

119TH CONGRESS
2D SESSION

S. _____

To promote competition and reduce consumer switching costs in the provision
of online services, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. WARNER introduced the following bill; which was read twice and referred
to the Committee on _____

A BILL

To promote competition and reduce consumer switching costs
in the provision of online services, 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 “Artificial Intelligence
5 Access, Gatekeeper Exchange, and Nondiscriminatory
6 Transfer Act of 2026” or the “AI AGENT Act of 2026”.

7 **SEC. 2. DEFINITIONS.**

8 In this Act:

9 (1) ARTIFICIAL INTELLIGENCE; ARTIFICIAL IN-
10 TELLIGENCE SYSTEM.—The terms “artificial intel-

1 ligence” and “artificial intelligence system” have the
2 meanings given those terms, respectively, in section
3 5002 of the National Artificial Intelligence Initiative
4 Act of 2020 (15 U.S.C. 9401).

5 (2) COMMISSION.—The term “Commission”
6 means the Federal Trade Commission.

7 (3) CUSTODIAL USER AGENT.—The term “cus-
8 todial user agent” means a software-based agent
9 that is expressly authorized by a user to interact
10 with a large online platform provider on that user’s
11 behalf in a transparent, documented, scope-limited,
12 and revocable manner.

13 (4) CUSTODIAL USER AGENT PROVIDER.—The
14 term “custodial user agent provider”—

15 (A) means any entity that operates or of-
16 fers 1 or more custodial user agents; and

17 (B) includes a user who operates a custo-
18 dial user agent on the user’s own behalf and
19 not on behalf of any other user.

20 (5) ELECTRONIC COMMERCE.—The term “elec-
21 tronic commerce” has the meaning given that term
22 in section 2301 of title 41, United States Code.

23 (6) INTEROPERABILITY INTERFACE.—The term
24 “interoperability interface” means an electronic

1 interface maintained by a large online platform for
2 purposes of achieving interoperability.

3 (7) LARGE ONLINE PLATFORM.—The term
4 “large online platform” means a product, applica-
5 tion, or service provided by an online platform that
6 has more than 50,000,000 customers or subscribers
7 in the United States in any calendar month during
8 the preceding 12-month period.

9 (8) LARGE ONLINE PLATFORM PROVIDER.—The
10 term “large online platform provider” means an on-
11 line provider that provides, manages, or controls a
12 large online platform.

13 (9) ONLINE PROVIDER.—The term “online pro-
14 vider” means a consumer-facing communications, re-
15 tail, or information services provider, including a
16 provider of social media, electronic commerce, per-
17 sonal finance, or artificial intelligence services.

18 (10) OPEN PROTOCOL.—The term “open pro-
19 tocol” means a publicly available technical standard
20 that—

21 (A) enables interoperability and data ex-
22 change between large online platforms;

23 (B) is free from—

24 (i) licensing fees; and

25 (ii) patent restrictions; and

1 (C) governs how large online platforms
2 communicate and exchange data with each
3 other.

4 (11) SOCIAL GRAPH DATA.—The term “social
5 graph data” means data that represents a person’s
6 connections and interactions within a social media
7 service, including—

8 (A) content generated by the person;

9 (B) the person’s responses to the content
10 of other users and entities, including comments,
11 reactions, mentions, reposts, shares, and other
12 engagements in a manner that excludes content
13 of third-party users;

14 (C) the person’s public profile;

15 (D) metadata associated with the content
16 and interactions under subparagraphs (A), (B),
17 and (C); and

18 (E) relational references sufficient to main-
19 tain the associations among data elements de-
20 scribed in subparagraphs (A) through (D).

21 (12) SOCIAL MEDIA SERVICE.—The term “so-
22 cial media service” means a website, online or mobile
23 application, operating system, digital assistant, or
24 online service that predominantly provides a commu-
25 nity forum for user-generated content, such as shar-

1 ing videos, images, games, audio files, or other con-
2 tent.

3 (13) USER DATA.—

4 (A) IN GENERAL.—The term “user data”
5 means information that is—

6 (i) collected or otherwise processed,
7 directly or indirectly, by an online provider;
8 and

9 (ii) linked, or reasonably linkable, to a
10 specific person.

11 (B) EXCLUSION.—The term “user data”
12 does not include information that is rendered
13 wholly unusable or unreadable.

14 (C) SOCIAL MEDIA SERVICES.—For large
15 online platforms that are social media services,
16 the term “user data” includes social graph
17 data.

18 **SEC. 3. DELEGATABILITY.**

19 (a) INDIVIDUAL’S RIGHT OF DELEGATION.—Each
20 end user of a large online platform shall have the right
21 to designate 1 or more custodial user agents offered by
22 a custodial user agent provider acting in compliance with
23 subsection (d), as the user’s authorized representative to
24 manage the user’s online interactions, electronic commerce
25 decisions, user-generated content, and account settings on

1 a large online platform on the same terms as a user, as
2 rendered by that large online platform.

3 (b) GENERAL DUTY OF LARGE ONLINE PLATFORM
4 PROVIDERS.—A large online platform provider shall main-
5 tain a set of transparent third-party-accessible interfaces
6 by which a user may delegate a custodial user agent to
7 manage the user’s online interactions, electronic commerce
8 decisions, user-generated content, and account settings on
9 a large online platform on the same terms as a user.

10 (c) AUTHENTICATION.—Not later than 180 days
11 after the date of enactment of this Act, the Commission
12 shall establish rules and procedures to facilitate a custo-
13 dial user agent’s ability to obtain access pursuant to sub-
14 section (a) in a way that ensures that—

15 (1) a request for access on behalf of a user is
16 a verifiable request; and

17 (2) a user has a transparent, easily
18 implementable method to revoke a prior delegation,
19 including a mechanism to promptly communicate
20 revocation requests to a large online platform pro-
21 vider.

22 (d) REGISTRATION WITH THE COMMISSION.—

23 (1) IN GENERAL.—A custodial user agent pro-
24 vider shall register with the Commission as a condi-
25 tion of, and prior to, any custodial user agent oper-

1 ated or offered by that provider accessing an inter-
2 face described in subsection (a). The Commission
3 may establish uniform terms and scope of service, by
4 which a custodial user agent provider may register
5 through self-attestation. Not later than 180 days
6 after the date of submission of a registration under
7 this paragraph, the Commission, or any recognized
8 certification body described in paragraph (4), shall
9 evaluate the registration.

10 (2) COMMISSION AUTHORITY.—The Commission
11 may establish specialized terms of service, including
12 authorized scope of delegated access, appropriate for
13 custodial user agents in specific commercial settings
14 given the privacy, financial security, and personal
15 safety implications of such access.

16 (3) EMBEDDED AGENTS.—The Commission
17 may establish specialized terms of service, including
18 ensuring functional equivalence for competing custo-
19 dial user agents, for any custodial user agent pro-
20 vided by a large online platform provider that it de-
21 termines to offer a service that is competitive with
22 the service of other custodial user agents.

23 (4) RECOGNIZED CERTIFICATION BODIES.—

1 (A) IN GENERAL.—The Commission may
2 recognize 1 or more independent certification
3 bodies that—

4 (i) maintain and publish standards of
5 conduct, governance, and technical prac-
6 tices for custodial user agents that meet or
7 exceed the duties established under sub-
8 section (g); and

9 (ii) conduct periodic assessments of
10 conformity with those standards described
11 in clause (i).

12 (B) EFFECT OF CERTIFICATION.—Certifi-
13 cation in good standing by a recognized certifi-
14 cation body shall constitute a rebuttable pre-
15 sumption of compliance with subsections (g)
16 and shall be considered by the Commission in
17 any related proceeding.

18 (C) INDEPENDENCE.—The Commission
19 shall not recognize a certification body that is
20 owned or controlled by, or that derives a major-
21 ity of its revenue from, any single custodial user
22 agent provider or large online platform pro-
23 vider.

24 (e) DEREGISTRATION BY THE COMMISSION.—The
25 Commission shall establish rules and procedures to

1 deregister a custodial user agent provider that the Com-
2 mission determines—

3 (1) has violated the duties established under
4 subsection (g); or

5 (2) operates or offers a custodial user agent
6 that has violated the duties established under sub-
7 section (g).

8 (f) REVOCATION OF ACCESS RIGHTS.—A large online
9 platform provider may revoke or deny access for any cus-
10 todial user agent—

11 (1) the custodial user agent provider of which
12 fails to register with the Commission;

13 (2) that repeatedly facilitates fraudulent or ma-
14 licious activity; or

15 (3) for which a customer has revoked express
16 written consent, pursuant to a method established
17 under subsection (c)(2).

18 (g) DUTIES OF A CUSTODIAL USER AGENT.—

19 (1) IN GENERAL.—A custodial user agent—

20 (A) shall reasonably safeguard the privacy
21 and security of user data provided to it by a
22 user, or accessed on a user's behalf;

23 (B) shall not access or manage a user's on-
24 line interactions, electronic commerce decisions,

1 financial accounts, content, or account settings
2 in any way that—

3 (i) will benefit the custodial user
4 agent to the detriment of the user;

5 (ii) will result in any reasonably fore-
6 seeable harm to the user; or

7 (iii) is inconsistent with the directions
8 or reasonable expectations of the user;

9 (C) shall not collect, use, or share any user
10 data provided to it by a user, or accessed on a
11 user's behalf, except as reasonably necessary to
12 provide the services the user has delegated to
13 the custodial user agent, and shall not use,
14 share, or retain such data for advertising, be-
15 havioral profiling, sale, or any other secondary
16 commercial purpose;

17 (D) shall act with the care, skill, and dili-
18 gence that an ordinarily prudent person would
19 reasonably be expected to exercise in a like po-
20 sition and under similar circumstances;

21 (E) shall maintain real-time records of ac-
22 tions taken on the user's behalf and make such
23 records available to the user upon request, with
24 the exception of any records that a user has

1 previously directed a custodial user agent to de-
2 lete; and

3 (F) shall not delegate, assign, or otherwise
4 transfer any authority granted by a user to any
5 other entity, agent, or artificial intelligence sys-
6 tem operated by another entity unless—

7 (i) such delegation, assignment, or
8 transfer is pursuant to the express, spe-
9 cific, and revocable authorization of the
10 user; and

11 (ii) any such permitted delegate, as-
12 signee, or transferee is subject to the du-
13 ties established under this subsection to
14 the same extent as the custodial user
15 agent.

16 (2) RESPONSIBILITY OF PROVIDER.—A custo-
17 dial user agent provider shall establish and maintain
18 reasonable measures to ensure that each custodial
19 user agent it operates or offers complies with the
20 duties under this subsection, and a pattern or prac-
21 tice of violations by any custodial user agent of a
22 provider shall be attributable to the custodial user
23 agent provider for purposes of deregistration under
24 subsection (e) and enforcement under section 4.

1 (3) NON-WAIVER.—The duties established
2 under this subsection may not be waived, limited, or
3 modified by contract, by terms of service, or by any
4 form of user consent, and a user’s reasonable expect-
5 ations for purposes of paragraph (1)(B)(iii) shall be
6 determined without regard to any term of service in-
7 consistent with such duties.

8 (h) NON-DISCRIMINATION.—

9 (1) IN GENERAL.—A large online platform pro-
10 vider shall facilitate and maintain an interface acces-
11 sible to custodial user agents based on fair, reason-
12 able, and nondiscriminatory terms.

13 (2) REASONABLE THRESHOLDS, ACCESS STAND-
14 ARDS, AND FEES.—

15 (A) IN GENERAL.—A large online platform
16 provider may establish reasonable thresholds re-
17 lated to the frequency, nature, and volume of
18 requests by a custodial user agent to access re-
19 sources maintained by the large online platform
20 provider, beyond which the large online plat-
21 form provider may assess a reasonable fee for
22 such access.

23 (B) USAGE EXPECTATIONS.—A large on-
24 line platform provider may establish fair, rea-
25 sonable, and nondiscriminatory usage expecta-

tions to govern access by custodial user agents, including fees or usage limitations for custodial user agent providers that exceed those usage expectations.

(C) LIMITATION ON FEES AND USAGE EXPECTATIONS.—

(i) IN GENERAL.—Any fee, usage limitation, or usage expectation established under subparagraph (A) or (B) shall be reasonably proportional to the cost, complexity, and risk to the large online platform provider of providing such access.

(ii) REVIEW.—A custodial user agent provider may petition the Commission to review the reasonableness of any fee, usage limitation, or usage expectation established under subparagraph (A) or (B).

(D) NOTICE.—A large online platform provider shall provide public notice of any fees, usage limitation, or usage expectations established under subparagraph (A) or (B), including reasonable advance notice of any changes.

(E) SECURITY AND PRIVACY STANDARDS.—

(i) REASONABLE ACCESS STANDARDS.—

(I) IN GENERAL.—A large online platform provider shall, consistent with industry best practices, set privacy and security standards for access by custodial user agents to the extent reasonably necessary to address a threat to the large online platform or user data, and shall report any suspected violations of those standards to the Commission.

(II) FILING WITH COMMISSION; PUBLIC ACCESSIBILITY.—A large online platform provider shall file the privacy and security standards developed under subclause (I) with the Commission, which the Commission shall make publicly available.

(ii) REPORT AND APPEAL OF DENIED ACCESS.—

(I) REPORT TO COMMISSION UPON DENIAL.—A large online platform provider that denies access to a custodial user agent under standards

1 set pursuant to clause (i) shall submit
2 to the Commission, in such form the
3 Commission requires, a report describ-
4 ing the basis for the denial.

5 (II) NOTIFICATION OF DENIAL.—

6 A large online platform provider that
7 denies access to a custodial user agent
8 under standards set pursuant to
9 clause (i) shall provide the custodial
10 user agent provider a notice con-
11 taining rationale for why the custodial
12 user agent failed to meet the privacy
13 and security standards.

14 (III) PERIOD TO CURE.—A large
15 online platform provider that denies
16 access to a custodial user agent under
17 the standards set pursuant to clause
18 (i) shall allow the custodial user agent
19 provider **【14 calendar days】** to meet
20 such standards, during which period
21 the large online platform provider may
22 deny the custodial user agent access
23 until such time as the custodial user
24 agent provider can demonstrate that

1 the custodial user agent meets such
2 standards.

3 (IV) APPEAL OF DENIAL.—A
4 custodial user agent provider may ap-
5 peal a denial under this subparagraph
6 to the Commission and the Commis-
7 sion may grant access to the custodial
8 user agent if the Commission finds
9 that the denial by the large online
10 platform provider was arbitrary, ca-
11 pricious, or not supported by the in-
12 formation submitted by the large on-
13 line platform provider.

14 (V) PUBLICLY AVAILABLE RE-
15 PORTS.—Each report submitted under
16 this section shall be publicly available
17 with personally identifiable informa-
18 tion and business sensitive data re-
19 moved.

20 (3) PROHIBITED CHANGES TO INTERFACES.—A
21 change to an interface or terms of use made with
22 the purpose, or substantial effect, of unreasonably
23 denying access or undermining access by authorized
24 custodial user agents shall be considered a violation
25 of the duty under paragraph (1) to facilitate and

1 maintain access based on fair, reasonable, and non-
2 discriminatory terms.

3 (4) FUNCTIONAL EQUIVALENCE.—A large on-
4 line platform provider that maintains interoperability
5 between its own large online platform and other
6 products, services, or affiliated offerings of such pro-
7 vider that constitute a custodial user service shall
8 offer a functionally equivalent version of that inter-
9 face to competing custodial user agents.

10 (5) INTERFACE INFORMATION.—

11 (A) IN GENERAL.—Not later than 120
12 days after the date of enactment of this Act, a
13 large online platform provider shall disclose to
14 competing custodial user agent providers com-
15 plete and accurate documentation describing ac-
16 cess to the interoperability interface required
17 under this section.

18 (B) CONTENTS.—The documentation re-
19 quired under subparagraph (A)—

20 (i) is limited to interface documenta-
21 tion necessary to achieve development and
22 operation of interoperable products and
23 services; and

24 (ii) does not require the disclosure of
25 the source code of a large online platform.

1 (6) NOTICE OF CHANGES.—A large online plat-
2 form provider shall provide reasonable advance no-
3 tice to any custodial user agent provider, which may
4 be provided through public notice, of any change to
5 an interface maintained by the large online platform
6 provider that will affect the interoperability of a cus-
7 todial user agent.

8 (i) FEES.—A custodial user agent provider may
9 charge users a fee for the provision of the products or
10 services described in subsection (a).

11 (j) EXTENT OF ACCESS RIGHTS.—Nothing in this
12 section shall be construed to confer greater rights of ac-
13 cess for a custodial user agent to a large online platform
14 than are accessible to a user.

15 **SEC. 4. IMPLEMENTATION AND ENFORCEMENT.**

16 (a) REGULATIONS.—Not later than 1 year after the
17 date of enactment of this Act, the Commission, in coordi-
18 nation with the Consumer Financial Protection Bureau,
19 the Federal Deposit Insurance Corporation, and the Office
20 of the Comptroller of the Currency, shall promulgate regu-
21 lations to implement this Act.

22 (b) AUTHENTICATION.—Not later than 180 days
23 after the date of enactment of this Act, the Commission,
24 in consultation with relevant industry stakeholders, shall
25 establish rules and procedures to facilitate the verification

1 of the validity of requests from custodial user agents to
2 obtain user data on behalf of a user.

3 (c) TECHNICAL STANDARDS.—Not later than 180
4 days after the date of enactment of this Act, the Director
5 of the National Institute of Standards and Technology
6 shall identify open protocols, or develop and publish model
7 technical standards if no such protocols exist, by which
8 to make popular classes of online services more accessible
9 to custodial user agents, including—

10 (1) online messaging;

11 (2) multimedia sharing and social media serv-
12 ices;

13 (3) electronic commerce;

14 (4) personal finance;

15 (5) artificial intelligence; and

16 (6) verifiable delegation, including—

17 (A) open protocols and standards for
18 scope-limited and revocable delegation creden-
19 tials;

20 (B) verification of custodial user agent
21 identity and registration status;

22 (C) real-time communication and effec-
23 tuation of revocation; and

1 (D) the creation of auditable records of ac-
2 tions taken by custodial user agents on behalf
3 of users.

4 (d) COMPLIANCE ASSESSMENT.—The Commission
5 shall regularly assess compliance by large online platform
6 providers and custodial user agents with the provisions of
7 this Act.

8 (e) COMPLAINTS.—The Commission shall establish
9 procedures under which a user, a large online platform
10 provider, or a custodial user agent may file a complaint
11 alleging that a large online platform provider or a custo-
12 dial user agent has violated this Act.

13 (f) ENFORCEMENT.—

14 (1) UNFAIR OR DECEPTIVE ACTS OR PRAC-
15 TICES.—A violation of this Act, or regulations en-
16 acted pursuant to this Act, shall be treated as a vio-
17 lation of a rule defining an unfair or deceptive act
18 or practice prescribed under section 18(a)(1)(B) of
19 the Federal Trade Commission Act (15 U.S.C.
20 57a(a)(1)(B)).

21 (2) POWERS OF COMMISSION.—

22 (A) IN GENERAL.—Except as provided in
23 subparagraph (C), the Commission shall enforce
24 this Act in the same manner, by the same
25 means, and with the same jurisdiction, powers,

1 and duties as though all applicable terms and
2 provisions of the Federal Trade Commission
3 Act (15 U.S.C. 41 et seq.) were incorporated
4 into and made a part of this Act.

5 (B) PRIVILEGES AND IMMUNITIES.—Ex-
6 cept as provided in subparagraph (C), any per-
7 son who violates section 3 shall be subject to
8 the penalties and entitled to the privileges and
9 immunities provided in the Federal Trade Com-
10 mission Act (15 U.S.C. 41 et seq.).

11 (C) NONPROFIT ORGANIZATIONS AND COM-
12 MON CARRIERS.—Notwithstanding section 4 or
13 5(a)(2) of the Federal Trade Commission Act
14 (15 U.S.C. 44, 45(a)(2)) or any jurisdictional
15 limitation of the Commission, the Commission
16 shall also enforce this Act, in the same manner
17 provided in subparagraphs (A) and (B) of this
18 paragraph, with respect to common carriers
19 subject to the Communications Act of 1934 (47
20 U.S.C. 151 et seq.).

21 (D) FINES.—In assessing any fine for a
22 violation of this Act, the Commission shall con-
23 sider each individual user affected by a violation
24 of this Act as an individual violation.

1 (g) INTERAGENCY COORDINATION.—Not later than
2 180 days after the date of enactment of this Act, the Com-
3 mission shall establish an interagency working group, con-
4 sisting of the Commission, the Director of the Consumer
5 Financial Protection Bureau, the Federal Deposit Insur-
6 ance Corporation, the Comptroller of the Currency, the
7 Secretary of the Treasury, the Secretary of Homeland Se-
8 curity, the Secretary of Commerce, the Attorney General,
9 and the Chairman of the Securities and Exchange Com-
10 mission, for the purpose of developing proposals to prevent
11 harms to businesses and the Government resulting from
12 custodial user agents undertaking actions on behalf of a
13 principal as a result of fraud, misuse, or genuine mistake.

14 (h) PREEMPTION.—The provisions of this Act shall
15 preempt any State law only to the extent that such State
16 law is inconsistent with the provisions of this Act.

17 (i) EFFECTIVE DATE.—This Act shall take effect on
18 the earlier of—

19 (1) date on which the Commission promulgates
20 regulations under subsection (a); or

21 (2) 1 year after the date of enactment of this
22 Act.

1 **SEC. 5. RELATION TO OTHER LAWS.**

2 (a) PRIVACY AND SECURITY LAWS.—Nothing in this
3 Act shall be construed to modify, limit, or supersede the
4 operation of any privacy or security provision in—

5 (1) section 552a of title 5, United States Code
6 (commonly known as the “Privacy Act of 1974”);

7 (2) the Right to Financial Privacy Act of 1978
8 (12 U.S.C. 3401 et seq.);

9 (3) the Fair Credit Reporting Act (15 U.S.C.
10 1681 et seq.);

11 (4) the Fair Debt Collection Practices Act (15
12 U.S.C. 1692 et seq.);

13 (5) the Children’s Online Privacy Protection
14 Act of 1998 (15 U.S.C. 6501 et seq.);

15 (6) title V of the Gramm-Leach-Bliley Act (15
16 U.S.C. 6801 et seq.);

17 (7) chapters 119, 123, and 206 of title 18,
18 United States Code;

19 (8) section 444 of the General Education Provi-
20 sions Act (20 U.S.C. 1232g) (commonly referred to
21 as the “Family Educational Rights and Privacy Act
22 of 1974”);

23 (9) section 445 of the General Education Provi-
24 sions Act (20 U.S.C. 1232h);

25 (10) the Privacy Protection Act of 1980 (42
26 U.S.C. 2000aa et seq.);

1 (11) the regulations promulgated under section
2 264(c) of the Health Insurance Portability and Ac-
3 countability Act of 1996 (42 U.S.C. 1320d–2 note),
4 as those regulations relate to—

5 (A) a person described in section 1172(a)
6 of the Social Security Act (42 U.S.C. 1320d–
7 1(a)); or

8 (B) transactions referred to in section
9 1173(a)(1) of the Social Security Act (42
10 U.S.C. 1320d–2(a)(1));

11 (12) the Communications Assistance for Law
12 Enforcement Act (47 U.S.C. 1001 et seq.);

13 (13) sections 222 and 227 of the Communica-
14 tions Act of 1934 (47 U.S.C. 222, 227); or

15 (14) any other privacy or security provision of
16 Federal law.

17 (b) ANTITRUST LAWS.—

18 (1) IN GENERAL.—Nothing in this Act shall be
19 construed to modify, impair, or supersede the oper-
20 ation of any of the antitrust laws.

21 (2) ANTITRUST LAWS DEFINED.—The term
22 “antitrust laws”—

23 (A) has the meaning given that term in
24 subsection (a) of the first section of the Clayton
25 Act (15 U.S.C. 12(a)); and

1 (B) includes section 5 of the Federal
2 Trade Commission Act (15 U.S.C. 45) to the
3 extent that section applies to unfair methods of
4 competition.