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

5 SEC. 2. FINDINGS; SENSE OF CONGRESS; PURPOSE.
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7 (a) FINDINGS.—Congress finds the following:
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9 (1) Throughout United States history, society has used (in conjunction with skin color) hair texture and hairstyle to classify individuals on the basis of race.
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11 (2) Like one’s skin color, one’s hair has served as a basis of race and national origin discrimination.
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13 (3) Racial and national origin discrimination can and do occur because of longstanding racial and national origin biases and stereotypes associated with hair texture and style.
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15 (4) For example, routinely, people of African descent are deprived of educational and employment...
opportunities because they are adorned with natural
or protective hairstyles in which hair is tightly coiled
or tightly curled, or worn in locs, cornrows, twists,
braids, Bantu knots, or Afros.

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

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

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rescinded these policies and recognized that this de-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

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

(9) As a type of racial or national origin dis-

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or protective hairstyles that people of African descent are commonly adorned with violates existing Federal law, including provisions of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.), section 1977 of the Revised Statutes (42 U.S.C. 1981), and the Fair Housing Act (42 U.S.C. 3601 et seq.). However, some Federal courts have misinterpreted Federal civil rights law by narrowly interpreting the meaning of race or national origin, and thereby permitting, for example, employers to discriminate against people of African descent who wear natural or protective hairstyles even though the employment policies involved are not related to workers’ ability to perform their jobs.

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

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

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

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

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

(3) clear, consistent, and enforceable legal
standards must be provided to redress the wide-
spread incidences of race and national origin dis-
crimination based upon hair texture and hairstyle in
schools, workplaces, housing, federally funded insti-
tutions, and other contexts;
(4) it is necessary to prevent educational, employment, and other decisions, practices, and policies generated by or reflecting negative biases and stereotypes related to race or national origin;

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

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

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

(8) it is necessary to mandate that school, workplace, and other applicable standards be applied in a nondiscriminatory manner and to explicitly prohibit the adoption or implementation of grooming requirements that disproportionally impact people of African descent.
(c) PURPOSE.—The purpose of this Act is to institute definitions of race and national origin for Federal civil rights laws that effectuate the comprehensive scope of protection Congress intended to be afforded by such laws and Congress’ objective to eliminate race and national origin discrimination in the United States.

SEC. 3. FEDERALLY ASSISTED PROGRAMS.

(a) IN GENERAL.—No individual in the United States shall be excluded from participation in, be denied the benefits of, or be subjected to discrimination under, any program or activity receiving Federal financial assistance, based on the individual’s hair texture or hairstyle, if that hair texture or that hairstyle is commonly associated with a particular race or national origin (including a hairstyle in which hair is tightly coiled or tightly curled, locs, cornrows, twists, braids, Bantu knots, and Afros).

(b) ENFORCEMENT.—Subsection (a) shall be enforced in the same manner and by the same means, including with the same jurisdiction, as if such subsection was incorporated in title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.), and as if a violation of subsection (a) was treated as if it was a violation of section 601 of such Act (42 U.S.C. 2000d).

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

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

SEC. 4. HOUSING PROGRAMS.

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

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

(c) DEFINITION.—In this section—

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

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

SEC. 5. PUBLIC ACCOMMODATIONS.

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

(b) Enforcement.—Subsection (a) shall be enforced in the same manner and by the same means, including with the same jurisdiction, as if such subsection was incorporated in title II of the Civil Rights Act of 1964, and as if a violation of subsection (a) was treated as if it was a violation of section 201, 202, or 203, as appropriate, of such Act.
(c) DEFINITION.—In this section, the terms “race” and “national origin” mean, respectively, “race” within the meaning of the term in section 201 of that Act (42 U.S.C. 2000e) and “national origin” within the meaning of the term in that section 201.

SEC. 6. EMPLOYMENT.

(a) PROHIBITION.—It shall be an unlawful employment practice for an employer, employment agency, labor organization, or joint labor-management committee controlling apprenticeship or other training or retraining (including on-the-job training programs) to fail or refuse to hire or to discharge any individual, or otherwise to discriminate against an individual, based on the individual’s hair texture or hairstyle, if that hair texture or that hairstyle is commonly associated with a particular race or national origin (including a hairstyle in which hair is tightly coiled or tightly curled, locs, cornrows, twists, braids, Bantu knots, and Afros).

(b) ENFORCEMENT.—Subsection (a) shall be enforced in the same manner and by the same means, including with the same jurisdiction, as if such subsection was incorporated in title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.), and as if a violation of subsection (a) was treated as if it was a violation of section
SEC. 7. EQUAL RIGHTS UNDER THE LAW.

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

(b) ENFORCEMENT.—Subsection (a) shall be enforced in the same manner and by the same means, including with the same jurisdiction, as if such subsection was incorporated in section 1977 of the Revised Statutes, and as if a violation of subsection (a) was treated as if it was a violation of that section 1977.

SEC. 8. RULE OF CONSTRUCTION.

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