

117<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 4081

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## 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:

*Clerk.*

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