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(Original Signature of Member)

119TH CONGRESS  
2ND SESSION

# H. R.

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To direct the Federal Trade Commission to establish requirements for making information available to the public about the training data and algorithms used in artificial intelligence foundation models, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

Mr. BEYER introduced the following bill; which was referred to the Committee on \_\_\_\_\_

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# A BILL

To direct the Federal Trade Commission to establish requirements for making information available to the public about the training data and algorithms used in artificial intelligence foundation models, and for other purposes.

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 “AI Foundation Model  
5 Transparency Act of 2026”.

1 **SEC. 2. ELEMENTS OF FOUNDATION MODEL TRANS-**  
2 **PARENCY.**

3 (a) ESTABLISHMENT OF REQUIREMENTS.—Not later  
4 than 1 year after the date of the enactment of this Act,  
5 the Commission, in consultation with the Director of the  
6 National Institute of Standards and Technology, the Sec-  
7 retary of Commerce, the Director of the Office of Science  
8 and Technology Policy, and other relevant stakeholders  
9 (including standards bodies, covered entities, academia,  
10 technology experts, and advocates for civil rights and con-  
11 sumers), shall do the following:

12 (1) In accordance with section 553 of title 5,  
13 United States Code, promulgate regulations that:

14 (A) Establish requirements for covered en-  
15 tities with regard to foundation models to im-  
16 prove transparency of training data, docu-  
17 mentation, testing, data collection during infer-  
18 ence, and operations of foundation models, be-  
19 fore commercial deployment and during the  
20 lifecycle of the system.

21 (B) Include requirements for a covered en-  
22 tity—

23 (i) to submit specified information re-  
24 lated to each foundation model provided by  
25 the entity to the Commission; and

1 (ii) to make publicly available certain  
2 information related to each foundation  
3 model provided by the entity.

4 (C) Specify the form and manner in which  
5 the information described in subparagraph  
6 (B)(ii) is made publicly available, including the  
7 following:

8 (i) Information that is required to be  
9 made available on the website of a covered  
10 entity that relates to any foundation model  
11 provided by the entity.

12 (ii) Information that is required to be  
13 displayed in a central location on a website  
14 hosted by the Commission, including, with  
15 respect to a foundation model, information  
16 that is substantially similar to the informa-  
17 tion required under clause (i).

18 (iii) Information submitted to the  
19 Commission that is not required to be pub-  
20 licly displayed, including sensitive or per-  
21 sonally identifiable data or information, or  
22 information that would compromise the cy-  
23 bersecurity of the foundation model.

24 (iv) A requirement for a human-read-  
25 able and consumer-friendly format to be

1 used with respect to the information de-  
2 scribed in clause (i).

3 (v) A requirement for a machine-read-  
4 able format to be used with respect to the  
5 information described under clause (ii).

6 (vi) The URL for the central location  
7 described in clause (ii).

8 (D) Provide an option for a covered entity  
9 to be deemed in compliance with some or all of  
10 this Act if the covered entity publishes the in-  
11 formation determined to be necessary by the  
12 Commission pursuant to subsection (a)(1)(A) as  
13 part of a larger document, including a system  
14 card or model card.

15 (E) Specify a process for a covered entity  
16 to submit the information required under sub-  
17 paragraph (B)(i) to the Commission.

18 (2) Issue guidance to assist covered entities to  
19 comply with the standards established under para-  
20 graph (1).

21 (b) INFORMATION TO INCLUDE.—The Commission  
22 shall include in the regulations promulgated pursuant to  
23 subsection (a)(1)(A), with respect to a foundation model,  
24 the following information:

1           (1) A sufficiently detailed summary of the  
2 sources of training data, how training data is col-  
3 lected, and whether and how data is collected and  
4 retained during inference.

5           (2) A broad description of the size and composi-  
6 tion of such training data, including types of demo-  
7 graphic information, language information, and  
8 other attribute information, while accounting for pri-  
9 vacy.

10          (3) A description of data governance proce-  
11 dures.

12          (4) A description of the intended purposes and  
13 foreseen limitations or risks of the foundation model,  
14 an overview of past edits to such model, the version  
15 and date of release of such model, the knowledge  
16 cutoff date of the training data of such model, and  
17 information on adverse incident monitoring and re-  
18 sponse procedures.

19          (5) A list of or information about languages  
20 supported by the model.

21          (6) A description of the efforts of the covered  
22 entity to align the foundation model and the trans-  
23 parency of such model with—

1 (A) the AI Risk Management Framework  
2 (or any successor framework) of the National  
3 Institute of Standards and Technology;

4 (B) a similar Federal Government-ap-  
5 proved consensus technical standard; or

6 (C) the model specification of any covered  
7 entity, including intended model behavior or  
8 outcomes and guardrails for the model.

9 (7) Performance under evaluation, either self-  
10 driven or through audit, on public or industry stand-  
11 ard benchmarks, including what precautions the  
12 foundation model takes to answer or respond to situ-  
13 ations with higher levels of risk of providing inac-  
14 curate or harmful information, including, if such  
15 model responds to such questions, relating to the fol-  
16 lowing:

17 (A) Medical, health, or healthcare ques-  
18 tions.

19 (B) Biological, chemical, radiological, or  
20 nuclear weapons.

21 (C) National security.

22 (D) Cybersecurity.

23 (E) Threats to critical infrastructure.

24 (F) Elections.

25 (G) Law enforcement.

1 (H) Financial loan or housing decisions.

2 (I) Education.

3 (J) Employment or hiring decisions.

4 (K) Public services.

5 (L) Information relating to vulnerable pop-  
6 ulations, including minors and seniors.

7 (8) Information on the computational power  
8 used to train and operate a foundation model.

9 (c) EXEMPTIONS FOR SPECIFIC TYPES OF FOUNDA-  
10 TION MODELS.—A fully open-source model is exempt from  
11 the regulations promulgated by the Commission pursuant  
12 to subsection (a).

13 (d) CONSIDERATION OF ALTERNATIVE PROVISIONS  
14 FOR DOWNSTREAM FOUNDATION MODELS.—In promul-  
15 gating the regulations and issuing the guidance required  
16 by subsection (a), the Commission shall require that a cov-  
17 ered entity foundation model that is derived from or built  
18 upon another covered entity foundation model, including  
19 through the use of an application programming inter-  
20 face—

21 (1) shall publicly provide a URL to the trans-  
22 parency disclosure website of the base foundation  
23 model if the base model is in compliance with the  
24 regulations promulgated in subsection (a); and

1           (2) shall comply with regulations promulgated  
2           in subsection (a) related to any significant change,  
3           retraining, or adaptation from such base foundation  
4           model.

5           (e) ALTERNATIVE PROVISIONS FOR CERTAIN COV-  
6           ERED ENTITIES.—The Commission shall establish a plan  
7           to assist small businesses and new businesses that are cov-  
8           ered entities with compliance with the regulations promul-  
9           gated pursuant to subsection (a) and to reduce the bur-  
10          dens imposed by such regulations, including by:

11           (1) Publishing guidance for compliance, includ-  
12          ing sample guidance and a machine-readable tem-  
13          plate, to be jointly developed by the Commission and  
14          the Director of the National Institute for Standards  
15          and Technology, for such covered entities to use that  
16          will facilitate compliance with such regulations.

17           (2) Providing one three-month grace period be-  
18          ginning on the date on which a small business or  
19          new business becomes a covered entity during which  
20          such covered entity is not subject to penalties under  
21          this Act or any regulation promulgated pursuant to  
22          this Act.

23           (3) Providing a qualified, technically proficient  
24          representative to meet on multiple occasions during  
25          such grace period with such covered entity to provide

1 guidance to assist the covered entity with compliance  
2 with the regulations promulgated pursuant to sub-  
3 section (a).

4 (f) FOUNDATION MODEL RESOURCES PAGE RE-  
5 QUIRED.—Not later than 1 year after the date of the en-  
6 actment of this Act, the Commission shall establish a  
7 webpage on the website of the Commission that includes  
8 recommendations on foundation model transparency for  
9 foundation model developers or downstream deployers of  
10 a foundation model that are not covered entities, including  
11 recommended resources such as the AI Risk Management  
12 Framework of the National Institute of Standards and  
13 Technology.

14 (g) PERMITTED REDACTIONS.—

15 (1) IN GENERAL.—If a covered entity publishes  
16 documents or submits information to the Commis-  
17 sion to comply with this Act, the covered entity may  
18 make redactions to those documents that are nec-  
19 essary—

20 (A) to protect the cybersecurity and secu-  
21 rity of the covered entity or model, public safe-  
22 ty, or the national security of the United  
23 States; or

24 (B) to comply with any Federal law.

1           (2) IDENTIFICATION OF REDACTIONS.—Any re-  
2           daction shall be briefly identified and justified in the  
3           publication or submission.

4           (h) APPLICABILITY OF REGULATIONS.—The regula-  
5           tions required by subsection (a)(1) shall apply beginning  
6           on the date that is 90 days after the date on which the  
7           Commission promulgates such regulations.

8           (i) UPDATES.—Not later than 1 year after the date  
9           on which the Commission promulgates the regulations re-  
10          quired by subsection (a)(1), and annually thereafter, the  
11          Commission, in consultation with the Director of the Na-  
12          tional Institute of Standards and Technology and the Sec-  
13          retary of Commerce, shall assess the requirements estab-  
14          lished by the regulations and update the regulations to in-  
15          corporate any necessary update to such requirements.

16          (j) ENFORCEMENT BY FEDERAL TRADE COMMIS-  
17          SION.—

18                 (1) UNFAIR OR DECEPTIVE ACTS OR PRAC-  
19                 TICES.—A violation of a regulation promulgated  
20                 under subsection (a)(1) shall be treated as a viola-  
21                 tion of a regulation under section 18(a)(1)(B) of the  
22                 Federal Trade Commission Act (15 U.S.C.  
23                 57a(a)(1)(B)) regarding unfair or deceptive acts or  
24                 practices.

1           (2) POWERS OF COMMISSION.—Except as pro-  
2       vided in subsection (1)(3)(C)—

3           (A) the Commission shall enforce the regu-  
4       lations promulgated under subsection (a)(1) in  
5       the same manner, by the same means, and with  
6       the same jurisdiction, powers, and duties as  
7       though all applicable terms and provisions of  
8       the Federal Trade Commission Act (15 U.S.C.  
9       41 et seq.) were incorporated into and made a  
10      part of this section;

11          (B) any covered entity that violates a regu-  
12      lation promulgated under subsection (a)(1)  
13      shall be subject to the penalties and entitled to  
14      the privileges and immunities provided in the  
15      Federal Trade Commission Act; and

16          (C) the Commission shall provide covered  
17      entities with notice that they are covered enti-  
18      ties not less than fourteen days before taking  
19      any enforcement action.

20      (k) REPORT.—Not later than 1 year after the date  
21      of the enactment of this Act, the Commission shall submit  
22      to the Committee on Energy and Commerce and the Com-  
23      mittee on Science, Space, and Technology of the House  
24      of Representatives and the Committee on Commerce,  
25      Science, and Transportation of the Senate a report on the

1 establishment, implementation, and enforcement of the  
2 regulations issued pursuant to subsection (a)(1).

3 (l) DEFINITIONS.—In this section:

4 (1) ARTIFICIAL INTELLIGENCE.—The term “ar-  
5 tificial intelligence” has the meaning given that term  
6 in section 5002 of the National Artificial Intelligence  
7 Initiative Act of 2020 (15 U.S.C. 9401; Public Law  
8 116–283).

9 (2) COMMISSION.—The term “Commission”  
10 means the Federal Trade Commission.

11 (3) COVERED ENTITY.—

12 (A) IN GENERAL.—The term “covered en-  
13 tity” means any person, partnership, or cor-  
14 poration described in subparagraph (C) that  
15 provides use of or services from a foundation  
16 model which does any of the following:

17 (i) Exhibits, or could be easily modi-  
18 fied to exhibit, high levels of performance  
19 at tasks that could pose a significant risk  
20 to security, national economic security,  
21 consumer protection, civil rights, national  
22 public health or safety, or any combination  
23 of those matters.

24 (ii) Has, in aggregate, over  
25 10,000,000 monthly users, including users

1 of second party entities that use such  
2 model.

3 (iii) Has in aggregate, over  
4 10,000,000 monthly foundation model  
5 download instances if the model is typically  
6 downloaded once for use by a user.

7 (iv) Was trained using a quantity of  
8 computing power greater than  $10^{26}$  integer  
9 or floating point operations, including com-  
10 puting used by the entity for the original  
11 training run and for any subsequent fine-  
12 tuning, reinforcement learning, or other  
13 material modifications the entity applies.

14 (B) UPDATING OF THRESHOLDS.—The  
15 Commission, in consultation with the Director  
16 of the National Institute of Standards and  
17 Technology, the Secretary of Commerce, and  
18 the Director of the Office of Science and Tech-  
19 nology Policy, may, by regulation promulgated  
20 in accordance with section 553 of title 5,  
21 United States Code, update the number of  
22 monthly output instances for purposes of sub-  
23 paragraph (A)(i), the number of monthly users  
24 for purposes of subparagraph (A)(ii), the num-  
25 ber of monthly foundation model download in-

1 stances for purposes of subparagraph (A)(iii),  
2 or the quantity of computing power for pur-  
3 poses of subparagraph (A)(iv) as the Commis-  
4 sion considers appropriate.

5 (C) PERSONS, PARTNERSHIPS, AND COR-  
6 PORATIONS DESCRIBED.—The persons, partner-  
7 ships, and corporations described in this sub-  
8 paragraph are—

9 (i) any person, partnership, or cor-  
10 poration over which the Commission has  
11 jurisdiction under section 5(a)(2) of the  
12 Federal Trade Commission Act (15 U.S.C.  
13 45(a)(2)); and

14 (ii) notwithstanding section 4, 5(a)(2),  
15 or 6 of the Federal Trade Commission Act  
16 (15 U.S.C. 44; 45(a)(2); 46) or any juris-  
17 dictional limitation of the Commission—

18 (I) any common carrier subject  
19 to the Communications Act of 1934  
20 (47 U.S.C. 151 et seq.) and all Acts  
21 amendatory thereof and supple-  
22 mentary thereto; and

23 (II) any organization not orga-  
24 nized to carry on business for its own  
25 profit or that of its members.

1           (4) CRITICAL INFRASTRUCTURE.—The term  
2           “critical infrastructure” has the meaning given that  
3           term in subsection (e) of the Critical Infrastructures  
4           Protection Act of 2001 (42 U.S.C. 5195c(e)).

5           (5) FOUNDATION MODEL.—

6           (A) IN GENERAL.—The term “foundation  
7           model” means an artificial intelligence model  
8           that meets the following requirements:

9                   (i) Is trained on broad data.

10                   (ii) Generally uses self-supervision.

11                   (iii) Generally contains at least  
12                   1,000,000,000 parameters.

13                   (iv) Is designed for generality of out-  
14                   put.

15                   (v) Is generally applicable across a  
16                   wide range of contexts, adaptable to a wide  
17                   range of tasks, or can issue a wide range  
18                   of outputs in response to inferences.

19           (B) EFFECT OF TECHNICAL SAFE-  
20           GUARDS.—The term “foundation model” in-  
21           cludes an artificial intelligence model otherwise  
22           described in subparagraph (A) even if such  
23           model is provided to users with technical safe-  
24           guards that attempt to prevent users from tak-

1           ing advantage of any relevant capabilities that  
2           may be unsafe for consumer use.

3           (6) INFERENCE.—The term “inference” means,  
4           with respect to a foundation model, when such foun-  
5           dation model is operated by a user to produce a re-  
6           sult.

7           (7) MINOR.—The term “minor” means any in-  
8           dividual under the age of 18 years.

9           (8) NEW BUSINESS.—The term “new business”  
10          means a startup or other new business that has been  
11          in operation for less than 1 year.

12          (9) SENIOR.—The term “senior” means an in-  
13          dividual who is 65 years of age or older.

14          (10) SMALL BUSINESS.—The term “small busi-  
15          ness” has the meaning given the term “small busi-  
16          ness concern” in section 3(a) of the Small Business  
17          Act (15 U.S.C. 632(a)).

18          (11) TRAINING DATA.—The term “training  
19          data” means, with respect to a foundation model,  
20          the data on which such foundation model was  
21          trained.