

116TH CONGRESS
2^D SESSION

H. R. 5309

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 22, 2020

Received; read twice and referred to the Committee on the Judiciary

AN ACT

To prohibit discrimination based on an individual's texture
or style of hair.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Creating a Respectful
3 and Open World for Natural Hair Act of 2020” or the
4 “CROWN Act of 2020”.

5 **SEC. 2. FINDINGS; SENSE OF CONGRESS; PURPOSE.**

6 (a) FINDINGS.—Congress finds the following:

7 (1) Throughout United States history, society
8 has used (in conjunction with skin color) hair tex-
9 ture and hairstyle to classify individuals on the basis
10 of race.

11 (2) Like one’s skin color, one’s hair has served
12 as a basis of race and national origin discrimination.

13 (3) Racial and national origin discrimination
14 can and do occur because of longstanding racial and
15 national origin biases and stereotypes associated
16 with hair texture and style.

17 (4) For example, routinely, people of African
18 descent are deprived of educational and employment
19 opportunities because they are adorned with natural
20 or protective hairstyles in which hair is tightly coiled
21 or tightly curled, or worn in locs, cornrows, twists,
22 braids, Bantu knots, or Afros.

23 (5) Racial and national origin discrimination is
24 reflected in school and workplace policies and prac-
25 tices that bar natural or protective hairstyles com-
26 monly worn by people of African descent.

1 (6) For example, as recently as 2018, the
2 United States Armed Forces had grooming policies
3 that barred natural or protective hairstyles that
4 servicewomen of African descent commonly wear and
5 that described these hairstyles as “unkempt”.

6 (7) In 2018, the United States Armed Forces
7 rescinded these policies and recognized that this de-
8 scription perpetuated derogatory racial stereotypes.

9 (8) The United States Armed Forces also rec-
10 ognized that prohibitions against natural or protec-
11 tive hairstyles that African-American servicewomen
12 are commonly adorned with are racially discrimina-
13 tory and bear no relationship to African-American
14 servicewomen’s occupational qualifications and their
15 ability to serve and protect the Nation.

16 (9) As a type of racial or national origin dis-
17 crimination, discrimination on the basis of natural
18 or protective hairstyles that people of African de-
19 scent are commonly adorned with violates existing
20 Federal law, including provisions of the Civil Rights
21 Act of 1964 (42 U.S.C. 2000e et seq.), section 1977
22 of the Revised Statutes (42 U.S.C. 1981), and the
23 Fair Housing Act (42 U.S.C. 3601 et seq.). How-
24 ever, some Federal courts have misinterpreted Fed-
25 eral civil rights law by narrowly interpreting the

1 meaning of race or national origin, and thereby per-
2 mitting, for example, employers to discriminate
3 against people of African descent who wear natural
4 or protective hairstyles even though the employment
5 policies involved are not related to workers' ability to
6 perform their jobs.

7 (10) Applying this narrow interpretation of race
8 or national origin has resulted in a lack of Federal
9 civil rights protection for individuals who are dis-
10 criminated against on the basis of characteristics
11 that are commonly associated with race and national
12 origin.

13 (11) In 2019 and 2020, State legislatures and
14 municipal bodies throughout the United States have
15 introduced and passed legislation that rejects certain
16 Federal courts' restrictive interpretation of race and
17 national origin, and expressly classifies race and na-
18 tional origin discrimination as inclusive of discrimi-
19 nation on the basis of natural or protective hair-
20 styles commonly associated with race and national
21 origin.

22 (b) SENSE OF CONGRESS.—It is the sense of Con-
23 gress that—

24 (1) the Federal Government should acknowl-
25 edge that individuals who have hair texture or wear

1 a hairstyle that is historically and contemporarily as-
2 sociated with African Americans or persons of Afri-
3 can descent systematically suffer harmful discrimi-
4 nation in schools, workplaces, and other contexts
5 based upon longstanding race and national origin
6 stereotypes and biases;

7 (2) a clear and comprehensive law should ad-
8 dress the systematic deprivation of educational, em-
9 ployment, and other opportunities on the basis of
10 hair texture and hairstyle that are commonly associ-
11 ated with race or national origin;

12 (3) clear, consistent, and enforceable legal
13 standards must be provided to redress the wide-
14 spread incidences of race and national origin dis-
15 crimination based upon hair texture and hairstyle in
16 schools, workplaces, housing, federally funded insti-
17 tutions, and other contexts;

18 (4) it is necessary to prevent educational, em-
19 ployment, and other decisions, practices, and policies
20 generated by or reflecting negative biases and
21 stereotypes related to race or national origin;

22 (5) the Federal Government must play a key
23 role in enforcing Federal civil rights laws in a way
24 that secures equal educational, employment, and

1 other opportunities for all individuals regardless of
2 their race or national origin;

3 (6) the Federal Government must play a central
4 role in enforcing the standards established under
5 this Act on behalf of individuals who suffer race or
6 national origin discrimination based upon hair tex-
7 ture and hairstyle;

8 (7) it is necessary to prohibit and provide rem-
9 edies for the harms suffered as a result of race or
10 national origin discrimination on the basis of hair
11 texture and hairstyle; and

12 (8) it is necessary to mandate that school,
13 workplace, and other applicable standards be applied
14 in a nondiscriminatory manner and to explicitly pro-
15 hibit the adoption or implementation of grooming re-
16 quirements that disproportionately impact people of
17 African descent.

18 (c) PURPOSE.—The purpose of this Act is to institute
19 definitions of race and national origin for Federal civil
20 rights laws that effectuate the comprehensive scope of pro-
21 tection Congress intended to be afforded by such laws and
22 Congress' objective to eliminate race and national origin
23 discrimination in the United States.

1 **SEC. 3. FEDERALLY ASSISTED PROGRAMS.**

2 (a) IN GENERAL.—No individual in the United
3 States shall be excluded from participation in, be denied
4 the benefits of, or be subjected to discrimination under,
5 any program or activity receiving Federal financial assist-
6 ance, based on the individual’s hair texture or hairstyle,
7 if that hair texture or that hairstyle is commonly associ-
8 ated with a particular race or national origin (including
9 a hairstyle in which hair is tightly coiled or tightly curled,
10 locs, cornrows, twists, braids, Bantu knots, and Afros).

11 (b) ENFORCEMENT.—Subsection (a) shall be en-
12 forced in the same manner and by the same means, includ-
13 ing with the same jurisdiction, as if such subsection was
14 incorporated in title VI of the Civil Rights Act of 1964
15 (42 U.S.C. 2000d et seq.), and as if a violation of sub-
16 section (a) was treated as if it was a violation of section
17 601 of such Act (42 U.S.C. 2000d).

18 (c) DEFINITIONS.—In this section—

19 (1) the term “program or activity” has the
20 meaning given the term in section 606 of the Civil
21 Rights Act of 1964 (42 U.S.C. 2000d–4a); and

22 (2) the terms “race” and “national origin”
23 mean, respectively, “race” within the meaning of the
24 term in section 601 of that Act (42 U.S.C. 2000d)
25 and “national origin” within the meaning of the
26 term in that section 601.

1 **SEC. 4. HOUSING PROGRAMS.**

2 (a) IN GENERAL.—No person in the United States
3 shall be subjected to a discriminatory housing practice
4 based on the person’s hair texture or hairstyle, if that hair
5 texture or that hairstyle is commonly associated with a
6 particular race or national origin (including a hairstyle in
7 which hair is tightly coiled or tightly curled, locs, corn-
8 rows, twists, braids, Bantu knots, and Afros).

9 (b) ENFORCEMENT.—Subsection (a) shall be en-
10 forced in the same manner and by the same means, includ-
11 ing with the same jurisdiction, as if such subsection was
12 incorporated in the Fair Housing Act (42 U.S.C. 3601
13 et seq.), and as if a violation of subsection (a) was treated
14 as if it was a discriminatory housing practice.

15 (c) DEFINITION.—In this section—

16 (1) the terms “discriminatory housing practice”
17 and “person” have the meanings given the terms in
18 section 802 of the Fair Housing Act (42 U.S.C.
19 3602); and

20 (2) the terms “race” and “national origin”
21 mean, respectively, “race” within the meaning of the
22 term in section 804 of that Act (42 U.S.C. 3604)
23 and “national origin” within the meaning of the
24 term in that section 804.

1 SEC. 5. PUBLIC ACCOMMODATIONS.

2 (a) IN GENERAL.—No person in the United States
3 shall be subjected to a practice prohibited under section
4 201, 202, or 203 of the Civil Rights Act of 1964 (42
5 U.S.C. 2000a et seq.), based on the person’s hair texture
6 or hairstyle, if that hair texture or that hairstyle is com-
7 monly associated with a particular race or national origin
8 (including a hairstyle in which hair is tightly coiled or
9 tightly curled, locs, cornrows, twists, braids, Bantu knots,
10 and Afros).

11 (b) ENFORCEMENT.—Subsection (a) shall be en-
12 forced in the same manner and by the same means, includ-
13 ing with the same jurisdiction, as if such subsection was
14 incorporated in title II of the Civil Rights Act of 1964,
15 and as if a violation of subsection (a) was treated as if
16 it was a violation of section 201, 202, or 203, as appro-
17 priate, of such Act.

18 (c) DEFINITION.—In this section, the terms “race”
19 and “national origin” mean, respectively, “race” within
20 the meaning of the term in section 201 of that Act (42
21 U.S.C. 2000e) and “national origin” within the meaning
22 of the term in that section 201.

23 SEC. 6. EMPLOYMENT.

24 (a) PROHIBITION.—It shall be an unlawful employ-
25 ment practice for an employer, employment agency, labor
26 organization, or joint labor-management committee con-

1 trolling apprenticeship or other training or retraining (in-
2 cluding on-the-job training programs) to fail or refuse to
3 hire or to discharge any individual, or otherwise to dis-
4 criminate against an individual, based on the individual’s
5 hair texture or hairstyle, if that hair texture or that hair-
6 style is commonly associated with a particular race or na-
7 tional origin (including a hairstyle in which hair is tightly
8 coiled or tightly curled, locs, cornrows, twists, braids,
9 Bantu knots, and Afros).

10 (b) ENFORCEMENT.—Subsection (a) shall be en-
11 forced in the same manner and by the same means, includ-
12 ing with the same jurisdiction, as if such subsection was
13 incorporated in title VII of the Civil Rights Act of 1964
14 (42 U.S.C. 2000e et seq.), and as if a violation of sub-
15 section (a) was treated as if it was a violation of section
16 703 or 704, as appropriate, of such Act (42 U.S.C.
17 2000e–2, 2000e–3).

18 (c) DEFINITIONS.—In this section the terms “per-
19 son”, “race”, and “national origin” have the meanings
20 given the terms in section 701 of the Civil Rights Act of
21 1964 (42 U.S.C. 2000e).

22 **SEC. 7. EQUAL RIGHTS UNDER THE LAW.**

23 (a) IN GENERAL.—No person in the United States
24 shall be subjected to a practice prohibited under section
25 1977 of the Revised Statutes (42 U.S.C. 1981), based on

1 the person’s hair texture or hairstyle, if that hair texture
2 or that hairstyle is commonly associated with a particular
3 race or national origin (including a hairstyle in which hair
4 is tightly coiled or tightly curled, locs, cornrows, twists,
5 braids, Bantu knots, and Afros).

6 (b) ENFORCEMENT.—Subsection (a) shall be en-
7 forced in the same manner and by the same means, includ-
8 ing with the same jurisdiction, as if such subsection was
9 incorporated in section 1977 of the Revised Statutes, and
10 as if a violation of subsection (a) was treated as if it was
11 a violation of that section 1977.

12 **SEC. 8. RULE OF CONSTRUCTION.**

13 Nothing in this Act shall be construed to limit defini-
14 tions of race or national origin under the Civil Rights Act
15 of 1964 (42 U.S.C. 2000a et seq.), the Fair Housing Act
16 (42 U.S.C. 3601 et seq.), or section 1977 of the Revised
17 Statutes (42 U.S.C. 1981).

18 **SEC. 9. DETERMINATION OF BUDGETARY EFFECTS.**

19 The budgetary effects of this Act, for the purpose of
20 complying with the Statutory Pay-As-You-Go Act of 2010,
21 shall be determined by reference to the latest statement
22 titled “Budgetary Effects of PAYGO Legislation” for this
23 Act, submitted for printing in the Congressional Record
24 by the Chairman of the House Budget Committee, pro-

