

# BIPARTISAN SENATE BILL WOULD RESHAPE COLLEGE SPORTS: 3 THINGS SCHOOLS SHOULD DO NOW TO PREPARE

Insights  
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## Bipartisan Senate Bill Would Reshape College Sports: 3 Things Schools Should Do Now to Prepare

After months of false starts on Capitol Hill, a bipartisan pair of senators is trying a different route when it comes to resolving issues around modern college sports. Sens. Ted Cruz (R-Tex.) and Maria Cantwell (D-Wash.), joined by Sens. Eric Schmitt (R-Mo.) and Chris Coons (D-Del.), introduced a bill on May 27 to give the NCAA and the new College Sports Commission (CSC) targeted antitrust protection. The **Protect College Sports Act of 2026** would allow the NCAA to enforce certain rules governing transfers, eligibility, athlete compensation, and third-party name, image, and likeness (NIL) deals. It also would create new athlete protections, regulate agent conduct, and impose new governance obligations. But, the legislation wouldn't resolve one of the biggest legal questions in college athletics: are student-athletes are employees? This Insight breaks down what the bill would do, and three steps schools should consider taking now.

### Bill Catch Up

The Protect College Sports Act landed just days after its predecessor, the SCORE Act (the Student Compensation and Opportunity through Rights and Endorsements Act) stalled. The SCORE Act had been the leading vehicle for a federal college sports framework for much of the past year. Backed by the NCAA, the power conferences, and the [White](#)

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**House**, it would have given the NCAA limited antitrust protection to set its own rules on eligibility, transfers, and compensation while preempting state NIL law. But it failed to reach the House floor after a scheduled May 2026 vote was pulled for lack of support, with opposition from both sides of the aisle.

This new **Protect College Sports Act** is the product of compromise: Sen. Cruz softened his position on athlete employment, and Sen. Cantwell accepted a one-time transfer limit. But keep in mind, even as a bipartisan measure, it will still need 60 votes to clear the Senate.

### What the Bill Would Do

A handful of provisions in this legislation could have major impacts on how schools structure their athletics policies and programs.

**Employment Status Issue Left Untouched.** The bill is “neutral on, and does nothing to alter, employee or non-employee status for student athletes.” In other words, the bill does not answer the question of whether students are employees entitled to collective bargaining rights and minimum wage protections – it leaves that to the courts.

The case to watch remains ***Johnson v. NCAA***, where most recently the Third Circuit rejected the NCAA’s amateurism defense and set out a four-part primary beneficiary test for employee status under the Fair Labor Standards Act. As of early 2026, the case is back in the district court on remand, with the parties reporting on settlement talks. So far, the Third Circuit’s test hasn’t yet been applied on the merits of the case.

**Important Caveat:** Schools still need to plan for the possibility that athlete compensation, revenue sharing, practice time, team rules, and institutional control could be viewed through an employment-law lens, even if Congress acts on NIL and antitrust issues.

**Five-Year Student-Athlete Eligibility Model.** The bill would set a uniform five-year eligibility window beginning at the earliest of: the athlete’s 19th birthday, high-school graduation, or full-time enrollment. There are narrow tolling exceptions for pregnancy, religious mission, or active-duty military service. It closely tracks the NCAA’s own ***Five-For-***



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[Five proposal](#), an age-based model the Division I Board has directed the Cabinet to advance that would eliminate most redshirt and waiver-driven extensions. It's important to review your current rosters against the model now, because even if the Protect College Sports Act stalls out in Congress, the shift to an age-based clock may arrive through NCAA rulemaking.

**Limits on Agent Fees.** The bill aims to amend the Sports Agent Responsibility and Trust Act (SPARTA) to bar an agent from charging a student athlete a fee in connection with an endorsement contract that exceeds 5% of the contract's value. It also would form a mandated publicly accessible agent registry and impose certain written-contract requirements. The measure would also create a private right of action against agents and establish an independent Athlete Ombudsman at the NCAA which would provide independent guidance and advice to student-athletes. Agent conduct is already under federal scrutiny: in January 2026 the [FTC opened a SPARTA-based inquiry](#) into college-athlete agents.

**Cap Enforcement Gets Teeth.** The bill would give the CSC, the body the conferences created out of the [House v. NCAA settlement](#), and the NCAA the power to review [third-party](#) NIL deals and the ability to reject deals that lack a "valid business purpose." Both the NCAA and the CSC would have limited antitrust protection to enforce the revenue-share cap.

Under the current system, each school may direct roughly \$21.3 million to athletes, but some programs have steered additional corporate-sponsor money to rosters as third-party NIL that doesn't count against the cap. The bill would codify scrutiny of whether a third-party NIL deal is genuinely tied to the promotion of goods or services and whether the compensation is comparable to what similarly situated non-athletes would receive.

**Media Rights and Conference Structure.** The bill would let, but not require, schools and conferences pool their media rights through a new "covered entity," extending the pro leagues' Sports Broadcasting Act antitrust exemption to college sports if at least 75% of FBS schools join. Several protections, including the women's and Olympic sports floor discussed below, apply only to schools that pool.

Some conferences have opposed pooling, and the bill separately bars a billion-dollar conference from any merger that would drop covered-entity membership below 75%. The bill also adopts what many have called the “Lane Kiffin Rule” which would stop a head coach or coordinator from taking a head-coaching job at another FBS school mid-season.

### **3 Things Schools Should Consider Doing Now**

Even though the Protect College Sports Act is still pending in Congress, you should ensure your school is prepared to pivot if these changes are passed in Washington, or by the NCAA. Here’s how you can stay ahead:

**1. Audit Five-Year Eligibility:** Schools should model current rosters against the five-year eligibility standard now given the pending changes being considered both by the NCAA and Congress. Education officials should flag transfers from junior college or Division II or III programs, and revisit recruiting boards, scholarship commitments, and waiver templates so they are not caught flat-footed.

**2. Plan for Women’s and Olympic Sports:** The bill would require any school taking collective (pooled) media revenue to keep its scholarship and roster levels for non-revenue, women’s, and Olympic sports at 2024–25 levels – just as departments are also funding athlete revenue-share and rising coaching pay. To preserve those programs without cutting them, schools should consider an expanded sponsorship and multimedia-rights inventory. Other revenue streams include premium seating, naming rights, donor campaigns and endowed scholarships earmarked for Olympic sports, as well as pooled-rights distributions where available.

**3. Educate Athletes on Agent Conduct:** Schools should educate student-athletes on how agent fees are typically structured and what a compliant representation agreement looks like. Have systems in place to track agent disclosures and complaints internally. Ensure athletes have a clear, retaliation-free channel to raise concerns.

### **Conclusion**

College athletics keep evolving, and the ground may shift again as this bill moves through committee and amendment. To stay current on these developments, please reach out to your attorney, the authors of this Insight, or any member of

our [Sports Industry Group](#) or [Higher Education Team](#) with questions on NIL and college athletics. We will continue to monitor the legislation and provide updates as warranted.