



Senate Passes the Protect College Sports Act: What It Means for College Athletics and Institutions

Blogs

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On September 28, 2026, the U.S. Senate passed the Protect College Sports Act (S. 4668) by a decisive bipartisan vote of 77-22. The bill now moves to the House of Representatives, and if passed by the House, to the President's desk for signature.

A New Federal Framework for College Athletics

For institutions, athletic departments, and the attorneys who advise them, the Act signals a possible shift from a patchwork of court decisions and state laws toward a single federal framework. If enacted, the bill would establish a federal framework governing significant aspects of college athletics, including name, image, and likeness (NIL) compensation, student-athlete eligibility and transfers, revenue sharing, health and safety protections, athlete-agent relationships, and certain NCAA and conference rules.

Antitrust Protection and Athlete Safety

The bill includes an antitrust exemption that immunizes the NCAA, conferences, and schools from antitrust challenges under Section 1 of the Sherman Act, provided they strictly comply with the bill's provisions with respect to (1) compliance rules for name, image, and likeness (NIL), (2) revenue-sharing caps, (3) a standard five-year eligibility limit, and (4) a one-time transfer restriction.

In an amendment that passed the Senate by a vote of 96-1, the bill does not preempt state law regarding an athlete's right to sue universities for severe harms, physical injuries, or safety failures and abuse, including sexual misconduct or wrongful death claims.

Expanded NIL and Revenue Sharing

The bill also embraces the new NIL landscape. The PCSA more than doubles the amount of money schools can spend on direct payments to their players, from the current cap of \$21.5 million established through the *House v. NCAA* settlement to \$49.2 million. If it becomes law, the bill would codify and protect student athletes' rights to earn money from their name, image, and likeness for the first time.

New Restrictions on Athletes and Institutions

But the bill also puts significant limits and restrictions on athletes and institutions. For example, the PCSA limits athletes to a five-year window to play college sports, which begins the year they turn 19 or the year they finish high school, and it limits them to one transfer.

It also includes a ban on leagues of 20 or more teams in an effort to prevent the most powerful and wealthy conferences from breaking away to form a "super league. It also requires disclosure of foreign investment in university athletic departments.

The bill does not put limits on coaches, nor does it place limits on facility upgrades or increased support staff that institutions have used to get an advantage over their rivals in recruiting.

Importantly, the PCSA states that it remains neutral on whether college athletes can be classified as school employees. It also does not address whether athletes should have the right to unionize and collectively bargain.

Because many college "non-revenue" sports (including "Olympic" sports) are funded by revenue from revenue producing sports such as football and basketball, the bill seeks to protect those sports by precluding schools from canceling them for the next nine years.

The PCSA faces greater opposition in the House of Representatives, where its passage is uncertain. The House is not expected to take up the bill until after the midterm elections in November. If the bill does not become law this term, it will need to start over in the 2027-2028 term.

Preparing for What Comes Next

Schools and compliance teams should watch the House proceedings closely and begin assessing how the proposed rules could affect their NIL, eligibility, and revenue-sharing practices. Among the many steps they can take to prepare include:

- Plan for expanded revenue-sharing caps.
- Reevaluate institutional risk management, Directors and Officers (D&O), and Educators' Legal Liability policies to account for heightened federal oversight and compliance exposure.
- Implement tracking protocols to ensure student-athlete NIL contracts comply with federal caps (such as the 5% agent fee limit) and state and federal agent registration requirements.
- Prepare athletic administrative systems to uniformly enforce standardized five-year eligibility windows and transfer restrictions backed by the bill's limited antitrust exemption.



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