

LEGAL UPDATES

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Executive Summary: Protect College Sports Act of 2026 (September 17, 2026 Amendment)

Overview

On September 17, 2026, a bipartisan group of senators amended the *Protect College Sports Act of 2026* (S. 4668), which ultimately passed the U.S. Senate on September 28, 2026, by a 77-22 bipartisan vote. The amendment retains the core structure of the bill introduced on May 27, 2026, including federal Name, Image, and Likeness (NIL) protections, a limited antitrust exemption, regulation of transfers and eligibility, athlete welfare provisions, and a framework designed to codify key elements of the *House* settlement (see previous alerts [here](#) and [here](#)). However, the amendment includes some significant additions, such as revenue-cap exceptions totaling over \$25 million, which could greatly impact institutions of higher education, particularly Division I institutions.

Summary of Key Provisions and September 17 Amendment Changes

NIL Rights and Regulations (Sections 101, 104)

Both versions of the Act bar institutions, conferences, and athletic associations from restricting a student athlete's ability to market or earn compensation from NIL activities. Scholarships and eligibility cannot be affected by NIL participation, and agreements over \$600 must be disclosed. The Act maintains the requirement that 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.

Changed from May 2026 Bill: Current and prospective student-athletes must disclose their NIL agreements to both their institution and the NCAA or College Sports Commission. In addition, institutions must report all compensation they provide or “promise” to student-athletes.

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. Agents are prohibited from making false or fraudulent representations and from violating recruiting or tampering rules.

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.

Changed from May 2026 Bill: The Act amends the federal Sports Agent Responsibility and Trust Act to require agreements between student-athletes and athlete agents to be made in writing. Oral agency contract under the bill will no longer be valid. Athletes harmed by an agent’s violations receive a private right of action for declaratory relief and damages.

Athlete Transfer and Eligibility (Sections 112-113)

Institutions, conferences, and athletic associations must permit a student athlete to transfer once without losing or delaying eligibility; a second transfer results in 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 pursuit of a graduate degree. Student-athletes remain eligible to compete for a maximum of five calendar years beginning at the earliest applicable triggering event—i.e., the student athlete’s 19th birthday, or the date of initial full-time enrollment at an institution. Eligibility is paused for absences due to pregnancy, religious mission, or active-duty military service.

Changed from May 2026 Bill: The amendment allows the NCAA to adopt an eligibility period exception for serious athletic injury or medical condition (i.e., permission to reinstate the medical hardship waiver).

Recruitment and Tampering (Section 117)

Institutions, conferences, associated entities, and athlete agents remain prohibited from recruiting or contacting a student athlete or prospective student athlete who has not affirmatively opted in to receive such recruitment or contact. The original bill allowed athletic associations to 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.

Changed from May 2026 Bill: Rather than a single five-week recruiting contact period, the amendment provides more flexibility and allows the NCAA to establish one or more contact periods for each sport, not shorter than two weeks or longer than five weeks. The amendment newly extends tampering restrictions to high school prospective student-athletes and prohibits schools, conferences, and associated entities from making improper compensation payments to high school student-athletes.

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

Institutions must provide comprehensive medical coverage for sports-related injuries, including extended post-eligibility out-of-pocket medical coverage, 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.

No substantial changes from the May 2026 bill.

Athlete Ombudsman (Section 108)

Each intercollegiate athletic association must establish an independent Office of the Student Athlete Ombudsman to provide free, confidential advice to student-athletes on their rights and responsibilities and to assist in resolving concerns involving associations, conferences, or institutions. The amendment expands the offices responsibilities to include additional educational functions, including standardized rights notices and educational curricula, while preserving non-retaliation and non-compellability protections for Ombudsman communications.

No substantial changes from the May 2026 bill.

Academic and Scholarship Protections (Section 105)

Institutions may not pressure athletes regarding academic decisions or reduce scholarships based on performance or injury. An institution that awards grants-in-aid to a student athlete may not revoke, reduce, or condition a grant-in-aid based on athletic performance, injury or illness, or roster management. Institutions must offer certain returning former student-athletes within a defined window the opportunity to complete their degree and receive grant-in-aid at the level of their previous athletics scholarship.

Changed from May 2026 Bill: The amendment clarifies that in situations where a student athlete originally received only need-based aid, the school is not required to provide the same amount of funding for the former student athlete's degree completion.

Athlete Governance Representation (Sections 111, 126)

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.

Changed from May 2026 Bill: The amendment adds representation requirements for mid-sized conferences (under \$500 million in annual revenue) within athletic association governing boards or other rulemaking committees.

Mid-Season Coaching Restrictions (Section 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.

No substantial changes from the May 2026 bill.

Legal Framework and Enforcement (Sections 118-121)

The Act provides limited antitrust immunity for good-faith enforcement of specified provisions, creates a federal private right of action for athletes, and preempts conflicting state laws related to NIL, transfer, and eligibility laws. The Act remains neutral on whether student-athletes are employees.

The Act includes whistleblower protection for individuals reporting violations of the Act. of Title IX violations in addition to violations of the Act, with non-waivable retaliation protections and a private enforcement action.

Changed from May 2026 Bill: The College Sports Commission is required to provide the NCAA and House defendant conferences with reasonable advance notice and an opportunity to comment prior to issuing new rules, guidance, or policies related to implementation or interpretation of the House Settlement. Whistleblower protections are expanded to individuals reporting alleged Title IX violations or participating in Title IX proceedings.

Structural Reform and Future Review (Sections 114-116)

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

Changed from May 2026 Bill: The amendment creates a retention-fund structure allowing institutions to exceed the revenue-sharing cap by up to \$22.5 million annually to retain student-athletes who have spent at least one full season at the institution; and an additional \$5 million to compensate athletes in non-revenue, women's, and Olympic sports, subject to uniform academic-progress benchmarks (e.g., progress-toward-degree, graduation success rate). The retention fund will expire after nine years. The amendment replaces an automatic extension of the cap with a congressional approval mechanism: if the House settlement expires or terminates, continuation of the cap and retention fund requires a fast-track joint resolution of approval from Congress.

The amendment also expands the Congressional Commission on the Future of College Athletics from 20 to 24 members, adding HBCU and mid-sized conference representation, and establishes a Student Athlete Retention Council to evaluate the future of the retention-fund exception.

Institutions with more than \$80 million in annual athletics revenue are also subject to a \$500,000 cap on coaches' compensation funded from any source other than college sports revenue or a donation or contribution to the athletic department.

Editorial Note Regarding the \$5,000,000 Non-Revenue Sports Exception: The statutory text raises an important interpretive question about how the additional \$5,000,000 exception is meant to operate. The most natural reading is that the \$5,000,000 ceiling is not a flat additional allowance available to every institution regardless of behavior. It is capped in proportion to how much of the institution's existing NIL compensation (already counted against

the base cap and retention fund) is going to non-revenue sports. An institution that directs a higher share of its NIL spending to women's/Olympic programs would presumably be able to access more of the \$5,000,000 headroom; one that directs little or none there would access less or none. However, the bill text does not provide an explicit proportionality formula needed to calculate a specific dollar figure. Additional parameters would likely come from NCAA or conference rules, or by later regulatory guidance, since the bill does not delegate that rulemaking authority explicitly in this section either.

Institutions should not assume the full \$5,000,000 is automatically available and should watch for further guidance before budgeting against this figure.

Media Rights and Conference Consolidation (Sections 202-207)

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% of Football Bowl Subdivision institutions, offering fair and nondiscriminatory membership terms. Further, it is unlawful under the antitrust laws for any conference that reported more than \$700 million in annual revenue to merge or consolidate with, or to acquire the assets, media rights, or membership of another conference, if as a result the number of member institutions would fall below the minimum conference requirements.

Changed from May 2026 Bill: The original pooled media-rights antitrust exemption remains, with an additional prohibition of federal or state lawsuits challenging a school's or conference's decision not to participate. Further, a school or conference that does not participate in the pooled media-rights entity is not required to schedule an otherwise protected rivalry game.

Protection of Women's and Olympic Sports (Sections 109, 125, 127-128)

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.

Changed from May 2026 Bill: The amendment adds new sections dedicated to preserving women's sports, Olympic sports, and participation opportunities.

The amendment adds publicity and promotion to the list of treatment areas that must be comparable between men’s and women’s programs.

Institutions retain flexibility to change which sports they sponsor and may reallocate roster spots and scholarships among teams so long as overall participation opportunities are maintained and comply with NCAA membership requirements.

Title IX savings clause clarifies that the Act does not override, modify, or amend the applicability of Title IX.

Without providing additional guidance, the amendment includes a policy that institutions should prioritize domestic students in providing roster positions and athletic scholarships.

Comparison of Key Policy Areas

Area	May 2026 Bill (as Introduced)	September 2026 Amendment
NIL Rights	Institutions and associations cannot restrict student-athletes from marketing or earning compensation for their NIL rights, except in specific areas consistent with the House settlement.	Requires both current and prospective student-athletes to disclose NIL agreements to both the CSC or NCAA and the institution.
Athlete Agents	Agent fees capped at five percent of endorsement contract value	Private right of action for athletes harmed by agent violations.
Scholarships	Grants-in-aid cannot be revoked based on athletic performance, injury, or roster management.	Additional flexibility for institutions granting degree-completion funds for former student-athletes.

Area	May 2026 Bill (as Introduced)	September 2026 Amendment
Medical Coverage	Out-of-pocket coverage during participation and 5 years post-eligibility.	Substantially unchanged.
Transfers/Eligibility	One penalty-free transfer; second transfer causes one-year eligibility loss; five-year eligibility window.	Allows for a medical hardship exception to the five-year rule.
Recruiting/Tampering	Single five-week recruiting window.	Sport-specific recruiting windows; extends anti-tampering restrictions to high school prospective student-athletes.
Governance	At least one-third of governing board membership must be current or recent student-athletes.	Substantially unchanged.
Revenue Sharing	Largely made the House settlement's revenue-sharing cap permanent, with no retention-fund concept.	Permits exceptions to the revenue-share cap: \$22.5 million retention fund, and \$5 million for non-revenue & women's sports.
Women's/Olympic Sports	Requires comparable standards for treatment areas such as lodging, travel, facilities, etc.	Schools can modify their sport sponsorship as long as overall participation opportunities are maintained.

Area	May 2026 Bill (as Introduced)	September 2026 Amendment
Media Rights/Broadcasting	Antitrust exemption for joint media rights entity meeting statutory requirements.	Additional restrictions to prevent the creation of “super leagues.”
Employee Status	Act is neutral on student athlete employment status.	Substantially unchanged.
Preemption	Federal law supersedes conflicting state NIL, transfer, and eligibility regulations.	Substantially unchanged.

Next Steps for the Protect College Sports Act

The bill was passed by the Senate and moves to the House of Representatives after the congressional recess ends in November 2026.

Institutions, conferences, and athletic associations should expect continued negotiation over the revenue-sharing, women’s and Olympic sports, and NIL oversight provisions before any final vote.

Contact Us

For more information about the legal and regulatory decisions affecting your institution, please contact Jason Montgomery, Kristina Minor, TaRonda Randall, 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.

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