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Sports Reform in the United States: College Athletics and the Olympic Sports Pipeline

Updated November 13, 2026

Congressional Research Service
https://crsreports.congress.gov
R48931

CRS REPORT
Prepared for Members and
Committees of Congress

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SUMMARY

R48931

November 13, 2026

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Sports Reform in the United States: College Athletics and the Olympic Sports Pipeline

In the United States, the last decade has seen substantial disruption of both college and Olympic sports. The two systems are closely integrated because college athletic programs function as an essential part of America's Olympic sports pipeline by providing opportunities for elite training and competition to top athletes. College sports, in particular, are in the process of a substantial transformation brought on by the National Collegiate Athletic Association's (NCAA's) 2021 decision—under pressure from courts, state legislatures, and other stakeholders—to pause enforcement of its rules that barred student-athletes from making money by signing agreements with third parties allowing for the use of their personal name, image, and likeness (NIL). Following that decision, the NCAA, member institutions, and current and former players settled a lawsuit challenging those rules. In their place, the parties have agreed to a system that allows most NIL payments as well as revenue sharing with players from their institutions.

These changes have the potential to significantly alter the American collegiate and Olympic sports landscapes. Collegiate athletic departments have a long history of offering major spectator sports such as football and basketball, which can generate enough revenue to support themselves, as well as a variety of Olympic sports, which generally do not. Cost considerations aside, collegiate support is vitally important for Olympic sports, as intercollegiate competition through colleges and universities is the primary training ground for athletes working to break through into elite, international competition. Additionally, because colleges and universities fund Olympic sports training, there is substantially less pressure on the federal government to provide dedicated funding for elite sports, which is how most other countries fund their Olympic programs.

In the face of this legal and financial uncertainty for intercollegiate and Olympic sports, many stakeholders believe that Congress may be uniquely positioned to address some of the key issues related to college sports in a way that both provides certainty for organizations, including the NCAA, and locks in rights and protections for athletes. Members of the 119th Congress have proposed a variety of bills, including broad reform packages such as the Protect College Sports Act of 2026 (S. 4668) and the Student Compensation and Opportunity Through Rights and Endorsements (SCORE) Act (H.R. 4312), which have both gained at least some traction. This report examines the issues surrounding intercollegiate and Olympic sports, the range of legislative options available to Congress, and proposals considered in recent Congresses.

Contents

Congress and Sports 3
College Sports and the NCAA 6
The United States Olympic and Paralympic Committee 7
The Current Situation in the U.S. Sports System 8
The College System and Athletes' NIL Rights 8
The *House v. NCAA* Settlement 15
Congressional Policy and Sports System Reform 21
Wholesale Reforms 21
The Restore College Sports Act (H.R. 2663) 22
Considerations 23
Targeted Actions 24
The Student Compensation and Opportunity Through Rights and Endorsements (SCORE) Act (H.R. 4312) 25
Protect College Sports Act of 2026 (PCSA; S. 4668) 25
Considerations 26
Enabling Other Actors 26
College Athletics Reform Act (CARA; H.R. 6350) 27
Considerations 27
NCAA Antitrust Exemption 28
Declining to Legislate 29
Navigating Uncertainty 30

Contacts

Author Information 32

By many metrics, sports in America are as popular as they have ever been.[1] Youth participation in sports has begun to recover from the effects of the pandemic, and, while participation rates for many age groups are still below historic averages, there are at least some signs of growth.[2] An increasing array of college sports now generate revenue, and broadcasting agreements have continued to grow in value.[3] In particular, college sports generated nearly $13.1 billion in the 2023-2024 academic year.[4] Despite this significant revenue, the aggregate costs of the collegiate sports system are even greater, at $20.8 billion that same academic year, requiring most schools to support athletics with tuition revenue and student fees.[5]

In international competition, Team USA led the medal table at the 2024 Summer Olympic Games in Paris, and the United States recently hosted a widely hailed World Cup.[6] Anticipation is growing for the 2028 Summer Olympic Games in Los Angeles, the 2031 Women's World Cup, and the 2034 Winter Olympic Games in Salt Lake City.

Congress has a long history of interest in sports.[7] America is one of the world's most sports-hungry nations,[8] and our political leaders are often happy to associate themselves with the sporting world.[9] Therefore, congressional interest is apparent even though legislation on sports is uncommon and Congress has a long-standing preference for self-governance in sports when possible.[10] Therefore, the federal government has generally limited itself to addressing specific issues and solving particularly difficult, discrete problems.[11]

[1] See, e.g., Jenn Hatfield, "5 Facts About Americans and Sports," Pew Research Center, March 11, 2024, https://www.pewresearch.org/short-reads/2024/03/11/5-facts-about-americans-and-sports/.

[2] See, e.g., Aspen Institute, "Participation Trends," in *State of Play 2025*, https://projectplay.org/state-of-play-2025/participation-trends.

[3] Jessica Golden, "NCAA and ESPN Ink 8-Year, $920 Million Media Rights Deal," *CNBC*, January 4, 2024, https://www.cnbc.com/2024/01/04/ncaa-and-espn-ink-8-year-920-million-media-rights-deal.html.

[4] Government Accountability Office (GAO), *College Athletics: Most Programs Spend More Than They Generate in Revenue*, GAO-26-108640, July 14, 2026, p. 1, https://www.gao.gov/assets/gao-26-108640.pdf.

[5] GAO, *College Athletics*, GAO-26-108640, p. 1.

[6] Roberto Casilias, "Soccer Fandom in U.S. Sees Unprecedented Surge Following 2026 World Cup," *Sports Illustrated*, October 16, 2026, https://www.si.com/soccer/soccer-fandom-us-surge-2026-world-cup.

[7] See, generally, Colton C. Campbell and David A. Dulio, eds., *Congress and the Politics of Sport: Homefield Advantage* (Routledge, 2024).

[8] See, e.g., Two Circles, *The Sports IP Revenue League 2026*, p. 7, https://twocircles.com/app/uploads/sites/2/2026/04/Sports-IP-Revenue-League-2026-Final.pdf. This analysis found that the United States is over 50% of the global sports market.

[9] See, e.g., Jacob R. Straus and Jared C. Nagel, "Winning by Association: How Congress Uses Sports Commemoratives," in *Congress and the Politics of Sport: Homefield Advantage*, eds. Colton C. Campbell and David A. Dulio (Routledge, 2024), pp. 39-60.

[10] This is an underlying premise of the system established by the Ted Stevens Olympic and Amateur Sports Act (36 U.S.C. ch. 2205). For discussion of this system, see CRS Report R47850, *The United States Olympic and Paralympic Committee: A Primer*, by Ben Wilhelm. See also Project Play, *World's Leading Sport Systems: How Governance Is Structured*, Aspen Institute, 2025, https://www.aspeninstitute.org/wp-content/uploads/2023/10/worldsportsystemsfull.pdf.

[11] For examples of both of these reasons for federal engagement, see, e.g., CRS Report R47850, *The United States Olympic and Paralympic Committee: A Primer*, by Ben Wilhelm. See also Office of the Assistant Secretary for Health, *The National Youth Sports Strategy*, Department of Health and Human Services, 2019, https://odphp.health.gov/sites/default/files/2019-10/National_Youth_Sports_Strategy.pdf (youth fitness); CRS In Focus IF12467, *U.S. Center for SafeSport: A Primer*, by Ben Wilhelm (sexual abuse of athletes); and CRS In Focus IF12982, *Congress and the Regulation of Professional Boxing in the United States*, by Ben Wilhelm.

When Congress and the executive branch do become involved in the regulation of sports, their decisions can have a significant impact.[12] Examples include statutes such as Title IX of the Education Amendments of 1972[13] and the Ted Stevens Olympic and Amateur Sports Act,[14] and the work of the President's Council on Sports, Fitness, and Nutrition.[15]

Collegiate and Olympic sports are currently in a period of change and uncertainty. There are several developments pressuring the system in distinct but connected ways. Many observers believe there is a need to rethink some long-standing and well-entrenched ideas about the organization and administration of the sports system, including calls for more substantial congressional involvement.[16]

The most immediate issue amenable to a potential congressional response appears to be the impact of recent actions by states, colleges and universities, and the National Collegiate Athletic Association (NCAA) that have removed most restrictions on college athletes' right to profit from their own NIL.[17] While this change appears to constitute the end of the principle of pure amateurism[18] in college sports, it also has broader implications.[19] The business of college sports, particularly for the NCAA Division I "Power Four" conferences,[20] is already being reshaped as are the relationships among athletes, schools, and fans.[21]

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[12] See, e.g., R. Vivian Acosta and Linda Jean Carpenter, "Women in Intercollegiate Sport: A Longitudinal, National Study, Thirty-Seven Year Update," 2014, http://www.acostacarpenter.org/2014%20Status%20of%20Women%20in%20Intercollegiate%20Sport%20-37%20Year%20Update%20-%201977-2014%20.pdf (tracking the change in women's sports participation since the 1970s).

[13] 20 U.S.C. §1681.

[14] 36 U.S.C. ch. 2205.

[15] This council is probably best known to the public as the President's Council on Physical Fitness, but the name and specific functions have evolved over time. The council's website is https://odphp.health.gov/pcsfn.

[16] See, e.g., Commission on the State of U.S. Olympics and Paralympics, *Passing the Torch: Modernizing Olympic, Paralympic, & Grassroots Sports in America*, 2024, p. 120, https://static1.squarespace.com/static/642af7d875688d63cfff08be/t/65e1bc1bf438017c9d43ba82/1709292599616/CSUSOP+Final+Report+%28Digital%29.pdf (recommending the establishment of a federal office focused on youth sports).

[17] See CRS Report R46828, *Student Athlete Name, Image, Likeness Legislation: Considerations for the 117th Congress*, by Whitney K. Novak.

[18] Prior to recent changes to the National Collegiate Athletic Association's (NCAA's) bylaws, the organization's *Division I Manual* included the principle of amateurism:

> Student-athletes shall be amateurs in an intercollegiate sport, and their participation should be motivated primarily by education and by the physical, mental and social benefits to be derived. Student participation in intercollegiate athletics is an avocation, and student-athletes should be protected from exploitation by professional and commercial enterprises.

NCAA, "Section 2.9: The Principle of Amateurism," in *2025-06 NCAA Division I Manual*, https://ncaapublications.com/checkouts/cn/hWNBdJfG5C6xDfxStW5hX6gs/en-us/thank-you?_r=AQABJBJPvCRveHXV4LOxvpXhoqhAw5cYz7WOr7JDl6xtMeA.

[19] See, e.g., Eddie Pells, "When 2025 Arrives, So Will the End of the Amateur Athlete in College Sports," Associated Press, December 22, 2024, https://apnews.com/article/college-athletes-amateur-ncaa-79e481c957d73a545fee24cda06e4f87.

[20] Power conferences are designated by NCAA bylaws and have additional autonomy to set rules on a variety of issues related to their athletic programs and the resources they may provide. The current power conferences are the Atlantic Coast Conference, Big 10, Big 12, and Southeastern Conference. Until recently, the Pacific-12 conference, in its former configuration, was part of this group, known as the "Power Five."

[21] See, e.g., Ross Dellenger, "With NIL Era Ending, College Sports Is on Verge of Seismic Change. How Will Schools Adapt with Industry in Upheaval?" *Yahoo Sports*, January 7, 2025, https://sports.yahoo.com/with-nil-era-ending-college-sports-is-on-verge-of-seismic-change-how-will-schools-adapt-with-industry-in-upheaval-154722732.html.

Renewed interest in the organization and operations of the United States Olympic and Paralympic Committee (USOPC) over the last decade suggests another potential area for congressional action. Discussions regarding USOPC and its future were initially triggered by the public disclosure of decades of sexual abuse perpetrated on gymnasts by Larry Nassar, a former USA Gymnastics team physician.[22] Congress responded by making statutory reforms to USOPC and chartering the U.S. Center for SafeSport to lead the effort to prevent and address abuse. Because of the interconnectedness of intercollegiate and Olympic sports, addressing the collegiate athletic system may also require attention to impacts on potential Olympic athletes.

This report begins with a background discussion that introduces key aspects of how sports in the United States have developed and how Congress has engaged with the sporting world. It then proceeds to the ongoing and potential effects of the NCAA's evolving NIL policies. While the situation in college athletics has drawn much of the attention regarding sports policy since 2021, this report also looks at some issues that extend beyond college campuses, particularly with respect to the impact of NIL reforms on future Olympic athletes.

The report's final section presents a range of the strategies and particular policy options that Congress might use to address some or all of the issues described herein, discussing considerations for how Members might develop preferred policies from the ground up and also analyzing select policy proposals from Members of Congress.

Congress and Sports

Congress, and the federal government more broadly, have generally preferred to be less active in regulating sports activity than many governments around the world. For instance, most countries have a government agency or ministry tasked with setting or implementing national sports policies, and public funds are often used to support Olympic athletes and hopefuls.[23] The United States, on the other hand, does not have a national elite sports agency, and public funds generally do not directly support athletes who represent the United States internationally as members of Team USA.[24]

Congress has played an active role in the design and operations of organizations that manage competitive sports, through legislative and oversight activities, including the following:

- *Support for the United States Olympic Team.* While Congress has chosen not to provide ongoing public funding to USOPC or Olympic sports more broadly, it has enacted legislation that supports the Olympic Movement.[25] Key examples

[22] See, e.g., Sen. Jerry Moran and Sen. Richard Blumenthal, *The Courage of Survivors: A Call to Action*, July 30, 2019, https://www.moran.senate.gov/public/_cache/files/c/2/c232725e-b717-4ec8-913e-845ffe0837e6/FCC5DFDE2005A2EACF5A9A25FF76D538.2019.07.30-the-courage-of-survivors—a-call-to-action-olympics-investigation-report-final.pdf.

[23] For instance, in the United Kingdom, the Olympic team is supported by UK Sport, a government agency. For the upcoming 2028 Los Angeles Olympic Games, UK Sport has reported that it will spend at least £330 million to support athletes and programs. Laura Scott, "UK Sport Invests Record £330m for 2028 LA Games," *BBC*, December 16, 2024, https://www.bbc.com/sport/olympics/articles/cjr2lgj0x31o. See, generally, "Funding and Sustainability of Alternative Models of Sports Development and Delivery in America," in B. David Ridpath, *Alternative Models of Sports Development in America* (Ohio University Press, 2018), pp. 155-166.

[24] See CRS Report R47850, *The United States Olympic and Paralympic Committee: A Primer*, by Ben Wilhelm, pp. 16-20.

[25] "Olympic Movement" is an umbrella term used by stakeholders to describe the organizations and actors led by the International Olympic Committee that participate in the Olympic Games and related activities. For more discussion, see CRS Report R47850, *The United States Olympic and Paralympic Committee: A Primer*, by Ben Wilhelm, p. 2.

include the enactment of the Ted Stevens Olympic and Amateur Sports Act,[26] and the awarding of U.S. trademarks for Olympics-related symbols to USOPC in the 1950s, which has allowed USOPC to enjoy a higher degree of financial autonomy than most national Olympic organizations.[27]

- *Youth fitness.* Youth fitness, and its effect on military readiness, is perhaps the first major issue closely associated with sports that drew significant federal attention. Experience recruiting servicemembers during World War I convinced many military leaders that the overall health and fitness of young people was not sufficiently good to ensure that the country would be prepared to fight future great wars.[28] During the Cold War era, there was also growing concern regarding the broader personal and social impacts of poor fitness among young people.[29] In response, President Eisenhower formed what is now known as the President's Council on Sports, Fitness, and Nutrition to promote youth health and fitness.[30]
- *Empowerment of athletes.* Congress has sometimes taken actions specifically intended to protect athletes and their interests within sports organizations, some of which have long histories of enforcing policies that many observers today would consider to be exploitative of athletes.[31] For instance, Congress played a major role in attempting to mediate conflicts between the NCAA and Amateur Athletic Union in the 1960s and 1970s. This conflict between the two organizations threatened the eligibility and success of U.S. amateur athletes caught between them, particularly in the Olympic Games.[32] Congress's work culminated in the Amateur Sports Act of 1978 (ASA), which settled those conflicts and provided athletes a greater voice in the administration of Olympic sports. Congress has amended the ASA several times to increase the representation and rights of athletes in sports organizations, including USOPC.[33]
- *Support and opportunities for women athletes.* Congressional interest in empowering athletes has especially focused on women. For example, Title IX of the Education Amendments of 1972 has widened opportunities for women in college athletics.[34] The additional opportunities for female athletes catalyzed by Title IX have contributed to the successes enjoyed by Team USA's women in

[26] 36 U.S.C. ch. 2205.

[27] An Act to Incorporate the United States Olympic Association (P.L. 81-805; 1950).

[28] See, e.g., Whitfield B. East, *Fit to Serve: A History of Army Physical Readiness* (Army University Press, 2024), pp. 49-80.

[29] See Executive Order 10673 of July 16, 1956, "Fitness of American Youth," 21 *Federal Register* 5341, July 18, 1956.

[30] See Department of Health and Human Services, "President's Council on Sports, Fitness & Nutrition," September 19, 2025, https://odphp.health.gov/pcsfn. This is still a concern today. On July 31, 2025, the President issued a new executive order regarding the council and promotion of youth fitness. See Executive Order 14327 of July 31, 2025, "President's Council on Sports, Fitness, and Nutrition, and the Reestablishment of the Presidential Fitness Test," 90 *Federal Register* 37993, August 6, 2025.

[31] See, e.g., Sen. Chris Murphy, "The NCAA Is Losing Its Fight to Keep Exploiting College Athletes," press release, April 6, 2019, https://www.murphy.senate.gov/newsroom/in-the-news/the-ncaa-is-losing-its-fight-to-keep-exploiting-college-athletes.

[32] See, generally, U.S. Congress, Senate Committee on Commerce, *NCAA-AAU Dispute: Hearing on the Controversy in Administration of Track and Field Events in the United States*, 89th Cong., 1st sess., August 16-20, 23-27, 1965, Serial No. 89-40 (GPO, 1965).

[33] 36 U.S.C. ch. 2205.

[34] 20 U.S.C. §1681.

international competition.[35] Congress has also acted to ensure fair treatment for elite women athletes. This includes legislation enacted in 2022 that requires USOPC to provide equivalent resources and compensation for male and female athletes competing in the same sports.[36]

- *Athlete health and safety.* Congress has regularly engaged in oversight of matters involving the physical health and safety of athletes. As noted above, this has recently included action to prevent sexual abuse of athletes.[37] Congress has also closely engaged on athlete head injuries and chronic traumatic encephalopathy.[38]
- *Gambling.* While the policy issues associated with gambling go well beyond sports, sports betting has been a major consideration for Congress when it has sought to address gambling. For instance, a former cornerstone of federal law related to gambling was the Professional and Amateur Sports Protection Act of 1992,[39] which sharply limited the authority of most state legislatures to allow wagering on sports within their jurisdictions.[40] That law was found to be unconstitutional by the Supreme Court in 2018.[41] Since that time many states have legalized sports betting, and Congress has continued to consider ways to regulate the industry.[42]
- *Performance-enhancing drugs.* Congress conducted a broad investigation on the use of performance-enhancing drugs in baseball during the 2000s. Investigations conducted by Congress and other entities—particularly one led by former Senator George Mitchell[43]—helped define an entire era of baseball and damaged the reputations of a number of prominent players. Congress's interest has also extended to doping in the Olympic Games and other international competitions, including oversight (and criticism) of the organizations created to combat doping, including the U.S. Anti-Doping Agency and World Anti-Doping Agency.[44]

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[35] See, e.g., Barbara Winslow, "The Impact of Title IX," *History Now*, vol. 23 (Spring 2000), https://www.gilderlehrman.org/history-resources/essays/impact-title-ix.

[36] Equal Pay for Team USA Act of 2022 (P.L. 117-340).

[37] See, e.g., U.S. Congress, Senate Committee on Commerce, Science, and Transportation, Subcommittee on Consumer Protection, Product Safety, Insurance, and Data Security, *Olympic Abuse Prevention Efforts*, hearings, 115th Cong., 2nd sess., October 3, 2018.

[38] U.S. Congress, House Committee on Education and Labor, *H.R. 6172, Protecting Student Athletes from Concussions*, hearings, 111th Cong., 2nd sess., September 23, 2010, Serial No. 111-75 (GPO, 2010).

[39] P.L. 102-559, codified at 28 U.S.C. ch. 178.

[40] CRS Legal Sidebar LSB10133, *The Supreme Court Bets Against Commandeering: Murphy v. NCAA, Sports Gambling, and Federalism*, by Jay B. Sykes.

[41] Murphy v. NCAA, 584 U.S. 453 (2018).

[42] See, e.g., U.S. Congress, Senate Committee on the Judiciary, *America's High-Stakes Bet on Legalized Sports Gambling*, hearing, 118th Cong., 2nd sess., December 17, 2024. Congress has also considered how to treat prediction markets, including consideration of their role as a substitute for traditional wagers on sporting events. See, e.g., U.S. Congress, Senate Committee on Commerce, Science, and Transportation, *No Sure Bets: Protecting Sports Integrity in America*, hearing, 119th Cong., 2nd sess., May 20, 2026.

[43] George J. Mitchell, *Report to the Commissioner of Baseball of an Independent Investigation into the Illegal Use of Steroids and Other Performance Enhancing Substances by Players in Major League Baseball*, DLA Piper, December 13, 2007, https://files.mlb.com/mitchrpt.pdf.

[44] More recently, Congress has held hearings that were highly critical of the World Anti-Doping Agency and its handling of tests of Chinese swimmers that returned positive results for a banned substance. These positive results did not result in sanctions because the reason for the positive results was contested. See U.S. Congress, House Committee on Energy and Commerce, Subcommittee on Oversight and Investigations, *Examining Anti-Doping Measures in*
(continued...)

- *Corruption.* Congress has investigated corruption, criminal and otherwise, within sports organizations. This has included investigations into mafia involvement with professional boxing led by Senator Ester Kefauver in the early 1960s[45] and hearings on bribes made to members of the International Olympic Committee during the bidding process for host cities, including allegations against certain boosters of Salt Lake City's successful bid for the 2002 Winter Olympic Games.[46]

Since 2021, the controversy surrounding NIL in college athletics has drawn much of the attention regarding sports policy at the federal level, including potential effects that extend beyond college campuses, particularly for U.S. Olympic athletes and sports. NIL will be discussed more below, after discussions in the following sections on the origins of both the NCAA and USOPC.

College Sports and the NCAA

Collegiate athletic programs in the United States form a unique sports ecosystem. Colleges and universities, especially in the British and American tradition, have been centers for recreational sports for centuries, but until approximately 1900, these activities were largely intramural and, at best, tolerated by institutions.[47] The movement toward organized competition between schools began in the middle of the 19th century with some east coast universities, particularly Harvard and Yale, organizing teams and competitions in certain sports. While these activities were initially organized by the students themselves and had limited reach, they slowly grew into a formal part of university life in many schools across the country.[48]

By the early 20th century, American football was one of the most popular sports with students and spectators.[49] However, the game was also considered extremely dangerous, and players frequently died from on-field injuries. In 1905, President Theodore Roosevelt convened a meeting of higher education leaders at the White House to demand that the game be made less dangerous or the schools would risk an outright banning of the sport.[50] This group of stakeholders enacted safety policies for football and continued to meet, eventually becoming the entity now known as the NCAA.[51] For over a century, the NCAA has controlled key aspects of collegiate athletics.[52]

Advance of the 2024 Olympics, hearings, 118th Cong., 2nd sess., June 25, 2024, https://energycommerce.house.gov/events/oversight-and-investigations-subcommittee-hearing-examining-anti-doping-measures-in-advance-of-the-2024-olympics; and U.S. Congress, Senate Committee on Commerce, Science, and Transportation, Subcommittee on Consumer Protection, Technology, and Data Security, *WADA Shame: Swimming in Denial Over Chinese Doping*, hearings, 119th Cong., 1st sess., June 17, 2025.

[45] See CRS In Focus IF12982, *Congress and the Regulation of Professional Boxing in the United States*, by Ben Wilhelm.

[46] U.S. Congress, Senate Committee on Commerce, Science, and Transportation, *The Investigation of the Olympic Scandal*, hearings, 106th Cong., 1st sess., April 14, 1999, S. Hrg. 106-637 (GPO, 2000).

[47] See Guy Lewis, "The Beginning of Organized Collegiate Sport," *American Quarterly*, vol. 22, no. 2 (Summer 1970).

[48] See, generally, Lewis, "The Beginning of Organized Collegiate Sport."

[49] See, e.g., Allen Guttmann, "Civilized Mayhem: Origins and Early Development of American Football," *Sport in Society*, vol. 9, no. 4 (October 2006).

[50] See John S. Watterson III, "Political Football: Theodore Roosevelt, Woodrow Wilson and the Gridiron Reform Movement," *Presidential Studies Quarterly*, vol. 25, no. 3 (Summer 1995), p. 560.

[51] NCAA, "History," accessed May 5, 2025, https://www.ncaa.org/sports/2021/5/4/history.aspx.

[52] A number of other intercollegiate athletic associations exist, the largest being the National Association of Intercollegiate Athletics (NAIA). While those organizations support hundreds of junior colleges, colleges, and universities and tens of thousands of athletes each year, this report's discussion of college sports is directed toward the NCAA unless otherwise indicated.

The NCAA also became the last major elite sports organization in the United States that enforced strict "amateurism" rules following a move by the International Olympic Committee to liberalize its rules on athlete compensation in the late 1980s.[53] A defining feature of amateurism within collegiate athletics is the concept of the "student-athlete," which the NCAA officially adopted in the 1950s.[54] Although participation in sports is a primary activity for many student-athletes, especially those vying to go professional, the student-athlete model emphasizes that athletes are students first. The NCAA used this emphasis on education over athletics to justify its eligibility rules and the banning of non-scholarship compensation to athletes.[55]

This student-athlete model has also had a significant impact on how Americans engage with sports.[56] Millions of Americans are loyal to their alma maters' athletic teams and maintain stronger ties to these institutions through the public profile created by sports.[57] Additionally, success in sports has become a major recruiting tool for many schools, and the revenue generated by a few college sports, notably football and basketball, has shaped the scope, operations, and funding for other sports programs offered by collegiate athletic departments.[58]

The United States Olympic and Paralympic Committee

USOPC has existed for over a century as the organizing entity that coordinated and managed participation by the United States in international athletic competitions, including the Olympics.[59] Until the 1970s, though, it did not govern selection of the Olympic team. Instead, other organizations, such as the Amateur Athletic Union, used their regulation of eligibility and team selection for particular Olympic sports to control the careers of many athletes.[60] This arrangement led to intense and frequently acrimonious competition between organizations. Many observers, including Members of Congress, believed that this system hindered the performance of Team USA and unfairly prevented athletes from making decisions about their own careers.[61]

Congress responded in 1978 by passing the ASA, which established USOPC as the coordinating body for amateur athletic activity in the United States.[62] The ASA granted USOPC authority over key aspects of the sports system, including the certification of the national governing bodies of individual sports, representation of the United States in the international sport community, and

[53] See Robert J. Romano, "The Concept of Amateurism: How the Term Became Part of the College Sport Vernacular," *UNH Sports Law Review*, vol. 1, no. 1 (2022).

[54] Walter Byers, *Unsportsmanlike Conduct: Exploiting College Athletes* (University of Michigan Press 1995).

[55] Byers, *Unsportsmanlike Conduct*.

[56] See, e.g., Charles T. Clotfelter, *Big-Time Sports in American Universities*, 2nd ed. (Cambridge University Press, 2019).

[57] See, e.g., J. Travis McDearmon, "Hail to Thee, Our Alma Mater: Alumni Role Identity and the Relationship to Institutional Support Behaviors," *Research in Higher Education*, vol. 54 (2013).

[58] See, e.g., Andrew Zimbalist, "Analysis: Who Is Winning in the High-Revenue World of College Sports," *PBS News*, March 18, 2023, https://www.pbs.org/newshour/economy/analysis-who-is-winning-in-the-high-revenue-world-of-college-sports.

[59] CRS Report R47850, *The United States Olympic and Paralympic Committee: A Primer*, by Ben Wilhelm.

[60] CRS Report R47850, *The United States Olympic and Paralympic Committee: A Primer*, by Ben Wilhelm.

[61] See, e.g., U.S. Congress, Senate Committee on Commerce, *NCAA-AAU Dispute: Hearing on the Controversy in Administration of Track and Field Events in the United States*, 89th Cong., 1st sess., August 16-20, 23-27, 1965, Serial No. 89-40 (GPO, 1965).

[62] Codified as the Ted Stevens Olympic and Amateur Sports Act at 36 U.S.C. ch. 2205.

final decisionmaking on Team USA eligibility and selection.[63] The ASA also directed USOPC to take a leading role in amateur athletics by setting and promoting national goals.[64]

More recently, Congress and the Olympic community have had to reckon with sexual abuse of athletes, including minors, in some sports. The disclosure of decades of abuse by USA Gymnastics team physician Larry Nassar was a key event in catalyzing reforms in Olympic organizations.[65] Litigation related to Nassar's conduct drove USA Gymnastics into bankruptcy (it has since reemerged),[66] and subsequent congressional investigations led to legislative reforms of USOPC and the Olympic sports system. These reforms included increasing protection for athletes and expanding their role in the governance of the organization, formally elevating the Paralympic community within the organization to reflect the growth of parasports, and the establishment of explicit congressional authority to dissolve and reconstitute USOPC's board.[67] Congress also designated and empowered the U.S. Center for SafeSport to receive and investigate claims of abuse in sports organizations.[68]

While Congress regulates USOPC through the organization's chartering statute, the federal government does not directly fund USOPC.[69] There are at least two reasons that the United States has been able to support elite athletes without direct financial support from the federal government. First, USOPC and other organizations have been able to generate more broadcast and endorsement revenue than their counterparts in other countries.[70] Second, a substantial portion of the development and training for emerging elite athletes is funded through the education system, particularly the revenue of athletic departments and student fees.[71]

The Current Situation in the U.S. Sports System

Despite many successes and other advances on and off the field, some aspects of the sports system endured persistent challenges over the last decade and continue to face substantial uncertainty about what their organizations and finances will look like in the coming years. The remainder of this section addresses the changes that have occurred in college athletics over the last decade, with a particular focus on changes associated with NIL and the shifting effect of money in the system.

The College System and Athletes' NIL Rights

As mentioned above, collegiate athletics has undergone significant changes since the NCAA's 2021 decision to relax rules that prohibited student-athletes from earning compensation by monetizing their own NIL. The impacts of this rule change may shake the current collegiate

[63] 36 U.S.C. §220505.

[64] 36 U.S.C. §220503(1).

[65] See, e.g., Sen. Jerry Moran and Sen. Richard Blumenthal, *The Courage of Survivors*.

[66] See USA Gymnastics, "Settlement with Survivors Approved by Court; USA Gymnastics to Exit Bankruptcy," press release, December 13, 2021, https://usagym.org/settlement-with-survivors-approved-by-court-usa-gymnastics-to-exit-bankruptcy/.

[67] Empowering Olympic, Paralympic, and Amateur Athletes Act of 2020 (P.L. 116-189). See also CRS Report R47850, *The United States Olympic and Paralympic Committee: A Primer*, by Ben Wilhelm, pp. 13-14.

[68] Protecting Young Victims from Sexual Abuse and Safe Sport Authorization Act of 2017 (P.L. 115-126). See also CRS In Focus IF12467, *U.S. Center for SafeSport: A Primer*, by Ben Wilhelm.

[69] CRS Report R47850, *The United States Olympic and Paralympic Committee: A Primer*, by Ben Wilhelm, pp. 16-20.

[70] CRS Report R47850, *The United States Olympic and Paralympic Committee: A Primer*, by Ben Wilhelm, pp. 16-20.

[71] See the "Viability of Olympic Sports Offerings" section.

system built largely around the NCAA and the student-athlete model.[72] Most observers agree that a "point of no return" has already been crossed, and legislative action to preserve aspects of the system is still likely to leave it very different from the former student-athlete model.[73] Even among those who seek to provide the NCAA more authority and stability, there appears to be an understanding that rules allowing college athletes to earn compensation beyond their athletic scholarships are here to stay.[74]

This tremor under the foundations of the NCAA's student-athlete model has been driven by declining support for the idea that amateurism is a core characteristic of college sports and justifies certain restrictions on athletes, such as rules that barred student-athletes from receiving most forms of compensation, entering into NIL agreements, and limiting the types and amounts of benefits that schools could offer.[75] While there has long been criticism of these amateurism rules, particularly the rules limiting compensation to athletes, they remained in place and were enforced, often aggressively, until only a few years ago.[76]

In a series of decisions over the last decade, however, courts have declined to adopt the NCAA's long-standing assertion that its amateurism rules were unique and warranted special legal consideration.[77] At the same time the courts were considering the legality of the NCAA's rules, legislators across the country were also examining legislative options related to student-athlete compensation.

In 2019, California enacted the Fair Pay to Play Act, which prohibited California's postsecondary educational institutions from enforcing rules that prevented student-athletes from earning NIL compensation.[78] The act, which was in direct opposition to NCAA rules at the time of its passage, was a contributing factor in the NCAA's reevaluation of its rules related to NIL compensation.[79] In the years immediately following California's move, more than a dozen other states passed legislation on NIL rights for college athletes.[80]

In 2021, while the NCAA was still considering rule changes, the Supreme Court issued its decision in an antitrust case involving student-athlete compensation, *Alston v. NCAA*.[81] On its face, the *Alston* decision was relatively narrow, finding that the NCAA could not limit payments

[72] See Christopher L. Eisgruber, "Two Threats to the Ivy Athletics Model," *Princeton Alumni Weekly*, August 17, 2024, https://paw.princeton.edu/article/two-threats-ivy-athletics-model.

[73] See, e.g., Joseph Zucker, "Mark Emmert: It's Time to Deregulate, Decentralize College Sports amid NIL Changes," *Bleacher Report*, July 15, 2021, https://bleacherreport.com/articles/10007917-mark-emmert-its-time-to-deregulate-decentralize-college-sports-amid-nil-changes.

[74] During the 119th Congress, the bills that have gained the most traction in each chamber, the Student Compensation and Opportunity Through Rights and Endorsements (SCORE) Act (H.R. 4312) and the Protect College Sports Act of 2026 (S. 4668), include provisions that protect the principle that college athletes should control their own NIL rights.

[75] See, generally, Stanton Wheeler, "Rethinking Amateurism and the NCAA," *Stanford Law and Policy Review*, vol. 15, no. 1 (2004).

[76] For example, longtime NCAA president Walter Byers became a vocal critic of the organization's policies in the 1990s after his retirement.

[77] See CRS Report R46828, *Student Athlete Name, Image, Likeness Legislation: Considerations for the 117th Congress*, by Whitney K. Novak, pp. 7-8.

[78] Cal. S.B. 206 (2019), codified at Cal. Educ. Code §§67456-67457.

[79] NCAA, "NCAA Working Group to Examine Name, Image, and Likeness," press release, May 14, 2019, https://www.ncaa.org/news/2019/5/14/ncaa-working-group-to-examine-name-image-and-likeness.aspx.

[80] See CRS Report R46828, *Student Athlete Name, Image, Likeness Legislation: Considerations for the 117th Congress*, by Whitney K. Novak.

[81] 594 U.S. 69 (2021).

from institutions to athletes for education-related expenses.[82] However, the Justices' opinions indicated increased skepticism about the NCAA's amateurism and compensation rules.[83] While the Supreme Court did not rule on those broader questions, *Alston* led most stakeholders and commentators to conclude that many NCAA rules were vulnerable to future challenges under antitrust laws.[84]

In light of the *Alston* decision and the increasing number of state NIL laws set to take effect in 2021, the NCAA decided to suspend its NIL rules as of July 1, 2021. The NCAA's interim NIL policy allowed athletes to engage in NIL activities and curtailed enforcement of other regulations on athletes.[85] Since that time, the NCAA has substantially changed or stopped enforcing many of its rules related to the regulation of NIL compensation, including rules that govern the ability of student-athletes to transfer between institutions, due to continued litigation over the legality of the rules under antitrust laws.[86] Many have observed that these broad and sudden changes have created "chaos" that is filled with both opportunity and peril for athletes.[87]

While a number of states have enacted statutes and other rules regarding NIL agreements, including measures to protect student-athletes from potential exploitation, these state laws are not necessarily aligned. This has the potential to create a patchwork of state laws with inconsistent requirements for different institutions based solely on their location, thereby making the system more complex for athletes and their families. Another potential concern is that states could attempt to design their NIL laws to give their state colleges and universities an advantage in recruiting.

In addition to the significant changes directly associated with NIL agreements for athletes, there have also been other important shifts in the college sports system brought on by the dynamic environment, including more permissive transfer opportunities for college athletes, deeper conversations regarding the employment status of athletes, and the substantial rules changes and new financial arrangements resulting from the *House v. NCAA* settlement.[88]

Since 2025, several further developments have illustrated the risk of inconsistent enforcement of eligibility rules, including Texas Tech University's aborted attempt to add quarterback Brendan

[82] See CRS Legal Sidebar LSB10613, *National Collegiate Athletic Association v. Alston and the Debate over Student Athlete Compensation*, by Whitney K. Novak.

[83] See, e.g., Paul Myerberg, "Supreme Court Justice Brett Kavanaugh Rips NCAA in Antitrust Ruling, Says It 'Is Not Above the Law,'" *USA Today*, June 21, 2021, https://www.usatoday.com/story/sports/college/2021/06/21/justice-brett-kavanaugh-rips-ncaa-in-shawne-alston-opinion/7771281002/.

[84] See, e.g., Nathaniel Grow, "The Future of College Sports After *Alston*: Reforming the NCAA via Conditional Antitrust Immunity," *William and Mary Law Review*, vol. 64, no. 2/3 (2022), p. 390.

[85] NCAA, "NCAA Adopts Interim Name, Image, and Likeness Policy," press release, June 30, 2021, https://www.ncaa.org/news/2021/6/30/ncaa-adopts-interim-name-image-and-likeness-policy.aspx#:~:text=NCAA%20college%20athletes%20will%20have,student%2Dathletes%20in%20all%20sports.

[86] See, e.g., Steward Mandel, "NCAA Agrees to End Transfer Rules Permanently; Athletes Who Lost Eligibility Will Have Year Restored," *The Athletic*, May 30, 2024, https://www.nytimes.com/athletic/5530608/2024/05/30/ncaa-transfer-rules-banned-permanently/.

[87] At a 2023 hearing, then-Chair of the House Committee on Energy and Commerce Cathy McMorris Rodgers observed: "The current NIL chaos means student athletes are left to fend for themselves, and those at the top of their game must figure out how to maneuver through a multitude of agents, collectives, and high dollar contract offers—all while maintaining their academic and athletic commitments." U.S. Congress, House Committee on Energy and Commerce, Subcommittee on Innovation, Data, and Commerce, *Taking the Buzzer Beater to the Bank: Protecting College Athletes' NIL Dealmaking Rights*, hearings, 118th Cong., 1st sess., March 29, 2023, H. Hrg. 118-28 (GPO, 2024), p. 11.

[88] CRS Legal Sidebar LSB11349, *College Athlete Compensation: Impacts of the House Settlement*, by Whitney K. Novak.

Sorsby to its roster. Sorsby had previously been declared ineligible by the NCAA for gambling on sports while playing at other universities. After a state judge in Texas enjoined the NCAA's action, a standoff developed between Texas Tech on one hand and the Big 12 Conference and the NCAA on the other. The disagreement was settled only when Texas Tech and Sorsby decided he would not join the team.[89]

The Transfer Portal

Historically, the NCAA has allowed student-athletes to transfer between institutions; however, in most circumstances, the rules allowed athletes to transfer only once and required them to sit out for a full academic year before they could begin playing at their new institution.[90] The NCAA had argued that such transfer rules were a tool to foster academic success and improve the chances of student-athletes earning a degree.[91] While these transfer rules did not reduce a student-athletes' maximum number of years of intercollegiate athletic eligibility, they did create a situation in which transfers were more difficult and less desirable.

The NCAA began to loosen its transfer requirements in April 2021 by allowing athletes in all sports to compete immediately for their new school following their first transfer.[92] In 2024, immediate eligibility was extended to athletes with multiple transfers.[93] To facilitate these new transfer rules, the NCAA has created a system most commonly known as the "transfer portal."[94] Under this system, athletes report their intent to transfer to the NCAA during a designated window of time based on their sport, thereby "entering" the transfer portal.[95] These athletes can then be recruited by other schools and choose either to remain at their current institution or to transfer to a different school. Recruitment of athletes in the transfer portal frequently involves discussions about potential NIL agreements available at different schools.[96]

The transfer portal process in its current form has proven to be particularly disruptive for both teams and fans because it has led many athletes, including emerging stars, to stay at schools for shorter periods than they did in the past.[97] Further, academic and athletic calendars are so full that

[89] James Parks, "Big 12 Makes Major Decision on Texas Tech After Brendan Sorsby Gambling Controversy," *Sports Illustrated*, September 7, 2026, https://www.si.com/fannation/college/cfb-hq/news/big-12-decision-texas-tech-brendan-sorsby-gambling-controversy. A second major issue, regarding years of eligibility, has also raised the specter of uneven enforcement across states and is discussed in the "Years of Athlete Eligibility" section.

[90] See, e.g., Nicole Auerbach, "NCAA Changes Transfer Rules, Formalizing Era of Immediate Eligibility: How We Got Here," *New York Times*, April 16, 2024, https://www.nytimes.com/athletic/5419130/2024/04/16/college-football-transfer-portal-rule-changes/.

[91] Michelle Brutlag Hosick, "What to Know About Division I Transfers," NCAA, August 20, 2019, https://www.ncaa.org/news/2019/8/20/what-to-know-about-division-i-transfers.aspx.

[92] NCAA, "DI Council Adopts New Transfer Legislation," press release, April 15, 2021, https://www.ncaa.org/news/2021/4/15/di-council-adopts-new-transfer-legislation.aspx. The NCAA had already allowed athletes in many sports to play right away after their first transfer but had excluded basketball, football, baseball, and men's ice hockey players.

[93] NCAA, "Division I Council Approves Changes to Transfer Rules," press release, April 17, 2024, https://www.ncaa.org/news/2024/4/17/media-center-division-i-council-approves-changes-to-transfer-rules.aspx.

[94] See, generally, NCAA, *Guide for Four-Year Transfers: 2024-2025*, October 2024, http://fs.ncaa.org/Docs/eligibility_center/Transfer/FourYearGuide.pdf.

[95] For the transfer windows for the 2024-2025 academic year, see NCAA, "NCAA Division I Transfer Windows," Winter 2025, http://fs.ncaa.org/Docs/eligibility_center/Transfer/DIUG_Windows.pdf.

[96] See "Inside How College Football's Transfer Portal Works: Coaches Players and Agents Dish on NIL," *The Athletic*, May 13, 2024, https://www.nytimes.com/athletic/5484900/2024/05/13/college-football-transfer-portal-nil-deals/.

[97] See, e.g., this opinion piece from a sportswriter and Brigham Young University sports fan on the impact of the transfer portal: Dave McCann, "Thanks to the Transfer Portal, There's Seldom a Dull Day Along the College Sports (continued...)

the transfer portal window has been difficult to schedule, especially for football and basketball. This has led to transfer periods arising at particularly disruptive times. For instance, the men's and women's basketball transfer portals for 2025 opened while the NCAA tournament was still under way.[98] The 2024 football window fell between the regular season and bowl season, which led some schools to withdraw from bowl games because too many of their athletes entered the transfer portal.[99] These disruptions have led many, including some Members of Congress, to call for improvements to this system.[100]

While the implementation of the transfer portal system has been difficult and has drawn significant criticism, the NCAA has attempted to make changes that might address some of these disruptions.[101] Meanwhile, Congress has included language in reform legislation that would allow the NCAA, notwithstanding potential antitrust concerns, to implement some rules to limit, but not preclude, transfers and provide age-based bounds on eligibility.[102]

College Athletes as Employees and Collective Bargaining

Another significant thread of debate regarding the status and treatment of student-athletes is whether they should be classified as employees of their institutions. While some participants in the collegiate athletic system have advocated for this to happen, the NCAA has long opposed it.[103] The NCAA's opposition to student-athlete employment status date to at least the 1950s when, as former NCAA president Walter Byers tells the story, the term "student-athlete" was created to emphasize that athletes were students of their institutions and should not be treated, legally, as employees.[104] Byers and the NCAA were moved to formalize the existing notions about college sports into the concept of the "student-athlete" in order to counter a claim for workers' compensation death benefits brought by the widow of Ray Dennison, a college football player who died in 1955 due to an on-field injury.[105] The strategy was successful for the NCAA for over half a century, and the idea that college athletics was an amateur activity, not a business, won in the courts and was solidified as the basis for the entire NCAA system.[106]

Landscape," *Desert News*, April 28, 2025, https://www.deseret.com/sports/2025/04/28/nil-transfer-portal-change-offseson-for-college-sports-coaches-fans/.

[98] See, e.g., Andrew Nemec, "March Madness! College Basketball Transfer Portal Sets New Record for Day 1 Entrants," *Sports Illustrated*, March 26, 2025, https://www.si.com/high-school/recruiting/march-madness-college-basketball-transfer-portal-sets-new-record-for-day-1-entrants-01jq9j1ea43v.

[99] See Adam Rittenberg, "Marshall Opts Out of Bowl After Transfers, Coaching Change," *ESPN*, December 14, 2024, https://www.espn.com/college-football/story/_/id/42969198/marshall-opts-bowl-transfers-coaching-change.

[100] See, e.g., U.S. Congress, House Committee on Energy and Commerce, Subcommittee on Commerce, Manufacturing, and Trade, *Moving the Goalposts: How NIL Is Reshaping College Athletics*, hearings, 119th Cong., 1st sess., March 4, 2025. Chairman Gus Bilirakis raises concerns about the transfer portal in his opening statement, which is available at https://energycommerce.house.gov/posts/chairman-bilirakis-delivers-opening-statement-at-subcommittee-on-commerce-manufacturing-and-trade-hearing-on-how-nil-is-reshaping-college-athletics.

[101] See, e.g., NCAA, "DI Council Approves Changes to Notification-of-Transfer Windows in Basketball, Football," press release, October 9, 2024, https://www.ncaa.org/news/2024/10/9/media-center-di-council-approves-changes-to-notification-of-transfer-windows-in-basketball-football.aspx.

[102] See, e.g., SCORE Act (H.R. 4312) §6(a)(6) as reported in the House, which would allow the NCAA (and other intercollegiate athletic organizations) to set rules for athlete transfers so long as they allow each athlete to change schools at least once. The PCSA (S. 4668) §112 provides similar transfer protections and limits.

[103] Byers, *Unsportsmanlike Conduct*.

[104] Byers, *Unsportsmanlike Conduct*.

[105] See Timothy Winkler, "The End of an Error: Reforming the NCAA Through Legislation," *UMKC Law Review*, vol. 90, no. 1 (Fall 2021), p. 229.

[106] Winkler, "The End of an Error," pp. 229-231.

However, according to some observers, calls for student-athletes to be treated as employees have grown louder as elite college sports have become more profitable and businesslike, and as limits on compensation for student-athletes have fallen away.[107] Some argue that student-athletes fit the usual definition of *employee* and are comparable to classmates who are in work-study programs and other positions at their universities.[108] Employee status for athletes would presumably obligate their institutions to follow labor and employment laws regarding athlete-employees and provide those students with protections associated with employment.[109]

More broadly, another major issue arising from the employment status of student-athletes is access to collective bargaining. To engage in collective bargaining, student-athletes must first gain employee status and then unionize. Collective bargaining is well established in many professional sports in the United States, with players' unions negotiating with leagues on salaries, health and safety requirements, and other issues.[110] Many commentators and stakeholders have looked forward to the potential benefits of collective bargaining in college sports,[111] while some even consider bargaining among athletes, institutions, and the NCAA to be inevitable.[112]

In fact, while student-athletes are not currently considered employees under federal law, some have been pushing for that recognition. Most notably in recent years, members of the Dartmouth men's basketball team voted to unionize and received a favorable determination from a regional director of the National Labor Relations Board (NLRB) that they were employees of their university.[113] However, the team members ended their unionization effort in January 2025, with some observers attributing the change to concern that NLRB members appointed by the incoming Trump Administration may not view the team's petition as favorably as prior NLRB members did.[114]

The two legislative proposals that have gained the most traction in the 119th Congress, the Student Compensation and Opportunity Through Rights and Endorsements (SCORE) Act (H.R. 4312)

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[107] See, e.g., Robert A. McCormick and Amy C. McCormick, "The Myth of the Student-Athlete: The College Athlete as Employee," *Washington Law Review*, vol. 71 (2006).

[108] McCormick and McCormick, "The Myth of the Student-Athlete."

[109] See, generally, Marc Edelman et al., "The Collegiate Employee-Athlete," *Illinois Law Review*, vol. 2024, no. 1 (2024).

[110] See Lawrence M. Kahn, "Sports, Antitrust Enforcement and Collective Bargaining," *Antitrust Bulletin*, vol. 54, no. 4 (Winter 2009), pp. 862-868. See also CRS Report R41060, *Congressional Responses to Selected Work Stoppages in Professional Sports*, coordinated by L. Elaine Halchin.

[111] See, e.g., Adam Smith, "Bubba Cunningham Calls for Collective Bargaining in College Sports," *Inside Carolina*, May 2, 2025, https://247sports.com/college/north-carolina/article/unc-ad-bubba-cunningham-calls-for-collective-bargaining-in-college-sports-249551832/. Bubba Cunningham is the athletic director at the University of North Carolina.

[112] See, e.g., Cole Forsman, "Is Collective Bargaining in College Sports on the Horizon?," *ESPN*, September 7, 2024, https://www.si.com/college/gonzaga/basketball/is-collective-bargaining-in-college-sports-on-the-horizon-01j74wdvf17b; and Seth Emerson, "Collective Bargaining in College Sports: Is It a Third Rail or an Inevitability?," *New York Times*, May 29, 2025, https://www.nytimes.com/athletic/6389566/2025/05/29/collective-bargaining-college-sports-danny-white/.

[113] CRS Legal Sidebar LSB11168, *College Athletes Unionize: Trustees of Dartmouth College and Other Legal Issues*, by Jimmy Balser.

[114] See Aryanna Qusba and Annabelle Zhang, "Dartmouth Men's Basketball Team Drops Effort to Unionize," *The Dartmouth*, January 2, 2025, https://www.thedartmouth.com/article/2025/01/dartmouth-mens-basketball-team-drops-effort-to-unionize. Another group of former college athletes is in active litigation against the NCAA and their institutions that directly poses the question of whether athletes are employees. The trial judge hearing the case and the U.S. Court of Appeals for the Third Circuit have denied motions by the defendants to have the case dismissed on the legal ground that athletes are not employees. See CRS Legal Sidebar LSB11223, *Johnson v. National Collegiate Athletic Association: Third Circuit Allows College Athletes' Claim for Wages to Move Forward*, by Jimmy Balser.

and the Protect College Sports Act of 2026 (PCSA; S. 4668) address this issue using different approaches. The SCORE Act contains a provision that would set a bright-line rule that, for purposes of federal labor law, participation in varsity athletics does not make a student-athlete an employee of their school.[115] The PCSA explicitly does not take a position on the employment status of student-athletes, instead declaring that the other provisions of the law, including many that further define the relationship between schools and athletes, are "neutral" with regard to that question.[116]

Another suggested approach would be to provide college athletes with a distinct legal status that specifically allows for collective bargaining between athletes and schools but does not make athletes employees.[117] Supporters of this strategy argue that collective bargaining is the most sustainable path forward for stakeholders and that the debate over employment status will naturally become less important if it is allowed.

Years of Athlete Eligibility

An issue that has emerged even more recently is whether and to what extent the NCAA and other institutional actors may limit the years of college athlete eligibility. Long-standing NCAA rules had limited athletes to four years of competitive eligibility that ran consecutively with allowances that might extend athletes' periods of eligibility to reflect times in which they were on teams but did not compete (often called "redshirting" and mandatory breaks following transfers). These rules were temporarily loosened due to the impact of the COVID-19 pandemic and have more recently become a focus of litigation between athletes and institutions.[118]

In 2026, the NCAA announced a new, potentially simpler rule providing a five-year eligibility window for Division I athletes based on their age. The NCAA has argued that this change will benefit athletes by allowing most to compete for five, rather than four, seasons while also creating a much simpler system for athletic department administrators.[119] Both of these changes may be particularly beneficial in an environment where athletes may have financial incentives to maximize their eligibility, and athletic departments will need to manage those decisions and other NIL-related roster considerations.[120]

While the new rule may be a better fit for the current NIL and revenue sharing system, the NCAA has also faced litigation in recent years that challenges the entire premise of time- and age-limited eligibility. That litigation may continue for years, and the final outcome is far from certain.[121] As

[115] H.R. 4312, §9 (as reported in the House).

[116] S. 4668, §122 (as passed by the Senate).

[117] See. e.g., Ross Dellenger, "Could Collective Bargaining Be the Answer for College Sports? Some Ads Are Ready to Say the Quiet Part Out Loud," *Yahoo Sports*, June 30, 2025, https://sports.yahoo.com/college-football/article/could-collective-bargaining-be-the-answer-for-college-sports-some-ads-are-ready-to-say-the-quiet-part-out-loud-120029195.html.

[118] See, e.g., James Sutherland, "A Look at Recent Eligibility Cases Won & Lost by the NCAA," *SwimSwam*, April 10, 2026, https://swimswam.com/a-look-at-recent-eligibility-cases-won-lost-by-the-ncaa/.

[119] Meghan Durham Wright, "Division I Adopts Age-Based Eligibility Model," NCAA, June 23, 2026, https://www.ncaa.org/news/division-i-adopts-age-based-eligibility-model/. The new NCAA rule does include some exceptions that can extend the age window for athletes who engage in religious missions, become pregnant, or serve in the military prior to enrolling in college.

[120] See, e.g., Amanda Christovich, "Men's Basketball Players Are Staying Longer in School Thanks to NIL," *Front Office Sports*, June 22, 2023, https://frontofficesports.com/nil-impact-on-the-nba-draft/.

[121] See Michael McCann, "WVU Ruling Sets Stage for Supreme Court Fight Over NCAA Eligibility Limits," *Sportico*, April 8, 2026, https://sports.yahoo.com/articles/wvu-ruling-sets-stage-supreme-194106485.html.

a result, bringing stability to these rules has become a priority for the NCAA and some Members of Congress.

A Messy Transition

The National Collegiate Athletic Association's (NCAA's) transition to a five-year eligibility model has reminded stakeholders that any change in such a complex system may create substantial challenges. The NCAA's new eligibility rule—which was announced in June 2026 but applied only prospectively—means that athletes whose eligibility ended with the 2024-2025 academic year under the prior rule and some other complicated cases ended up with only four seasons of eligibility, one less than athletes beginning with the next class. A number of those athletes, with their college eligibility exhausted, attempted to enter the professional ranks, participating in activities such as the National Basketball Association summer league and National Football League training camp.

After the NCAA announced the new eligibility rule, some of those athletes, who might earn millions of dollars in an additional year in college, sued the NCAA.[122] After judges in Texas and Louisiana issued initial rulings in favor of some athletes, including, most notably, a group who wished to play football at Louisiana State University (LSU), the situation escalated into a serious conflict between the schools that might benefit from signing those players, schools in jurisdictions where the NCAA's rules had not been enjoined by a court, and the NCAA itself.[123] In early September 2026, the Southeastern Conference's other members nearly expelled LSU for moving to add former professionals to its roster, but the conflict was largely defused when LSU agreed not to sign those players.[124]

In addition to the conflict regarding LSU, in October 2026, the NCAA filed suit against the governor of Ohio, Mike DeWine, after he signed an executive order authorizing universities in Ohio to allow athletes to play a fifth year in college, notwithstanding the NCAA rule.[125] Governor DeWine's action followed a court decision that the NCAA could enforce its new rule in Ohio.[126] While the eligibility questions regarding these athletes will be resolved, regardless, by the summer of 2027, the conflicts created by the NCAA's rule change demonstrate the challenges that arise when rules are enforced differently in different states and the pressure that this can create on state decisionmakers.

The *House v. NCAA* Settlement

The continuing change and uncertainty in college sports are perhaps best illustrated by the recently approved settlement in a group of cases most commonly referred to as *House v. NCAA* (*House* settlement).[127] The *House* settlement resolved a class-action lawsuit brought by current and former NCAA athletes against the NCAA and other institutional actors. The athletes' attorneys argued, in brief, that limitations on NIL agreements and other compensation for athletes were violations of federal antitrust laws. This argument is a logical extension of the decisions

[122] See Dan Murphy, "Judge Grants Injunction to Pro Players Seeking LSU Return," *ESPN*, September 3, 2026, https://www.espn.com/college-football/story/_/id/49807088/judge-grants-injunction-pro-players-seeking-lsu-return.

[123] Murphy, "Judge Grants Injunction," *ESPN*.

[124] Murphy, "Judge Grants Injunction," *ESPN*.

[125] "NCAA Sues Ohio gov. Over Order Allowing Schools to Ignore New Eligibility Rule" *ESPN*, October 16, 2026, https://www.espn.com/college-sports/story/_/id/50196596/ncaa-sues-ohio-gov-eligibility-order-5th-year-athletes.

[126] See State of Ohio Office of the Governor, "Governor DeWine Signs Executive Order Addressing College Athlete Eligibility," news release, October 13, 2026, https://governor.ohio.gov/media/news-and-media/governor-dewine-signs-executive-order-addressing-college-athlete-eligibility. See also Eddie Pells and Alanis Thames, "Ohio Governor Signs Order Letting State's Colleges Allow 2022 Athletes a 5th Year of Eligibility," Associated Press, October 13, 2026, https://apnews.com/article/ncaa-eligibility-lawsuit-wisne-fc6fe8a8b21b0f77de4b359a42b62203.

[127] The named plaintiff in the case is former Arizona State University swimmer Grant House. For more specific discussion of the *House* settlement, see CRS Legal Sidebar LSB11349, *College Athlete Compensation: Impacts of the House Settlement*, by Whitney K. Novak.

made in other recent cases but is also a more direct challenge to the NCAA's entire student-athlete eligibility model.[128]

The *House* settlement, which was approved on June 6, 2025, and went into effect on July 1, 2025, has two main components. First, the parties agreed that the NCAA will pay monetary compensation to some former athletes who were barred by NCAA rules from earning NIL compensation. The NCAA agreed to pay approximately $2.8 billion in total damages over 10 years. The second component of the settlement agreement involves prospective injunctive relief for student-athletes competing on an NCAA Division I athletic team through the end of the settlement term (or 10 academic years from the date of final approval of the settlement). The injunctive relief portion of the *House* settlement generally allows athletes to continue to enter into NIL agreements and also allows institutions to share revenue with athletes using a specified formula. Each year, schools are allowed to share up to 22% of specified revenues with athletes, which is approximately $21.6 million per institution in the academic year beginning July 1, 2026.[129] This arrangement is the first time that NCAA member institutions are allowed to compensate their athletes beyond grants-in-aid and other education-related expenses.

In return, members of the class (i.e., current and former NCAA Division I athletes) have agreed to release future claims against the NCAA related to NIL compensation. While most of the class of athletes who are entitled to money damages opted into the settlement (and thus released any future claims), it is estimated that several hundred class members opted out of the settlement. Several dozen of the athletes who opted out of the settlement have already filed new lawsuits against the NCAA alleging similar claims to those at issue in the *House* case.[130] Thus, while the *House* settlement will provide the NCAA some cover from future litigation, it does not entirely abrogate all of the NCAA's potential exposure to liability under federal antitrust law in claims challenging past NIL compensation rules.

Also, even if the settlement does provide increased stability in college sports, it is not a global solution, and it may instead create new issues and make existing challenges more daunting. For instance, a still unresolved question regarding the settlement is whether funds provided via revenue sharing trigger institutional obligations under Title IX.[131] There is substantial disagreement among observers and stakeholders regarding the application of Title IX in these circumstances. Notably, the Biden Administration issued guidance in January 2025 finding that NIL agreements between schools and athletes were subject to Title IX, but this guidance was rescinded by the Trump Administration.[132]

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[128] See, e.g., Nicole Auerbach and Justin Williams, "How the House v. NCAA Settlement Could Reshape College Sports: What You Need to Know," *New York Times*, May 20, 2024, https://www.nytimes.com/athletic/5506457/2024/05/20/ncaa-settlement-house-lawsuit-college-sports/.

[129] See College Sports Commission, "Revenue Sharing," https://www.collegesportscommission.org/revenue-sharing/.

[130] Michael McCann and Daniel Libit, "House Opt-Outs Bring New Antitrust Case Against the NCAA," *Sportico*, January 31, 2025, https://www.sportico.com/law/analysis/2025/house-opt-outs-kylin-hill-ncaa-antitrust-lawsuit-1234826316/.

[131] Title IX "prohibits discrimination on the basis of sex in education programs and activities that receive federal financial assistance." CRS In Focus IF12325, *Title IX and Athletics: Legal Basics*, by Jared P. Cole.

[132] Department of Education, *Fact Sheet: Ensuring Equal Opportunity Based on Sex in School Athletic Programs in the Context of Name, Image, and Likeness (NIL) Activities*, January 17, 2025, https://web.archive.org/web/20250117015035/https://www.ed.gov/media/document/ocr-factsheet-benefits-student-athletes (Biden Administration guidance); and Department of Education, "U.S. Department of Education Rescinds Biden 11th Hour Guidance on NIL Compensation," press release, February 12, 2025, https://www.ed.gov/about/news/press-release/us-department-of-education-rescinds-biden-11th-hour-guidance-nil-compensation (Trump Administration withdrawal of guidance).

Financial Stability

While most sports and teams do not generate enough revenue to cover their own costs, football, men's basketball, and women's basketball all have the potential to be net positive on institutional balance sheets, particularly in major college sports programs.[133] Historically, revenue from football and basketball has been a major source of funding for nonrevenue sports at many schools. Even before NIL agreements and revenue sharing, athletic department budgets were under strain as they worked to both maintain their nonrevenue sports offerings and sought a competitive edge in football and basketball.[134]

In recent decades, it has become increasingly expensive for institutions to compete in intercollegiate athletics, especially in football programs competing at or near the top of Division I. Compensation for coaches has grown rapidly, and competition for top prospects is fierce, especially under more permissive transfer rules.[135] While the top programs in the power conferences have the resources to fund this level of competition, smaller programs have long struggled to keep up.[136] Some analysts believe that these smaller Division I programs—in particular the institutions in the "mid-major" conferences—may find it difficult to compete with higher spending opponents when recruiting players and hiring coaches.[137]

Further, while college sports revenue is growing,[138] it is not clear that the revenue will be enough to offset escalating costs, especially at smaller schools outside of the Power Four conferences, which mostly do not enjoy the benefits of large media rights deals like their power conference counterparts do.[139] A July 2026 Government Accountability Office analysis found that while NCAA Division I athletic departments generated $13.1 billion in revenue during the 2023-2024 academic year, expenses for the same schools totaled $20.8 billion. This gap was closed with a combination of tuition funds and student fees.[140]

This trend may be exacerbated by the revenue sharing plan laid out in the *House* settlement.[141] The settlement could widen the competition gap between schools because athletic departments

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[133] For example, approximately 95% of the $2.8 billion damages payments for former college athletes in the *House* settlement will go to football and basketball players. See Knight Commission on Intercollegiate Athletics, *Brief on* House v. NCAA *Settlement*, February 12, 2025, https://www.knightcommission.org/wp-content/uploads/KnightCommissionBrief_HousevNCAA_182025.pdf.

[134] For information on athletic department finances, see, generally, Knight Commission on Intercollegiate Athletics, "Finances of College Sports," https://www.knightcommission.org/finances-college-sports/.

[135] See, e.g., Andrew Atterbury, "'It's an Arms Race': Florida Weighs How to Compete in New Expensive Era of College Sports," *Politico*, November 19, 2024, https://www.politico.com/news/2024/11/19/florida-ncaa-student-athlete-pay-00189913.

[136] For a historical perspective, see Murray Sperber, "College Sports Inc.," in *Higher Education in the Information Age*, eds. Dennis Everette and Craig LaMay (Routledge, 1993).

[137] See Matthew Given, "No One Mourns the Mid-Majors: Can Mid-Major Schools Survive Under the House v. NCAA Settlement Agreement, or Is College Athletics Destined to Downsize?," *University of Kentucky Law Journal Online* (blog), April 25, 2025, https://www.kentuckylawjournal.org/blog/no-one-mourns-the-mid-majors-can-mid-major-schools-survive-under-the-house-v-ncaa-settlement-agreement-or-is-college-athletics-destined-to-downsize.

[138] See NCAA, *Division I Athletics Finances: 10-Year Trends from 2013 to 2022*, December 2023, https://ncaaorg.s3.amazonaws.com/research/Finances/2023RES_DI-RevExpReport_FINAL.pdf.

[139] See financial analysis in CliftonLarsonAllen (CLA), *Financial Projections Through 2032 for Division I FBS Programs*, September 2023, pp. 22-23, https://www.knightcommission.org/wp-content/uploads/2023/09/cla_financial_projections_report_2023.pdf.

[140] GAO, *College Athletics*, GAO-26-108640, p. 1.

[141] See, e.g., David Cobb, "House v. NCAA Settlement Winners and Losers: Athletes Take Monumental Step, Non-Revenue Sports at Risk," *CBS Sports*, May 24, 2024, https://www.cbssports.com/college-football/news/house-v-ncaa-settlement-winners-and-losers-athletes-take-monumental-step-non-revenue-sports-at-risk/.

with higher revenue will be more likely to reach revenue sharing caps, while many smaller schools will not be able to afford to max out their revenue sharing to athletes and may not participate at all.[142] Many observers also expect that schools with larger revenue sharing payments will further increase their existing recruiting advantages.[143] At least one school, St. Francis University, has already chosen to move from NCAA Division I to NCAA Division III based on concerns about the ongoing changing financial situation for Division I programs.[144]

What Is Next for the Business of Major College Athletics?

While stakeholders in the college sports system are still navigating the effects of athlete name, image, and likeness (NIL) agreements and the revenue sharing framework included in the *House* settlement, another round of major changes may be forming on the horizon. With more money flowing into and out of college athletic departments than ever before, there is growing speculation that colleges and universities will need to expand further into business and finance to keep up with the competition. Two possible changes that have been openly explored and that have the potential to substantially alter college athletic department finances are (1) private equity investments into the athletic departments and (2) the separation of athletic departments from their universities and into their own corporate entities.

In the days following the final approval of the *House* settlement, Elevate College and Global Marketplace announced that it was working with a private equity firm to create the Collegiate Investment Initiative to make $500 million available for investment in projects with college athletics programs.[145] Additionally, in the first half of 2026, the University of Utah spun its athletic department's commercial activities into a new corporation, Crimson Brand Partners.[146] Crimson Brand Partners, in turn, has established a partnership with private equity firm Otro Capital, which has a minority stake in Crimson Brand Partners and will, according to media reports, generate $500 million in capital for Utah's athletic department.[147] While it is too early to know how such moves might change the college sports ecosystem, or how many other universities will follow Utah's lead, there is reason to believe that change is occurring and will be accelerated by the financial imperatives created by the *House* settlement and NIL agreements more generally.

Viability of Olympic Sports Offerings

As noted above, the existing funding model for Olympic sports at the college level is based largely on the revenue generated by a small number of sports, notably football and basketball. Building and maintaining competitive programs in those sports is expensive for athletic departments and will only become more expensive with revenue sharing payments to athletes. The need for funding to support new costs in football and basketball may pressure colleges and

[142] This gap appears to have materialized in the first year of revenue sharing, according to data released by the College Sports Commission, which regulates certain aspects of revenue sharing and athlete NIL agreements under the *House* settlement. See Eddie Pells, "In First Year of NIL Payouts, 68 Schools Hit or Came Very Close to $20.5M Revenue-Sharing Limit," Associated Press, October 1, 2026, https://apnews.com/article/nil-csc-ncaa-college-sports-pay-6157e2e6a7c8923420ce7ba89a84677c.

[143] See Billy Witz, "N.C.A.A. Settlement Agreement Reveals How Colleges Would Pay Athletes," *New York Times*, July 26, 2024, https://www.nytimes.com/2024/07/26/us/ncaa-house-settlement-filed.html.

[144] St. Francis University, "Saint Francis University Announces Move from NCAA Division I Athletics to Division III Athletics," press release, March 25, 2025, https://sfuathletics.com/news/2025/3/25/inside-athletics-saint-francis-university-announces-move-from-ncaa-division-i-athletics-to-division-iii-athletics.aspx.

[145] Ben Portnoy and Chris Smith, "Elevate Launching PE-Backed College Initiative," *Sports Business Journal*, June 9, 2025, https://www.sportsbusinessjournal.com/Articles/2025/06/09/elevate-launching-pe-backed-college-initiative/.

[146] University of Utah, "University of Utah and Its Foundation Finalize Deal to Form Crimson Brand Partners," news release, June 12, 2026, https://attheu.utah.edu/facultystaff/university-of-utah-and-its-foundation-finalize-deal-to-form-crimson-brand-partners/.

[147] See, e.g., Brandon Judd, "University of Utah Finalizes Private Equity Deal with Otro Capital to Fund Athletic Efforts," *Deseret News*, June 12, 2026, https://www.deseret.com/sports/2026/06/12/utah-athletics-private-equity-deal-crimson-brand-partners-otro-capital/.

universities to trim other parts of their athletic departments in search of more funds for revenue-generating teams.

Some evidence is already emerging that funding for football and basketball players is coming at the expense of other sports and the athletic department infrastructure that supports them.[148] Since the pandemic, a number of Division I teams and programs have been cut at institutions across the country. As discussed in the previous section, at least some of those changes are related to the anticipated effects of the *House* settlement.[149]

Also, further reductions in athletic departments' sports offerings would likely impact Olympic sports programs. For instance, one element of the *House* settlement is the replacement of NCAA Division I scholarship caps with a new system that allows schools to offer scholarships to all of their student-athletes but limits the total roster spots available in each sport. Some stakeholders have already observed that this could significantly curtail non-scholarship "walk-ons" from joining teams and that roster caps may be set below the typical team counts that existed before the rule change, resulting in fewer spots available across the system in those sports. One analysis concluded that as many as 10,000 current roster spots across Division I could be eliminated in the coming years, including many spots on nonrevenue sports teams.[150] Another analysis suggests that 25,000 total spots may be at risk considering the potential that entire teams may be eliminated at some institutions.[151]

While this loss of competitive and training opportunities could be detrimental to a large number of athletes, a broader public policy concern may be the effect on Team USA's success in the Olympic Games. As mentioned above, elite athletics in the United States are supported by the revenues that USOPC and the national governing bodies are able to generate, and this system has helped the United States to build and maintain internationally competitive programs in a variety of sports. However, USOPC and the national governing bodies have not been solely responsible for funding the entire development pipeline for athletes, as many athletes have traditionally participated in intercollegiate sports, particularly in major Olympic disciplines such as track and field and swimming.

While there are many options available to avoid constricting the collegiate development pipeline for Team USA, the present uncertainty could disrupt the next generation of athletes. Even if any issues with the pipeline that arise are resolved fairly quickly, pressure on Team USA is currently high due to the upcoming 2028 Olympic Games in Los Angeles, and disruptions may risk the team's overall success.

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[148] Chase Goodbread, "Team USA in Peril? The Olympic Dangers Lurking in College Sports' Transformative Change," *USA Today*, August 9, 2024, https://www.usatoday.com/story/sports/olympics/2024/08/09/ncaa-revenue-sharing-impact-team-usa-olympics/74716014007/.

[149] Maura Carey, "Universities Cutting Sports, Adding Others Ahead of $2.8 Billion NCAA Antitrust Settlement," Associated Press, May 18, 2025, https://apnews.com/article/ncaa-settlement-program-cuts-f734a27c13f7c09e956d630cc2755a6c.

[150] Dan Murphy and Michael Rothstein, "Pending NCAA Settlement, Roster Limits Post National Signing Day Uncertainty," *ESPN*, November 11, 2024, https://www.espn.com/college-sports/story/_/id/42273737/college-athletes-face-national-signing-day-amid-uncertainty-new-roster-limits.

[151] Douglas DePeppe and Brandon Leopoldus, "Proposed NCAA Settlement Threatens Non-Revenue Sports: Roster Caps Jeopardize 25,000 DI Roster Spots," *Sports Illustrated*, December 23, 2024, https://www.si.com/high-school/news/proposed-ncaa-settlement-threatens-non-revenue-sports-roster-caps-jeopardize-25-000-d1-roster-spots-01jfrmymg4m6.

Ongoing Uncertainty

One reason that the situation in college sports has become so complex is the depth and breadth of uncertainty, some of which has been explored elsewhere in this report, including differing state laws, changing financial conditions, and potential legal exposure. While the stakeholders in the system do not always agree on either broad goals or specific policies that might lead to durable reforms, one significant obstacle to reforms may be how quickly the situation on the ground is changing. As discussed throughout this report, concerns regularly arise from different corners, and proposed solutions have frequently spun off new questions and issues.

For instance, in deciding whether to approve the *House* settlement, the judge overseeing the case identified concerns with how the settlement would impact certain members of the injunctive class, namely athletes who lost their roster spots as schools began to plan for the settlement to go into effect.[152] When the preliminary settlement was announced, its likely impact on roster spots for current athletes was unknown. Once it became clear that many athletes would be affected as schools adjusted their budgets and offerings to prepare for revenue sharing, the judge insisted that changes be made to the settlement that were designed to ensure current athletes kept their spots.[153] The emerging issues with the transition to the NCAA's new five-year eligibility rule pose similar challenges.[154]

Another issue that is likely to gain more significance in the coming years is whether NIL agreements reflect a "fair market value" for the players' promotional activities, how that fair market value is calculated, and how the NCAA and institutions will respond when NIL agreements do not constitute fair market value.

Under the *House* settlement, agreements are scrutinized to determine if they reflect fair market value by a new entity called the College Sports Commission, which has contracted with a third party to conduct the analysis.[155] This system is intended to weed out "pay-for-play" arrangements that might be masked as NIL agreements that exceed fair market value.[156]

What Role Can the Executive Branch Play in College Sports Reform?

Since the beginning of his second term, President Trump and his Administration have shown interest in engaging with stakeholders to address the impact of name, image, and likeness (NIL) agreements and other changes on college athletes and athletic departments. For example, the President issued two executive orders (EO 14322 of July 24, 2025, and EO 14400 of April 3, 2026) that each attempt to identify and use the tools available to federal agencies to encourage or require adherence to specific rules. It is unclear whether these executive orders alone will have a significant effect because the range of unilateral options available in law appears to be limited. These potential limitations are reflected in these executive orders, such as through their amplifying calls for congressional action. The President, though, has used his position to convene stakeholders, apply pressure, and build support toward consensus.

[152] Dan Murphy, "Judge Delays House Settlement Approval Over Roster Limits," *ESPN*, April 23, 2025, https://www.espn.com/college-sports/story/_/id/44823761/judge-delays-house-settlement-approval-roster-limits.

[153] See, e.g., Ross Dellenger, "NCAA Settlement on Hold as Judge Requests Changes on Roster Limits," *Yahoo Sports*, April 23, 2025, https://sports.yahoo.com/college-football/article/ncaa-settlement-on-hold-as-judge-requests-changes-on-roster-limits-231519741.html.

[154] See the "Years of Athlete Eligibility" section.

[155] See College Sports Commission, "FAQ," accessed August 4, 2025, https://www.collegesportscommission.org/faq/.

[156] In this context, a "pay-for-play" arrangement would be an NIL agreement without a valid business purpose that is offered and that is intended to induce an athlete to attend a particular institution.

Congressional Policy and Sports System Reform

Congress has a wide range of policy options with regard to reforming the country's collegiate and Olympic sports system and several different legislative strategies that it might use to effectuate the body's preferred policies, especially for college sports.[157] This section provides a number of specific policy options that Congress might consider, with discussion organized around potential strategies that Congress might adopt. For the purposes of this analysis, those strategies are as follows:

- *Wholesale reform.* Substantially reshaping some or all of the pillars of the sports system.
- *Targeted action.* Taking more specific legislative actions intended to resolve particular problems while keeping broader structures intact.
- *Enabling other actors.* Making statutory changes that allow participants in the system to better resolve issues with relatively limited requirements from Congress.
- *Declining to legislate.* Intentionally choosing not to alter the legal and regulatory requirements in the space based on the expectation that stakeholders can or should find resolution within existing rules.

This is not the only way that a group of legislative options might be defined, but it describes one way of analyzing the primary options that are before Congress in the sports space. Importantly, these strategies represent different avenues to make policy or foster particular outcomes and can be used by Congress to achieve a variety of purposes. Additionally, Congress might choose more than one strategy to achieve a specific goal.

These strategies are observable in legislation developed or introduced in recent Congresses. While none of these proposals has yet been passed by both chambers, they are instructive with respect to both the specific policies that Congress might enact and the potential strategies it might use to do so.

Wholesale Reforms

Perhaps the most consequential option Congress might pursue is a broad reform of the sports system. Some reasons Congress might wish to consider a thoroughgoing response of this type include a belief that the issues to be addressed are too entrenched or complex for narrower changes, a lack of confidence in existing actors' ability or willingness to manage new policies and other requirements, or a desire to take the lead and put in place a system aligned with Congress's preferred outcome.

There are at least some stakeholders who believe that youth sports, the college system, and/or the Olympic and elite pipeline need comprehensive reshaping.[158] For instance, the Commission on

[157] A number of committees may become involved in different aspects of this issue. Historically, the Senate Committee on Commerce, Science, and Transportation and the House Committee on Energy and Commerce have been the most active on sports policy matters. Additionally, with regard to college sports, the House Committee on Education and the Workforce and the Senate Committee on Health, Education, Labor and Pensions may play roles. Finally, the House and Senate Committees on the Judiciary may have a role regarding antitrust and other legal matters.

[158] See, e.g., Knight Commission on Intercollegiate Athletics, *Transforming the NCAA D-I Model: Recommendations for Change*, April 5, 2021, https://www.knightcommission.org/wp-content/uploads/2021/02/transforming-the-ncaa-d-i-model-recommendations-for-change-1220-022221-update-01.pdf; Project Play, *Sport for All, Play for Life: A Playbook* (continued...)

the State of U.S. Olympics and Paralympics suggested in April 2024 that USOPC has not fulfilled its purpose under the ASA to "coordinate and develop" amateur athletics in the United States.[159] Additionally, observers have been critical of both the activities and purposes of the NCAA for decades, long before the current uncertainty regarding NIL and transfer rules.[160]

Proposals for broad reforms have included plans that would fundamentally alter the status quo by doing things like establishing a federal agency to create national policies on youth sports and fitness[161] and severing legal and organizational ties between universities and collegiate athletics.[162] Those proposals would each be major changes that would reshape amateur sports in America, similar to the path Congress took when it passed the ASA in 1978. At that time, amateur and Olympic sports in the United States had seen decades of conflict among the organizations that controlled different parts of the Olympic pipeline. Some of those organizations used their power to determine which athletes competed and to keep other organizations from hosting events.[163] Those conflicts had proven to be intractable, and Congress, consistent with recommendations from the President's Commission on Olympic Sports,[164] remade the existing U.S. Olympic Committee to lead the U.S. Olympic sports system and selection of Team USA.

The Restore College Sports Act (H.R. 2663)

Congressional proposals to fundamentally alter college sports administration have been relatively uncommon as many Members have focused on reforms within the existing organizational structure. Though, at least one proposal, the Restore College Sports Act,[165] would reorganize the college sports system. Specifically, the Restore College Sports Act would, among other things, create an entity called the "American Collegiate Sports Association" to "oversee and regulate college sports" in place of the NCAA. The American Collegiate Sports Association would, like the NCAA, be composed of colleges and universities participating in athletics and would be led by a commissioner appointed to a four-year term by the President with the advice and consent of the Senate. Colleges and universities would be incentivized to participate in this system by tying federal funding under the Higher Education Act to membership in the new organization.

While legislation like the Restore College Sports Act would represent a new direction in federal involvement with college sports, it would not be entirely unprecedented. As discussed earlier in

to Develop Every Student Through Sports, Aspen Institute, February 17, 2022, https://www.aspeninstitute.org/wp-content/uploads/2022/02/FINAL-Aspen-Institute-Reimagining-School-Sports-playbook-pages.pdf; and Dionne Koller, "Amateur Regulation and the Unmoored United States Olympic and Paralympic Committee," *Wake Forest Law Review Online*, vol. 9 (2019).

[159] Commission on the State of U.S. Olympics and Paralympics, *Passing the Torch*, pp. 77-83.

[160] See, e.g., Byers, *Unsportsmanlike Conduct*.

[161] Commission on the State of U.S. Olympics and Paralympics, *Passing the Torch*.

[162] See, e.g., Garrett Senney, "Is It Time to Divorce Collegiate Athletics from Education?," Ohio State University Sports and Society Initiative, June 4, 2017, https://sportsandsociety.osu.edu/it-time-divorce-collegiate-athletics-education; and Maura Carey, "Kentucky Changes Its Athletic Department to an LLC, Hoping to Become More Nimble in Finding Revenue," Associated Press, May 1, 2025, https://apnews.com/article/kentucky-athletic-department-llc-ncaa-1511ccf2b47bf669faba159174cb8cc8.

[163] See CRS Report R47850, *The United States Olympic and Paralympic Committee: A Primer*, by Ben Wilhelm.

[164] President's Commission on Olympic Sports, *The Final Report of the President's Commission on Olympic Sports, 1975-1977*, 1977.

[165] H.R. 2663 (introduced by Rep. Michael Baumgartner on April 7, 2025).

this report, in the 1970s, Congress was willing to enact fundamental changes in the organization of the Olympic sports system when it passed the ASA.[166]

Considerations

Adopting the wholesale reform strategy would give Congress the opportunity to design a system based on current realities rather than attempt to tweak legacy policies or institutions that developed under different conditions. In considering this strategy, Congress may wish to assess whether the changes of the last decade have created conditions that allow the network of stakeholders, as they are currently arranged, to create a stable system. If that is not the case, then an outside actor, such as Congress, might be needed if comprehensive reforms are desired.

However, this opportunity also underlines a significant drawback for this type of action: that wholesale changes could disrupt an activity that many Americans consider particularly important. Regardless of how well the system runs, many Americans are invested in the system through support for their chosen teams. Recent changes in NIL rules have already significantly altered the relationships among schools, athletes, and others. Whether the connections among schools, their athletic teams, and their fan and alumni bases are strong enough to accommodate compensation for athletes without disrupting the popularity of the college sports system remains to be seen. But if further wholesale reform is perceived to have negative impacts on college teams, many people may be concerned at the potential disruption to their favorite teams.

These impacts on the public may be enough for Congress to prefer to avoid broad change, especially if some Members believe that narrower responses are viable. In addition, it could be both difficult and expensive to reshape the sports system. New entities and new policies typically cost money or may disrupt prior expectations on which participants in the system have relied. Additionally, many reforms of this type include a more active role for the federal government or additional government support. Finally, given the scope of the sports system and the number of entities and individual participants involved, legislating on this scale would likely be quite complex and could lead to unintended consequences.

Breaking Up Education and Athletics

Some analysts have suggested separating organized sports entirely from the education system at all levels. This would represent a sea change in how sports are organized, and there are many reasons to believe that it would be unpalatable for a variety of logistical and cultural reasons. There are models for alternatives around the world, because the yoking of education and sports is mostly an American phenomenon. One of the most popular models is the club system in many European countries, such as Germany. Under this system, from an early age, those who want to participate in team sports are members of local club teams around which development and competition are organized for youth and adults. In addition, as teenagers and young adults, those who show enough talent and interest to pursue potential elite or professional careers can join clubs with more intensive development pipelines. All those who play sports for their clubs still juggle the demands of their schooling and their athletics, but education-based physical education and intramurals are focused on fitness and healthy lifestyle rather than competition.[167]

[166] See the "The United States Olympic and Paralympic Committee" section and CRS Report R47850, *The United States Olympic and Paralympic Committee: A Primer*, by Ben Wilhelm.

[167] For discussion of different proposals to separate sports and education, see B. David Ridpath, *Alternative Models of Sports Development in America* (Ohio University Press, 2018).

Targeted Actions

Many of the most widely discussed options to address major issues described in this report would make changes without necessarily reshaping the underlying institutions and structures of the sports system. While some targeted actions would have effects that are likely to ripple through the entire system, the aims of such actions are typically on resolving specific issues.

A recent example from the sports world is Congress's chartering of the U.S. Center for SafeSport. Following the public disclosure of Larry Nassar's decades of abuse of girls and young women competing and training in USA Gymnastics programs, Congress amended the ASA to empower the then-new U.S. Center for SafeSport to investigate and respond to abuse allegations.[168] As this example illustrates, a specific and targeted response does not imply an insignificant response—Congress decides what to emphasize and what strategy to employ.

This approach could be used to address many of the major issues discussed in this report. For instance, a number of bills have been introduced in Congress since 2020 that aimed to protect the right of college athletes to enter into NIL agreements. This has been one of the biggest issues in sports policy over the last five years, and any decision that Congress makes in the space is likely to have a significant and lasting effect on college athletics and beyond.

Among the options that Congress has been considering is whether to provide uniformity for NIL rules.[169] Since California enacted the Fair Pay to Play Act, most states have enacted laws that enable college athletes to earn NIL compensation with some boundaries.[170] Observers have expressed concerns that this "patchwork" of state laws is confusing for athletes and their families and could create a "race to the bottom" among states looking for a competitive edge for their own local institutions.[171] Some congressional stakeholders have expressed an interest in preempting those state laws via federal legislation.[172] Such action would establish some uniformity in NIL rules and address the risks of confusion for athletes and competition among states. Congress might include NIL regulation and preemption of state NIL laws as part of a larger policy package regarding college sports.

Another example of targeted action could be to provide federal funding for Olympic sports and elite athletes. If there are concerns about how changes in college sports might affect nonrevenue sports on campuses, then one approach would be to "backfill" funds that are being pulled in other directions such as revenue sharing under the *House* settlement. There are a number of fiscal and policy reasons Congress might not wish to take this action, but it may be the most direct way to secure the Olympic pipeline in the face of uncertainty. A potential alternative to this strategy has emerged from the executive branch in President Trump's two executive orders regarding college

[168] 36 U.S.C. §§220541 et seq.

[169] See the "The College System and Athletes' NIL Rights" section.

[170] See National Conference of State Legislatures, "Student Athlete Compensation Legislation," accessed May 13, 2025, https://app.powerbi.com/view?r=eyJrIjoiYjE3ZWQ0MmQtNDAxYS00NDM2LTg4MTYtMmIwNzFjZDI4ODRkIiwidCI6IjM4MmZiOGIwLTRkYzMtNDEwNy04MGJkLTM1OTViMjQzMmZhZSIsImMiOjZ9.

[171] See, e.g., U.S. Congress, House Committee on Energy and Commerce, Subcommittee on Innovation, Data, and Commerce, *NIL Playbook: Proposal to Protect Student Athletes' Dealmaking Rights*, hearings, 118th Cong., 2nd sess., January 18, 2024.

[172] See, e.g., H.R. 3630 (Student Athlete Level Playing Field Act) in the 118th Congress. Section 7 of the bill, introduced by Rep. Mike Carey, would have preempted enforcement of state laws and regulations pertaining to student-athlete NIL agreements.

sports reform (EO 14322 of July 24, 2025, and EO 14400 of April 3, 2026).[173] These executive orders call for schools to maintain the number of sports they currently offer and for the NCAA to consider increasing minimum requirements in the future.[174]

The Student Compensation and Opportunity Through Rights and Endorsements (SCORE) Act (H.R. 4312)

The SCORE Act was part of the first legislative package to progress in the 119th Congress, reported (as amended) by the House Committee on Energy and Commerce and the House Committee on Education and the Workforce and subsequently reported by the Rules Committee to the House. This bill would enact in federal law the right of college athletes to make NIL agreements and address several other sources of systemic uncertainty. Specifically, the SCORE Act's systemic changes are built on three pillars: limited antitrust protection for college sports organizations, replacement of state NIL laws with a uniform federal standard, and explicit exclusion of student-athletes from status as employees under key federal labor laws. In addition to those changes, which may foster legal certainty for the college sports system, the SCORE Act includes a variety of further provisions to protect athletes and their health; to shield Olympic, women's, and nonrevenue sports; and to modernize the Sports Agent Responsibility and Trust Act (P.L. 108-304, 15 U.S.C. ch. 104) to reflect the role agents now play in negotiating NIL agreements for college athletes.

Protect College Sports Act of 2026 (PCSA; S. 4668)

Among the legislation discussed in this report, the bill that has made the most progress during the 119th Congress is the PCSA. The PCSA addresses many of the same issues as the SCORE Act, particularly NIL rights, antitrust protection for the NCAA, and preemption of state law.[175] Also similar to the SCORE Act, the PCSA appears to create a regulatory environment in which the NCAA could continue to regulate competitions and eligibility in college sports, and it appears likely that the two bills would have similar practical effects on several key issues.

However, as the PCSA advanced through the legislative process to passage in the Senate, it incorporated additional provisions. Perhaps the most notable are found in Title II. These provisions would amend the Sports Broadcasting Act of 1961 to enable universities, if they so choose, to collectively package and sell their media rights.[176] Supporters of this provision believe that pooling media rights will increase their value, especially for smaller schools, and that this will provide schools with much needed increases in revenue to help offset increasing expenses.[177]

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[173] Executive Order 14322 of July 24, 2025, "Saving College Sports," 90 *Federal Register* 35821, July 29, 2025; and Executive Order 14400 of April 3, 2026, "Urgent National Action to Save College Sports," 91 *Federal Register* 18267, April 9, 2026.

[174] The NCAA currently has rules establishing minimum sports offerings for different divisions but could change those requirements. In Division I, Football Bowl Subdivision schools must sponsor 16 sports under bylaw 20.9.9.1, and all other Division I schools must sponsor 14 sports under bylaw 20.9.6. The NCAA Division I Manual is available at NCAA, *Division I 2025-26 Manual*, https://ncaapublications.com/products/2025-2026-ncaa-division-i-manual. See also Executive Order 14322 (calling for schools not to decrease Olympic and women's sports offerings).

[175] Notably, the PCSA explicitly addresses employment status for student-athletes but, unlike the SCORE Act, does not take a position on the issue. See S. 4668 §122.

[176] See CRS Report R49359, *College Sports Media Rights: Background and Issues for Congressional Consideration*, by Dana A. Scherer.

[177] See, e.g., Senate Committee on Commerce, Science, and Transportation, "Updated Bipartisan Protect College Sports Act Will Stabilize College Sports, Codify Athletes' Rights & Protections in Law & Expand Athlete

(continued...)

Considerations

Developing and implementing a set of targeted responses tailored to the particular preferences of Congress may be the most flexible strategy. This strategy may allow Members to identify and address priorities while setting aside issues in which there is not a consensus due to either policy preferences or concerns about the viability of potential options. Such a process may allow a compromise position to emerge that allows Congress to address enough aspects of the problem to bring additional stability while avoiding certain political pitfalls that might impede a comprehensive strategy.

Addressing issues through targeted responses might also allow Congress and stakeholders to more clearly or narrowly lay out the purposes and intended effects of such reforms. Congress may be interested in this option if it prefers to limit the scope of the reforms' impact while still addressing key concerns that it believes are appropriately suited to congressional action. On the other hand, narrower responses may prove insufficient to address the broad and complex situation, especially in college sports. Other risks that Congress might wish to consider when using a targeted response include whether such a response undermines congressional policy goals by leaving important aspects of the system unaddressed or creates unintended consequences.

Athlete Support

A frequently discussed option for legislation to improve college sports is provisions that would create remedies through certain protections for athletes or specific obligations for institutions and other organizations like the National Collegiate Athletic Association (NCAA). State laws protecting the right of athletes to enter into name, image, and likeness (NIL) agreements are one form of such rules. Other potential requirements that Members of Congress have expressed interest in include

- expanded protection for athletes who sign with agents to supplement the Sports Agent Responsibility and Trust Act (P.L. 108-304, 15 U.S.C. ch. 104), which was signed into law in 2003;
- minimum requirements for provision of medical and mental health benefits;
- education on key issues associated with NIL agreements, such as financial management;
- degree completion and career services to facilitate athletes' post-competition lives; and
- additional obligations pertaining to the U.S. Center for SafeSport and prevention of sexual violence.

The NCAA bylaws require member institutions to provide a variety of services that address all of these issues. However, Congress may wish to codify those rules both to establish specific minimum standards and to ensure that obligations are not rolled back in the future.

It may also make sense for Congress to consider such rules at the same time as it addresses the overarching issue of NIL agreements and considers providing the NCAA and institutions with increased protection against litigation related to sports programs. For instance, both the SCORE Act (H.R. 4312) and the PCSA (S. 4668) contain requirements for institutions, including several that fall into the above categories.

Enabling Other Actors

Congress might also consider legislative options that provide other actors with more latitude to adapt to changing circumstances and address specific issues. Such an option might present itself if stakeholders develop a potential reform strategy but are not able to implement it due to statutory obstacles or other impediments. Additionally, Congress might employ this option if it has a preferred course of action that it cannot directly effectuate. Action of this type will often be

Compensation Opportunities," press release, August 5, 2026, https://www.commerce.senate.gov/press/dem/release/updated-bipartisan-protect-college-sports-act-will-stabilize-college-sports-codify-athletes-rights-protections-in-law-expand-athlete-compensation-opportunities/.

similar in scope to the targeted actions discussed in the previous section, and it can be distinguished by the potentially larger role of nonfederal stakeholders in this type of action.

Stakeholders in the sports system, particularly those focused on college athletics, are trying to adapt to changing circumstances in a complex environment. Such a situation provides many opportunities for new and creative policies, as well as collaborations and negotiations among stakeholders. However, at least some of these options appear to be constrained by the broader legal environment. Congress may wish to enable stakeholders' efforts by adjusting or removing such legal constraints. Probably the most notable example, discussed in more detail below, is the effect that antitrust law may have on the NCAA, athletes, and institutions and their ability to expand athlete compensation while also setting parameters on that compensation and related issues such as eligibility and transfers. Even with the broad consensus reached in the *House* settlement, which resolved a wide range of potential antitrust claims by athletes, the NCAA may still be vulnerable to further legal challenges, which will perpetuate uncertainty in the system.

Another example of enabling stakeholders that has recently been implemented in the Olympic sports community is increased athlete participation in organizational decisionmaking. Congress has provided for some athlete representation on the USOPC board and in other parts of the organization for decades but recently expanded those requirements to further elevate the role of athletes.[178] Congress might consider ways that it could similarly empower student-athletes through increasing their participation in high-level decisionmaking or by creating infrastructure that is intended to assist and advocate for athletes. USOPC has both an Athlete Ombuds and Athletes' Advisory Council, which may be useful models.[179]

College Athletics Reform Act (CARA; H.R. 6350)

While there has been bipartisan support for the SCORE Act, and particularly for individual components of the legislation, some Members in the House have also developed alternative legislation that takes a different approach. Like the SCORE Act, CARA would include some provisions that protect athletes' NIL rights and sports agents. However, rather than seeking to set policy for other specific issues, such as employment status and antitrust protection, CARA would establish a commission selected by key House and Senate stakeholders and task it with studying and reporting on additional potential policy actions. A commission could help Congress develop specific policies before enactment, with other provisions of the legislation buying time for that work to play out or consensuses to emerge.

Considerations

Options that focus on enabling the stakeholders may be particularly useful if Congress believes that sports system stakeholders should have greater leeway to reach consensus or are already moving in a constructive direction. It is also possible that stakeholders without constraining legislation would have a wider range of options from which to find solutions and, being closer to the problems, that they will come up with solutions that are more durable and flexible than those legislated by Congress at a particular point in time. This flexibility could be especially valuable for the sports system because it is in such an intense period of change.

[178] See CRS Report R47850, *The United States Olympic and Paralympic Committee: A Primer*, by Ben Wilhelm, pp. 11-15.

[179] See CRS Report R47850, *The United States Olympic and Paralympic Committee: A Primer*, by Ben Wilhelm, pp. 11-15.

On the other hand, the flexibility created by enabling those actors may lead to unintended consequences or undesired outcomes. Different stakeholders may have very different goals, and none may not reflect the goals or preferences of Congress. Actions by Congress to enable some stakeholders with the power to make decisions could create power dynamics, leaving other stakeholders dissatisfied, and it is possible that enabled stakeholders will still not be able to create a workable solution—as a result, Congress may face even greater pressure to intervene.

Keeping the Peace in College Sports

As discussed in this report, stakeholders have been pressing Congress to provide some ground rules, or at least increased certainty, in college athletics.

Actions that have been proposed by stakeholders and in legislation that could create better defined and more stable policy space for the National Collegiate Athletic Association (NCAA), institutions, and athletes to establish a mutually agreeable system include

- providing the NCAA some form of exemption or other protection from federal antitrust laws;
- setting minimum standards for the rights and support services that schools must provide athletes;
- establishing by statute whether or not college athletes are employees of their institutions;
- allowing athletes to engage in collective bargaining either as employees or under a specially granted status; and
- preempting state laws regarding regulation of name, image, and likeness (NIL) agreements in favor of uniform rules nationwide.

These actions, alone or in concert, would alter the negotiating space between stakeholders by establishing certain requirements and addressing specific impediments and other concerns, but they would not necessarily lead to the creation of any particular overarching governance structure for college sports.

Different versions of these proposals have been associated with the *House* settlement, which would create, at least for the next 10 years, the broad framework for protecting student-athletes' NIL rights and allowing schools to share revenue directly with their players. Some protection against future antitrust claims, in particular, would shield the system from legal challenges from athletes outside the settlement class.

NCAA Antitrust Exemption

One policy option that has been widely discussed is for Congress to provide some organizations, including potentially the NCAA, some form of protection from challenges to specific rules or policies under federal antitrust law. Such a change could provide legal certainty regarding their enforcement of at least some rules pertaining to NIL rights and related issues.

Prior to several judicial decisions over the last 15 years, the NCAA student-athlete model had not been challenged successfully based on antitrust law, even though institutions and the NCAA had always exercised control over student-athletes that appeared to exceed what was allowed under antitrust law in other contexts. As discussed earlier in this report, that arrangement reflected acceptance of college athletics as a unique institution that justified allowance of a special relationship based on the concept of amateurism between student-athletes and institutions.[180]

Even if the *House* settlement provides needed stability in the collegiate sports system by resolving these issues for most parties, it will not be the end of litigation regarding the legal rights of athletes. As discussed above, a number of athletes have opted out of the *House* settlement and have already filed new lawsuits against the NCAA alleging that its restrictions on athlete compensation violate antitrust law.[181] The settlement does not necessarily foreclose such actions

[180] See the "College Sports and the NCAA" section.

[181] See Amanda Christovich, "At Least 250 Athletes Have Opted Out of the House v. NCAA Settlement," *Front Office Sports*, February 4, 2025, https://frontofficesports.com/college-athletes-opt-out-house-ncaa-settlement/.

or address all NCAA rules and policies that might violate antitrust rules, and, therefore, new litigation may continue to arise. In particular, commentators have already observed that the settlement's cap on revenue sharing funds may violate federal antitrust law because it also constrains how much money colleges and universities may provide their athletes.[182] The clearest way to address these questions may be for Congress to remove or limit the applicability of federal antitrust law with regard to college sports.

"Special Status" for Student-Athletes

Among other options, Congress might enable specific actors within the sports system by identifying ways that athletes themselves can play a larger role in decisionmaking and other governance. Some stakeholders, looking in part to the professional sports model, have suggested that collective bargaining for college athletes is a better way to empower those athletes and create a workable college sports system. A significant impediment to collective bargaining for student-athletes is that, under current law, athletes must be employees of their institutions in order to engage in collective bargaining. Given opposition to that change, it is difficult to plan for or promote bargaining as a solution.

Other stakeholders and observers, though, have suggested an alternative that could allow collective bargaining without granting broader employee status. Some, including former Notre Dame Athletic Director Jack Swarbrick and the College Football Players Association have suggested that Congress might amend federal labor law to grant student-athletes "special status" that would specifically authorize collective bargaining without employment status. While such a change would be a relatively novel strategy, it may allow the parties to address a wider range of issues and better adapt to future developments.[183]

Declining to Legislate

Congress might also choose not to take significant action. Sometimes Congress takes up a policy issue but does not produce or pass legislation because it could not develop legislation that would command majorities in both chambers and make the time to move it through the process.[184]

It might also be the case that after Congress studies an issue, it determines that the favored option is not to move legislation.[185] This could occur for a variety of reasons. Congress might find that simply elevating and discussing an issue is enough to encourage other actors, including stakeholders or relevant government agencies, to act. Congress might also find that its law-making authority is not well suited to addressing a particular issue, that the options available to Congress carry substantial risk of undesired side effects, or that the matter is not enough of a priority to move through the legislative process.[186]

A notable example is how Congress attempted to manage disputes among the organizations that selected the U.S. Olympic Team during the 1960s and early 1970s.[187] Both presidents and

[182] See Noah Henderson, "With NCAA Revenue Sharing Emerges a New Antitrust Challenge," *ESPN*, October 8, 2024, https://web.archive.org/web/20250309183913/https://www.si.com/fannation/name-image-likeness/nil-news/with-ncaa-revenue-sharing-emerges-a-new-antitrust-challenge.

[183] Jason Stahl, "We Need a New Type of Collective Bargaining for College Athletes," May 6, 2024, https://jasonstahl.substack.com/p/we-need-a-new-type-of-collective; and Ross Dellenger, "Would Collective Bargaining Solve College Sports' NIL Issues? Notre Dame AD: 'You've Got to Create Something New,'" *Yahoo Sports*, October 17, 2023, https://sports.yahoo.com/would-collective-bargaining-solve-college-sports-nil-issues-notre-dame-ad-youve-got-to-create-something-new-214936402.html.

[184] See, e.g., William P. Marshall, "The Limits on Congress's Power to Do Nothing: A Preliminary Inquiry," *Indiana Law Journal*, vol. 93, no. 1 (Winter 2018), p. 173.

[185] Marshall, "The Limits on Congress's Power."

[186] Marshall, "The Limits on Congress's Power."

[187] See CRS Report R47850, *The United States Olympic and Paralympic Committee: A Primer*, by Ben Wilhelm, pp. 3-4.

Congresses tried to broker a settlement between the organizations for over a decade without much success. While those efforts did avoid major disruptions to the Olympic team, they did not resolve the conflict, and the situation continued to deteriorate over time.

When it was finally clear that government intervention was the best course, Congress did begin to develop legislation, but no law was enacted until after President Ford's Commission on Olympic Sports recommended empowering USOPC by law that Congress finally passed the ASA in 1978.[188] Throughout this period, Congress was engaged with the issue, including working with stakeholders and holding hearings, and this process, while arguably slower, led to the creation of a system that has endured for nearly 50 years and, while imperfect, has supported Team USA competitively and financially.

A similar situation is currently playing out regarding the NCAA and NIL agreements. For several years, stakeholders have been lobbying Congress to act and have pushed the case that such action is necessary to provide legal certainty regarding the allowable rules related to NIL agreements, eligibility, and associated issues.[189] Since at least the 116th Congress, Members have offered a number of bills and proposals and have held several hearings on the topic.[190] Most recently in the 119th Congress, two House committees have advanced one bill, the SCORE Act,[191] and other proposals have been introduced—some of which are discussed earlier in this report—and are still actively being discussed as well.

Nonetheless, after the NCAA suspended enforcement of its rules restricting NIL agreements in 2021, college sports have continued to thrive by many measures. Most observers agree that the college sports environment during this period has been unsettled, but one could also make the case that the situation has been improving without changes in federal law and that many of the most difficult issues have been or can be resolved by the stakeholders. This may be particularly true if the *House* settlement allows both payments to athletes and the enforcement of some rules regarding athlete compensation and eligibility. While the *House* settlement has not entirely resolved disputes among the NCAA, schools, and current and former athletes, Congress could assess that ongoing issues might be managed under existing legislation without posing existential threats to the entire system.

Even if Congress chooses not to pass legislation, this does not mean that it would have to be a passive player in this discussion. Congress has been conducting oversight and holding hearings on these issues and can continue to do so. If Congress chooses not to enact new legislation, such oversight may be particularly important to help Congress identify any changes in the situation that might lead the body to reconsider whether legislation is the best course of action.

Navigating Uncertainty

The question of whether to act may be a question of timing—*is now the right time for Congress to act?* As noted in this report, many college sports stakeholders have been pushing for Congress to intervene for several years and arguing that legislation should be passed as soon as possible.

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[188] See CRS Report R47850, *The United States Olympic and Paralympic Committee: A Primer*, by Ben Wilhelm, p. 10.

[189] See, e.g., Eddie Pells, "NCAA President Charlie Baker Decries 'Dysfunction' in NIL, Urges Congress to Act," Associated Press, September 27, 2024, https://apnews.com/article/ncaa-nil-charlie-baker-matthew-sluka-c07ad5e9cef4c6dcbd0703f6b102d047.

[190] See, e.g., U.S. Congress, House Committee on Energy and Commerce, Subcommittee on Commerce, Manufacturing, and Trade, *College Sports Name, Image, and Likeness Rules*, hearings, 119th Cong., 1st sess., March 4, 2025.

[191] H.R. 4312.

Even facing ongoing calls for action, there are at least two reasons that Congress might conclude that it is not yet time to legislate.

First, it may be useful to monitor implementation of the *House* settlement to identify any unexpected effects that may need to be addressed.[192] In addition to the elements of the settlement that are new to college sports, such as revenue sharing, the settlement also calls for the creation of new structures and organizations to help effectuate the terms of the settlement. This includes the College Sports Commission, which was incorporated by the Power Four conferences and enforces NCAA rules related to NIL concerns as laid out in the settlement, including rules related to pay for play and institutional revenue sharing.[193] It will take some time to determine whether the system is capable of working as intended. How the new requirements under the settlement operate may have a substantial impact on the need or desire for congressional action.

Second, President Trump has issued two executive orders regarding college sports with a dual emphasis on the effects of NIL agreements and nonrevenue sports.[194] The first of these executive orders declared that the Administration's goal is to preserve and expand college sports by providing "the stability, fairness, and balance necessary to protect student-athletes, collegiate athletic scholarships and opportunities, and the special American institution of college sports."[195] Collectively, the orders direct various executive branch officials to review their legal authorities to identify ways that they can promote specific policies that encourage additional scholarships for women's and nonrevenue sports, clarify that student-athletes are not employees, seek to prevent pay-for-play arrangements, limit the risk of lawsuits for the NCAA and other organizations, and call on the NCAA to institute more restrictive transfer and eligibility rules.

These executive orders may lead to some policy changes. For instance, the NCAA is already considering new age limits for athletes that would provide at least functional caps on years of collegiate eligibility, and the President's call for similar action may encourage the NCAA to finalize those rules.[196] However opportunities for agencies to take a more active role in the space may be limited in both range and scope absent legislation.[197] Regardless of the direct impact of the order on policy and the rules for institutions and athletes, the process that agencies may go through to comply with the order has the potential to expose additional issues and legislative options that Congress may wish to explore before acting.

[192] Disputes regarding total years of eligibility, as discussed earlier in this report, are one example of an emerging issue.

[193] There continues to be substantial uncertainty regarding the College Sports Commission decisionmaking process, and the body's decisions are already drawing substantial scrutiny. See, e.g., Ross Dellenger, "College Sports Commission Informs Schools that NIL Collectives Can Pay Athletes Directly with Limitations," *Yahoo Sports*, July 31, 2025, https://sports.yahoo.com/college-football/breaking-news/article/college-sports-commission-informs-schools-that-nil-collectives-can-pay-athletes-directly-with-limitations-135802722.html.

[194] Executive Order 14322 and Executive Order 14400.

[195] Executive Order 14322, §1. The policy goals of the executive order are further explained in a fact sheet issued by the White House to accompany the order. White House, "President Donald J. Trump Saves College Sports," fact sheet, July 24, 2025, https://www.whitehouse.gov/fact-sheets/2025/07/fact-sheet-president-donald-j-trump-saves-college-sports/.

[196] See, e.g., Ross Dellenger, "NCAA Proposing Major Changes to Eligibility Rules, Including Age Limits," *Yahoo Sports*, April 8, 2026, https://sports.yahoo.com/college-football/article/ncaa-proposing-major-changes-to-eligibility-rules-including-age-limits-121509806.html.

[197] See, e.g., Michael McCann, "Trump Executive Order on College Sports Unlikely to Move the Needle," *Sportico*, July 24, 2025, https://sports.yahoo.com/article/trump-executive-order-college-sports-144513742.html.

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