



H.R. 2116, the “Creating a Respectful and Open World for Natural Hair Act”

Support H.R. 2116, the “Creating a Respectful and Open World for Natural Hair Act” or the “CROWN Act,” which would explicitly prohibit discrimination on the basis of hair texture or hairstyles commonly associated with a particular race or national origin in areas of federal law where discrimination on the basis of race or national origin is already prohibited. It specifically prohibits this form of discrimination in employment, housing, federally funded programs, public accommodations, and the making and enforcement of contracts. It provides that these prohibitions be enforced as if they were incorporated into Titles II, VI, and VII of the Civil Rights Act of 1964, the Fair Housing Act, and Section 1977 of the Revised Statutes (42 U.S.C. § 1981), respectively.

Federal law does not provide for any explicit protection against discrimination on the basis of natural hair as a form of race discrimination. With respect to employment discrimination, the Equal Employment Opportunity Commission has issued guidance interpreting Title VII of the Civil Rights Act of 1964—which prohibits race and national origin discrimination in employment—to prohibit discrimination based on hairstyle or hair texture in certain circumstances. Recently, however, several courts have rejected the argument that Title VII protects hairstyles culturally associated with race. Courts have similarly rejected challenges to grooming policies brought pursuant to 42 U.S.C. § 1981, which prohibits race discrimination in the making of contracts.

According to a 2019 study of Black and non-Black women conducted by the JOY Collective, Black people are “disproportionately burdened by policies and practices in public places, including the workplace, that target, profile, or single them out for natural hair styles” and other hairstyles traditionally associated with their race, like braids, locs, and twists. There have been numerous stories over the past few years of Black students being told to change their hairstyles and of Black employees being told to change their hair because it violated their employer’s dress code.

Fourteen states have enacted statutes prohibiting discrimination on the basis of an individual’s natural hairstyle, but a national solution is needed to address this national problem.

H.R. 2116 is supported by the CROWN Act coalition, which was founded by Dove, the National Urban League, Color of Change, and the Western Center on Law and Poverty, and has been working to pass state-level versions of the CROWN Act in all 50 states. Supporting members of the coalition and supporters of the CROWN Act include more than 80 organizations, including the NAACP, the NAACP Legal Defense and Educational Fund, Inc., the National Organization of Black Elected Legislative Women, and the National Black Caucus of State Legislators. Last Congress, the House passed H.R. 5309, a substantively identical bill, by voice vote under suspension of the rules.

Prepared by House Judiciary Committee Democratic Staff

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