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S. 888

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

IN THE SENATE OF THE UNITED STATES

MARCH 22, 2021

Mr. BOOKER (for himself, Ms. HIRONO, Mr. BROWN, Mr. COONS, Ms. WARREN, Mr. MARKEY, Ms. BALDWIN, Ms. SMITH, Mr. MURPHY, Mr. PADILLA, Mr. VAN HOLLEN, Mr. DURBIN, Ms. STABENOW, Mr. CARDIN, Mr. BLUMENTHAL, Mr. MENENDEZ, Ms. DUCKWORTH, Mr. SANDERS, and Mr. WARNOCK) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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 2021” or the
6 “CROWN Act of 2021”.

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

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

1 (1) Throughout United States history, society
2 has used (in conjunction with skin color) hair tex-
3 ture and hairstyle to classify individuals on the basis
4 of race.

5 (2) Like one's skin color, one's hair has served
6 as a basis of race and national origin discrimination.

7 (3) Racial and national origin discrimination
8 can and do occur because of longstanding racial and
9 national origin biases and stereotypes associated
10 with hair texture and style.

11 (4) For example, routinely, people of African
12 descent are deprived of educational and employment
13 opportunities because they are adorned with natural
14 or protective hairstyles in which hair is tightly coiled
15 or tightly curled, or worn in locs, cornrows, twists,
16 braids, Bantu knots, or Afros.

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

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

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2 rescinded these policies and recognized that this de-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

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

11 (9) As a type of racial or national origin dis-
12 crimination, discrimination on the basis of natural
13 or protective hairstyles that people of African de-
14 scend are commonly adorned with violates existing
15 Federal law, including provisions of the Civil Rights
16 Act of 1964 (42 U.S.C. 2000a et seq.), section 1977
17 of the Revised Statutes (42 U.S.C. 1981), and the
18 Fair Housing Act (42 U.S.C. 3601 et seq.). How-
19 ever, some Federal courts have misinterpreted Fed-
20 eral civil rights law by narrowly interpreting the
21 meaning of race or national origin, and thereby per-
22 mitting, for example, employers to discriminate
23 against people of African descent who wear natural
24 or protective hairstyles even though the employment

1 policies involved are not related to workers' ability to
2 perform their jobs.

3 (10) Applying this narrow interpretation of race
4 or national origin has resulted in a lack of Federal
5 civil rights protection for individuals who are dis-
6 criminated against on the basis of characteristics
7 that are commonly associated with race and national
8 origin.

9 (11) In 2019, State legislatures and municipal
10 bodies throughout the United States have introduced
11 and passed legislation that rejects certain Federal
12 courts' restrictive interpretation of race and national
13 origin, and expressly classifies race and national ori-
14 gin discrimination as inclusive of discrimination on
15 the basis of natural or protective hairstyles com-
16 monly associated with race and national origin.

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

19 (1) the Federal Government should acknowl-
20 edge that individuals who have hair texture or wear
21 a hairstyle that is historically and contemporarily as-
22 sociated with African Americans or persons of Afri-
23 can descent systematically suffer harmful discrimi-
24 nation in schools, workplaces, and other contexts

1 based upon longstanding race and national origin
2 stereotypes and biases;

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

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

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

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

23 (6) the Federal Government must play a central
24 role in enforcing the standards established under
25 this Act on behalf of individuals who suffer race or

1 national origin discrimination based upon hair tex-
2 ture and hairstyle;

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

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

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

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

20 (a) IN GENERAL.—No individual in the United
21 States shall be excluded from participation in, be denied
22 the benefits of, or be subjected to discrimination under,
23 any program or activity receiving Federal financial assist-
24 ance, based on the individual's hair texture or hairstyle,
25 if that hair texture or that hairstyle is commonly associ-

1 ated with a particular race or national origin (including
 2 a hairstyle in which hair is tightly coiled or tightly curled,
 3 locs, cornrows, twists, braids, Bantu knots, and Afros).

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

11 (c) DEFINITIONS.—In this section—

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

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

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

21 (a) IN GENERAL.—No person in the United States
 22 shall be subjected to a discriminatory housing practice
 23 based on the person’s hair texture or hairstyle, if that hair
 24 texture or that hairstyle is commonly associated with a
 25 particular race or national origin (including a hairstyle in

1 which hair is tightly coiled or tightly curled, locs, corn-
 2 rows, twists, 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 the Fair Housing Act (42 U.S.C. 3601
 7 et seq.), and as if a violation of subsection (a) was treated
 8 as if it was a discriminatory housing practice.

9 (c) DEFINITION.—In this section—

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

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

19 **SEC. 5. PUBLIC ACCOMMODATIONS.**

20 (a) IN GENERAL.—No person in the United States
 21 shall be subjected to a practice prohibited under section
 22 201, 202, or 203 of the Civil Rights Act of 1964 (42
 23 U.S.C. 2000a et seq.), based on the person’s hair texture
 24 or hairstyle, if that hair texture or that hairstyle is com-
 25 monly associated with a particular race or national origin

1 (including a hairstyle in which hair is tightly coiled or
 2 tightly curled, locs, cornrows, twists, braids, Bantu knots,
 3 and Afros).

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

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

16 **SEC. 6. EMPLOYMENT.**

17 (a) PROHIBITION.—It shall be an unlawful employ-
 18 ment practice for an employer, employment agency, labor
 19 organization, or joint labor-management committee con-
 20 trolling apprenticeship or other training or retraining (in-
 21 cluding on-the-job training programs) to fail or refuse to
 22 hire or to discharge any individual, or otherwise to dis-
 23 criminate against an individual, based on the individual’s
 24 hair texture or hairstyle, if that hair texture or that hair-
 25 style is commonly associated with a particular race or na-

1 tional origin (including a hairstyle in which hair is tightly
 2 coiled or tightly curled, locs, cornrows, twists, braids,
 3 Bantu knots, and Afros).

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

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

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

17 (a) IN GENERAL.—No person in the United States
 18 shall be subjected to a practice prohibited under section
 19 1977 of the Revised Statutes (42 U.S.C. 1981), based on
 20 the person’s hair texture or hairstyle, if that hair texture
 21 or that hairstyle is commonly associated with a particular
 22 race or national origin (including a hairstyle in which hair
 23 is tightly coiled or tightly curled, locs, cornrows, twists,
 24 braids, Bantu knots, and Afros).

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

7 **SEC. 8. RULE OF CONSTRUCTION.**

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

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