

119TH CONGRESS
2D SESSION

H. R. 10266

To amend the Higher Education Act of 1965 to condition institutional eligibility for participation in programs under title IV of that Act on an institution's not permitting certain professional athletes to compete in intercollegiate athletics competition in the sport in which they hold a professional sports contract, to establish criminal penalties for athletics officials who knowingly recruit or sign such athletes to compete in violation of that condition, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 3, 2026

Mr. FULLER introduced the following bill; which was referred to the Committee on Education and Workforce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend the Higher Education Act of 1965 to condition institutional eligibility for participation in programs under title IV of that Act on an institution's not permitting certain professional athletes to compete in intercollegiate athletics competition in the sport in which they hold a professional sports contract, to establish criminal penalties for athletics officials who knowingly recruit or sign such athletes to compete in violation of that condition, 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 “No Elite Athletes
5 Using X-pro status to ensure Prioritizing Recruitment Of
6 Student-athletes (NEAUX PROS) Act”.

7 **SEC. 2. FINDINGS.**

8 Congress finds the following:

9 (1) The Federal Government, through title IV
10 of the Higher Education Act of 1965 (20 U.S.C.
11 1070 et seq.), provides substantial financial assist-
12 ance to institutions of higher education, including
13 institutions that sponsor intercollegiate athletics pro-
14 grams.

15 (2) Intercollegiate athletics in the United States
16 have historically been organized and promoted as
17 competition among student-athletes who are not si-
18 multaneously under contract to compete profes-
19 sionally in the same sport.

20 (3) Permitting an individual under contract to
21 a professional sports team, league, club, or organiza-
22 tion in a given sport to also compete as a student-
23 athlete in that same sport at an institution receiving
24 Federal student assistance blurs the distinction be-
25 tween amateur and professional competition and

1 may disadvantage student-athletes who are not also
2 under professional contract.

3 (4) It is appropriate for Congress to condition
4 an institution's continued eligibility to participate in
5 title IV programs on the institution's not permitting
6 such dual participation, in the same manner Con-
7 gress has conditioned title IV eligibility on other in-
8 stitutional conduct unrelated to the direct adminis-
9 tration of student financial aid.

10 (5) Athletics department officials who know-
11 ingly direct, lead, or carry out the recruitment or
12 signing of a professional athlete in violation of this
13 Act bear individual responsibility for circumventing
14 the eligibility condition established by this Act that
15 is distinct from, and in addition to, the institution's
16 own responsibility under its program participation
17 agreement.

18 **SEC. 3. DEFINITIONS.**

19 In this Act:

20 (1) COVERED INSTITUTION.—The term “cov-
21 ered institution” means an institution of higher edu-
22 cation (as defined in section 102 of the Higher Edu-
23 cation Act of 1965 (20 U.S.C. 1002)) that has en-
24 tered into a program participation agreement under
25 section 487 of that Act (20 U.S.C. 1094).

1 (2) COVERED SPORT.—The term “covered
2 sport” means a sport in which a covered institution
3 sponsors a varsity intercollegiate athletics team.

4 (3) INTERCOLLEGIATE ATHLETICS COMPETI-
5 TION.—The term “intercollegiate athletics competi-
6 tion” means participation, as a member of a varsity
7 team representing a covered institution in a covered
8 sport, in organized practice or competition against
9 another institution of higher education, whether or
10 not the individual receives athletically related stu-
11 dent financial assistance.

12 (4) PROFESSIONAL SPORTS CONTRACT.—

13 (A) IN GENERAL.—The term “professional
14 sports contract” means a binding contract, ex-
15 press or implied, between an individual and a
16 professional sports team, league, club, or other
17 organization that organizes or sanctions profes-
18 sional-level competition in a sport, under which
19 the individual is entitled to receive a salary,
20 signing bonus, or other compensation in ex-
21 change for the individual’s athletic services in
22 that sport.

23 (B) EXCLUSIONS.—The term does not in-
24 clude—

1 (i) an agreement relating solely to the
2 use of an individual's name, image, or like-
3 ness that does not obligate the individual
4 to render athletic services to a professional
5 sports team, league, club, or organization;
6 or

7 (ii) compensation paid to the indi-
8 vidual directly by a covered institution, in-
9 cluding compensation paid under a rev-
10 enue-sharing arrangement permitted under
11 the settlement approved in *In re College*
12 *Athlete NIL Litigation* (N.D. Cal.) or suc-
13 cessor authority, or under any Federal
14 statute enacted after the date of enactment
15 of this Act that expressly authorizes such
16 compensation without loss of intercollegiate
17 athletics eligibility.

18 (5) PROFESSIONAL ATHLETE.—The term “pro-
19 fessional athlete” means, with respect to a covered
20 sport, an individual who is a party to a professional
21 sports contract for that covered sport and who has
22 not rescinded that contract in accordance with sec-
23 tion 5(a).

24 (6) COVERED ATHLETICS OFFICIAL.—The term
25 “covered athletics official” means, with respect to a

1 covered institution, an individual who, as an em-
2 ployee or agent of the covered institution (including
3 a head coach, assistant coach, athletic director, gen-
4 eral manager, or other athletics department staff
5 member), has authority to recruit prospective stu-
6 dent-athletes, extend an offer of athletically related
7 student financial assistance, sign a prospective stu-
8 dent-athlete to a National Letter of Intent or sub-
9 stantially equivalent instrument, or certify the eligi-
10 bility of a student-athlete to compete in intercolle-
11 giate athletics competition, or who knowingly directs
12 or authorizes another person to take any such ac-
13 tion.

14 (7) SECRETARY.—The term “Secretary” means
15 the Secretary of Education.

16 **SEC. 4. CONDITION ON PROGRAM PARTICIPATION AGREE-**
17 **MENTS.**

18 (a) IN GENERAL.—Section 487(a) of the Higher
19 Education Act of 1965 (20 U.S.C. 1094(a)) is amended—

20 (1) in paragraph (28), by striking “and” at the
21 end;

22 (2) in paragraph (29), by striking the period at
23 the end and inserting “; and”; and

24 (3) by adding at the end the following:

1 “(30) The institution will not permit an indi-
2 vidual whom the institution knows, or in the exercise
3 of reasonable diligence should know, is a professional
4 athlete (as defined in section 3 of the Collegiate
5 Amateur Athletics Protection Act of 2026) to com-
6 pete in intercollegiate athletics competition (as so
7 defined) in the covered sport in which the individual
8 holds a professional sports contract.”.

9 (b) GUIDANCE AND VERIFICATION PROCESS.—The
10 Secretary shall issue guidance establishing—

11 (1) standards for the diligence a covered insti-
12 tution is expected to exercise in determining whether
13 a prospective or current student-athlete is a profes-
14 sional athlete for purposes of paragraph (30) of sec-
15 tion 487(a) of the Higher Education Act of 1965, as
16 added by subsection (a); and

17 (2) a process by which a covered institution or
18 a covered athletics official may seek a written deter-
19 mination from the Department of Education regard-
20 ing the status of a particular individual under that
21 paragraph.

22 (c) ENFORCEMENT.—A violation of paragraph (30)
23 of section 487(a) of the Higher Education Act of 1965,
24 as added by subsection (a), shall be treated as a violation
25 of a program participation agreement for purposes of part

1 G of title IV of that Act (20 U.S.C. 1094 et seq.), and
 2 shall be subject to the limitation, suspension, and termi-
 3 nation procedures, and other remedies, available to the
 4 Secretary under that part.

5 **SEC. 5. RESCISSION; TRANSITION FOR CURRENT COMPETI-**
 6 **TORS.**

7 (a) RESCISSION.—An individual who has entered into
 8 a professional sports contract for a covered sport is not
 9 a professional athlete for purposes of this Act with respect
 10 to that covered sport if, before receiving any compensation
 11 under the contract and before rendering any athletic serv-
 12 ices under the contract, the individual—

13 (1) rescinds the contract in writing; and
 14 (2) provides written notice of the rescission to
 15 the covered institution at which the individual seeks
 16 to compete and to the professional sports team,
 17 league, club, or organization that was a party to the
 18 contract.

19 (b) TRANSITION FOR CURRENT COMPETITORS.—The
 20 amendment made by section 4(a) shall not apply with re-
 21 spect to an individual who, as of the date of enactment
 22 of this Act, is both a party to a professional sports con-
 23 tract for a covered sport and is competing in intercolle-
 24 giate athletics competition in that covered sport, until the
 25 first day of the first academic year of the relevant covered

1 institution that begins after the date of enactment of this
2 Act.

3 **SEC. 6. RULE OF CONSTRUCTION.**

4 Nothing in this Act, or the amendment made by this
5 Act, shall be construed to—

6 (1) restrict the eligibility of an individual to be
7 selected in, or to negotiate the terms of a potential
8 contract arising from, a draft or other selection
9 process conducted by a professional sports team,
10 league, club, or organization;

11 (2) affect the eligibility of an individual to re-
12 ceive compensation for the use of the individual's
13 name, image, or likeness, except to the extent such
14 compensation is paid pursuant to a professional
15 sports contract as defined in section 3;

16 (3) limit the authority of a covered institution,
17 or of an athletic association or conference of which
18 a covered institution is a member, to adopt or en-
19 force eligibility rules more restrictive than the re-
20 quirements of this Act;

21 (4) create a private right of action against a
22 covered institution, the Secretary, or any other per-
23 son; or

24 (5) affect the availability of prosecution under
25 any other applicable Federal criminal statute, in-

1 cluding sections 201, 224, 1001, 1341, and 1343 of
2 title 18, United States Code.

3 **SEC. 7. CRIMINAL PENALTIES FOR KNOWING RECRUIT-**
4 **MENT OR SIGNING OF PROFESSIONAL ATH-**
5 **LETES.**

6 (a) IN GENERAL.—Chapter 11 of title 18, United
7 States Code, is amended by adding at the end the fol-
8 lowing:

9 **“§ 228. Recruitment or facilitation of ineligible pro-**
10 **fessional athlete participation in inter-**
11 **collegiate athletics**

12 “(a) OFFENSE.—It shall be unlawful for a covered
13 athletics official knowingly to recruit, offer to enroll, sign
14 to a National Letter of Intent or substantially equivalent
15 instrument, certify the eligibility of, or otherwise cause to
16 compete in intercollegiate athletics competition, an indi-
17 vidual whom the official knows to be a professional athlete,
18 if—

19 “(1) the recruitment, offer, signing, certifi-
20 cation, or other act is in or affecting interstate or
21 foreign commerce; or

22 “(2) the covered institution by which the official
23 is employed, or for which the official acts as an
24 agent, receives, in the 1-year period before the of-
25 fense, benefits in excess of \$10,000 under a Federal

1 program involving a grant, contract, subsidy, loan,
2 guarantee, insurance, or other form of Federal as-
3 sistance.

4 “(b) PENALTY.—A person who violates subsection (a)
5 shall be fined under this title, imprisoned not more than
6 5 years, or both.

7 “(c) ENHANCED PENALTY.—A person who violates
8 subsection (a) shall be fined under this title, imprisoned
9 not more than 10 years, or both, if the violation was un-
10 dertaken for financial gain or was part of a pattern of
11 2 or more violations of subsection (a).

12 “(d) AFFIRMATIVE DEFENSE.—It is an affirmative
13 defense to a prosecution under this section that the de-
14 fendant reasonably relied on a written determination
15 issued under section 4(b)(2) of the Collegiate Amateur
16 Athletics Protection Act of 2026 that the individual was
17 not a professional athlete, and that the determination had
18 not been withdrawn or superseded at the time of the con-
19 duct at issue.

20 “(e) NO INSTITUTIONAL LIABILITY.—This section
21 does not impose criminal liability on a covered institution
22 as an organization. Liability under this section attaches
23 only to an individual covered athletics official who violates
24 subsection (a).

1 “(f) VENUE.—A prosecution under this section may
 2 be brought in any judicial district in which the covered
 3 institution involved is located or in which any act in fur-
 4 therance of the offense occurred.

5 “(g) DEFINITIONS.—In this section, the terms ‘cov-
 6 ered athletics official’, ‘covered institution’, ‘professional
 7 athlete’, and ‘intercollegiate athletics competition’ have
 8 the meanings given those terms in section 3 of the Colle-
 9 giate Amateur Athletics Protection Act of 2026.”.

10 (b) CLERICAL AMENDMENT.—The table of sections
 11 for chapter 11 of title 18, United States Code, is amended
 12 by adding at the end the following:

“228. Recruitment or facilitation of ineligible professional athlete participation
 in intercollegiate athletics.”.

13 **SEC. 8. EFFECTIVE DATE.**

14 (a) FUNDING CONDITION.—Except as provided in
 15 section 5(b), the amendment made by section 4(a) shall
 16 take effect on the first day of the first academic year of
 17 a covered institution that begins after the date of enact-
 18 ment of this Act.

19 (b) CRIMINAL PENALTIES.—Section 7, and the
 20 amendments made by that section, take effect on the date
 21 of enactment of this Act, and apply only to conduct occur-
 22 ring on or after that date.

1 **SEC. 9. SEVERABILITY.**

2 If any provision of this Act, or the application of a
3 provision to any person or circumstance, is held to be un-
4 constitutional or otherwise invalid, the remainder of this
5 Act, and the application of that provision to any other per-
6 son or circumstance, shall not be affected.

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