

FEDERAL LAWMAKERS TO CONSIDER BILL TO RESHAPE COLLEGE ATHLETICS, FROM NIL TO MEDIA RIGHTS

Insights
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A group of Senate Democrats recently introduced legislation designed to bring federal oversight to college athletics' increasingly chaotic NIL landscape. The September 29 bill, known as the Student Athlete Fairness and Enforcement (SAFE) Act, responds to concerns about rising costs, potential effects on non-revenue sports funding, and the need for clearer regulatory guidelines for student-athletes. What does your institution need to know about this proposed legislation?

Understanding the SAFE Act: Federal Guardrails for College Sports

[The SAFE Act](#) represents the latest congressional attempt to impose uniform standards on college athletics. The legislation tackles multiple pressure points simultaneously: NIL compensation, media rights consolidation, athlete welfare, and the preservation of Olympic and women's sports programs.

At its core, the bill establishes federal preemption over state NIL laws, creating a single regulatory framework for all NCAA institutions. Key protections include standardized health and safety requirements, scholarship guarantees, athlete-agent registration mandates, and revenue-sharing structures designed to preserve non-revenue generating programs.

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Rob Dickson

Associate

908.516.1029



Joshua D. Nadreau

Regional Managing Partner
and Vice Chair, Labor
Relations Group

Perhaps the most notable provision in the SAFE Act is its proposed amendment to the Sports Broadcasting Act of 1961. This change would explicitly authorize schools to negotiate media rights collectively without triggering antitrust violations.

Critically, the legislation includes a safeguard: schools must maintain the same number of scholarships and roster spots for non-revenue and women's sports as existed during the 2023-2024 academic year. The bill also preserves local broadcast access for football and basketball games while maintaining the [House settlement's 22% revenue-sharing cap](#).

Key Provisions: What the SAFE Act Would Change

The legislation includes several provisions that would fundamentally alter the college athletics landscape:

- **Federal Preemption and Standardization:** The SAFE Act would override the patchwork of state NIL laws for a single, uniform national standard.
- **Health and Safety Mandates:** Schools would be required to implement uniform standards for heat exertion, brain injury protocols, and asthma management. Additionally, the bill mandates five years of post-eligibility medical coverage for sports-related injuries.
- **Scholarship Protections:** Athletes would receive 10-year scholarship guarantees.
- **Agent Regulation:** Athlete agents would face a 5% fee cap and mandatory state registration requirements.
- **Transfer Portal Reform:** Student-athletes could transfer twice without sitting out a year.

What the SAFE Act Doesn't Include

Notably absent from the legislation are two provisions that have proven controversial in competing proposals.

- The SAFE Act would not grant the NCAA or athletic conferences antitrust immunity – a sticking point that has contributed to the stalling of the alternative version in the House of Representatives.

617.722.0044

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- Nor does it take any position on whether or how student-athletes should be considered employees under federal or state labor law.

What Should Institutions and Stakeholders Do?

Although the odds of passage for this or other federal legislation governing college athletics appear low in the near term, athletic departments, universities, and sports industry stakeholders should nonetheless prepare for potential regulatory changes:

- **Maintain Compliance with Current Standards:** Continue adhering to NCAA and conference guidelines while monitoring legislative developments.
- **Engage in Scenario Planning:** Evaluate how provisions like mandatory program preservation and enhanced athlete protections would impact your institution's financial model and competitive positioning.
- **Strengthen Legal and Compliance Infrastructure:** Consult regularly with counsel experienced to ensure your institution can adapt quickly to federal mandates if enacted.

Conclusion

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