

LEGAL UPDATES

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Executive Summary: Protect College Sports Act of 2026

Overview

On May 27, 2026, a bipartisan group of senators introduced the Protect College Sports Act of 2026, which establishes a comprehensive federal framework governing collegiate athletics, focusing on Name, Image, and Likeness (NIL) rights, athlete protections, and competitive fairness. The Act effectively codifies provisions of the *House* settlement (see previous alerts here and here), preempts the current patchwork of state NIL laws with a uniform national standard, and provides a limited antitrust exemption that permits regulation of certain aspects of college sports as set forth in the Act. This includes college athlete NIL, a revenue share cap, transfers, tampering, eligibility, and enforcement of sanctions on institutions and individuals who violate rules consistent with the Act. Title I of the Act addresses protections for college athletes and fair competition and Title II of the Act addresses media rights and broadcasting.

NIL Rights and Regulations (Sections 101 and 104)

College athletes are granted the right to earn compensation from NIL activities without restrictions from institutions or governing bodies. Scholarships and eligibility cannot be affected by NIL participation, and agreements over \$600 must be disclosed. This “right” comes with significant caveats consistent with the regulation of NIL pursuant to the *House* settlement. The Act requires NIL deals with associated individuals, entities, and collectives (as defined in the Act) be for a valid business purpose and meet a fair market value analysis. It prohibits improper inducements and compensation schemes that bypass revenue caps. The Act effectively endorses the current operation of the *House* settlement and work of the College Sports Commission operating an NIL clearinghouse/database, NIL Go, to enforce the *House* settlement.

Athlete Agent Regulation (Sections 102-103)

Athlete agents are prohibited from charging a student athlete a fee in connection with an endorsement contract that exceeds five percent of the value of the endorsement contract. Agents are also prohibited from entering into an agency contract with an athlete for a term that extends beyond the student athlete's eligibility to participate in intercollegiate sport. Intercollegiate athletic associations must maintain a publicly available, searchable database of athlete agents who are registered with a state and have certified compliance with all applicable rules and bylaws of the association, including any recruitment and tampering rules. Associations may decertify or fine an athlete agent for violations, and a decertified agent may not represent or contact any student athlete or prospective student athlete of a member institution.

Athlete Transfer and Eligibility (Sections 112-113)

Institutions, conferences, and intercollegiate athletic associations must permit a student athlete to transfer from one institution to another once without losing or delaying eligibility, and a second time with a one-year loss of eligibility. Additional penalty-free transfers are permitted upon discontinuation of the athlete's sport, departure of the head coach, sexual assault or harassment by a team-associated individual, or the athlete pursuing a graduate degree. Student athletes are eligible to compete in intercollegiate athletic competition for a maximum of five calendar years beginning at the start of the regular academic year following the earliest applicable triggering event—i.e., the student-athlete's 19th birthday, actual or expected high school graduation date, or date of initial full-time enrollment at an institution. Eligibility periods are paused during absences for pregnancy, religious mission, or active-duty military service.

Recruitment and Tampering (Section 117)

Associations may enforce rules prohibiting institutions, employees, conferences, and associated entities from contacting a student athlete enrolled at or committed to another institution for recruiting purposes, except during a five-week window beginning seven days after the last intercollegiate athletic competition in an academic year. Institutions, conferences, associated entities, and athlete agents are prohibited from recruiting or contacting a student athlete or prospective student athlete who has not affirmatively opted in to receive such recruitment or contact.

Athlete Health, Wellness and Safety Standards (Sections 106-107)

Institutions must provide comprehensive medical coverage for sports-related injuries, including extended post-eligibility care, and adopt standardized health and safety protocols. Within 270 days of enactment, institutions, conferences, and associations must adhere to standards protecting student athletes from brain injury, heat-related illness, and rhabdomyolysis, including by following specified

NCAA and medical association guidelines. Medical personnel, including athletic trainers, physical therapists, and physicians, shall have autonomous, unchallengeable authority to determine medical management and return-to-play decisions for student athletes. No coach or other non-medical personnel of an institution may attempt to influence or disregard such decisions.

Athlete Ombudsman (Section 108)

Each intercollegiate athletic association must establish an Office of the Student Athlete Ombudsman to support student athletes. The Office must provide independent, free advice to student athletes about their rights and responsibilities and assist in the resolution of student athlete concerns regarding associations, conferences, or institutions. The Office must maintain any information communicated to it in the exercise of its official duties as confidential.

Academic and Scholarship Protections (Sections 105-106)

Institutions may not pressure athletes regarding academic decisions or reduce scholarships based on performance or injury. An institution that awards a grant-in-aid to a student athlete may not revoke, reduce, or condition that grant-in-aid based on athletic ability or performance, injury or illness, or roster management decisions.

Athlete Governance Representation (Section 111)

Not less than one-third of the membership and voting power of any board of directors or governing board or committees with authority to establish and enforce rules or bylaws must be comprised of current student athletes or former student athletes who have graduated within the preceding 10-year period.

Mid-Season Coaching Restrictions (Sections 110)

An individual who serves as football athletic personnel for a varsity sports team at one institution during a competitive season shall not, during that same competitive season, perform head coaching duties for another institution. An individual who accepts employment as head coach at another institution during the same competitive season is ineligible to serve as head coach at the hiring institution through the conclusion of the competitive season of the prior institution or the hiring institution, whichever occurs later. This section applies only to institutions that compete in the Football Bowl Subdivision.

Legal Framework and Enforcement (Sections 118-121)

The bill provides limited antitrust protection for certain governing rules, creates a private right of action for athletes, and preempts conflicting state laws while remaining neutral on athlete employment status. The Act deliberately avoids creating a centralized federal regulator, instead opting

for a hybrid enforcement model centered on litigation, NCAA-style governance, and targeted federal involvement.

Structural Reform and Future Review (Sections 114-116)

The Act maintains a revenue-sharing cap as set forth in the *House* settlement, making the cap permanent after the underlying settlement expires, and establishes a congressional commission to study long-term reforms, including compensation structures and governance.

Media Rights and Broadcasting (Sections 202 and 207)

The Act permits collective media rights negotiations with safeguards, ensures equitable revenue distribution, protects non-revenue sports, and limits certain conference consolidations. To qualify for an antitrust exemption to collective media rights negotiation, the covered entity must include at a minimum 75 percent of Football Bowl Subdivision institutions. The covered entity must offer membership on fair and nondiscriminatory terms to each conference and Division I institution. Further, it is unlawful under the antitrust laws for any conference that reported more than \$1,000,000,000 in revenue on its fiscal year 2025 tax return to merge or consolidate with, or to acquire the assets, media rights, or membership of, another conference, if as a result the number of institutions that are members of the conference would fall below the minimum membership requirements. Efficiencies, procompetitive effects, or any other defense under the antitrust laws are not available to justify such a transaction.

Protection of Women’s and Olympic Sports (Sections 109 and 203)

Intercollegiate athletic associations and conferences must maintain comparable standards for medical care, lodging, meals, rest, transportation, and athletic facilities for championship events or tournaments across similarly situated men’s and women’s athletic programs. Any member institution that receives collective media rights revenue must offer and maintain at least as many grant-in-aid opportunities and roster spots for non-revenue generating intercollegiate sports programs, including women’s and Olympic programs, as the member institution provided during the 2024–2025 academic year.

Summary of Key Policy Areas

Area	Core Provision
NIL Rights	Institutions and associations cannot restrict student athletes from marketing or earning compensation for their NIL rights, except in specific areas consistent with

Area	Core Provision
	the House settlement related to associated entities, individuals, and collectives.
Athlete Agents	Agent fees capped at five percent of endorsement contract value
Scholarships	Grants-in-aid cannot be revoked based on athletic performance, injury, or roster management
Medical Coverage	Full out-of-pocket coverage during participation and for five years post-eligibility
Transfers	One penalty-free transfer; second transfer with one-year eligibility loss
Eligibility	Maximum of five calendar years of intercollegiate eligibility
Governance	At least one-third of governing board membership must be current or recent student athletes
Broadcasting	Antitrust exemption for joint media rights entity meeting statutory requirements
Preemption	Federal law supersedes conflicting state NIL, transfer, and eligibility regulations
Employee Status	Act is neutral on student athlete employment status

Next Steps for the Protect College Sports Act

Senate Committee Hearings: The Senate Commerce Committee is expected to hold formal hearings to review the bill.

Committee Markup: Lawmakers will undergo the “mark-up” phase to debate the bill, offer amendments, and vote on whether to favorably report it to the full Senate floor.

Floor Vote and Bipartisan Push: The bill will need to gather sufficient bipartisan support to pass the full Senate and move to the House of Representatives. Proponents face pressure to move the bill before the congressional recess in August.

Contact Us

For more information about the legal and regulatory decisions affecting your institution, please contact Jason Montgomery, TaRonda Randall, Kristina Minor, or your Husch Blackwell attorney. Husch Blackwell regularly publishes updates on industry trends and new developments in the law for our clients and friends. Please fill out this quick form if you would like to receive electronic updates and newsletters.