



Office of Commissioner
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UNITED STATES OF AMERICA
Federal Trade Commission
WASHINGTON, D.C. 20580

Introductory Remarks of Federal Trade Commissioner Rohit Chopra¹

FTC Pride Month Kickoff Event

June 11, 2020

It's an honor to join everyone to kick off the FTC's annual Pride Month observance, especially during this gut-wrenching time for our country. The disproportionate impact of the human and economic toll of the pandemic and the imagery of violence and brutality are too painful to put into words.

Today's program will focus on the disproportionate impacts of today's crises on LGBTQ youth, especially Black youth. We are extremely fortunate to welcome Sam Brinton from the Trevor Project.

Several months ago, the Human Rights Campaign released its annual report describing violence against members of the transgender and gender non-conforming communities.² The victims were overwhelmingly Black transgender women, and many were killed. We'll be hearing more about how the Trevor Project is supporting young people of color facing many of these fears.

Before I turn it over to our speaker, I want to say just a few more words about this month and all of our diversity celebrations at the FTC. It really isn't enough for us to celebrate. We need to remind ourselves that we must also act. We must use our powers and authorities as government officials to do our part to put a stop to harmful practices we face in our society. When it comes to using our legal authorities, there's so much we can be doing to ensure that the LGBTQ community is protected under the law.

Take the example of so-called conversion therapy, a process that has been shown to be harmful and abusive. Countless medical societies, including the American Academy of Pediatrics, the American Medical Association, and the American Psychiatric Association, have all opposed this practice. Given its harmful effects and the lack of evidence backing up fraudulent provider claims, these business practices likely implicate the FTC's 1984 Policy Statement on Substantiation, which warns that making claims without a reasonable basis can violate the FTC

¹ The views expressed below are my own and do not necessarily reflect those of the Commission or of any other Commissioner.

² Human Rights Campaign, Press Release, Violence Against the Transgender and Gender Non-Conforming Community in 2020, <https://www.hrc.org/resources/violence-against-the-trans-and-gender-non-conforming-community-in-2020>

Act's ban on unfair or deceptive practices.³ We should make it clear that these fraudulent claims are unlawful.

Another example is credit discrimination. The FTC enforces the Equal Credit Opportunity Act, which prevents discrimination based on sex and other protected classes. In recent years, circuit courts have weighed in on how discrimination based on sexual orientation and gender identity may violate Title VII of the Civil Rights Act of 1964, given its prohibition on sex discrimination.⁴ Although we are waiting for the Supreme Court to weigh in on that issue, there are compelling reasons why discrimination based on sexual orientation and gender identity are also actionable under the Equal Credit Opportunity Act,⁵ and we should make that clear.

The list could go on and on, from protecting privacy to combatting harms online to algorithmic discrimination and much more. The bottom line is that it is not enough to celebrate – we must remember that we have the power and legal authority to take action.

With that, I will turn it over to Sam Brinton, who knows what it means to take action. Sam is the Vice President for Advocacy and Government Affairs at the Trevor Project. Sam has been a tireless champion for LGBTQ youth and has successfully advocated for bans on conversion therapy across the country. It is a real honor for us to have them here at the FTC to share more about what they're doing in today's tough times.

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³ See FED. TRADE COMM'N, FTC POL'Y STATEMENT REGARDING ADVERTISING SUBSTANTIATION (appended to *Thompson Medical Co.*, 104 F.T.C. 648, 839 (1984), aff'd, 791 F.2d 189 (D.C. Cir. 1986), cert. denied, 479 U.S. 1086 (1987)), <https://www.ftc.gov/public-statements/1984/11/ftc-policy-statement-regarding-advertising-substantiation>

⁴ See, e.g., *Hively v. Ivy Tech Community College of Ind.*, 853 F.3d 339 (7th Cir. 2017) (en banc).

⁵ The CFPB, which also enforces ECOA, has detailed why the law covers gender identity and sexual orientation. See CONSUMER FINANCIAL PROTECTION BUREAU, Letter from Richard Cordray, Director, Consumer Financial Protection Bureau to Michael Adams, Chief Executive Officer, and Aaron Tax, Director of Federal Government Relations, Services & Advocacy For GLBT Elders (SAGE) (Sep. 5, 2016), <https://www.cfpbmonitor.com/wp-content/uploads/sites/5/2016/09/SAGE-Letter.pdf>