

117TH CONGRESS  
2D SESSION

# S. 5127

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

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IN THE SENATE OF THE UNITED STATES

NOVEMBER 17, 2022

Mr. CRUZ (for himself and Ms. CANTWELL) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

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## 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 clearly and conspicuously and prior to purchase, whether

1 the covered device manufactured by the manufacturer con-  
2 tains a camera or microphone as a component of the cov-  
3 ered device.

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

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

11 (b) ACTIONS BY THE COMMISSION.—

12 (1) IN GENERAL.—The Federal Trade Commis-  
13 sion (in this Act referred to as the “Commission”)   
14 shall enforce this Act in the same manner, by the  
15 same means, and with the same jurisdiction, powers,  
16 and duties as though all applicable terms and provi-  
17 sions of the Federal Trade Commission Act (15  
18 U.S.C. 41 et seq.) were incorporated into and made  
19 a part of this Act.

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

1           (3) SAVINGS CLAUSE.—Nothing in this Act  
2           shall be construed to limit the authority of the Com-  
3           mission under any other provision of law.

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 con-  
14          sistent with existing rules of practice or any successor  
15          rules.

16          (e) LIMITATION ON COMMISSION GUIDANCE.—No  
17          guidance issued by the Commission with respect to this  
18          Act shall confer any rights on any person, State, or local-  
19          ity, nor shall operate to bind the Commission or any per-  
20          son to the approach recommended in such guidance. In  
21          any enforcement action brought pursuant to this Act, the  
22          Commission shall allege a specific violation of a provision  
23          of this Act. The Commission may not base an enforcement  
24          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 practices allegedly violate section 2.

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

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

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

10 (2) does not include—

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

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

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

1 **SEC. 5. EFFECTIVE DATE.**

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

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