



Tuesday, December 2nd, 2025

The Honorable Brett Guthrie
Chairman, House Energy and Commerce Committee
2434 Rayburn House Office Building
Washington, DC, 20515

The Honorable Frank Pallone, Jr.
Ranking Member, House Energy and Commerce Committee
2107 Rayburn House Office Building, Washington, DC, 20515

The Honorable Gus Bilirakis
Chairman, House Energy and Commerce Subcommittee on Commerce, Manufacturing, and Trade
2306 Rayburn House Office Building, Washington, DC, 20515

The Honorable Jan Schakowsky
Ranking Member, House Energy and Commerce Subcommittee on Commerce, Manufacturing, and Trade
2408 Rayburn House Office Building, Washington, DC, 20515

The Honorable Ted Cruz
Chairman, Senate Commerce, Science, and Transportation Committee
404 Russell Senate Office Building, Washington, DC, 20510

The Honorable Maria Cantwell
Ranking Member, Senate Commerce, Science, and Transportation Committee
511 Hart Senate Office Building, Washington, DC, 20510

Dear Chairman Guthrie, Ranking Member Pallone, Chairman Bilirakis, Ranking Member Schakowsky, Chairman Cruz, and Ranking Member Cantwell:

On behalf of the undersigned organizations, we write to express urgent concerns with the U.S. Senate's **Kids Online Safety Act (KOSA)**. While protecting young people online is a shared priority, this legislation poses a threat to the very youth it purports to protect, particularly in the current political climate. KOSA would empower government censorship of inclusive content, severely limit access to lifesaving resources, and grant sweeping enforcement powers to an



administration that has demonstrated open hostility toward LGBTQ+ people, Black people, and other communities of color, and women.

The Political Reality Has Changed

Since taking office, the Trump administration has systematically targeted LGBTQ+ communities and communities of color: eliminating federal grants supporting LGBTQ+ and DEI initiatives, scrubbing Black history and LGBTQ+ content from government websites, accelerating book bans, weaponizing healthcare policy, and transforming schools into battlegrounds over identity¹. These attacks directly impact young people. LGBTQ+ youth face a mental health crisis—73% report anxiety symptoms, 58% experience depression, and one in five transgender youth have attempted suicide². Yet suicide prevention resources have been defunded, affirming school policies rescinded, and under Project 2025, federal agencies now openly question the legitimacy of LGBTQ+ lives.

KOSA would hand the Federal Trade Commission (FTC) authority to define and enforce what constitutes "harmful" content for minors instead of mandating that platforms provide age-appropriate options or user ratings for expansive parental and youth controls. When federal officials convene panels attacking gender-affirming care³, and the bill's own sponsor explicitly states its goal is preventing the "indoctrination" of children with transgender content⁴, this is not hypothetical—it is a blueprint for state-sanctioned censorship.

Constitutional and Technical Concerns

Vague Standards and Prior Restraint: KOSA's "duty of care" standard lacks constitutional precision, creating liability pressures that will compel platforms to over-censor protected speech. The outcome resembles the prior restraint struck down in *Bantam Books, Inc. v. Sullivan*, where government pressure to suppress disfavored content—even without direct prohibition—violated the First Amendment⁵.

¹Documentation of Trump administration actions available through federal agency policy trackers and LGBTQ+ advocacy organization monitoring reports, January 2025-present.

² The Trevor Project, 2024 National Survey on LGBTQ Youth Mental Health.

³ Federal Trade Commission, "The Dangers of Gender-Affirming Care for Minors" panel event, July 2025. Available at:

<https://www.ftc.gov/news-events/events/2025/07/dangers-gender-affirming-care-minors>

⁴ NBC News, "Senator appears to suggest bipartisan bill will censor transgender content," citing Sen. Marsha Blackburn's statements on KOSA's intended scope. Available at:

<https://www.nbcnews.com/nbc-out/out-politics-and-policy/senator-appears-suggest-bipartisan-bill-will-censor-transgender-content-rcna103479>

⁵ *Bantam Books, Inc. v. Sullivan*, 372 U.S. 58 (1963) (holding that informal government pressure to suppress distribution of books constituted unconstitutional prior restraint).



Weaponized Enforcement Mechanisms: KOSA grants the FTC unprecedented discretion to determine what content harms minors, with state attorneys general empowered to enforce these standards according to local political priorities. The outcome would create a patchwork of censorship where the most restrictive state effectively governs national discourse—a dynamic the Supreme Court has repeatedly rejected⁶.

Inevitable Suppression of Vital Information: LGBTQ+ and reproductive health organizations—The Trevor Project, Planned Parenthood, GLSEN, PFLAG—already see their content wrongly flagged or suppressed by algorithmic moderation⁷. Under KOSA, such erasures would become systematic and intentional. For the 60% of LGBTQ+ youth who already cannot access needed mental health care⁸, and the 45% who face barriers to parental consent for services⁹, losing online resources could be catastrophic.

The Empirical Evidence Is Clear

LGBTQ+ youth, particularly those in rural communities and conservative environments, depend on internet access to find affirming information, build community, and access resources unavailable locally¹⁰. Recent research demonstrates that access to safe online spaces directly improves mental health outcomes for LGBTQ+ youth. Any legislation restricting youth access to information must be evaluated against this reality: for many LGBTQ+ young people, online resources are not supplemental—they are survival tools.

Our Position

LGBTQ+ advocates engaged in good-faith negotiations to narrow KOSA's scope and add safeguards. However, the political environment has undergone a fundamental shift. The same officials driving book bans and school censorship now explicitly identify KOSA as a mechanism to suppress LGBTQ+ content online. Passing this bill would deliver them precisely the authority they seek.

⁶ See *Brown v. Entertainment Merchants Ass'n*, 564 U.S. 786 (2011) (striking down content-based restrictions on minors' access to information); *Ashcroft v. ACLU*, 542 U.S. 656 (2004) (affirming strict scrutiny for content-based internet regulations).

⁷ Multiple LGBTQ+ organizations report content moderation systems flagging health information, suicide prevention resources, and community support content as "sensitive" or "potentially harmful," leading to reduced visibility or removal.

⁸ The Trevor Project, 2024 National Survey (finding 60% of LGBTQ+ youth who wanted mental health care in the past year were unable to access it).

⁹ GLSEN & Trevor Project research data on parental permission barriers to mental health services for LGBTQ+ youth.

¹⁰ TechCrunch, "LGBTQ+ youth have worse mental health outcomes without access to safe online spaces, studies show," September 25, 2025. Available at: <https://techcrunch.com/2025/09/25/lgbtq-youth-have-worse-mental-health-outcomes-without-access-to-safe-online-spaces-studies-show/>



We therefore call on Congress to:

1. **Reject any version of KOSA** that enables content-based censorship and enforcement by partisan officials, or jeopardizes LGBTQ+ youth access to affirming resources.
2. **Conduct comprehensive impact assessments** examining how KOSA would affect marginalized youth populations across different age groups (acknowledging that the needs of toddlers, elementary school, preteens, 13-15, 16-17, and 18-21-year-olds are different) before any committee or floor consideration.
3. **Hold hearings centered on LGBTQ+ youth voices across age, race, gender, disability, and language identities**, ensuring that the young people most affected by this legislation testify on how it would impact their lives and well-being.
4. **Pursue alternative approaches** to youth safety that do not rely on government-defined content standards or create new censorship infrastructure that removes age-appropriate parental and youth consent and considerations.

Protecting young people online cannot come at the cost of silencing them. KOSA, as currently constructed, would do precisely that.

Sincerely,

Center for Black Equity

COLAGE

Hispanic Technology & Telecommunications Partnerships

GLSEN

LGBT Tech

National Black Justice Collective

National LGBTQ Task Force Action Fund

One Family Coalition

cc: Members, House Energy and Commerce Committee, House Energy and Commerce Subcommittee on Commerce, Manufacturing, and Trade, and Senate Commerce, Science, and Transportation Committee