

**Statement of U.S. Senator Cindy Hyde-Smith of Mississippi**  
Before the Senate Committee on the Judiciary  
Hearing to Receive Testimony on HR.5, “The Equality Act”  
March 17, 2021

*(As prepared for delivery)*

Good morning, Chairman Durbin, Ranking Member Grassley, and colleagues.

I’m honored to be here today with my colleagues to discuss the mis-named Equality Act. It is mis-named because, although this Act purports to prevent discrimination, it actually causes it, by undermining hard-fought protections for women.

By changing the meaning of the word “sex” under federal law to encompass “gender identity,” and by applying that expanded definition across contexts and without exception, this law eliminates private spaces for biological women, including single-sex schools, dormitories, sororities, and sports teams.

As the first woman elected to represent Mississippi at the federal level, I am reminded on a daily basis that my presence here wouldn’t be possible without the generations of brave women who came before me. They fought tirelessly for equality for American women, and I have benefitted from their work.

One area where women have long been underrepresented is on the playing field. Before the passage of Title IX in 1972, girls and women didn’t have the same opportunities that boys and men did when it came to athletics and specifically with collegiate athletic scholarships.

Title IX changed that. Statistics show that since the passage of this important law, female participation in sports has increased by more than 900 percent.

Unfortunately, the Equality Act would undermine that progress, opening positions on women’s teams to biological men – not just transgender athletes who have blocked the onset of male puberty and are living as women, but any male who simply says he identifies as female, whether transgender or not.

This is the problem created by the Act when it substitutes the vague and open-ended term “gender identity” for the word “sex.” Gender identity can mean almost anything and, therefore, it becomes the exception that swallows the rule.

I am particularly concerned about how this law will affect women’s sports. Allowing male-bodied athletes to compete against females in sports like basketball would totally undermine girls’ sports.

Last year, Duke law school professor Doriane Coleman testified before the House Judiciary Committee to express her concerns with how the Equality Act would affect women's athletics.

She looked specifically at the athletic data of three female athletes who won Gold Medals for Team USA, comparing those achievements to the athletic performance of thousands of boys and men who were considered second tier athletes.

The results were astonishing. The data makes it clear that even superb, Olympic medal winning female athletes would lose to male-bodied athletes who were considered second tier in the men's category.

I have submitted Professor Coleman's findings for the record today, in addition to my written testimony. [[Document](#)]

I urge every member of the Committee to review these findings, before considering voting on legislation that fails to recognize these facts.

This is because onset of puberty, and the associated higher testosterone levels, leave male-bodied athletes with significant advantages over female athletes.

I know the importance of sports for females from my own first-hand experiences playing both youth and high school basketball. In fact, my mother played basketball, I played basketball, and my daughter has played basketball.

My experiences, playing basketball as part of a team of girls, helped develop my character and my confidence to lead me to where I am today, the first female member of Congress from Mississippi.

I have seen firsthand what female athletics have done for my daughter in terms of teaching confidence, teammanship, and the values of learning how to compete well.

Had my daughter or I been forced to compete with or against biological males, the situation would have been totally different.

I am not the only one who has recognized the importance of protecting female athletes and female sports. Mississippians across my state recognize the importance of protecting equal opportunity for female athletes.

Indeed, just last week, our state enacted the Mississippi Fairness Act, a law that requires athletes to compete in the division of their biological sex at birth.

I am concerned that the so-called Equality Act before us today would override the work states like Mississippi are doing to protect women's sports.

As an original cosponsor of Senate Bill 251, the Protection of Women and Girls in Sports Act, I will continue to fight on behalf of the people of Mississippi and girls across America to protect athletic opportunities for women and girls.

While I appreciate the need to ensure that no one faces harsh treatment or discrimination, I'm concerned that if enacted, this particular law, as drafted, will actually increase discrimination for women and girls, specifically in athletics.

By ignoring the differences between biological females and biological males, this act will inevitably deprive women and girls of spots on sports team rosters, of playing time during games, and of scholarships to college. And ultimately, this law will do that at risk to their safety.

God loves every one of us. And every one of us are as His creation, and we should all be treated with kindness, respect, and dignity.

But ultimately, by pretending biological females and transwomen are the same for all purposes—which the Equality Act would do—we will move girls and women backward rather than forward.

It is a core belief of mine that no one should face discrimination. But I also believe female athletes have the right to compete in a setting that opens doors for them, rather than closes them. The Equality Act, as written, would shut those doors.

Thank you.