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The Protect College Sports Act, SCORE Act, and Other Federal Efforts to Regulate Intercollegiate Sports

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In late May 2026, a bipartisan coalition of Senators led by Democrat Maria Cantwell and Republican Ted Cruz introduced a bill to provide a uniform national framework to regulate college sports.

The Protect College Sports Act would provide the National Collegiate Athletic Association (NCAA) with an antitrust exemption to enforce various rules and would grant student athletes a federal right to earn compensation by licensing their names, images, and likenesses (NIL).

The Act is the latest attempt by Congress to regulate the college sports landscape amidst a patchwork of state laws and pleas by college sports organizations for a unified regime.

Over the past several years, Congress has proposed several unsuccessful bills and hosted more than a dozen public hearings to discuss college sports. The 2022 College Athletes Bill of Rights stalled in committee, and the Protect College Sports Act came on the heels of the 2025 Student Compensation and Opportunity through Rights and Endorsements (SCORE) Act being pulled from the House floor in May 2026.

The SCORE Act was a conservative proposal that sought to provide student athletes with a

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federal NIL licensing right while granting the NCAA a broader antitrust exemption and explicitly denying employment status to student athletes.

The Senate's more liberal coalition had proposed the Student Athlete Fairness and Enforcement (SAFE) Act, which did not provide the NCAA with a broad antitrust exemption and granted more rights to student athletes. The most recent Protect College Sports Act has been an attempt to reconcile these approaches under a framework with bipartisan support.

On June 18, the Protect College Sports Act cleared the Senate Commerce Committee 19-9, sending it to the full Senate floor for consideration. The bipartisan support underlying the Protect College Sports Act makes it the most promising bill to date, but its passage is far from guaranteed.

Background

In June 2021, the Supreme Court in *National Collegiate Athletic Ass'n v. Alston* unanimously held that, under the rule of reason, NCAA rules limiting education-related compensation violated Section 1 of the Sherman Act. (94 U.S. 69, 90, 107 (2021).) The Alston ruling ultimately led to additional antitrust litigation challenging NCAA student athlete compensation systems and a wave of state legislation attempting to regulate the NIL industry.

Most notably, in In re College Athlete NIL Litigation, a consolidated class action by current and former Division I athletes against the Pac-12, Big Ten, Big 12, Southeastern Conference (SEC), and Atlantic Coast Conference (ACC) (collectively, the Power Five) and the NCAA, plaintiffs challenged under the antitrust laws rules restricting third-party NIL compensation to players, prohibiting revenue sharing with players, prohibiting compensation to student athletes for their athletic services (i.e., pay-for-play), and setting scholarship limits. (*In re Coll. Athlete NIL Litig*., 803 F. Supp. 3d 959, 969 (N.D. Cal. 2025) (consolidating *House v. NCAA*, *Oliver v. NCAA*, and *Carter v. NCAA*)).

The litigation resulted in a $2.78 billion settlement (the House settlement), approved in June 2025, that for the first time permitted direct payments to college athletes.

The settlement reimbursed previously withheld NIL compensation to former athletes, created a revenue sharing system for Division I athletes capped at 22% of the Power Five's (now Power Four) average athletic revenues over ten years, eliminated scholarship limits while permitting roster limits, and allowed some restrictions on third-party NIL licensing payments.

Although the Power Five established the College Sports Commission to enforce the settlement's provisions, the settlement itself has spurred litigation over the past year. (See, e.g., *Ili v. NCAA*, No. 3:26-cv-05562 (N.D. Cal.), in which college football players alleged that the settlement's restrictions violated Section 1 of the Sherman Act and NIL statutes in 17 states).

At the same time—and even before *Alston*—states have been passing NIL laws of their own. The first, enacted in 2019 and effective in 2021, was the California Fair Pay to Play Act, which prohibited universities and athletic associations from preventing student athletes from earning NIL licensing compensation and using agents.

As of April 2026, 35 states had enacted NIL legislation through statutes or executive orders, with regulatory regimes differing along numerous contours, including prohibited industries and high school athletes' eligibility for NIL licensing deals. (Geoff Hawkins, "How State Legislation Transformed College Athlete Pay (State NIL Laws 101)," Multistate (Apr. 29, 2026).

Federal Government Response

In the face of differing state regulations, the federal government has taken an interest in establishing a uniform regime to regulate college sports and NIL licensing.

In recent years, Congress has held more than a dozen public hearings and proposed numerous bills regarding college sports, including the College Athletes Bill of Rights, the SCORE Act, and the SAFE Act. Most recently, the Protect College Sports Act seeks to strike a compromise between the conservative and liberal leanings of prior unsuccessful bills.

These legislative efforts come amidst the executive branch's efforts to advance a uniform framework as well.

In addition to hosting a roundtable with key industry stakeholders, President Trump has issued two executive orders regarding the importance of a "national solution" to college sports, the latest of which (in April 2026) directed federal agencies to bolster the effectiveness of transfer, eligibility, and pay-for-play rules by Aug. 1, 2026; required interstate intercollegiate athletic governing bodies to update or clarify their rules by the same date; and "strongly encouraged" Congress "to expeditiously pass legislation." (See Exec. Order No. 14322, 90 Fed. Reg. 35821 (July 24, 2025); Exec. Order No. 14400, 91 Fed. Reg. 18267 (Apr. 3, 2026).)

College Athletes Bill of Rights

In August 2022, Democratic Senators introduced the College Athletes Bill of Rights, which allowed college athletes to market their NIL, created programs to protect student athletes' economic interests and health and wellness, granted agent representation rights, permitted student athletes to transfer once without losing their grant-in-aid or eligibility, established protections under Title IX, prohibited institutions from eliminating athletic funding without exhausting all other options, and created a bipartisan Commission on College Athletics to enforce the act. (College Athletes Bill of Rights, S. 4724, 117th Cong. (2022).)

This bill did not provide any antitrust exemption for the NCAA or its member institutions nor mention the employment status of student athletes. It died in committee.

The SCORE Act

Three years later, a month after the House settlement's approval, House Republicans introduced the SCORE Act to provide student athletes with a federally protected right to enter into NIL agreements, establish a national NIL framework, and grant the NCAA a broad antitrust exemption for conduct involved in complying with the Act. (Student Compensation and Opportunity through Rights and Endorsements (SCORE) Act, H.R. 4312, 119th Cong. (2025).)

In particular, the SCORE Act prohibited institutions, conferences, and intercollegiate athletic associations from restricting student athletes' ability to enter into NIL licensing agreements except in limited circumstances, while also permitting athletes to have agent representation as long as agents comply with various regulations such as a five percent fee cap.

The SCORE Act also permitted strong regulations by intercollegiate athletic associations, including limits to schools' direct and NIL payments to athletes and transfer rules permitting at least one transfer without eligibility loss. Notably, the bill expressly provided that college athletes are not employees.

From an antitrust perspective, the SCORE Act granted colleges, conferences, and the NCAA a relatively broad antitrust exemption for the adoption of rules authorized by the bill, covering areas including NIL disclosure requirements, dispute resolution and discipline processes for prohibited compensation, the NCAA's calculation of pool limits for revenue sharing (not to exceed the House settlement's 22 percent cap), transfer parameters, eligibility requirements, agent regulations, membership rules, and competition and playing season regulations.

Although the NCAA and its conferences supported the SCORE Act, it faced criticism from former and current college and professional athletes and various Democratic Senators who feared it would roll back NIL rights and health protections, leave athletes vulnerable to agents, short-change women's and Olympic sports, and shut the door on collective bargaining rights. (Press Release, Sen. Comm. on Commerce, Science, & Transportation, *Former College, Pro Players Warn SCORE Act Will Hurt College Sports' Most Valuable Assets: Athletes* (Oct. 21, 2026).

After the Congressional Black Caucus and numerous House Republicans also opposed the bill, it was pulled from the floor on May 18, 2026.

The SAFE Act

Meanwhile, in September 2025, Senate Democrats proposed a different bill—more comprehensive than the College Athletes Bill of Rights—providing athletes with federal NIL rights, expanding revenue for all sports by amending the Sports Broadcasting Act of 1961 (SBA), and using such revenue to support women's and Olympic sports. (Student Athlete

Fairness and Enforcement (SAFE) Act, S. 2932, 119th Cong. (2025).)

Like the SCORE Act, the SAFE Act prohibited restrictions on the ability of student athletes to earn NIL compensation and required institutions, athletic departments, conferences, and athletic associations to permit agent representation with registration requirements and a five percent fee cap.

However, the SAFE Act was more advantageous to college athletes than the SCORE Act in several respects: the SAFE Act: (1) prohibited agents from misrepresenting NIL deals to entice student athletes to enroll or transfer, and created a private right of action for athletes against agent-related violations; (2) expanded medical coverage and safety standards; (3) permitted uncapped direct payments from institutions and NIL collectives pursuant to endorsement contracts or revenue sharing agreements; (4) left the House settlement's 22 percent revenue share cap untouched; and (5) permitted two transfers without eligibility loss, or transfers upon mutual agreement with the former institution or upon the discontinuation or material reduction of the athlete's sport.

Perhaps the most noteworthy difference between the SAFE Act and SCORE Act stood in the SAFE Act's antitrust approach: the SAFE Act was silent about a potential antitrust exemption for intercollegiate athletic associations, except with respect to the SBA.

The SAFE Act amended the SBA to allow universities to negotiate their media rights as a group without violating antitrust laws (like the major sports leagues), so long as additional broadcast revenue would be used to retain scholarships and roster spots for non-revenue generating and women's sports.

The SAFE Act has not officially died in the Senate, but the introduction of the Protect College Sports Act by some of the same proponents as the SAFE Act has shifted the discussion to the Senate's new bipartisan approach.

The Protect College Sports Act

Days after the withdrawal of the SCORE Act, the bipartisan coalition of Senators led by Cruz and Cantwell attempted to compromise between the Republican-led SCORE Act and Democratic-led SAFE Act. Like its predecessors, the Protect College Sports Act aims to create a federal NIL right and impose a national regulatory framework for college sports, preempting existing state laws. (Protect College Sports Act of 2026, S. __, 119th Cong. (2026).)

The Protect College Sports Act's federal NIL right is generally similar to those of the SCORE and SAFE Acts, prohibiting institutions, conferences, and intercollegiate athletic associations from restricting current and prospective student athletes from earning NIL compensation or entering into NIL agreements, with limited exceptions (i.e., agreements that violate the student code of conduct or unauthorizedly use such entities' marks).

The bill also tracks both the SCORE and SAFE Acts in permitting student athletes to use agents, provided such agents register and cap fees at five percent, and follows the SAFE Act in prohibiting agents' misrepresentations to entice student athletes to enroll or transfer and granting athletes a private right of action against NIL-related agent violations.

The Protect College Sports Act serves as a compromise between the interests of athletes and athletic associations in areas such as health and safety protections, scholarship guarantees, and transfer and eligibility rules. It provides athletes with greater health and safety protections than the SCORE Act and a ten-year scholarship guarantee after eligibility, while expressly limiting such eligibility to five years.

And with respect to transfer rules, it stakes a clear middle ground by requiring schools to permit one transfer without a loss or delay of eligibility, a second transfer with a one-year delay of eligibility, and additional transfers in special circumstances (i.e., the sport's discontinuation, the head coach's departure, the athlete's harassment, or the athlete's pursuit of a graduate degree).

The Protect College Sports Act's antitrust-related provisions also pull from both the SCORE Act and SAFE Act. Like the SCORE Act, the Protect College Sports Act provides an antitrust exemption for intercollegiate associations, conferences, and institutions to enforce or comply with the bill's provisions—albeit slightly narrower, only providing protection if the institutions actually establish rules implementing the relevant paragraphs of the bill.

And like the SAFE Act, the Protect College Sports Act amends the SBA to extend antitrust protection to schools that join a collective pool and jointly negotiate their media rights, provided they use the pooled media revenue to maintain a certain number of grant-in-aid opportunities and roster spots for non-football sports.

The Protect College Sports Act includes a number of new provisions, including barring any conference with more than $1 billion in 2025 revenue from merging with, consolidating with, or acquiring another conference's assets, media rights, or membership.

The Act also creates a Commission on the Future of College Athletics, consisting of Congressmen of both houses and parties and former or current student athletes, to develop recommendations regarding college sports. Notably absent from the bill, however, is any mention of whether student athletes are considered employees.

Numerous hearings and roundtables have brought forth a number of strong voices both in favor of and against the bill. The Big Ten and SEC have opposed the bill because they believe it "leaves critical issues unresolved," although they remain "committed to working with" Congress to "improve" the legislation. ("A Joint Statement on the Protect College Sports Act," Big Ten Communications (June 2, 2026)).

Meanwhile, the ACC, Big 12, and around 20 other collegiate athletic conferences have supported the bill, as have the U.S. Olympic and Paralympic Committee, National Governing Bodies Council, and Team USA Athletes' Commission, many professional sports leagues and players' unions, and a variety of individual schools. (Press Release, Sen. Comm. on Commerce, Science, & Transportation, *WTAS: Protect College Sports Act Supported by 20 Conferences and 228 Colleges Across 46 States* (June 16, 2026).

Although Trump has publicly supported the bill, it still faces criticism on both sides of the political line in Congress, especially regarding its silence on the issue of student athletes' employment status, rendering the bill's fate far from certain.

Implications

Should the Protect College Sports Act pass, the patchwork of state laws regulating college sports will largely give way to a unified national regime.

While it would not signal the end of college athletics-related antitrust litigation, including because the Act would provide students with a private right of action against violations of certain provisions, intercollegiate athletic associations would again be on more solid footing to institute rules and regulations without fear of running afoul of antitrust laws.

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