

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 2116
OFFERED BY MR. NADLER OF NEW YORK**

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 2021” or the
4 “CROWN Act of 2021”.

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 U.S.
10 Armed Forces had grooming policies that barred
11 natural or protective hairstyles that servicemembers
12 of African descent commonly wear and that de-
13 scribed these hairstyles as “unkempt”.

14 (7) The U.S. Army also recognized that prohi-
15 bitions against natural or protective hairstyles that
16 African-American soldiers are commonly adorned
17 with are racially discriminatory, harmful, and bear
18 no relationship to African-American servicewomen’s
19 occupational qualifications and their ability to serve
20 and protect the Nation. As of February 2021, the
21 U.S. Army removed minimum hair length require-
22 ments and lifted restrictions on any soldier wearing
23 braids, twists, locs, and cornrows in order to pro-
24 mote inclusivity and accommodate the hair needs of
25 soldiers.

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

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

23 (10) In 2019 and 2020, State legislatures and
24 municipal bodies throughout the U.S. have intro-
25 duced and passed legislation that rejects certain

1 Federal courts' restrictive interpretation of race and
2 national origin, and expressly classifies race and na-
3 tional origin discrimination as inclusive of discrimi-
4 nation on the basis of natural or protective hair-
5 styles commonly associated with race and national
6 origin.

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

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

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

22 (3) clear, consistent, and enforceable legal
23 standards must be provided to redress the wide-
24 spread incidences of race and national origin dis-
25 crimination based upon hair texture and hairstyle in

1 schools, workplaces, housing, federally funded insti-
2 tutions, and other contexts;

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

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

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

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

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

1 requirements that disproportionately impact people of
2 African descent.

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

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

10 (a) IN GENERAL.—No individual in the United
11 States shall be excluded from participation in, be denied
12 the benefits of, or be subjected to discrimination under,
13 any program or activity receiving Federal financial assist-
14 ance, based on the individual’s hair texture or hairstyle,
15 if that hair texture or that hairstyle is commonly associ-
16 ated with a particular race or national origin (including
17 a hairstyle in which hair is tightly coiled or tightly curled,
18 locs, cornrows, twists, braids, 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 VI of the Civil Rights Act of 1964
23 (42 U.S.C. 2000d et seq.), and as if a violation of sub-
24 section (a) was treated as if it was a violation of section
25 601 of such Act (42 U.S.C. 2000d).

1 (c) DEFINITIONS.—In this section—

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

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

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

11 (a) IN GENERAL.—No person in the United States
12 shall be subjected to a discriminatory housing practice
13 based on the person’s hair texture or hairstyle, if that hair
14 texture or that hairstyle is commonly associated with a
15 particular race or national origin (including a hairstyle in
16 which hair is tightly coiled or tightly curled, locs, corn-
17 rows, twists, braids, Bantu knots, 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 the Fair Housing Act (42 U.S.C. 3601
22 et seq.), and as if a violation of subsection (a) was treated
23 as if it was a discriminatory housing practice.

24 (c) DEFINITION.—In this section—

1 (1) the terms “discriminatory housing practice”
2 and “person” have the meanings given the terms in
3 section 802 of the Fair Housing Act (42 U.S.C.
4 3602); and

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

10 **SEC. 5. PUBLIC ACCOMMODATIONS.**

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

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

1 it was a violation of section 201, 202, or 203, as appro-
2 priate, of such Act.

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

8 **SEC. 6. EMPLOYMENT.**

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

21 (b) ENFORCEMENT.—Subsection (a) shall be en-
22 forced in the same manner and by the same means, includ-
23 ing with the same jurisdiction, as if such subsection was
24 incorporated in title VII of the Civil Rights Act of 1964
25 (42 U.S.C. 2000e et seq.), and as if a violation of sub-

1 section (a) was treated as if it was a violation of section
2 703 or 704, as appropriate, of such Act (42 U.S.C.
3 2000e-2, 2000e-3).

4 (c) DEFINITIONS.—In this section the terms “per-
5 son”, “race”, and “national origin” have the meanings
6 given the terms in section 701 of the Civil Rights Act of
7 1964 (42 U.S.C. 2000e).

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

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

23 **SEC. 8. RULE OF CONSTRUCTION.**

24 Nothing in this Act shall be construed to limit defini-
25 tions of race or national origin under the Civil Rights Act

1 of 1964 (42 U.S.C. 2000a et seq.), the Fair Housing Act
2 (42 U.S.C. 3601 et seq.), or section 1977 of the Revised
3 Statutes (42 U.S.C. 1981).

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

5 The budgetary effects of this Act, for the purpose of
6 complying with the Statutory Pay-As-You-Go Act of 2010,
7 shall be determined by reference to the latest statement
8 titled “Budgetary Effects of PAYGO Legislation” for this
9 Act, submitted for printing in the Congressional Record
10 by the Chairman of the House Budget Committee, pro-
11 vided that such statement has been submitted prior to the
12 vote on passage.

