

117TH CONGRESS
2D SESSION

H. R. 4081

IN THE SENATE OF THE UNITED STATES

OCTOBER 11, 2022

Received; read twice and referred to the Committee on Commerce, Science,
and Transportation

AN ACT

To require the disclosure of a camera or recording capability
in certain internet-connected devices.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Informing Consumers
3 about Smart Devices Act”.

4 **SEC. 2. REQUIRED DISCLOSURE OF A CAMERA OR RECORD-**
5 **ING CAPABILITY IN CERTAIN INTERNET-CON-**
6 **NECTED DEVICES.**

7 Each manufacturer of a covered device shall disclose
8 whether the covered device manufactured by the manufac-
9 turer contains a camera or microphone as a component
10 of the covered device.

11 **SEC. 3. ENFORCEMENT BY THE FEDERAL TRADE COMMIS-**
12 **SION.**

13 (a) UNFAIR OR DECEPTIVE ACTS OR PRACTICES.—
14 A violation of section 2 shall be treated as a violation of
15 a rule defining an unfair or deceptive act or practice pre-
16 scribed under section 18(a)(1)(B) of the Federal Trade
17 Commission Act (15 U.S.C. 57a(a)(1)(B)).

18 (b) ACTIONS BY THE COMMISSION.—

19 (1) IN GENERAL.—The Federal Trade Commis-
20 sion shall prevent any person from violating this Act
21 or a regulation promulgated under this Act in the
22 same manner, by the same means, and with the
23 same jurisdiction, powers, and duties as though all
24 applicable terms and provisions of the Federal Trade
25 Commission Act (15 U.S.C. 41 et seq.) were incor-
26 porated into and made a part of this Act.

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

7 (c) COMMISSION GUIDANCE.—Not later than 180
8 days after the date of enactment of this Act, the Commis-
9 sion, through outreach to relevant private entities, shall
10 issue guidance to assist manufacturers in complying with
11 the requirements of this Act, including guidance about
12 best practices for making the disclosure required by sec-
13 tion 2 as clear and conspicuous as practicable.

14 (d) TAILORED GUIDANCE.—A manufacturer of a cov-
15 ered device may petition the Commission for tailored guid-
16 ance as to how to meet the requirements of section 2.

17 (e) LIMITATION ON COMMISSION GUIDANCE.—No
18 guidance issued by the Commission with respect to this
19 Act shall confer any rights on any person, State, or local-
20 ity, nor shall operate to bind the Commission or any per-
21 son to the approach recommended in such guidance. In
22 any enforcement action brought pursuant to this Act, the
23 Commission shall allege a specific violation of a provision
24 of this Act. The Commission may not base an enforcement
25 action on, or execute a consent order based on, practices

1 that are alleged to be inconsistent with any such guide-
2 lines, unless the Commission determines such practices ex-
3 pressly violate section 2.

4 **SEC. 4. DEFINITION OF COVERED DEVICE.**

5 As used in this Act, the term “covered device”—

6 (1) means a consumer product, as defined by
7 section 3(a) of the Consumer Product Safety Act
8 (15 U.S.C. 2052(a)) that is capable of connecting to
9 the internet, a component of which is a camera or
10 microphone; and

11 (2) does not include—

12 (A) a telephone (including a mobile phone),
13 a laptop, tablet, or any device that a consumer
14 would reasonably expect to have a microphone
15 or camera;

16 (B) any device that is specifically marketed
17 as a camera, telecommunications device, or
18 microphone; or

19 (C) any device or apparatus described in
20 sections 255, 716, and 718, and subsections
21 (aa) and (bb) of section 303 of the Communica-
22 tions Act of 1934 (47 U.S.C. 255; 617; 619;
23 and 303(aa) and (bb)), and any regulations
24 promulgated thereunder.

1 SEC. 5. EFFECTIVE DATE.

2 This Act shall apply to all devices manufactured after
3 the date that is 180 days after the date on which guidance
4 is issued by the Commission under section 3(c), and shall
5 not apply to devices manufactured or sold before such
6 date, or otherwise introduced into interstate commerce be-
7 fore such date.

8 SEC. 6. DETERMINATION OF BUDGETARY EFFECTS.

9 The budgetary effects of this Act, for the purpose of
10 complying with the Statutory Pay-As-You-Go Act of 2010,
11 shall be determined by reference to the latest statement
12 titled “Budgetary Effects of PAYGO Legislation” for this
13 Act, submitted for printing in the Congressional Record
14 by the Chairman of the House Budget Committee, pro-
15 vided that such statement has been submitted prior to the
16 vote on passage.

Passed the House of Representatives September 29,
2022.

Attest: **CHERYL L. JOHNSON,**
Clerk.