



January 15, 2026

VIA EMAIL

The Honorable Brett Guthrie
Chairman, Energy & Commerce Committee
U.S. House of Representatives
Washington, DC 20515

The Honorable Frank Pallone
Ranking Member, Energy & Commerce Committee
U.S. House of Representatives
Washington, DC 20515

Re: H.R. 3209, App Store Freedom Act

Dear Chairman Guthrie and Ranking Member Pallone:

On behalf of the undersigned organizations, we write to convey concerns about H.R. 3209, the App Store Freedom Act (ASFA),¹ a bill raised by members during an unrelated subcommittee hearing, “Legislative Solutions to Protect Children and Teens Online”.

We are concerned that ASFA would introduce significant cybersecurity vulnerabilities and undermine user privacy that far outweigh the alleged benefits to competition that supporters claim will flow from forcing app stores to provide access to third-party apps and app stores. The effect would be most pronounced for youth. These concerns are not merely hypothetical. Indeed, the European Union (EU) has already imposed similar requirements on app stores under the Digital Markets Act (DMA); as we explain below, the results have been catastrophic for user security and privacy.²

¹ [H.R. 3209](#), App Store Freedom Act.

² Giuseppe Colangelo and Alba Ribera Martinez, [Vertical interoperability in mobile ecosystems: Will the DMA deliver \(what competition law could not\)?](#), *International Review of Law and Economics* 83 (2025); Isabella Lorenzoni, [Interoperability: U.S. and E.U. Perspectives Compared](#), George Washington Competition & Innovation Lab (2025).

As background, ASFA purports to improve “interoperability” between the Google and Apple app stores and any third-party app or app store. While interoperability as a general matter is a worthy goal, context matters. The major app stores provide multiple layers of protection to ensure that apps are free of known malware, protect personal data, and restrict access to problematic content such as overtly pornographic apps. Requiring these platforms to provide equal access to third-party applications without safeguards to ensure that those third-party applications provide best-in-class security and privacy protections is an invitation to bad actors to take advantage of millions of unsuspecting users.

The EU provides a case study in what can go wrong were the United States to adopt legislation like the ASFA. App store interoperability requirements under the DMA have led to an increase in fraudulent banking apps, malware-infused apps, and pornographic apps.³ While the U.S. app store ecosystem is not free of fraud and malfeasance,⁴ in the EU, these bad practices have become more prevalent, and the DMA makes cracking down on harmful or illegal applications much more difficult.⁵ In contrast, in the United States, in those instances where developers of applications that do not comport with app store policies have made it through the screening process – the companies behind the app stores were able to shut down the credentials to those developers and deny future access, as happened when a flood of “nudify” applications appeared in app stores.⁶

As in the EU, ASFA is likely to materially increase risks to cybersecurity and data privacy through its requirement that a company provide “access to any interface and hardware and software

³ See, e.g., Heather West, Center for European Policy Analysis, [Europe’s DMA: A Cybercriminal’s Paradise?](#), Center for Cybersecurity Policy and Law (Dec. 2025); Jim Kohlenberger, [When Interoperability Mandates Weaken Security - JIT Happens](#), Trusted Future (Sept. 5, 2025); Suzanne Frey, [A new layer of security for certified Android devices](#), *Android Developers Blog* (Aug. 25, 2025) (“recent analysis found over 50 times more malware from internet-sideloaded sources than on apps available through Google Play”); Stephen Nellis, [Apple raises concern over first porn app on iPhone under EU rules](#), *Reuters* (Feb. 3, 2025); Jennifer Jacobs, [Apple blasts EU over digital competition laws, warning they make ‘fraud and scams’ more likely](#), *CBS News* (Nov. 6, 2025); Centre for European Reform, [Is The European Union Taking the Right Approach to App Fraud?](#) (Nov. 12, 2024). See also, e.g., ENISA, [Threat Landscape: Finance Sector, January 2023 to June 2024](#) (2024), at Section 3.6 (describing “surge in mobile banking trojans” and “200% year-on-year growth in malware families targeting banking applications” following implementation of DMA); Kurt Knudson [New Android malware can empty your bank account in seconds](#), *Fox News* (Nov 27, 2025) (addressing malware apps developed in EU exported to the U.S. market).

⁴ Karen Garcia, [Apple Store removes bogus app after California warns EBT recipients](#), *Los Angeles Times* (Sept. 19, 2025); [E.U. presses Apple, Google and others to act against online scams](#), *Le Monde* (Sept. 23, 2025).

⁵ See *supra*, note 3. See also Apple, [Statement: The Digital Markets Act’s impact on E.U. users](#) (Sept. 24, 2025); European Union Agency for Cybersecurity (ENISA), [Sectoral Threat Landscape](#) (Nov. 6, 2025), at Sections 2, 3, 4.2 and 6.1-6.3; ENISA, [Identifying Emerging Cybersecurity Threats for 2030](#) (Mar. 2023), at Sections 3.2, 3.5, 3.7, and 3.10.

⁶ Matt Burgess, [Harmful ‘Nudify’ Websites Used Google, Apple, and Discord Sign-on Systems](#), *Wired* (Aug. 28, 2024).

feature of the operating system.”⁷ Developers do this through application programming interfaces (APIs), which are used to ensure the smooth integration and interoperability of two applications. But APIs are also a major line of attack for actors trying to steal user data, especially without guardrails that would prevent unauthorized access to or misuse of personal information.⁸ Indeed, ASFA requires no such guardrails. This is why some companies restrict access to sensitive APIs and require applications for use.⁹

Co-sponsors and supporters of ASFA have described the legislation as “a bill that will protect kids online.”¹⁰ The effect on America’s youth would be the exact opposite, as evidenced by the EU experiment with app store interoperability. Were the ASFA to become law, app store developers targeted by the legislation – Google and Apple – would have no ability to ensure the safety of apps, impose content restrictions on pornographic apps, or direct changes to third-party app stores or apps. Indeed, this legislation would prevent these app store developers from ensuring that parental controls – the subject of extensive discussion during the December 2 hearing and the focus of at least two pieces of legislation considered by the Subcommittee¹¹ – actually work. ASFA would both *weaken* protections that families rely on and *create new vulnerabilities* through third-party app stores.¹²

Sponsors of ASFA have also claimed that the legislation would foster the creation of a youth-friendly app store. It is worth noting that the Android operating system has allowed alternative app stores for years, and no such store exists. The same goes for Windows PCs and MacOS. There is nothing preventing a group of concerned developers from doing this today *without* the potentially catastrophic consequences for youth safety and privacy that would ensue by opening the floodgates to bad actors. Yet, they have not. Policymakers should not expect the sudden emergence of a youth-friendly app store if ASFA were enacted. Indeed, during the December 2 hearing, Chairman Guthrie suggested limiting the scope of ASFA to minor users - a proposal that would make sense if the intent of the legislation were to foster the development of a youth-focused app store. Yet the bill’s supporters have not accepted that proposal because

⁷ ASFA Sec. 2(2)(A).

⁸ See, e.g., United States Cybersecurity Institute, [“What is an API? \(Application Programming Interface\)”](#) (Dec. 16, 2025), Akamai, [“API Security Impact Study 2024”](#) (Nov. 13, 2024); Akamai, [“Web Attacks up 33%, APIs Emerge as Primary Targets”](#) (Apr. 22, 2025); Cloudflare, [“Organizations Struggle to Identify and Manage Cybersecurity Risks of APIs”](#) (Jan. 9, 2024).

For a prominent example, see Gibson et al.’s analysis of the 2021 LinkedIn Data Breach. [“Vulnerability in the Massive API Scraping: 2021 LinkedIn Data Breach”](#) (2021).

⁹ See, e.g., Apple, [List of APIs that require declared reasons now available](#) (Jul. 27, 2023).

¹⁰ See Digital Progress Institute, et al., [Letter to House Energy & Commerce Committee](#) (Oct. 24, 2025); Reps. Lori Trahan and Kat Cammack, [“Dear Colleague” Letter](#) (Oct. 30, 2025).

¹¹ Parents Over Platforms Act, H.R. 6333; App Store Accountability Act, H.R. 3147.

¹² Aden Hizkias, [The Hidden Risks of the App Store Freedom Act](#), Chamber of Progress (Nov. 5, 2025).

ASFA is not ultimately about youth safety—it is about increasing the bottom line of some of the world’s largest app developers.¹³

Congress should take the EU’s experience with its regulatory policies as a cautionary tale. The DMA has produced a fractured digital landscape marked by weaker protections, more harmful content, and increased risks to users. We strongly recommend against pursuing the regulatory approach taken by the EU, an approach, which, according to the EU’s own experts, has restricted the growth of their technology sector.¹⁴ Were the United States to follow the EU approach, the risks to security, data privacy, and kids’ safety would be severe. The United States has long warned against these outcomes. Instead of copying a regulatory model that has clearly failed overseas, as the ASFA does, Congress should prioritize policies that strengthen privacy, improve security, and support American innovation.

Thank you for your consideration of our views. We look forward to working with the Committee to advance legislation that protects the privacy and safety of youth online and promotes competition and innovation.

Sincerely,

Software & Information Industry Association (SIIA)
ACT | The App Association
Chamber of Progress
Computer & Communications Industry Association (CCIA)
NetChoice

¹³ See, e.g., Eduardo Contreras, [Scandal-Plagued Companies Aren’t Doing the Right Thing](#), *D.C. Journal* (Apr. 16, 2024) (referencing ASFA predecessor legislation, the Open App Markets Act); [X.com post](#) by Adam Kovacevich (Dec. 12, 2025).

¹⁴ Mario Draghi, [The Future of European Competitiveness](#) (Sept. 9, 2024); Enrico Letta, [Much More than a Market – Speed, Security, Solidarity: Empowering the Single Market to deliver a sustainable future and prosperity for all EU Citizens](#), (Apr. 2024).