

# Calendar No. 252

118TH CONGRESS  
1ST SESSION

# S. 90

[Report No. 118–114]

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

JANUARY 25, 2023

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

NOVEMBER 28, 2023

Reported by Ms. CANTWELL, with an amendment  
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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”.

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 clearly and conspicuously and prior to purchase, whether  
6 the covered device manufactured by the manufacturer con-  
7 tains a camera or microphone as a component of the cov-  
8 ered device.

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

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

16 (b) ACTIONS BY THE COMMISSION.—

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

25 (2) PENALTIES AND PRIVILEGES.—Any person  
26 who violates this Act or a regulation promulgated

1 under this Act shall be subject to the penalties and  
2 entitled to the privileges and immunities provided in  
3 the Federal Trade Commission Act (15 U.S.C. 41 et  
4 seq.).

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

8 (c) COMMISSION GUIDANCE.—Not later than 180  
9 days after the date of enactment of this Act, the Commis-  
10 sion, through outreach to relevant private entities, shall  
11 issue guidance to assist manufacturers in complying with  
12 the requirements of this Act, including guidance about  
13 best practices for making the disclosure required by sec-  
14 tion 2 as ~~clear and conspicuous as practicable~~ *clear and*  
15 *conspicuous and age appropriate as practicable and about*  
16 *best practices for the use of a pictorial (as defined in section*  
17 *2(a) of the Consumer Review Fairness Act of 2016 (15*  
18 *U.S.C. 45b(a))) visual representation of the information to*  
19 *be disclosed.*

20 (d) TAILORED GUIDANCE.—A manufacturer of a cov-  
21 ered device may petition the Commission for tailored guid-  
22 ance as to how to meet the requirements of section 2 con-  
23 sistent with existing rules of practice or any successor  
24 rules.

1 (e) LIMITATION ON COMMISSION GUIDANCE.—No  
2 guidance issued by the Commission with respect to this  
3 Act shall confer any rights on any person, State, or local-  
4 ity, nor shall operate to bind the Commission or any per-  
5 son to the approach recommended in such guidance. In  
6 any enforcement action brought pursuant to this Act, the  
7 Commission shall allege a specific violation of a provision  
8 of this Act. The Commission may not base an enforcement  
9 action on, or execute a consent order based on, practices  
10 that are alleged to be inconsistent with any such guide-  
11 lines, unless the practices allegedly violate section 2.

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

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

14 (1) means a consumer product, as defined by  
15 section 3(a) of the Consumer Product Safety Act  
16 (15 U.S.C. 2052(a)) that is capable of connecting to  
17 the internet, a component of which is a camera or  
18 microphone; and

19 (2) does not include—

20 (A) a telephone (including a mobile phone),  
21 a laptop, tablet, or any device that a consumer  
22 would reasonably expect to have a microphone  
23 or camera;

1           (B) any device that is specifically marketed  
2           as a camera, telecommunications device, or  
3           microphone; or

4           (C) any device or apparatus described in  
5           sections 255, 716, and 718, and subsections  
6           (aa) and (bb) of section 303 of the Communica-  
7           tions Act of 1934 (47 U.S.C. 255; 617; 619;  
8           and 303(aa) and (bb)), and any regulations  
9           promulgated thereunder.

10 **SEC. 5. EFFECTIVE DATE.**

11           This Act shall apply to all covered devices manufac-  
12           tured after the date that is 180 days after the date on  
13           which guidance is issued by the Commission under section  
14           3(c), and shall not apply to covered devices manufactured  
15           or sold before such date, or otherwise introduced into  
16           interstate commerce before such date.

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