

AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 5309
OFFERED BY MR. NADLER

Strike all that follows after the enacting clause and
insert the following:

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

1 opportunities because they are adorned with natural
2 or protective hairstyles in which hair is tightly coiled
3 or tightly curled, or worn in locs, cornrows, twists,
4 braids, Bantu knots, or Afros.

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

9 (6) For example, as recently as 2018, the
10 United States Armed Forces had grooming policies
11 that barred natural or protective hairstyles that
12 servicewomen of African descent commonly wear and
13 that described these hairstyles as “unkempt”.

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15 rescinded these policies and recognized that this de-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

17 (8) The United States Armed Forces also rec-
18 ognized that prohibitions against natural or protec-
19 tive hairstyles that African-American servicewomen
20 are commonly adorned with are racially discrimina-
21 tory and bear no relationship to African-American
22 servicewomen’s occupational qualifications and their
23 ability to serve and protect the Nation.

24 (9) As a type of racial or national origin dis-
25 crimination, discrimination on the basis of natural

1 or protective hairstyles that people of African de-
2 scent are commonly adorned with violates existing
3 Federal law, including provisions of the Civil Rights
4 Act of 1964 (42 U.S.C. 2000e et seq.), section 1977
5 of the Revised Statutes (42 U.S.C. 1981), and the
6 Fair Housing Act (42 U.S.C. 3601 et seq.). How-
7 ever, some Federal courts have misinterpreted Fed-
8 eral civil rights law by narrowly interpreting the
9 meaning of race or national origin, and thereby per-
10 mitting, for example, employers to discriminate
11 against people of African descent who wear natural
12 or protective hairstyles even though the employment
13 policies involved are not related to workers' ability to
14 perform their jobs.

15 (10) Applying this narrow interpretation of race
16 or national origin has resulted in a lack of Federal
17 civil rights protection for individuals who are dis-
18 criminated against on the basis of characteristics
19 that are commonly associated with race and national
20 origin.

21 (11) In 2019 and 2020, State legislatures and
22 municipal bodies throughout the United States have
23 introduced and passed legislation that rejects certain
24 Federal courts' restrictive interpretation of race and
25 national origin, and expressly classifies race and na-

1 tional origin discrimination as inclusive of discrimi-
2 nation on the basis of natural or protective hair-
3 styles commonly associated with race and national
4 origin.

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

7 (1) the Federal Government should acknowl-
8 edge that individuals who have hair texture or wear
9 a hairstyle that is historically and contemporarily as-
10 sociated with African Americans or persons of Afri-
11 can descent systematically suffer harmful discrimi-
12 nation in schools, workplaces, and other contexts
13 based upon longstanding race and national origin
14 stereotypes and biases;

15 (2) a clear and comprehensive law should ad-
16 dress the systematic deprivation of educational, em-
17 ployment, and other opportunities on the basis of
18 hair texture and hairstyle that are commonly associ-
19 ated with race or national origin;

20 (3) clear, consistent, and enforceable legal
21 standards must be provided to redress the wide-
22 spread incidences of race and national origin dis-
23 crimination based upon hair texture and hairstyle in
24 schools, workplaces, housing, federally funded insti-
25 tutions, and other contexts;

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

5 (5) the Federal Government must play a key
6 role in enforcing Federal civil rights laws in a way
7 that secures equal educational, employment, and
8 other opportunities for all individuals regardless of
9 their race or national origin;

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

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

19 (8) it is necessary to mandate that school,
20 workplace, and other applicable standards be applied
21 in a nondiscriminatory manner and to explicitly pro-
22 hibit the adoption or implementation of grooming re-
23 quirements that disproportionately impact people of
24 African descent.

1 (c) PURPOSE.—The purpose of this Act is to institute
2 definitions of race and national origin for Federal civil
3 rights laws that effectuate the comprehensive scope of pro-
4 tection Congress intended to be afforded by such laws and
5 Congress' objective to eliminate race and national origin
6 discrimination in the United States.

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

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

17 (b) ENFORCEMENT.—Subsection (a) shall be en-
18 forced in the same manner and by the same means, includ-
19 ing with the same jurisdiction, as if such subsection was
20 incorporated in title VI of the Civil Rights Act of 1964
21 (42 U.S.C. 2000d et seq.), and as if a violation of sub-
22 section (a) was treated as if it was a violation of section
23 601 of such Act (42 U.S.C. 2000d).

24 (c) DEFINITIONS.—In this section—

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

4 (2) the terms “race” and “national origin”
5 mean, respectively, “race” within the meaning of the
6 term in section 601 of that Act (42 U.S.C. 2000d)
7 and “national origin” within the meaning of the
8 term in that section 601.

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

10 (a) **IN GENERAL.**—No person in the United States
11 shall be subjected to a discriminatory housing practice
12 based on the person’s hair texture or hairstyle, if that hair
13 texture or that hairstyle is commonly associated with a
14 particular race or national origin (including a hairstyle in
15 which hair is tightly coiled or tightly curled, locs, corn-
16 rows, twists, braids, Bantu knots, and Afros).

17 (b) **ENFORCEMENT.**—Subsection (a) shall be en-
18 forced in the same manner and by the same means, includ-
19 ing with the same jurisdiction, as if such subsection was
20 incorporated in the Fair Housing Act (42 U.S.C. 3601
21 et seq.), and as if a violation of subsection (a) was treated
22 as if it was a discriminatory housing practice.

23 (c) **DEFINITION.**—In this section—

24 (1) the terms “discriminatory housing practice”
25 and “person” have the meanings given the terms in

1 section 802 of the Fair Housing Act (42 U.S.C.
2 3602); and

3 (2) the terms “race” and “national origin”
4 mean, respectively, “race” within the meaning of the
5 term in section 804 of that Act (42 U.S.C. 3604)
6 and “national origin” within the meaning of the
7 term in that section 804.

8 **SEC. 5. PUBLIC ACCOMMODATIONS.**

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

18 (b) ENFORCEMENT.—Subsection (a) shall be en-
19 forced in the same manner and by the same means, includ-
20 ing with the same jurisdiction, as if such subsection was
21 incorporated in title II of the Civil Rights Act of 1964,
22 and as if a violation of subsection (a) was treated as if
23 it was a violation of section 201, 202, or 203, as appro-
24 priate, of such Act.

1 (c) DEFINITION.—In this section, the terms “race”
2 and “national origin” mean, respectively, “race” within
3 the meaning of the term in section 201 of that Act (42
4 U.S.C. 2000e) and “national origin” within the meaning
5 of the term in that section 201.

6 **SEC. 6. EMPLOYMENT.**

7 (a) PROHIBITION.—It shall be an unlawful employ-
8 ment practice for an employer, employment agency, labor
9 organization, or joint labor-management committee con-
10 trolling apprenticeship or other training or retraining (in-
11 cluding on-the-job training programs) to fail or refuse to
12 hire or to discharge any individual, or otherwise to dis-
13 criminate against an individual, based on the individual’s
14 hair texture or hairstyle, if that hair texture or that hair-
15 style is commonly associated with a particular race or na-
16 tional origin (including a hairstyle in which hair is tightly
17 coiled or tightly curled, locs, cornrows, twists, braids,
18 Bantu knots, and Afros).

19 (b) ENFORCEMENT.—Subsection (a) shall be en-
20 forced in the same manner and by the same means, includ-
21 ing with the same jurisdiction, as if such subsection was
22 incorporated in title VII of the Civil Rights Act of 1964
23 (42 U.S.C. 2000e et seq.), and as if a violation of sub-
24 section (a) was treated as if it was a violation of section

1 703 or 704, as appropriate, of such Act (42 U.S.C.
2 2000e-2, 2000e-3).

3 (c) DEFINITIONS.—In this section the terms “per-
4 son”, “race”, and “national origin” have the meanings
5 given the terms in section 701 of the Civil Rights Act of
6 1964 (42 U.S.C. 2000e).

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

8 (a) IN GENERAL.—No person in the United States
9 shall be subjected to a practice prohibited under section
10 1977 of the Revised Statutes (42 U.S.C. 1981), based on
11 the person’s hair texture or hairstyle, if that hair texture
12 or that hairstyle is commonly associated with a particular
13 race or national origin (including a hairstyle in which hair
14 is tightly coiled or tightly curled, locs, cornrows, twists,
15 braids, Bantu knots, and Afros).

16 (b) ENFORCEMENT.—Subsection (a) shall be en-
17 forced in the same manner and by the same means, includ-
18 ing with the same jurisdiction, as if such subsection was
19 incorporated in section 1977 of the Revised Statutes, and
20 as if a violation of subsection (a) was treated as if it was
21 a violation of that section 1977.

22 **SEC. 8. RULE OF CONSTRUCTION.**

23 Nothing in this Act shall be construed to limit defini-
24 tions of race or national origin under the Civil Rights Act
25 of 1964 (42 U.S.C. 2000a et seq.), the Fair Housing Act

1 (42 U.S.C. 3601 et seq.), or section 1977 of the Revised
2 Statutes (42 U.S.C. 1981).

