

116TH CONGRESS
1ST SESSION

H. R. 5309

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

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,*

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 2019” or the
4 “CROWN Act of 2019”.

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, State legislatures and municipal
14 bodies throughout the United States have introduced
15 and passed legislation that rejects certain Federal
16 courts' restrictive interpretation of race and national
17 origin, and expressly classifies race and national ori-
18 gin discrimination as inclusive of discrimination on
19 the basis of natural or protective hairstyles com-
20 monly associated with race and national origin.

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

23 (1) the Federal Government should acknowl-
24 edge that individuals who have hair texture or wear
25 a hairstyle that is historically and contemporarily as-

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

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

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

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

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

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

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

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

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

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

23 (a) IN GENERAL.—No individual in the United
24 States shall be excluded from participation in, be denied
25 the benefits of, or be subjected to discrimination under,

1 any program or activity receiving Federal financial assist-
2 ance, based on the individual’s hair texture or hairstyle,
3 if that hair texture or that hairstyle is commonly associ-
4 ated with a particular race or national origin (including
5 a hairstyle in which hair is tightly coiled or tightly curled,
6 locs, cornrows, twists, braids, Bantu knots, and Afros).

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

14 (c) DEFINITIONS.—In this section—

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

18 (2) the terms “race” and “national origin”
19 mean, respectively, “race” within the meaning of the
20 term in section 601 of that Act (42 U.S.C. 2000d)
21 and “national origin” within the meaning of the
22 term in that section 601.

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

24 (a) IN GENERAL.—No person in the United States
25 shall be subjected to a discriminatory housing practice

1 based on the person’s hair texture or hairstyle, if that hair
2 texture or that hairstyle is commonly associated with a
3 particular race or national origin (including a hairstyle in
4 which hair is tightly coiled or tightly curled, locs, corn-
5 rows, twists, 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 the Fair Housing Act (42 U.S.C. 3601
10 et seq.), and as if a violation of subsection (a) was treated
11 as if it was a discriminatory housing practice.

12 (c) DEFINITION.—In this section—

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

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

22 **SEC. 5. PUBLIC ACCOMMODATIONS.**

23 (a) IN GENERAL.—No person in the United States
24 shall be subjected to a practice prohibited under section
25 201, 202, or 203 of the Civil Rights Act of 1964 (42

1 U.S.C. 2000a et seq.), based on the person’s hair texture
2 or hairstyle, if that hair texture or that hairstyle is com-
3 monly associated with a particular race or national origin
4 (including a hairstyle in which hair is tightly coiled or
5 tightly curled, locs, cornrows, twists, braids, Bantu knots,
6 and Afros).

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

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

19 **SEC. 6. EMPLOYMENT.**

20 (a) PROHIBITION.—It shall be an unlawful employ-
21 ment practice for an employer, employment agency, labor
22 organization, or joint labor-management committee con-
23 trolling apprenticeship or other training or retraining (in-
24 cluding on-the-job training programs) to fail or refuse to
25 hire or to discharge any individual, or otherwise to dis-

1 criminate against an individual, based on the individual's
2 hair texture or hairstyle, if that hair texture or that hair-
3 style is commonly associated with a particular race or na-
4 tional origin (including a hairstyle in which hair is tightly
5 coiled or tightly curled, locs, cornrows, twists, braids,
6 Bantu knots, and Afros).

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

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

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

20 (a) IN GENERAL.—No person in the United States
21 shall be subjected to a practice prohibited under section
22 1977 of the Revised Statutes (42 U.S.C. 1981), based on
23 the person's hair texture or hairstyle, if that hair texture
24 or that hairstyle is commonly associated with a particular
25 race or national origin (including a hairstyle in which hair

1 is tightly coiled or tightly curled, locs, cornrows, twists,
2 braids, Bantu knots, and Afros).

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

9 **SEC. 8. RULE OF CONSTRUCTION.**

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

15 **SEC. 9. EFFECTIVE DATE.**

16 This Act shall take effect on August 9, 2020.

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