

SAFEGUARDING THE FUTURE OF COLLEGE ATHLETICS:

A Federal Charter Solution

WRITTEN BY **Derek M. Cohen, Ph.D.**

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KEY POINTS

- A congressionally chartered nonprofit, modeled after the United States Olympic & Paralympic Committee, would provide legitimacy and stability.
- The United States Collegiate Athletics Corporation (USCAC) would set national standards on NIL, eligibility, health, recruiting, and revenue sharing while preserving women's and Olympic sports.
- Athlete representation would be guaranteed, with at least one-third of governance roles occupied by current or former athletes, ensuring direct participation in decision-making.
- Federal oversight without direct control would balance autonomy and public accountability, securing the future of college athletics as an engine for opportunity, leadership, and national pride.

THE FUTURE OF COLLEGE ATHLETICS: A FEDERAL FRAMEWORK FOR REFORM

Intercollegiate athletics represent a defining aspect of American higher education, fostering leadership, opportunity, and national pride. However, the National Collegiate Athletic Association (NCAA) governance model has proven inadequate in addressing the modern legal, economic, and cultural realities of college sports (Cohen, 2025). This brief proposes a new congressionally chartered organization: the United States Collegiate Athletics Corporation (USCAC). Structured similarly to the United States Olympic & Paralympic Committee (USOPC), this federally chartered but privately operated nonprofit entity will provide the legitimacy, flexibility, and authority necessary to safeguard the future of college athletics.

College athletics have historically been governed by voluntary associations, most notably the NCAA, whose origins date to the early 20th century. This framework, however, has increasingly proved inadequate. The introduction of compensation for athletes' name, image, and likeness (NIL), ongoing litigation regarding athletes' employment status, and gaping financial differences among institutions have created an unsustainable environment.

Absent decisive action, the current system threatens to collapse into a bifurcated structure favoring a small caste of elite universities while imperiling Olympic sports, women's programs, and the broader education-adjacent mission of intercollegiate competition.

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The USOPC model demonstrates that a privately operated nonprofit, guided by a federal mandate and congressional oversight, can effectively manage a large, diverse athletic system while protecting athlete rights and promoting broad competition.

THE CASE FOR A FEDERALLY CHARTERED NONPROFIT

Simply replacing the NCAA with another voluntary organization is insufficient to address the modern concerns raised in the NIL era. Such an organization would face the same headwinds currently challenging the Association, and with less perceived legitimacy to tackle them. A congressionally chartered organization, however, would have both the authority and the legitimacy to ensure that collegiate athletics delivers on its promise.

Congressional chartering, rather than direct federal control, strikes the correct balance between legitimacy and operational flexibility. The USOPC model demonstrates that a privately operated nonprofit, guided by a federal mandate and congressional oversight, can effectively manage a large, diverse athletic system while protecting athlete rights and promoting broad competition.

Considering that there are no single-state athletic conferences at the university level, college athletics are unquestionably a matter of interstate commerce, providing constitutional grounds for Congress to act. A federally chartered nonprofit would standardize regulations across all states, stabilize governance, and preempt inconsistent and contrary legal frameworks.

UNDERSTANDING CONGRESSIONAL CHARTERING

Governed by 36 USC Subtitle II, Part B, a congressional chartered organization is created through legislation, granting it legal recognition. Unlike state-chartered

corporations, federally chartered entities are of “a patriotic character or national in scope” and operate pursuant to a national mission of public significance (Hogue, 2021). The federal charter outlines the corporation’s purpose, structure, reporting requirements, and the degree of congressional oversight, while leaving day-to-day operations to private governance.

Congressional chartering is typically reserved for organizations that serve broad national interests. Notable examples include the Civil Air Patrol, Veterans of Foreign Wars of the United States, and Disabled American Veterans. These institutions operate independently but are subject to certain public responsibilities and congressional review.

In the context of college athletics, a congressionally chartered nonprofit would maintain the operational flexibility necessary to adapt to an evolving landscape while providing the national legitimacy and uniformity required to stabilize governance across all fifty states.

THE UNITED STATES COLLEGIATE ATHLETICS CORPORATION

This brief proposes that USCAC would be established as a congressionally chartered nonprofit corporation, with exclusive jurisdiction over intercollegiate athletics governance in the United States. It would operate independently, subject to periodic congressional oversight and would be required to report annually to the appropriate congressional committees.

The chartered responsibilities of the USCAC would include:

- **Regulatory Authority:** Set and enforce national standards on NIL, athlete eligibility, scholarships, recruiting, and health and safety.
- **Athlete Representation:** Guarantee significant athlete participation in governance, modeled after the USOPC requirement that athletes comprise at least 33% of board and committee membership.

- **Protection of Non-Revenue Sports:** Mandate the preservation of Olympic, women’s, and other non-revenue sports.
- **Revenue Sharing and Labor Relations:** Establish frameworks for permissible revenue sharing between institutions, sports programs, and athletes, with specific exemptions from antitrust law granted by statute.
- **International Competition Oversight:** Manage collegiate athlete participation in international competitions, including the World University Games.

The USCAC’s Board of Directors would include university presidents, coaches, current and former student-athletes, and public members. Board members would be appointed through a transparent nomination process, subject to Senate confirmation for leadership roles.

LEGAL AUTHORITY AND CONSTITUTIONALITY

Congress’s authority to create a federally chartered corporation to govern an industry of national significance has been repeatedly affirmed, most notably in the creation of the USOPC (formerly as the United States Olympic Committee) and similar bodies. College athletics’ scope, economic significance, and cross-border nature provide ample justification for this approach. Chartering avoids potential issues associated with direct federal regulation while still ensuring robust national standards and oversight mechanisms.

CONCLUSION

Federal leadership, channeled through a congressionally chartered nonprofit modeled after the United States Olympic & Paralympic Committee, offers the best path forward. The United States Collegiate Athletics Corporation would ensure that college sports continue to foster opportunity, leadership, and national pride for generations to come, all while providing the necessary dynamism needed to navigate an ever-changing political, social, and legal landscape. ■

REFERENCES

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ABOUT THE AUTHOR



Derek M. Cohen, Ph.D. is the Foundation's Chief Research Officer and Right on Crime Senior Fellow. Previously the Vice President of Policy and Director of Right on Crime, the Foundation's criminal justice reform initiative, Cohen was instrumental in the passage of the First Step Act, federal legislation that borrowed from successful changes to prisons and sentencing that he had helped pass in conservative states. In addition to leading the Foundation's work on criminal justice, he is also the lead researcher of firearms policy.

Cohen currently serves as a commissioner on the State Commission on Judicial Conduct and as a member of the Judicial Advisory Council, both terms expiring in late 2029.

Prior to joining the Foundation, Cohen worked as a researcher with the University of Cincinnati's Institute of Crime Science and completed three advanced statistical trainings at the Inter-university Consortium for Political and Social Research (ICPSR) at the University of Michigan. He also taught classes in statistics, research methods, criminal procedure, courts, and corrections.

Cohen's academic work can be found in *Criminology and Public Policy*, *Victims and Offenders*, the *Oxford Handbook on Police and Policing*, and many other academic outlets. He has presented several papers to the American Society of Criminology, the Academy of Criminal Justice Sciences, and the American Evaluation Association.

Cohen graduated with a BS in criminal justice from Bowling Green State University and earned his M.S. and Ph.D. in criminal justice from the University of Cincinnati.

