

**[DISCUSSION DRAFT]**119<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION**H. R.** \_\_\_\_\_

To amend title XVIII of the Social Security Act to limit the compensation that may be paid to agents and brokers by Medicare Advantage organizations.

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**IN THE HOUSE OF REPRESENTATIVES**

Ms. OCASIO-CORTEZ introduced the following bill; which was referred to the Committee on \_\_\_\_\_

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**A BILL**

To amend title XVIII of the Social Security Act to limit the compensation that may be paid to agents and brokers by Medicare Advantage organizations.

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 “\_\_\_\_\_ Act  
5 of 2026”.]

6 **SEC. 2. LIMITING AGENT AND BROKER COMPENSATION.**

7 (a) **LIMITING AGENT AND BROKER COMPENSA-**  
8 **TION.—**

1 (1) IN GENERAL.—Section 1851(j) of the Social  
2 Security Act (42 U.S.C. 1395w–21(j)) is amended—

3 (A) in paragraph (2)(D)—

4 (i) by striking “The use” and insert-  
5 ing the following:

6 “(i) IN GENERAL.—The use”; and

7 (ii) by adding at the end the following  
8 new clauses:

9 “(ii) TREATMENT OF CERTAIN FORMS  
10 OF COMPENSATION.—

11 “(I) IN GENERAL.—For purposes  
12 of the guidelines established under  
13 clause (i), beginning not later than  
14 January 1, 2028, the Secretary shall  
15 establish a maximum compensation  
16 amount that an agent, broker, or  
17 other third party representing an MA  
18 organization may receive in connection  
19 with enrolling an individual in a Medi-  
20 care Advantage plan.

21 “(II) FORMS OF COMPENSA-  
22 TION.—In establishing the maximum  
23 compensation amount under subclause  
24 (I) for a plan year, compensation to  
25 an agent, broker, or other third party

1 in connection with enrolling an indi-  
2 vidual in a Medicare Advantage plan  
3 shall include any of the following  
4 (whether or not the agent, broker, or  
5 other third party receives such com-  
6 pensation directly from the MA orga-  
7 nization offering such plan):

8 “(aa) Commissions.

9 “(bb) Bonuses.

10 “(cc) Gifts.

11 “(dd) Prizes.

12 “(ee) Payment of costs in-  
13 curred by the agent or broker in  
14 accordance with State appoint-  
15 ment requirements, training, cer-  
16 tification, or testing.

17 “(ff) Reimbursement for  
18 transportation to and from ap-  
19 pointments with enrollees and  
20 prospective enrollees, or for any  
21 other costs associated with such  
22 appointments.

23 “(gg) Reimbursement re-  
24 lated to enrolling such individual  
25 in such plan, or for any services

1 provided by the agent or broker  
2 as part of the relationship associ-  
3 ated with such enrollment.

4 “(hh) Such other monetary  
5 remuneration, non-monetary re-  
6 muneration, or other reimburse-  
7 ment as the Secretary may speci-  
8 fy.”; and

9 (B) by adding at the end the following new  
10 paragraph:

11 “(3) LIMITATION ON CONTRACTS WITH AGENTS,  
12 BROKERS, AND THIRD PARTIES.—An MA organiza-  
13 tion may not enter into or renew a contract with an  
14 agent, broker, or other third party representing such  
15 organization if any provision of such contract would  
16 directly or indirectly inhibit the ability of an agent  
17 or broker to objectively assess and recommend to an  
18 individual the Medicare Advantage plan that best  
19 fits their health care needs, as determined in accord-  
20 ance with standards established by the Secretary not  
21 later than January 1, 2028.”.

22 (2) CONFORMING AMENDMENTS.—Section  
23 1851(h)(4) of the Social Security Act (42 U.S.C.  
24 1395w–21(h)(4)) is amended—

1 (A) in subparagraph (C), by striking  
2 “and” at the end;

3 (B) in subparagraph (D), by striking the  
4 period at the end and inserting “; and”; and

5 (C) by adding at the end the following new  
6 subparagraph:

7 “(E) beginning not later than January 1,  
8 2028, shall only permit a Medicare Advantage  
9 organization to enter into contracts with agents,  
10 brokers, or other third parties representing  
11 such organization in accordance with the limita-  
12 tion established under subsection (j)(3).”.

13 (b) REPORTING ON CERTAIN AGENT AND BROKER  
14 INFORMATION.—Section 1857(e) of the Social Security  
15 Act (42 U.S.C. 1395w–27(e)) is amended by adding at  
16 the end the following new paragraph:

17 “(7) REQUIREMENT TO REPORT CERTAIN  
18 AGENT AND BROKER INFORMATION.—

19 “(A) IN GENERAL.—Beginning with plan  
20 years beginning on or after January 1, 2028, a  
21 contract under this section with an MA organi-  
22 zation shall require the organization to annually  
23 report to the Secretary, with respect to each in-  
24 dividual enrolled in an MA plan offered by such  
25 organization for such year—

1 “(i) whether such individual was so  
2 enrolled by an agent, broker, or other third  
3 party representing the organization; and

4 “(ii) if applicable, the type and  
5 amount of compensation (as determined  
6 under 1851(j)(2)(D)), if any, paid to such  
7 agent, broker, or other third party rep-  
8 resenting the organization in connection  
9 with enrolling such individual.

10 “(B) TRANSPARENCY.—Beginning with  
11 plan years beginning on or after January 1,  
12 2028, the Secretary shall—

13 “(i) include the individual-level infor-  
14 mation reported by an MA organization  
15 under subparagraph (A)(i) in the Chronic  
16 Condition Data Warehouse maintained by  
17 the Centers for Medicare & Medicaid Serv-  
18 ices; and

19 “(ii) make publicly available the infor-  
20 mation reported by an MA organization  
21 under subparagraph (A)(ii) (on the aggre-  
22 gate for each such organization).”.