

117TH CONGRESS  
1ST SESSION

# H. R. 3898

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

---

IN THE HOUSE OF REPRESENTATIVES

JUNE 15, 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”.

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-

1 turer contains a camera or microphone as a component  
2 of the covered device.

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

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

10 (b) ACTIONS BY THE COMMISSION.—

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

19 (2) PENALTIES AND PRIVILEGES.—Any person  
20 who violates this Act or a regulation promulgated  
21 under this Act shall be subject to the penalties and  
22 entitled to the privileges and immunities provided in  
23 the Federal Trade Commission Act (15 U.S.C. 41 et  
24 seq.).

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

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

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

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

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

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

6           (2) does not include—

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

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

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

20   **SEC. 5. EFFECTIVE DATE.**

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

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

