

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 379 Session of 2023

INTRODUCED BY PHILLIPS-HILL, PENNYCUICK, ROTHMAN, J. WARD, BARTOLOTTA, STEFANO, GEBHARD, DUSH, ROBINSON, LAUGHLIN, BOSCOLA AND MARTIN, FEBRUARY 9, 2023

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES, MARCH 25, 2024

AN ACT

1 Amending Title 71 (State Government) of the Pennsylvania
2 Consolidated Statutes, providing for the prohibition of
3 unauthorized applications. PROTECTION OF STATE-OWNED
4 ELECTRONIC DEVICES AND NETWORKS FROM APPLICATIONS CONTROLLED
5 BY FOREIGN ADVERSARIES. <-- <--

6 The General Assembly of the Commonwealth of Pennsylvania
7 hereby enacts as follows:

8 Section 1. Title 71 of the Pennsylvania Consolidated
9 Statutes is amended by adding a part to read:

10 PART XXX <--

11 STATE OWNED ELECTRONIC DEVICES AND NETWORKS

12 Chapter

13 71. (Reserved)

14 73. Unauthorized Applications

15 CHAPTER 71

16 (Reserved)

17 CHAPTER 73

18 UNAUTHORIZED APPLICATIONS

1 ~~Sec.~~

2 ~~7301. Definitions.~~

3 ~~7302. Prohibition.~~

4 ~~§ 7301. Definitions.~~

5 ~~The following words and phrases when used in this chapter~~
6 ~~shall have the meanings given to them in this section unless the~~
7 ~~context clearly indicates otherwise:~~

8 ~~"Electronic device." A device that is capable of downloading~~
9 ~~and accessing an unauthorized application.~~

10 ~~"State owned." State money was used in acquiring the device.~~

11 ~~"Unauthorized application." The social networking service~~
12 ~~TikTok or any successor application or service developed or~~
13 ~~provided by ByteDance Limited or an entity owned by ByteDance~~
14 ~~Limited.~~

15 ~~§ 7302. Prohibition.~~

16 ~~(a) On device. Within three months of the effective date of~~
17 ~~this subsection, a State owned electronic device may not have an~~
18 ~~unauthorized application downloaded or installed on the device.~~

19 ~~(b) On network. An individual may not access an~~
20 ~~unauthorized application on a State wireless network.~~

21 ~~(c) Exception. Subsection (a) shall not apply to law~~
22 ~~enforcement activities, security interests, security research or~~
23 ~~risk mitigation actions.~~

24 PART XXX

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25 PROTECTION OF STATE-OWNED ELECTRONIC DEVICES AND NETWORKS FROM

26 APPLICATIONS CONTROLLED BY FOREIGN ADVERSARIES

27 CHAPTER

28 71. (RESERVED)

29 73. PROHIBITION OF UNAUTHORIZED FOREIGN ADVERSARY CONTROLLED
30 APPLICATIONS

1 CHAPTER 71

2 (RESERVED)

3 CHAPTER 73

4 PROHIBITION OF UNAUTHORIZED FOREIGN ADVERSARY CONTROLLED

5 APPLICATIONS

6 SEC.

7 7301. DEFINITIONS.

8 7302. PROHIBITION.

9 § 7301. DEFINITIONS.

10 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS CHAPTER
11 SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE
12 CONTEXT CLEARLY INDICATES OTHERWISE:

13 "COMMONWEALTH GOVERNMENT." AS DEFINED UNDER 2 PA.C.S. § 101
14 (RELATING TO DEFINITIONS).

15 "CONTROLLED BY A FOREIGN ADVERSARY." ANY OF THE FOLLOWING:

16 (1) A COVERED COMPANY TO WHICH ANY OF THE FOLLOWING
17 APPLY:

18 (I) A FOREIGN PERSON THAT IS DOMICILED IN, IS
19 HEADQUARTERED IN, HAS THE PERSON'S PRINCIPAL PLACE OF
20 BUSINESS IN OR IS ORGANIZED UNDER THE LAWS OF A FOREIGN
21 ADVERSARY COUNTRY.

22 (II) AN ENTITY OF WHICH A FOREIGN PERSON OR
23 COMBINATION OF FOREIGN PERSONS DESCRIBED UNDER
24 SUBPARAGRAPH (I) DIRECTLY OR INDIRECTLY OWN AT LEAST 20%.

25 (III) A PERSON SUBJECT TO THE DIRECTION OR CONTROL
26 OF A FOREIGN PERSON OR ENTITY DESCRIBED UNDER
27 SUBPARAGRAPH (I) OR (II).

28 (2) A FOREIGN ENTITY THAT:

29 (I) IS SUBJECT TO AN ACTIVE INVESTIGATION BY THE
30 FEDERAL COMMITTEE ON FOREIGN INVESTMENT IN THE UNITED

1 STATES IN RELATION TO A TRANSACTION;

2 (II) HAS HAD A TRANSACTION BLOCKED BY THE FEDERAL
3 COMMITTEE ON FOREIGN INVESTMENT IN THE UNITED STATES; OR

4 (III) HAS BEEN ORDERED BY THE FEDERAL COMMITTEE ON
5 FOREIGN INVESTMENT IN THE UNITED STATES TO DIVEST FROM AN
6 ASSET.

7 "COVERED COMPANY." AN ENTITY THAT OPERATES, DIRECTLY OR
8 INDIRECTLY, INCLUDING, BUT NOT LIMITED TO, THROUGH A PARENT
9 COMPANY, SUBSIDIARY OR AFFILIATE, THAT IS CONTROLLED BY A
10 FOREIGN ADVERSARY COUNTRY.

11 "FOREIGN ADVERSARY COUNTRY." A COUNTRY LISTED UNDER 10
12 U.S.C. § 4872(D) (2) (RELATING TO ACQUISITION OF SENSITIVE
13 MATERIALS FROM NON-ALLIED FOREIGN NATIONS: PROHIBITION).

14 "LOCAL EDUCATION AGENCY." AS DEFINED UNDER SECTION 220(C) OF
15 THE ACT OF MARCH 10, 1949 (P.L. 30,NO. 14), KNOWN AS THE PUBLIC
16 SCHOOL CODE OF 1949.

17 "STATE-OWNED ELECTRONIC DEVICE." A DEVICE WITH THE CAPACITY
18 TO INSTALL, MAINTAIN OR UPDATE AN UNAUTHORIZED FOREIGN ADVERSARY
19 CONTROLLED APPLICATION UNDER THE EXPRESS CONTROL, OWNERSHIP OR
20 OPERATION OF EITHER:

21 (1) THE COMMONWEALTH GOVERNMENT;

22 (2) A POLITICAL SUBDIVISION OF THE COMMONWEALTH
23 GOVERNMENT; OR

24 (3) A LOCAL EDUCATION AGENCY.

25 "STATE-OWNED WIRELESS NETWORK." A NETWORK WITH THE CAPACITY
26 TO INSTALL, MAINTAIN OR UPDATE AN UNAUTHORIZED FOREIGN ADVERSARY
27 CONTROLLED APPLICATION UNDER THE EXPRESS CONTROL, OWNERSHIP OR
28 OPERATION OF ONE OF THE FOLLOWING:

29 (1) THE COMMONWEALTH GOVERNMENT;

30 (2) A POLITICAL SUBDIVISION OF THE COMMONWEALTH

1 GOVERNMENT; OR

2 (3) A LOCAL EDUCATION AGENCY.

3 "UNAUTHORIZED FOREIGN ADVERSARY CONTROLLED APPLICATION." A
4 WEBSITE, DESKTOP APPLICATION, MOBILE APPLICATION OR AUGMENTED OR
5 IMMERSIVE TECHNOLOGY APPLICATION THAT IS OPERATED, DIRECTLY OR
6 INDIRECTLY, BY A COVERED COMPANY OR AN ENTITY OWNED OR
7 CONTROLLED BY A COVERED COMPANY.

8 § 7302. PROHIBITION.

9 (A) ON DEVICE.--NO STATE-OWNED ELECTRONIC DEVICE MAY HAVE AN
10 UNAUTHORIZED FOREIGN ADVERSARY CONTROLLED APPLICATION DOWNLOADED
11 OR INSTALLED ON THE DEVICE.

12 (B) ON NETWORK.--AN INDIVIDUAL MAY NOT ACCESS OR ATTEMPT TO
13 ACCESS AN UNAUTHORIZED FOREIGN ADVERSARY CONTROLLED APPLICATION
14 THROUGH A STATE-OWNED WIRELESS NETWORK.

15 (C) EXCEPTION.--SUBSECTION (A) SHALL NOT APPLY TO LAW
16 ENFORCEMENT ACTIVITIES, SECURITY INTERESTS, SECURITY RESEARCH OR
17 RISK MITIGATION ACTIONS.

18 Section 2. This act shall take effect in 60 days.