section—

10 (1) it shall be unlawful for any person to sell
 11 or distribute an internet application unless the per-
 12 son discloses to any individual who downloads such
 13 application, in a clear and conspicuous manner and
 14 in the same language that is used on the rest of the
 15 platform on which such application is sold or distrib-
 16 uted—

17 (A) the business name and address of the
 18 owner of the application, the developer of the
 19 application, and any parent company of such
 20 owner or developer;

21 (B) if more than 5 percent of the applica-
 22 tion was developed outside of the United States,
 23 each location in which the application was de-
 24 veloped; and

1 (C) each location, if any, outside of the
2 United States in which data collected by the ap-
3 plication is stored; and

4 (2) it shall be unlawful for the owner or devel-
5 oper of an internet application to knowingly provide
6 false information to a seller or distributor of internet
7 applications with respect to any of the information
8 described in paragraph (1).

9 (b) CONTINUING NOTIFICATION REQUIREMENT.—

10 (1) IN GENERAL.—A person shall not be con-
11 sidered to meet the requirement of paragraph (1)
12 unless the person provides an individual with notice
13 whenever the person has actual knowledge that—

14 (A) a prior notice given to the individual
15 under paragraph (1) regarding an internet ap-
16 plication was incomplete or inaccurate with re-
17 spect to the information described in subpara-
18 graph (B) or (C) of such paragraph; or

19 (B) the location where the internet applica-
20 tion is developed or stores data has changed so
21 that the information provided under a prior no-
22 tice given to the individual is incomplete or in-
23 accurate with respect to the information de-
24 scribed in subparagraph (B) or (C) of para-
25 graph (1).

1 (2) TIMING.—A notice required under para-
 2 graph (1) shall be provided by a person not later
 3 than 2 days after the earliest date on which the per-
 4 son had actual knowledge described in such para-
 5 graph.

6 (c) SAFE HARBOR.—In complying with the require-
 7 ment of subsection (a)(1) and subsection (b), the seller
 8 or distributor of an internet application may reasonably
 9 rely on representations made by the owner or developer
 10 of such application regarding the information described in
 11 subparagraphs (A) through (C) of subsection (a)(1).

12 **SEC. 4. ENFORCEMENT.**

13 (a) UNFAIR AND DECEPTIVE ACTS OR PRACTICES.—
 14 A violation of this Act or a regulation promulgated under
 15 this Act shall be treated as a violation of a rule defining
 16 an unfair or deceptive act or practice prescribed under sec-
 17 tion 18(a)(1)(B) of the Federal Trade Commission Act
 18 (15 U.S.C. 57a(a)(1)(B)).

19 (b) POWERS OF COMMISSION.—

20 (1) IN GENERAL.—The Commission shall en-
 21 force this Act and any regulation promulgated under
 22 this Act in the same manner, by the same means,
 23 and with the same jurisdiction, powers, and duties
 24 as though all applicable terms and provisions of the
 25 Federal Trade Commission Act (15 U.S.C. 41 et

1 seq.) were incorporated into and made a part of this
2 Act.

3 (2) PRIVILEGES AND IMMUNITIES.—Any person
4 that violates this Act or a regulation promulgated
5 under this Act shall be subject to the penalties and
6 entitled to the privileges and immunities provided in
7 the Federal Trade Commission Act (15 U.S.C. 41 et
8 seq.).

9 (c) ENFORCEMENT BY STATE ATTORNEYS GEN-
10 ERAL.—In any case in which the attorney general of a
11 State has reason to believe that an interest of the residents
12 of that State has been or is threatened or adversely af-
13 fected by the engagement of any person in a practice that
14 violates this Act or a regulation prescribed under this Act,
15 the State, as *parens patriae*, may bring a civil action on
16 behalf of the residents of the State in a district court of
17 the United States of appropriate jurisdiction to—

18 (1) enjoin that practice;

19 (2) enforce compliance with this Act or such
20 regulation;

21 (3) obtain damages, restitution, or other com-
22 pensation on behalf of residents of the State; or

23 (4) obtain such other relief as the court may
24 consider to be appropriate.

1 (d) RULEMAKING.—The Commission shall promul-
2 gate in accordance with section 553 of title 5, United
3 States Code, such rules as may be necessary to carry out
4 this Act.

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