

Suspend the Rules and Pass the Bill, H.R. 4081, With an Amendment

(The amendment strikes all after the enacting clause and inserts a new text)

117TH CONGRESS
2^D SESSION

H. R. 4081

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

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”.

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

4 Each manufacturer of a covered device shall disclose
5 whether the covered device manufactured by the manufac-
6 turer contains a camera or microphone as a component
7 of the covered device.

8 **SEC. 3. ENFORCEMENT BY THE FEDERAL TRADE COMMIS-**
9 **SION.**

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

15 (b) ACTIONS BY THE COMMISSION.—

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

24 (2) PENALTIES AND PRIVILEGES.—Any person
25 who violates this Act or a regulation promulgated
26 under this Act shall be subject to the penalties and

1 entitled to the privileges and immunities provided in
2 the Federal Trade Commission Act (15 U.S.C. 41 et
3 seq.).

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

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

14 (e) LIMITATION ON COMMISSION GUIDANCE.—No
15 guidance issued by the Commission with respect to this
16 Act shall confer any rights on any person, State, or local-
17 ity, nor shall operate to bind the Commission or any per-
18 son to the approach recommended in such guidance. In
19 any enforcement action brought pursuant to this Act, the
20 Commission shall allege a specific violation of a provision
21 of this Act. The Commission may not base an enforcement
22 action on, or execute a consent order based on, practices
23 that are alleged to be inconsistent with any such guide-
24 lines, unless the Commission determines such practices ex-
25 pressly violate section 2.

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

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

3 (1) means a consumer product, as defined by
4 section 3(a) of the Consumer Product Safety Act
5 (15 U.S.C. 2052(a)) that is capable of connecting to
6 the internet, a component of which is a camera or
7 microphone; and

8 (2) does not include—

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

13 (B) any device that is specifically marketed
14 as a camera, telecommunications device, or
15 microphone; or

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

22 **SEC. 5. EFFECTIVE DATE.**

23 This Act shall apply to all devices manufactured after
24 the date that is 180 days after the date on which guidance
25 is issued by the Commission under section 3(c), and shall
26 not apply to devices manufactured or sold before such

1 date, or otherwise introduced into interstate commerce be-
2 fore such date.

3 **SEC. 6. DETERMINATION OF BUDGETARY EFFECTS.**

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