

118TH CONGRESS
1ST SESSION

H. R. 538

IN THE SENATE OF THE UNITED STATES

FEBRUARY 28, 2023

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 enforce this Act in the same manner, by
21 the same means, and with the same jurisdiction,
22 powers, and duties as though all applicable terms
23 and provisions of the Federal Trade Commission Act
24 (15 U.S.C. 41 et seq.) were incorporated into and
25 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, in a manner
16 consistent with the rules of the Commission, for tailored
17 guidance as to how to meet the requirements of section
18 2.

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

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

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

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

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

13 (2) does not include—

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

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

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

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

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