



September 15, 2026

Sent via email

Dear Senator,

The National Women's Law Center Action Fund ("NWLCAF") is a nonprofit legal organization dedicated to advancing and protecting women's legal rights and the right to be free from sex discrimination. NWLCAF works for the full enforcement of Title IX, including advocating for the development of agency regulations and policies on Title IX addressing school athletics, and seeks to ensure that all individuals enjoy strong legal protections against sex discrimination.

NWLCAF urges you to oppose the Protect College Sports Act of 2026 (S.4668, PCSA), as it does not make clear that women athletes' Title IX rights are fully protected through financial compensation provided by institutions. NWLCAF has deep concerns that PCSA does not acknowledge Title IX's application to compensation for student athletes, which most likely will lead to confusion, violation of the law, and harm to women athletes. Among other things, PCSA addresses compensation for student athletes including Name, Image and Likeness (NIL) and revenue share. PCSA also establishes a retention fund allowing institutions to spend an additional \$27.5 million above the revenue share cap each academic year to retain student athletes. Women's sports are growing at historic rates in popularity and cultural relevance, and yet, women's sports remain under-distributed and under-monetized across today's media landscape, and college women athletes continue to face discrimination through unequal financial compensation and other athletic benefits.

PCSA's drafters clearly do not intend to create a conflict with Title IX, as seen by the savings clause, but NWLCAF is seriously concerned that the lack of explicit language addressing Title IX's obligations will result in misunderstanding about equitable athletic compensation. Decades ago, when creating Title IX, Congress made clear that Title IX applied to athletics with no exception for revenue generating sports, despite efforts to exempt those sports from Title IX's purview. Congress again should affirm that institutions receiving federal financial assistance must continue to comply with Title IX and apply its protections to women athletes across every form of compensation addressed and created by the PCSA—NIL, revenue share, and the retention fund alike.

Schools have already announced plans to distribute the Benefits Pool created by *House v. NCAA* (which PCSA would codify) in ways that substantially benefit men's football and basketball over other sports, including women's sports, which is a clear violation of Title IX. The retention fund compounds this risk and misunderstanding of the law. PCSA allows the \$22.5 million retention fund pool to be exceeded by \$5 million more for non-revenue sports (and women's and Olympic sports) but nowhere *requires* that either pool be distributed equitably based on sex. Left unaddressed, schools may mistakenly interpret the \$22.5 million as implicitly earmarked for

revenue generating sports, specifically men's basketball and football, with no obligation to share it fairly and ensure compliance with Title IX in its distribution.

Without clarity in PCSA, women athletes will bear the burden to enforce their Title IX rights, being forced into decades of costly litigation to secure equitable funding, benefits, and treatment under the revenue share and retention structures PCSA creates.

Women's rising visibility and performance on the national stage make these gaps harder to justify, not easier. By failing to even mention Title IX's application to student athlete compensation, PCSA forfeits a chance to close them and guarantee women athletes a fair shot in the era of NIL and revenue share. These fixes are essential to ensure that all student athletes benefit from a fair compensation framework that complies with long-standing anti-discrimination obligations under Title IX. **Because PCSA does not make clear that women athletes' Title IX rights must be fully protected through financial compensation provided by institutions, including NIL, revenue share, and retention funds, we urge you to oppose S.4668.** If you have any questions about our letter, please reach out to Shiwali Patel (spatel@nwlc.org), Senior Director for Education Justice at NWLCAF.

Sincerely,

Shiwali Patel
Senior Director for Education Justice
National Women's Law Center Action Fund