

Union Calendar No.

117TH CONGRESS
2^D SESSION

H. R. 4081

[Report No. 117-]

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

IN THE HOUSE OF REPRESENTATIVES

JUNE 23, 2021

Mr. CURTIS (for himself and Mr. MOULTON) introduced the following bill;
which was referred to the Committee on Energy and Commerce

JULY --, 2022

Committed to the Committee of the Whole House on the State of the Union,
and ordered to be printed

A BILL

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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Informing Consumers
5 about Smart Devices Act”.

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

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

13 **SEC. 3. ENFORCEMENT BY THE FEDERAL TRADE COMMIS-**
14 **SION.**

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

20 (b) ACTIONS BY THE COMMISSION.—

21 (1) IN GENERAL.—The Federal Trade Commis-
22 sion shall prevent any person from violating this Act
23 or a regulation promulgated under this Act in the
24 same manner, by the same means, and with the
25 same jurisdiction, powers, and duties as though all

1 applicable terms and provisions of the Federal Trade
2 Commission Act (15 U.S.C. 41 et seq.) were incor-
3 porated into and made a part of this Act.

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

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

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

20 (e) LIMITATION ON COMMISSION GUIDANCE.—No
21 guidance issued by the Commission with respect to this
22 Act shall confer any rights on any person, State, or local-
23 ity, nor shall operate to bind the Commission or any per-
24 son to the approach recommended in such guidance. In
25 any enforcement action brought pursuant to this Act, the

1 Commission shall allege a specific violation of a provision
2 of this Act. The Commission may not base an enforcement
3 action on, or execute a consent order based on, practices
4 that are alleged to be inconsistent with any such guide-
5 lines, unless the Commission determines such practices ex-
6 pressly violate section 2.

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

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

9 (1) means a consumer product, as defined by
10 section 3(a) of the Consumer Product Safety Act
11 (15 U.S.C. 2052(a)) that is capable of connecting to
12 the internet, a component of which is a camera or
13 microphone; and

14 (2) does not include—

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

19 (B) any device that is specifically marketed
20 as a camera, telecommunications device, or
21 microphone; or

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

1 and 303(aa) and (bb)), and any regulations
2 promulgated thereunder.

3 **SEC. 5. EFFECTIVE DATE.**

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