

Union Calendar No. 425

116TH CONGRESS
2D SESSION

H. R. 5309

[Report No. 116–525, Part I]

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

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 5, 2019

Mr. RICHMOND (for himself, Ms. LEE of California, Ms. FUDGE, Ms. PRESSLEY, Mr. COHEN, Mrs. BEATTY, Mr. BISHOP of Georgia, Ms. BLUNT ROCHESTER, Mr. BUTTERFIELD, Ms. CLARKE of New York, Mr. CLAY, Mr. CLEAVER, Mr. CLYBURN, Mr. DANNY K. DAVIS of Illinois, Mr. EVANS, Mrs. HAYES, Ms. NORTON, Mrs. LAWRENCE, Mr. LAWSON of Florida, Mr. LEWIS, Ms. MOORE, Ms. OMAR, Mr. PAYNE, Ms. PLASKETT, Mr. RUSH, Mr. THOMPSON of Mississippi, Ms. TLAIB, Mr. VEASEY, Mrs. WATSON COLEMAN, and Ms. WILSON of Florida) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

SEPTEMBER 21, 2020

Additional sponsors: Mr. CARSON of Indiana, Mr. McEACHIN, Mr. KHANNA, Ms. ESHOO, Ms. SPEIER, Ms. KELLY of Illinois, Mr. HASTINGS, Mrs. DEMINGS, Mr. GARCÍA of Illinois, Mr. JOHNSON of Georgia, Ms. CASTOR of Florida, Ms. WILD, Ms. SEWELL of Alabama, Mr. JEFFRIES, Mr. BROWN of Maryland, Ms. JACKSON LEE, Mr. HORSFORD, Ms. WATERS, Ms. ADAMS, Ms. DEAN, Mr. LOWENTHAL, Mr. SCHNEIDER, Mr. CASTRO of Texas, Ms. JAYAPAL, Mr. MALINOWSKI, Mr. RASKIN, Mr. TRONE, Mr. LEVIN of Michigan, Ms. HAALAND, Mrs. KIRKPATRICK, Mr. TED LIEU of California, Mr. CICILLINE, Mr. NADLER, and Ms. GARCIA of Texas

SEPTEMBER 21, 2020

Reported from the Committee on the Judiciary with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

SEPTEMBER 21, 2020

Committee on Education and Labor discharged; committed to the Committee
of the Whole House on the State of the Union and ordered to be printed

[For text of introduced bill, see copy of bill as introduced on December 5, 2019]

A BILL

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,*

3 **SECTION 1. SHORT TITLE.**

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

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

8 (a) *FINDINGS.*—*Congress finds the following:*

9 (1) *Throughout United States history, society*
10 *has used (in conjunction with skin color) hair texture*
11 *and hairstyle to classify individuals on the basis of*
12 *race.*

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

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

19 (4) *For example, routinely, people of African de-*
20 *scend are deprived of educational and employment op-*
21 *portunities because they are adorned with natural or*
22 *protective hairstyles in which hair is tightly coiled or*
23 *tightly curled, or worn in locs, cornrows, twists,*
24 *braids, Bantu knots, or Afros.*

1 (5) *Racial and national origin discrimination is*
2 *reflected in school and workplace policies and prac-*
3 *tices that bar natural or protective hairstyles com-*
4 *monly worn by people of African descent.*

5 (6) *For example, as recently as 2018, the United*
6 *States Armed Forces had grooming policies that*
7 *barred natural or protective hairstyles that service-*
8 *women of African descent commonly wear and that*
9 *described these hairstyles as “unkempt”.*

10 (7) *In 2018, the United States Armed Forces re-*
11 *scinded these policies and recognized that this descrip-*
12 *tion perpetuated derogatory racial stereotypes.*

13 (8) *The United States Armed Forces also recog-*
14 *nized that prohibitions against natural or protective*
15 *hairstyles that African-American servicewomen are*
16 *commonly adorned with are racially discriminatory*
17 *and bear no relationship to African-American service-*
18 *women’s occupational qualifications and their ability*
19 *to serve and protect the Nation.*

20 (9) *As a type of racial or national origin dis-*
21 *crimination, discrimination on the basis of natural*
22 *or protective hairstyles that people of African descent*
23 *are commonly adorned with violates existing Federal*
24 *law, including provisions of the Civil Rights Act of*
25 *1964 (42 U.S.C. 2000e et seq.), section 1977 of the*

1 *Revised Statutes (42 U.S.C. 1981), and the Fair*
2 *Housing Act (42 U.S.C. 3601 et seq.). However, some*
3 *Federal courts have misinterpreted Federal civil*
4 *rights law by narrowly interpreting the meaning of*
5 *race or national origin, and thereby permitting, for*
6 *example, employers to discriminate against people of*
7 *African descent who wear natural or protective hair-*
8 *styles even though the employment policies involved*
9 *are not related to workers' ability to perform their*
10 *jobs.*

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

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

1 (b) *SENSE OF CONGRESS.—It is the sense of Congress*
2 *that—*

3 (1) *the Federal Government should acknowledge*
4 *that individuals who have hair texture or wear a*
5 *hairstyle that is historically and contemporarily asso-*
6 *ciated with African Americans or persons of African*
7 *descent systematically suffer harmful discrimination*
8 *in schools, workplaces, and other contexts based upon*
9 *longstanding race and national origin stereotypes and*
10 *biases;*

11 (2) *a clear and comprehensive law should ad-*
12 *dress the systematic deprivation of educational, em-*
13 *ployment, and other opportunities on the basis of hair*
14 *texture and hairstyle that are commonly associated*
15 *with race or national origin;*

16 (3) *clear, consistent, and enforceable legal stand-*
17 *ards must be provided to redress the widespread*
18 *incidences of race and national origin discrimination*
19 *based upon hair texture and hairstyle in schools,*
20 *workplaces, housing, federally funded institutions,*
21 *and other contexts;*

22 (4) *it is necessary to prevent educational, em-*
23 *ployment, and other decisions, practices, and policies*
24 *generated by or reflecting negative biases and stereo-*
25 *types related to race or national origin;*

1 (5) *the Federal Government must play a key role*
2 *in enforcing Federal civil rights laws in a way that*
3 *secures equal educational, employment, and other op-*
4 *portunities for all individuals regardless of their race*
5 *or national origin;*

6 (6) *the Federal Government must play a central*
7 *role in enforcing the standards established under this*
8 *Act on behalf of individuals who suffer race or na-*
9 *tional origin discrimination based upon hair texture*
10 *and hairstyle;*

11 (7) *it is necessary to prohibit and provide rem-*
12 *edies for the harms suffered as a result of race or na-*
13 *tional origin discrimination on the basis of hair tex-*
14 *ture and hairstyle; and*

15 (8) *it is necessary to mandate that school, work-*
16 *place, and other applicable standards be applied in a*
17 *nondiscriminatory manner and to explicitly prohibit*
18 *the adoption or implementation of grooming require-*
19 *ments that disproportionately impact people of Afri-*
20 *can descent.*

21 (c) *PURPOSE.—The purpose of this Act is to institute*
22 *definitions of race and national origin for Federal civil*
23 *rights laws that effectuate the comprehensive scope of protec-*
24 *tion Congress intended to be afforded by such laws and Con-*

1 gress’ objective to eliminate race and national origin dis-
 2 crimination in the United States.

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

4 (a) *IN GENERAL.*—No individual in the United States
 5 shall be excluded from participation in, be denied the bene-
 6 fits of, or be subjected to discrimination under, any pro-
 7 gram or activity receiving Federal financial assistance,
 8 based on the individual’s hair texture or hairstyle, if that
 9 hair texture or that hairstyle is commonly associated with
 10 a particular race or national origin (including a hairstyle
 11 in which hair is tightly coiled or tightly curled, locs, corn-
 12 rows, twists, braids, Bantu knots, and Afros).

13 (b) *ENFORCEMENT.*—Subsection (a) shall be enforced
 14 in the same manner and by the same means, including with
 15 the same jurisdiction, as if such subsection was incor-
 16 porated in title VI of the Civil Rights Act of 1964 (42
 17 U.S.C. 2000d et seq.), and as if a violation of subsection
 18 (a) was treated as if it was a violation of section 601 of
 19 such Act (42 U.S.C. 2000d).

20 (c) *DEFINITIONS.*—In this section—

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

24 (2) the terms “race” and “national origin”
 25 mean, respectively, “race” within the meaning of the

1 *term in section 601 of that Act (42 U.S.C. 2000d)*
 2 *and “national origin” within the meaning of the term*
 3 *in that section 601.*

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

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

12 (b) *ENFORCEMENT.*—Subsection (a) shall be enforced
 13 in the same manner and by the same means, including with
 14 the same jurisdiction, as if such subsection was incor-
 15 porated in the Fair Housing Act (42 U.S.C. 3601 et seq.),
 16 and as if a violation of subsection (a) was treated as if
 17 it was a discriminatory housing practice.

18 (c) *DEFINITION.*—In this section—

19 (1) the terms “discriminatory housing practice”
 20 and “person” have the meanings given the terms in
 21 section 802 of the Fair Housing Act (42 U.S.C.
 22 3602); and

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

1 *“national origin” within the meaning of the term in*
2 *that section 804.*

3 **SEC. 5. PUBLIC ACCOMMODATIONS.**

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

12 (b) *ENFORCEMENT.*—Subsection (a) shall be enforced
13 in the same manner and by the same means, including with
14 the same jurisdiction, as if such subsection was incor-
15 porated in title II of the Civil Rights Act of 1964, and as
16 if a violation of subsection (a) was treated as if it was a
17 violation of section 201, 202, or 203, as appropriate, of such
18 Act.

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

1 **SEC. 6. EMPLOYMENT.**

2 (a) *PROHIBITION.*—It shall be an unlawful employ-
3 ment practice for an employer, employment agency, labor
4 organization, or joint labor-management committee control-
5 ling apprenticeship or other training or retraining (includ-
6 ing on-the-job training programs) to fail or refuse to hire
7 or to discharge any individual, or otherwise to discriminate
8 against an individual, based on the individual’s hair tex-
9 ture or hairstyle, if that hair texture or that hairstyle is
10 commonly associated with a particular race or national or-
11 igin (including a hairstyle in which hair is tightly coiled
12 or tightly curled, locs, cornrows, twists, braids, Bantu knots,
13 and Afros).

14 (b) *ENFORCEMENT.*—Subsection (a) shall be enforced
15 in the same manner and by the same means, including with
16 the same jurisdiction, as if such subsection was incor-
17 porated in title VII of the Civil Rights Act of 1964 (42
18 U.S.C. 2000e et seq.), and as if a violation of subsection
19 (a) was treated as if it was a violation of section 703 or
20 704, as appropriate, of such Act (42 U.S.C. 2000e–2,
21 2000e–3).

22 (c) *DEFINITIONS.*—In this section the terms “person”,
23 “race”, and “national origin” have the meanings given the
24 terms in section 701 of the Civil Rights Act of 1964 (42
25 U.S.C. 2000e).

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

2 (a) *IN GENERAL.*—No person in the United States
3 shall be subjected to a practice prohibited under section
4 1977 of the Revised Statutes (42 U.S.C. 1981), based on
5 the person's hair texture or hairstyle, if that hair texture
6 or that hairstyle is commonly associated with a particular
7 race or national origin (including a hairstyle in which hair
8 is tightly coiled or tightly curled, locs, cornrows, twists,
9 braids, Bantu knots, and Afros).

10 (b) *ENFORCEMENT.*—Subsection (a) shall be enforced
11 in the same manner and by the same means, including with
12 the same jurisdiction, as if such subsection was incor-
13 porated in section 1977 of the Revised Statutes, and as if
14 a violation of subsection (a) was treated as if it was a viola-
15 tion of that section 1977.

16 **SEC. 8. RULE OF CONSTRUCTION.**

17 Nothing in this Act shall be construed to limit defini-
18 tions of race or national origin under the Civil Rights Act
19 of 1964 (42 U.S.C. 2000a et seq.), the Fair Housing Act
20 (42 U.S.C. 3601 et seq.), or section 1977 of the Revised Stat-
21 utes (42 U.S.C. 1981).

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