

The Honorable John Thune, Senate Majority Leader

The Honorable Charles E. Schumer, Senate Democratic Leader

The Honorable Ted Cruz, Chairman, Committee on Commerce, Science, and Transportation

The Honorable Maria Cantwell, Ranking Member, Committee on Commerce, Science, and Transportation

United States Senate

Washington, D.C. 20510

September 9, 2026

Dear Majority Leader Thune, Democratic Leader Schumer, Chairman Cruz, and Ranking Member Cantwell:

We, the undersigned, are college athlete sexual abuse survivors and whistleblowers, families whose children died following athletic activities, and organizations that advocate for the safety and well-being of college athletes. We urge you not to advance the Protect College Sports Act (now pending before the full Senate) or any federal college sports legislation unless it provides athlete protections that victims can actually enforce, and meaningful independent third-party enforcement of athlete health and safety protections. The PCSA's enforcement structure fails athletes in four fundamental ways.

First, the PCSA promises athlete victims a right to sue, but a major sovereign-immunity loophole can make that right unusable for many athletes at public universities, which comprise roughly two-thirds of Division I. Many public universities are treated as arms of their States and can invoke sovereign immunity against private damages claims under federal statutes such as the PCSA. Yet the PCSA contains no nationwide mechanism to secure a constitutionally valid waiver of that immunity. One consequence of this is a two-tier system: an athlete at a private university may recover damages for the same safety violation that leaves an athlete at an immune public university without a PCSA damages remedy. [\[See NCPA's analysis of the PCSA's state sovereign-immunity loophole.\]](#)

Even Title IX may not protect a sexual-abuse victim from this gap. In [Gebser v. Lago Vista Independent School District](#), the U.S. Supreme Court denied Title IX damages despite a teacher's sexual relationship with a student because no appropriate school official had actual notice and responded with deliberate indifference. Because the PCSA imposes broader duties to *prevent, assess, and remediate* sexual abuse, an athlete could have a viable PCSA safety claim but no Title IX damages claim - only to have the PCSA claim blocked by state sovereign immunity.

Congress has already addressed this exact immunity problem in federal student protections. Federal law governing Title IX states: "A State shall not be immune under the Eleventh Amendment of the Constitution of the United States from suit in Federal court for a violation" of Title IX [42 U.S.C. § 2000d-7\(a\)\(1\)](#). Yet the PCSA leaves its new federal athlete protections without comparable protection from state sovereign immunity. It is unthinkable to create new federal protections against sexual abuse in the PCSA while knowingly leaving many public-university athletes unable to enforce them.

Allowing that athlete to pursue a separate claim under state law is also no substitute. In Florida, state law can shield the public university itself from damages for a coach's or trainer's intentional and malicious assault or abuse of an athlete—including sexual assault or other intentional sexual abuse ([Fla. Stat. § 768.28\(9\)\(a\)](#)). Even when the university can be held responsible for negligence, Florida generally limits what it can be required to pay to \$200,000 per person ([Fla. Stat. § 768.28\(5\)\(a\)](#)). After University of Central Florida football player Ereck Plancher died during conditioning drills, a jury awarded his parents \$10 million, but sovereign immunity limited the UCF Athletics Association's liability for payment to \$200,000. ([Plancher v. UCF Athletics Ass'n, Inc.](#)).

Texas can likewise shield a public university from state-law damages for a coach's or trainer's intentional assault or abuse of an athlete—including sexual assault or other intentional sexual abuse—because Texas law does not waive immunity for claims arising from assault, battery, or other intentional wrongdoing ([Tex. Civ. Prac. & Rem. Code § 101.057\(2\)](#)). Congress should not create federal protections that many victims at public universities cannot enforce and then point them toward state remedies that may also be capped or unavailable.

Second, college sports' longstanding system of university "self-policing" has a devastating record of failing to stop, properly investigate, or report sexual abuse, hazing, dangerous workouts, serious injuries, and preventable deaths. [A 2021 national survey](#) found that more than 1 in 4 current and former college athletes surveyed reported inappropriate sexual contact by a campus authority figure. Many of us have already endured sexual abuse, institutional betrayal, or the death of a loved one. Congress must not compound that harm by leaving victims and families without meaningful accountability. Yet the PCSA would federalize this failed and dangerous self-policing system: its safety officer is a university employee reporting within the university, the bill's Ombudsman cannot independently investigate violations, impose penalties, or order corrective action. An institution accused of failing an athlete must not get to police itself.

Congress recognized that athletes should not have to rely on sports institutions to police themselves when it enacted federal law designating SafeSport as an independent national organization with authority to receive abuse complaints, investigate, and impose sanctions within the U.S. Olympic and Paralympic Movement. A college athlete sexually abused by a trainer within the Olympic Movement can report the abuse to SafeSport, which can independently investigate and impose sanctions. If that same athlete is sexually abused by her college athletic trainer outside SafeSport's jurisdiction, the PCSA leaves her with no comparable independent enforcement entity to protect her.

The same problem extends beyond sexual abuse. When college athletes have died in preventable workouts, families have had to fight universities themselves for answers and independent investigations. These tragedies demonstrate why institutions accused of failing athletes should not be left to police themselves. Yet that is the unjust system the PCSA would preserve in federal law.

Although the PCSA contains anti-retaliation language, it does not require coaches, athletic personnel, medical professionals, or administrators to report suspected abuse, dangerous workouts, serious injuries, or athlete deaths to an independent enforcement entity. Its only new safety-reporting mandate keeps reporting inside the university, directing one university-designated employee to report suspected violations to another. At immune public universities, even the bill's promised whistleblower damages, attorney's fees, and backpay may be unenforceable against the university.

Third, restrictions imposed on athletes have teeth while many protections promised to athletes do not. Congress clearly knows how to create strong enforcement under the PCSA: the bill expressly shields from antitrust liability NCAA and conference penalties used to enforce compensation, eligibility, transfer, recruiting and tampering, and related restrictions. Yet when universities violate safety standards, the PCSA creates no independent enforcement entity with authority to investigate violations, compel evidence, impose meaningful penalties, discipline responsible personnel, and order corrective action.

Finally, the PCSA imposes a 30-day "cure" provision across its general private right of action that can bar a lawsuit, but never defines what violations are curable. That leaves universities room to argue that after-the-fact training, policy changes, or other corrective action "cures" even a completed violation and eliminates the athlete's federal damages claim. After-the-fact training cannot undo sexual abuse or restore a life. Nor should a university be able to escape liability for harm already inflicted merely by promising to do better after it is caught. The bill also fails to guarantee attorneys' fees to prevailing athletes under this general private right of action.

Congress should not enact sweeping legislation governing the economics of college sports while leaving the athletes whose bodies make college sports possible without independent safety enforcement and meaningful access to justice when those protections are violated.

Before any further Senate action, we respectfully request a meeting with each of you so you can hear directly from representatives of the undersigned about what we and our loved ones experienced when college sports institutions failed to prevent or properly respond to sexual abuse, dangerous athletics practices, serious injuries, and preventable deaths. These are not abstract policy concerns to us. We know firsthand the consequences when institutions are allowed to police themselves, when reports of abuse or dangerous practices remain inside the institution, and when victims are left without meaningful accountability after the harm is done. Universities, conferences, and other powerful college-sports interests have had extensive opportunities to make their case as this legislation has developed. Before Congress grants sweeping new federal protections to the college-sports system, we ask that you hear directly from those of us who have experienced the consequences when that system fails athletes.

We also ask each of you for a definitive commitment on the legislation itself. Whether or not a meeting can be arranged, please answer the following question publicly and in writing before any further Senate action, beginning your response with “yes” or “no”; any explanation may follow:

“Yes or no: will you oppose advancing the PCSA or any similarly sweeping federal college sports legislation unless, at a minimum, it includes all of the following: a constitutionally sound mechanism to overcome state sovereign immunity and ensure athletes can recover damages from public universities when their federal rights are violated; an independent third-party safety-enforcement entity that is structurally separate from universities, conferences, and athletic associations, with authority to receive complaints, investigate violations, compel relevant evidence, discipline responsible personnel, impose meaningful penalties, and order corrective action; mandatory reporting of suspected abuse, dangerous workouts, medical interference, serious injuries, and athlete deaths to that independent entity, with anti-retaliation protections backed by remedies enforceable against both public and private universities; protection against the 30-day cure loophole extinguishing claims or damages for harm already done; and guaranteed reasonable attorneys’ fees and litigation costs for prevailing athletes so they can actually secure legal representation?”

This letter is limited solely to athlete safety, institutional accountability, and victims’ ability to enforce their rights. Signatories may oppose, support, or take no position on any other aspect of the PCSA, and their signatures should not be construed as taking a position on any other provision of the legislation. On these issues, however, we oppose advancing the PCSA in its current form unless these fundamental enforcement failures are fixed. Congress must finally end decades of failed self-policing, not federalize it.

Sincerely,

College Athlete Sexual-Abuse Survivors and University Whistleblowers

Amy Leclair, Survivor

Caitlin Mackey, Survivor

Chrissy Ball, Survivor

Patric Scott, Former faculty of 20 years, Filmmaker, Whistleblower

Sage Hopkins, Head Women’s Swimming and Diving Coach, Whistleblower

Families of College Athletes Who Died Following Athletics Activities

Don Mazza, Father of Michael Mazza, Deceased

Joanne Atkins-Ingram, Mother of Braeden Bradforth, Deceased

Ken and Kristen Sheely, Parents of Derek Sheely, Deceased

Martin “Marty” McNair, Father of Jordan McNair, Deceased

College Athlete Safety Organizations

The Derek Sheely Foundation

The Jordan McNair Foundation