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ANALYSIS: DEMYSTIFYING COLLEGE SPORTS PROPOSALS IN CONGRESS

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TOPLINE POINTS

- ★ President Trump's Saving College Sports initiative imparts a clear directive: Preserve the integrity and ensure the long-term viability of the Olympic pipeline and college sports at *all levels*, particularly non-revenue programs and women's programs.
- ★ Proposals like the SCORE Act, though well-intentioned and codifying certain elements of the President's Executive Orders, only address problems for a small number of top tier Division I programs. These proposals offer a one-size-fits-all solution that risks burdensome regulation on smaller programs, many of which are facing budgetary shortfalls for entirely different reasons.
- ★ Policy reforms that leverage media rights, fair governance, and protections for student athletes like the Protect College Sports Act are a sensible first step to ensure that all programs, regardless of size and division, remain competitive and solvent.

BACKGROUND

College athletics may well be one of the last redeeming features of an American university system that is otherwise mired in ideological conformity, domineering liberal elites, and defined less by intellectual rigor than by politicized indoctrination. Moreover, a federal court's recent approval of a settlement agreement has many worried about the futures of the Olympic pipeline and college non-revenue sports. President Trump's Saving College Sports[1] orders are long overdue.

HOUSE v. NCAA and the Wild West of Division I Sports

Initiated as a class action, *House v. NCAA* was brought by current and former Division I athletes alleging that the NCAA and the Power Five conferences (P5)[2] violated federal antitrust laws by imposing scholarship limits and restricting NIL compensation, namely, broadcast-generated revenue.[3] Under the terms of the agreement, the NCAA and P5 will pay $2.8 billion in damages over the next 10 years to former and current athletes of revenue-generating sports programs who were barred from receiving NIL compensation.[4] Furthermore, the deal requires the NCAA and P5 to rescind rules prohibiting schools from entering into NIL-related agreements with

[1] Exec. Order No. 14322, *Saving College Sports*, 90 Fed. Reg. 35821 (July 29, 2025); Exec. Order No. 14400, *Urgent National Action to Save College Sports*, 91 Fed. Reg. 18267 (April 3, 2026).
[2] Big Ten, SEC, Pac-12, ACC, and Big 12.
[3] *In re Coll. Athlete NIL Litig*., No. 20-cv-03919 CW, 2025 U.S. Dist. LEXIS 113799 (N.D. Cal. June 6, 2025).
[4] *Id.*

athletes, to permit each institution to annually share broadcast and licensing revenues through such agreements, and to relax restrictions on athletic scholarships and other education-related benefits that had previously been capped.[5] And while it represents a watershed in college sports, *House* merely furnishes an already contentious college sports landscape with an added layer of complexity.

The NCAA and Creation of Conference Cartels

On the one hand, the NCAA has enlarged itself into a monopoly of sorts, imposing across-the-board rules that arbitrarily limit scholarships and education-related compensation. These rules, as the Supreme Court notes, are quintessential price fixing schemes.[6] Consonantly, organizations like the P5 operate more like robber barons than athletic governance boards. Conferences over the years have naturally carved out autonomy to expand scholarship limits, dictate competition formats, and consolidate lucrative television contracts, ensuring that the lion's share of resources across multiple sports remains concentrated in their leagues, favoring big conference schools.

Division I Schools and Athlete Compensation

Enter large schools, namely those with storied football and basketball programs. Operating outside whatever rules (or lack thereof) issued by the NCAA and their respective conferences, these institutions have harnessed the financial muscle of mega-donors and alumni-driven booster collectives to assemble de facto pay-for-play systems, often arranging multi-million-dollar NIL packages that have exceeded any reasonable market value and have tilted recruiting power decisively in their favor.

The patchwork of state laws that made NIL compensation legal across several states was adopted in no small part due to aggressive lobbying efforts on behalf of student athlete organizations—including athletes from the largest schools who compete for some of the highest revenue-generating sports programs at the Division I level. Stated differently, even athletes with exorbitant scholarship benefits claim rights to NIL payouts that often amount to six-figure salaries, if not *millions*.

Take, for instance, former Louisiana State University (LSU) gymnast and prominent social media influencer Livvy Dunne. LSU granted Dunne a full ride[7] in 2019. By her senior year, she was the highest-paid female college athlete in the country, with an NIL deal worth an estimated $4.1 million.[8] In a court appearance during the *House* settlement, Dunne, whose net worth now stands at $6.1 million, objected to the payout, claiming that her own NIL worth would be

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[5] *Id.*

[6] *See NCAA v. Alston,* 594 U.S. 69, 86 (2021) ("Put simply, this suit involves admitted horizontal price fixing in a market where the [NCAA] exercise[s] monopoly control.").

[7] Tanveen Kaur Lamba, *Giving Up LSU Scholarship, Olivia Dunne Faces Fans' Backlash Over Heated TikTok Rant*, Essentially Sports, Mar. 14, 2025, https://www.essentiallysports.com/olympics-gymnastics-news-giving-up-lsu-scholarship-olivia-dunne-faces-fans-backlash-over-heated-tiktok-rant/.

[8] *Olivia Dunne Net Worth*, Parade (Jan. 1, 2025), https://parade.com/celebrities/olivia-dunne-net-worth.

undervalued under the deal.[9] Put differently, Dunne, like scores of other highly-paid DI athletes, is not only dissatisfied with tuition-free attendance, but expects her school to pay her even more money, despite amassing a small fortune from her own endorsement deals with third parties—all before reaching the age of 25.

The Future Effects of the *House* Decision

The fractured regime of state laws that legalize NIL compensation is all but a footnote, considering the deal's requirement that the NCAA remove NIL restrictions. For large booster collectives already exploiting NIL availability in certain jurisdictions, the settlement means open season. At the same time, the deal doesn't strip the NCAA of its governing authority. Nor are major conferences surrendering their leverage; instead, they have preserved control over broadcasting and postseason structures, ensuring that most of the financial and competitive benefits remain concentrated in Division I's highest revenue sports. And with an already sizeable appetite for NIL compensation, *House* stands to create an even larger class of athletes who feel entitled to further compensation from their schools, regardless of extant scholarship benefits.

THE NEED FOR COMMONSENSE POLICIES

President Trump's Executive Orders (EO 14322 and EO 14400) on college sports offer a broad mandate that focuses on mitigating risks associated with litigation like *House*. The orders call for preserving all college sports, regardless of division or size. The EOs do *not* mandate a one-size-fits-all approach to problems that are relevant to only a subset of high revenue sports programs, nor do they impose an arbitrary regulatory scheme that burdens smaller DI, DII, and DIII programs with untenable costs.

ANALYSIS: The SCORE Act

The Student Compensation and Opportunity through Rights and Endorsements (SCORE) Act, introduced in the House in 2025, would grant antitrust immunity to interstate athletic associations under Section VIII for rules compliant with Section VI, such as NIL disclosures and revenue pool limits of at least 22% of average college sports revenue from top member institutions. SCORE requires high-revenue institutions (reporting ≥$20 million annually under Higher Education Act §485(g)) to provide academic support, three-year injury coverage, irrevocable grants-in-aid, degree completion aid, and at least 16 varsity teams by 2027 per Section V, and it preempts conflicting state NIL and compensation laws under Section XI. While proponents argue that this framework promotes stability by standardizing NIL rights amid *House v. NCAA's* fallout, the proposal assumes uniform challenges across college athletics. The following outlines additional considerations related to SCORE:

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[9] Price, Caroline, *Olivia Dunne's Unique Objection to the House v. NCAA Settlement*, Forbes (Apr. 7, 2025), https://www.forbes.com/sites/carolineprice/2025/04/07/olivia-dunnes-unique-objection-to-the-house-vs-ncaa-settlement/.

- **Shrinks Pipeline for Non-Revenue Producing Sports Programs:** Section V's mandates apply to mid-tier Division I schools with constrained budgets, adding compliance costs atop *House's* $2.8 billion payout and $20.5 million in annual revenue-sharing. Smaller programs, reliant on boosters, face cuts not from NIL but from COVID-era deficits—i.e., lost ticket revenue, furloughs, and funding gaps that approached $37 million by 2020—that would be exacerbated by SCORE's new federal layers. These challenges pose risks to non-revenue producing sports, contradicting what the President's Executive Orders and other proposals aim to preserve.

- **Big Division I Sports over Smaller Programs:** SCORE would entrench the NCAA-P5 cartel and boosters' pay-for-play regime from *House*. Without change, the pools defined in Section VI would favor P5 TV deals, tilting recruiting even further to big Division I schools. Meanwhile, smaller schools already cut 20-plus athletic-related programs in 2025 amid budget chaos.

- **Compensation over Academic Rigor:** SCORE fuels athlete overcompensation, amplifying entitlement of athletes who already enjoy exorbitant compensation. Section III voids only opaque deals over $600 but enables schools to pay up to $20.5 million annually, skewed toward football and basketball—resulting in six-figure payouts plus third-party millions for revenue athletes, on top of free tuition, housing, meals, etc.

- **Healthcare for All:** SCORE's Section V's mandated healthcare—which includes three-year post-enrollment coverage for injuries, mental health support, and out-of-pocket expenses up to $90,000 per incident—piles on, guaranteeing pro-level protections atop NIL windfalls. This "open season" for collectives, per *House*, demands endlessly more from schools while student athletes amass fortunes and free medical safety nets prioritize athletics over academics, eroding the core educational purpose of the university itself.

- **Big School Carveouts:** Section VIII's exemption inverts antitrust norms post-*Alston*, shielding non-competitive welfare schemes like Section V benefits without market rationale. Proponents claim it ensures against exploitation, but it sidesteps the main issue, the P5 governance and media bundling that drives the 12x revenue disparities. SCORE's antitrust immunity novelty lies in tying compliance to peculiar non-competitive mandates like healthcare coverage and academic support, granting the NCAA broad shields for collusive rules on athlete terms without recourse. This unprecedented post-*Alston* rejection of amateurism as antitrust cover enables caps on earnings while blending welfare with competition law.

ANALYSIS: The Protect College Sports Act

The revised Protect College Sports Act (PCSA) takes a more targeted approach by combining national standards, media-rights reform, and limited antitrust protection with safeguards for women's, Olympic, and non-revenue sports. The PCSA:

- **Protects Non-Revenue Sports:** Section 125 protects minimum team, participation, roster, and grant-in-aid opportunities for non-revenue programs, subject to specified waivers and exceptions. Section 109 separately requires comparable treatment of similarly situated men's and women's championship programs. These provisions directly address the risk that schools will divert resources toward football and men's basketball at the expense of women's sports and the American Olympic pipeline.

- **Preserves Title IX and State Women's Sports Laws:** Section 127 expressly provides that nothing in the PCSA overrides, modifies, or amends Title IX, while Section 120 protects individuals who report alleged Title IX violations from retaliation. Sections 113 and 121 do not create a federal right for males to participate in women's sports or override state laws reserving female athletic categories for females. Section 118 conditions specified antitrust protections on the governing association establishing rules implementing Section 113, while Section 119 provides a private right of action for specified violations of Section 113. Together, these provisions preserve existing protections while providing additional enforcement mechanisms.

- **Institutes a Fair Governance Structure:** Section 111 requires current or recent student athletes to hold at least one-third of the voting power on relevant governing boards and rulemaking committees, while Section 126 requires representation for mid-sized conferences. Section 118 limits antitrust protection to specified rules and activities, and Section 119 provides enforcement rights for specified violations. This approach provides greater national stability without granting blanket immunity to the NCAA or major conferences.

- **Expands Revenue Through Media Rights:** Title II authorizes eligible Division I institutions and conferences to participate voluntarily in a collective media-rights entity. The framework includes minimum and equal-distribution requirements, local broadcast protections, preservation of traditional rivalries, and protections for non-revenue sports. This directly addresses the media-bundling and revenue disparities that SCORE leaves largely intact.

- **Ensures Neutrality on Student Employment Status:** Section 122 does not classify student athletes as employees or non-employees. While this neutrality avoids affirmatively imposing an employment model, it does not resolve future litigation over athlete classification or fully protect the traditional scholarship model from employment-related challenges.

ADDITIONAL CONSIDERATIONS FOR FUTURE COLLEGE SPORTS REFORM

Policy reforms that leverage media rights and governance for interstate conference regimes could alleviate the financial constraints surrounding non-revenue college sports while modernizing existing laws to account for new technologies around sports viewing.
Many Americans (71%) support these reforms, while 8% support no reforms at all. These commonsense reforms offer a sensible first step to ensure that all programs,

regardless of size and division, remain competitive and solvent. AFPI's Higher Education Reform Initiative offers further considerations in its issue brief titled *A New Era for College Sports: The Saving College Sports Proposal Outshines the SCORE and SAFE Acts* published earlier this year.

Applying a progressively tiered rate structure to bundled media rights revenues, like the one used in the university endowment provisions in the big, beautiful Working Families Tax Cuts Act, would provide a fair structure for funding the media bundling provisions under the Sports Broadcasting Act. Congress could build on this framework to discourage pay-for-play schemes and promote academic reinvestment and collegiate sports fairness by incorporating the following provisions:

- **Create a Fair Governance Structure**: The organization governing all college sports should have the legal right to set and enforce rules nationally, like a salary cap, eligibility rules, and other rules to promote fairness and consistency—like Major League Baseball (MLB), the National Football League (NFL), and the National Basketball Association (NBA)—without creating a "super league" structure where a handful of conferences are conferred special status and benefits and given first pick of athletes.

  Universities that fail to comply with disclosure requirements for NIL arrangements—or that knowingly facilitate booster-funded inducements beyond established thresholds—should face a higher endowment-tax tier or a supplemental "talent-pay penalty" applied to their taxable base. This mechanism would deter institutions from exploiting NIL loopholes or tolerating opaque collective activity. Penalty revenues should be set aside to protect the Olympic (non-revenue) sports and smaller programs that are most likely to be adversely affected by implementation of the *House v. NCAA* decision. This ensures that the regime functions as a corrective measure rather than a mere revenue grab. Universities should be required to file annual reports detailing NIL payments, third-party endorsements, and athlete compensation tied to broadcast or licensing income. The IRS or another designated authority should audit these filings to verify compliance and adjust tax exposure accordingly.

  Compliance with these provisions could also be tied to other benefits universities receive in other parts of the tax code. For example, institutions with chronically low athlete graduation and completion rates could lose preferential tax treatment on athletic department contributions for a year or face an additional surcharge.

- **Maximize Revenue using Media Rights**: The organization governing all college sports should have the legal right to negotiate the best media deals possible to maximize revenue for distribution to all conferences and schools, like MLB, the NFL, and the NBA. A recent study projects this reform would result in an additional $4–$7 billion per year to be spread across college sports programs across the nation.

  Existing media bundling provisions in the Sports Broadcasting Act are a case study on how to preserve college sports. The NFL, for example, enjoys a limited antitrust exemption, which allows all teams to collectively bargain as a league for the sale of national media rights.[10] Extending a similar framework to college athletics would enable schools to package broadcast rights more broadly, to create a steadier flow of revenues across conferences, and to prioritize and ensure that Olympic and non-revenue sports are not left behind in a marketplace otherwise dominated by football and men's basketball. The College Sports Competitive Act, introduced as a draft by Senators Schmitt (R-MO) and Cantwell (D-WA), introduces elements of this concept. The recently introduced Protect College Sports Act takes this concept even further, and according to some estimates, would generate $9 billion in new revenue for college sports.

Providing appropriate antitrust protections for how colleges and universities are permitted to share revenues across institutions, consistent with the intent of the broader policy implications, would preserve the quality of intercollegiate athletics and the pipeline of athletes to sustain the long tradition of American Olympic success.

- **Protect Talent and Shield Student Athlete Scholarships from Employment Threats**: Classifying student athletes as employees of a college or university would create sweeping financial, legal, and educational consequences across higher education. It would not only expose students and institutions to onerous far-Left labor laws but would also undermine the merit-based foundations of the college sports movement.

  Employee classification would immediately expose private colleges and universities to federal labor obligations. At the same time, public and land-grant institutions would face a mixed patchwork of local state labor laws, creating inconsistent standards nationwide. Reclassifying athletes as employees could force schools to eliminate sports programs altogether or redirect academic resources to meet payroll, workers' compensation, benefits, and employment compliance requirements.

  The current scholarship model generally provides collegiate athletes with protections that differ from a traditional employment relationship. Failing to address this would impact roster decisions and compensation structures that could become performance-based, potentially allowing the removal of athletes midseason based on performance, as an employer might fire an employee. Though well intended, the SCORE Act[11] and the Protect College Sports Act fail to adequately address such concerns in a manner that would protect against future litigation.

CONCLUSION

Policy proposals that leave robber baron structures intact where more reform is needed burden the vulnerable, shower selected athletes with additional compensation plus scholarships while robbing others of their dreams—falling short of President Trump's Executive Orders for a nuanced preservation of college sports' last redeeming quality—the pursuit of excellence at all

[10] Pub. L. 87-331, 75 Stat. 732 (codified at 15 U.S.C. §§ 1291-1295).
[11] H.R. 4312, 119th Cong. (2025).

times. While elements of the SCORE Act satisfy portions of the President's Executive Orders, its broad mandates and antitrust protections risk reinforcing the existing NCAA–Power Five structure and imposing additional costs on smaller institutions.

The Protect College Sports Act pairs targeted antitrust protections with student athlete and mid-sized conference representation, and collective media-rights reform. While the bill does not resolve every issue, including future litigation over student athlete employment status, it offers a sensible first step to ensuring that all programs, regardless of size and division, remain competitive and solvent.

APPENDIX A: The following is a non-exhaustive list of bills relating to college sports that have been introduced in the 119th Congress.

H.R.7421	SAFE Olympic Sports Act
H.R.7403	No Foreign NIL Funds Act
H.R.6350	College Athletics Reform Act
H.R.4312	SCORE Act
H.R.5693	PROTECT Act
S.2932	Student Athlete Fairness and Enforcement Act
H.R.5076	Protection of College Sports Act
H.R.4868	College Athlete Economic Freedom Act
S.2470	College Athlete Economic Freedom Act
S.2469	College Athlete Right to Organize Act
H.R.4693	College Athlete Right to Organize Act
S.2147	Collegiate Sports Integrity Act
H.R.2663	Restore College Sports Act
S.9	Protection of Women and Girls in Sports Act of 2025
H.R.1552	PROTECT Student Athletes Act
H.R.28	Protection of Women and Girls in Sports Act of 2025
S.4668	Protect College Sports Act