116TH CONGRESS
2d Session
HOUSE OF REPRESENTATIVES
REPT. 116–525
Part 1

CREATING A RESPECTFUL AND OPEN WORLD FOR NATURAL HAIR ACT OF 2020

SEPTEMBER 21, 2020.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. NADLER, from the Committee on the Judiciary, submitted the following

R E P O R T

together with

MINORITY VIEWS

[To accompany H.R. 5309]

The Committee on the Judiciary, to whom was referred the bill (H.R. 5309) to prohibit discrimination based on an individual's texture or style of hair, having considered the same, reports favorably thereon with an amendment and recommends that the bill as amended do pass.

CONTENTS

The amendment is as follows:

Strike all that follows after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

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".

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

(a) FINDINGS.—Congress finds the following:

(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.

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

(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.

(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 practices that bar natural or protective hairstyles commonly 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(7) In 2018, the United States Armed Forces rescinded these policies and recognized that this description perpetuated derogatory racial stereotypes.

(8) The United States Armed Forces also recognized that prohibitions against natural or protective hairstyles that African-American servicewomen are commonly adorned with are racially discriminatory 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 discrimination, discrimination on the basis of natural 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 national origin discrimination as inclusive of discrimination on the basis of natural or protective hairstyles commonly associated with race and national origin.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

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

(2) a clear and comprehensive law should address the systematic deprivation of educational, employment, and other opportunities on the basis of hair texture and hairstyle that are commonly associated with race or national origin;

(3) clear, consistent, and enforceable legal standards must be provided to redress the widespread incidences of race and national origin discrimination based upon hair texture and hairstyle in schools, workplaces, housing, federally funded institutions, 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 disproportionately 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 703 or 704, as appropriate, of such Act (42 U.S.C. 2000e–2, 2000e–3).

(c) DEFINITIONS.—In this section the terms "person", "race", and "national origin" have the meanings given the terms in section 701 of the Civil Rights Act of 1964 (42 U.S.C. 2000e).

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 (42 U.S.C. 3601 et seq.), or section 1977 of the Revised Statutes (42 U.S.C. 1981).

Purpose and Summary

H.R. 5309, the "Creating a Respectful and Open World for Natural Hair Act of 2020" or the "CROWN Act of 2020," explicitly prohibits discrimination on the basis of hair texture or hairstyles commonly associated with a particular race or national origin in areas of the 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 Title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.), the Fair Housing Act (42 U.S.C. 3601 et seq.), Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.), Title II of the Civil Rights Act of 1964 (42 U.S.C. 2000a et seq.), and Section 1977 of the Revised Statutes (42 U.S.C. 1981), respectively.

H.R. 5309 is supported by the NAACP Legal Defense and Educational Fund, Inc.,[1] the National Urban League, the National Organization of Black Elected Legislative Women, the National Black Caucus of State Legislators, and 254 legal academics from across

[1] *Rep. Richmond And Colleagues Introduce Legislation Banning Afro-Textured Hair Discrimination,* Congressman Cedric Richmond (Dec. 5, 2019), available at https://richmond.house.gov/media-center/press-releases/rep-richmond-and-colleagues-introduce-legislation-banning-afro-textured.

the United States.[2] It is also supported by the CROWN Act coalition, including Dove, Color of Change and Western Center on Law and Poverty, that has been working to pass state-level versions of the CROWN Act in all 50 states.[3]

Background and Need for the Legislation

I. BACKGROUND

A. Federal Law Regarding Hair Discrimination as Form of Race Discrimination

There are no explicit protections in federal law against discrimination on the basis of natural hair as a form of race discrimination. With respect to employment discrimination, the Equal Employment Opportunity Commission (EEOC) has issued guidance interpreting Title VII of the Civil Rights Act of 1964—which prohibits race discrimination in employment—to prohibit discrimination based on hairstyle or hair texture in certain circumstances.

Section 15 of the EEOC's Compliance Manual provides "that Title VII's prohibition of race discrimination generally encompasses . . . a person's physical characteristics associated with race, such as a person's . . . hair[.]"[4] The manual further explains that while employers can impose neutral hairstyle rules, these rules need to be respectful of racial differences in hair textures and applied evenhandedly. The manual explicitly states that employers cannot prevent African-American women from wearing their hair in an "afro" style that complies with a neutral hairstyle rule and that neutral rules cannot be applied more strictly to hairstyles worn by African Americans.[5]

B. Recent Federal Judicial Decisions

In a 2016 decision, the United States Court of Appeals for the Eleventh Circuit rejected the EEOC's interpretative guidance that had concluded that Title VII's prohibition on racial discrimination included prohibiting discrimination against someone for having dreadlocks.[6] The Court held that Title VII protects "persons in covered categories with respect to their immutable characteristics, but not their cultural practices."[7] The Court held that Black hairstyle is a mutable characteristic—unlike Black hair texture which is an immutable characteristic—and thus is unprotected by Title VII.[8]

In that same case, the Eleventh Circuit surveyed existing case law and found that every court to have considered this issue has similarly rejected the argument that "Title VII protects hairstyles

---

[2] *Markup of H.R. 5309, the Creating a Respectful and Open World for Natural Hair Act of 2019 or the CROWN Act of 2019,* U.S. House of Representatives Comm. On the Judiciary, 116th Cong. (Letter of Support for H.R. 5309 from the National Urban League Submitted by the Honorable Jerrold Nadler; Letter of Support for H.R. 5309 from NOBEL Submitted by the Honorable Cedric Richmond; Letter of Support for H.R. 5309 from the NBCSL Submitted by the Honorable Cedric Richmond; Letter of Support for H.R. 5309 from Professors at Drexel University School of Law Submitted by the Honorable Cedric Richmond).

[3] *Id.* (Letter of Support for H.R. 5309 from the CROWN Act Coalition Submitted by the Honorable Cedric Richmond); *The CROWN Coalition Is Ending Discrimination Against Black Hair,* The Crown Act, available at https://www.thecrownact.com/about.

[4] *EEOC Compliance Manual,* Equal Employment Opportunity Commission (Apr. 19, 2006), 15–24, available at https://www.eeoc.gov/policy/docs/race-color.pdf.

[5] *Id.,* 15–48.

[6] *See Equal Employment Opportunity Comm'n v. Catastrophe Mgmt. Sols.,* 852 F.3d 1018, 1023 (11th Cir. 2016).

[7] *Id.* at 1030.

[8] *Id.*

culturally associated with race."[9] Other courts have found that dreadlocks and cornrows are not an immutable characteristic, and thus fall outside the scope of Title VII protection.[10] In addition, other courts have held that policies that prohibit "unconventional" hairstyles such as dreadlocks, braids, and cornrows are not racially discriminatory within the meaning of Title VII.[11] 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. These courts have found that the plaintiffs failed to demonstrate that only African-Americans are impacted by these grooming policies.[12]

Nevertheless, as far back as the 1970's, both the EEOC and at least one federal appeals court sitting *en banc* concluded that discrimination based on a natural hairstyle of persons of African descent may be a basis for alleging race discrimination under Title VII.[13] Moreover, in a recent ruling granting a preliminary injunction by the United States District Court for the Southern District of Texas, at least one federal court found that a facially race-neutral hair-length policy that prohibited hair styles of a certain length likely discriminates on the basis of race if racial discrimination was a substantial or motivating factor.[14] In that case, one of the plaintiffs was an African American male student who wore his hair in locs and whose hair was routinely inspected by his school for potentially violating a hair length school policy that only applied to male students.[15] Ultimately, the student was punished with in-school suspensions because of his hair. The student and his co-plaintiffs filed a lawsuit against the school, alleging sex discrimination and race discrimination under the Fourteenth Amendment's Equal Protection Clause pursuant to 42 U.S.C. § 1981, among other allegations.[16] The judge granted the motion for a preliminary injunction to allow the student to attend classes without fear of punishment or retaliation, finding a substantial likelihood of success on the student's claims of sex and race discrimination under the Equal Protection Clause.[17]

---

[9] *Catastrophe Mgmt. Sols*., 852 F.3d at 1032.

[10] *See Campbell* v. *Alabama Dep't of Corr*., No. 2:13–CV–00106–RDP, 2013 WL 2248086, at *2 (N.D. Ala. May 20, 2013); *Pitts* v. *Wild Adventures, Inc*., No. CIV.A.7:06–CV–62–HL, 2008 WL 1899306, at *5–6 (M.D. Ga. Apr. 25, 2008); *Carswell* v. *Peachford Hosp*., No. C80–222A, 1981 WL 224, at *2 (N.D. Ga. May 26, 1981).

[11] *See Cooper* v. *Am. Airlines, Inc*., 149 F.3d 1167, 1998 WL 276235, at *1 (4th Cir. May 26, 1998), *Eatman* v. *United Parcel Serv*., 194 F.Supp.2d 256, 259–67 (S.D.N.Y. 2002); *McBride* v. *Lawstaf, Inc*., No. CIV. A.1:96–CV–0196C, 1996 WL 755779, at *2 (N.D. Ga. Sept. 19, 1996); *Rogers* v. *Am. Airlines, Inc*., 527 F.Supp. 229, 232 (S.D.N.Y. 1981).

[12] *See Booth* v. *Maryland*, 327 F.3d 377, 383 (4th Cir. 2003) (holding that the plaintiff did not sufficiently demonstrate in his § 1981 suit that his company's grooming policies—prohibiting him from wearing a hairstyle in accordance with his Rastafarian religion—discriminated against him based on race because both white and African-American employees were treated differently from him regarding their hairstyles).

[13] *See Jenkins* v. *Blue Cross Mutual Hospital Ins. Co*., 538 F.2d 164 (7th Cir. 1976) (en banc) (holding that an employee's allegation on an EEOC charge that she was subject to race discrimination because of her Afro was sufficient to support a lawsuit alleging race discrimination in violation of Title VII); EEOC Dec. No. 71–2444, 1971 WL 3898, 4 Fair Empl. Prac. Cas. (BNA) 18 (1971) ("the wearing of an Afro-American hair style by a Negro has been so appropriated as a cultural symbol by members of the Negro race as to make its suppression either an automatic badge of racial prejudice or a necessary abridgement of first amendment rights.").

[14] *Arnold, et al.*, v. *Barbers Hill Independent School District, et al*., Memorandum Opinion and Order, Civil Action No. 4:20–CV–1802 (S.D. Tex. Aug. 17, 2020), available at https://www.naacpldf.org/wp-content/uploads/PI-Opinion.pdf.

[15] *Id*.

[16] *Id*.

[17] *Id*.

C. Developments in the Military

Three years ago, the United States Army removed a grooming regulation prohibiting women servicemembers from wearing their hair in dreadlocks, a regulation that had a disproportionately adverse impact on Black women.[18] This decision was the result of a 2014 order by then-Secretary of Defense Chuck Hagel to review the military's policies regarding hairstyles popular with African-American women after complaints that the policies unfairly targeted black women.[19] In 2015, the Marine Corps had issued regulations to permit lock and twist hairstyles.[20]

D. State and Local Laws Prohibiting Discrimination Based on Natural Hairstyle or Hair Texture

California,[21] New York,[22] New Jersey,[23] Virginia,[24] Colorado,[25] Washington,[26] and Maryland,[27] as well as two local jurisdictions—Montgomery County, MD,[28] and Cincinnati, OH[29]—have enacted laws banning discrimination on the basis of an individual's natural hairstyle. California became the first state to pass a bill, with the purpose of "ensur[ing] protection against discrimination in the workplace and schools based on hairstyles by prohibiting employers and schools from enforcing purportedly 'race neutral' grooming policies that disproportionately impact persons of color."[30]

1. California

California enacted a version of The CROWN Act in June 2019 with unanimous bipartisan support.[31] The Act extended state anti-discrimination statutory protections in the California Fair Employment and Housing Act and the California Education Code to pro-

---

[18] Christopher Mele, *Army Lifts Ban on Dreadlocks, and Black Women Servicemembers Rejoice*, N.Y. Times (Feb. 10, 2017), available at https://www.nytimes.com/2017/02/10/us/army-ban-on-dreadlocks-black-servicewomen.html.

[19] *Id.*

[20] *Id.*

[21] Phil Willon, *California Becomes First State to Ban Discrimination Based on One's Natural Hair*, Los Angeles Times (July 3, 2019), available at https://www.latimes.com/local/lanow/la-pol-ca-natural-hair-discrimination-bill-20190703-story.html.

[22] Janelle Griffith, *New York is Second State to Ban Discrimination Based on Natural Hairstyles*, NBC News (July 15, 2019), available at https://www.nbcnews.com/news/nbcblk/new-york-second-state-ban-discrimination-based-natural-hairstyles-n1029931.

[23] Mariel Padilla, *New Jersey is Third State to Ban Discrimination Based on Hair*, N.Y. Times (Dec. 20, 2019), available at https://www.nytimes.com/2019/12/20/us/nj-hair-discrimination.html.

[24] Francisco Guzman and Saba Hamedy, *It's official: Virginia is now the fourth state to ban hair discrimination*, CNN (Mar. 5, 2020), available at https://www.cnn.com/2020/03/05/us/virginia-ban-hair-discrimination-bill-trnd/index.html.

[25] Audra Streetman, *Gov. Polis Signs CROWN Act, Banning Hair Discrimination In Colorado*, CBS Denver (Mar. 6, 2020), available at https://denver.cbslocal.com/2020/03/06/gov-polis-signs-crown-act-banning-hair-discrimination-in-colorado/.

[26] Associated Press, *Ban on Race-Based Hairstyle Discrimination Signed Into Law*, U.S. News and World Report (Mar. 19, 2020), available at https://www.usnews.com/news/best-states/washington/articles/2020-03-19/ban-on-race-based-hairstyle-discrimination-signed-into-law.

[27] Ovetta Wiggins, *States are banning discrimination against black hairstyles. For some lawmakers, it's personal*, Wash. Post (Mar. 16, 2020), available at https://www.washingtonpost.com/local/md-politics/maryland-bill-crown-act-hairstyles-discrimination/2020/03/12/c3b81582-5f05-11ea-b014-4fafa866bb81_story.html.

[28] Iris Vukmanovic, *New Law in Montgomery County Protects Residents from Hair Discrimination*, NBC Washington (Feb. 6, 2020), available at https://www.nbcwashington.com/news/local/new-law-in-montgomery-county-protects-residents-from-hair-discrimination/2211266/.

[29] Sharon Coolidge, *Cincinnati outlaws discrimination based on natural hairstyles associated with race*, USA Today (Oct. 9, 2019), available at https://www.usatoday.com/story/news/nation/2019/10/09/cincinnati-council-votes-ban-discrimination-based-natural-hair/3926284002/.

[30] *Senate Bill 188 by Sen. Holly J. Mitchell Would Protect Blacks*, Holly J. Mitchell (June 4, 2019), available at https://sd30.senate.ca.gov/news/press-releases/2019-06-04-june-4-2019-video-assembly-panel-endorses-sen-mitchell-bill-ban-hair.

[31] *California Senate Bill No. 188*, California Legislative Information, available at http:/leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201920200SB188.

hibit discrimination based on hair texture and hairstyles.[32] Specifically, the California statute amended the Education Code and Government Code to provide that "race" includes "traits historically associated with race, including, but not limited to, hair texture and protective hairstyles."[33] Protective hairstyles are hairstyles that tuck the ends of one's hair away and minimize manipulation and exposure to the weather, therefore helping keep hair healthy.[34] The Act defines "protective hairstyles" as including (but not limited to) "braids, locks, and twists."[35]

In passing the California CROWN Act, the California Legislature made several keys findings.[36] These include:

(a) America's laws and societal norms have equated "blackness" and associated physical traits (such as dark skin, and kinky and curly hair) to a "badge of inferiority."

(b) This understanding of blackness permeates "societal understanding of professionalism," which has long been associated with European features and mannerisms. This has led to those who do not conform with Eurocentric norms to have to alter their appearances in order to be "deemed professional."

(c) Hair remains a source of racial discrimination with economic and health consequences. This disproportionally impacts Black individuals.

(d) Workplace dress codes and grooming policies that prohibit certain hairstyles, "including afros, braids twists, and locks" have a disparate impact on Black individuals. These policies are "more likely to deter Black applicants and burden or punish Black employees than any other group."

(e) Federal courts have not recognized that naturally presented Black hair, such as braids, twists, and locks, are protected under Title VII.

(f) Because hair is a proxy for race, "hair discrimination targeting hairstyles associated with race is racial discrimination."

(g) Enforcing "Eurocentric image[s] of professionalism through purportedly race-neutral grooming policies that disparately impact Black individuals and exclude them from some workplaces is in direct opposition to equity and opportunity for all."

2. New York

New York enacted a law substantially identical to California's CROWN Act in July 2019 with bipartisan support. The New York law amends the state's human rights and education laws to prohibit discrimination based on hair texture and protective hairstyles.[37]

The New York State Legislature made several key findings.[38] These include:

---

[32] *Id.*

[33] *Id.*

[34] Natalya Moosa, *Protective Styling: What Every Natural Needs to Know*, Afrocenchix (Oct. 25, 2018) available at https://afrocenchix.com/blogs/news/protective-styling-what-every-natural-needs-to-know.

[35] *California Senate Bill No. 188*, California Legislative Information, available at http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201920200SB188.

[36] *Id.*

[37] *Senate Bill S6209A*, The New York State Senate, available at: https://www.nysenate.gov/legislation/bills/2019/s6209.

[38] *Id.*

(a) The New York City Commission on Human Rights found that hair restrictions in workplaces, schools, and public places are a form of racial discrimination.

(b) The Commission recommended guidelines to allow people to maintain their "natural hair, treated or untreated hairstyles such as loos, cornrows, twists, braids, Bantu knots, fades, Afros, and/or the right to keep hair in an uncut or untrimmed state."

(c) There have been recent stories of hair discrimination in the news. These include: a New Jersey high school wrestler who was forced to cut his hair or forfeit his wrestling match, a 6-year-old Florida boy who was turned away from a private school on his first day because his hair extended below his ears, and a New Orleans-area girl who was sent home from the start of the school year at a Catholic school for wearing braids.

When signing the bill into law, Governor Andrew Cuomo remarked that "[f]or much of our nation's history, people of color—particularly women—have been marginalized and discriminated against simply because of their hair style or texture. By signing this bill into law, we are taking an important step toward correcting that history and ensuring people of color are protected from all forms of discrimination." [39]

3. New Jersey

New Jersey enacted a law similar to California's CROWN Act in December 2019 with nearly unanimous bipartisan support. The New Jersey law amends the state's Law Against Discrimination to prohibit discrimination based on hair texture, hair type, and protective hairstyles.[40]

When the bill was signed into law, the sponsor of the bill, Senator Cunningham, stated "[t]his law will ensure people of color are free to wear their hair however they feel best represents them, whether that be locks, braids, twists or curls. No one should ever be told it is 'unprofessional' to embrace their culture. It is unacceptable that someone could be dismissed from school or denied employment because they wear their hair exactly how it grows, but that has been the reality for many black and brown individuals. Today, here in New Jersey, we've changed that." [41]

4. Virginia

Virginia enacted a law similar to California's CROWN Act in March 2020 with bipartisan support, including unanimous support in the State Senate. The Virginia law amends the Virginia Human Rights Act to prohibit discrimination based on hair texture, hair type, and protective hairstyles.[42]

When signing the bill into law, Governor Northam remarked "It's pretty simple—if we send children home from school because their

---

[39] *Governor Cuomo Signs S6209A/A7797A To Make Clear Civil Rights Laws Ban Discrimination Against Hair Styles or Textures Associated with Race.* Governor Andrew M. Cuomo (July 12, 2019), available at https://www.governor.ny.gov/news/governor-cuomo-signs-s6209aa7797a-make-clear-civil-rights-laws-ban-discrimination-against-hair.

[40] *Senate Bill 3945*, New Jersey Legislature, available at https://www.njleg.state.nj.us/2018/Bills/AL19/272 .PDF.

[41] *Governor Murphy Signs Legislation Clarifying that Discrimination Based on Hairstyles Associated with Race is Illegal*, Governor Phil Murphy (Dec. 12, 2019) (emphasis added), available at https://www.nj.gov/governor/news/news/562019/approved/20191219c.shtml.

[42] *SB 50 Virginia Human Rights Act; racial discrimination, hair*, Virginia's Legislative Information System, available at https://lis.virginia.gov/cgi-bin/legp604.exe?201+sum+SB50.

hair looks a certain way, or otherwise ban certain hairstyles associated with a particular race—that is discrimination. This is not only unacceptable and wrong, it is not what we stand for in Virginia. This bill will make our Commonwealth more equitable and welcoming for all."[43]

5. Colorado

Colorado enacted a law similar to California's CROWN Act in March 2020 with bipartisan support. The Colorado law amends numerous laws with nondiscrimination provisions to prohibit discrimination based on hair texture, hair type, and protective hairstyles.[44]

The legislature made several key findings.[45] These included:

(a) Society has used hair, in conjunction with skin color, to classify people on the basis of race throughout U.S. history.

(b) Hair, like skin color, serves as a basis of race discrimination.

(c) Racial discrimination can and does occur because of racial biases and stereotypes associated with hair.

(d) People of African descent are routinely deprived of education and employment opportunities because they wear their hair in natural or protective styles.

(e) Racial discrimination is reflected in policies and practices in schools and workplaces that prohibit natural or protected hairstyles common among people of African descent, as well as Jewish, Latinx, and Native American people.

(f) Colorado should acknowledge that people who have hair textures or styles that are associated with people of African, Jewish, Latinx, or Native American descent suffer harmful discrimination in various contexts because of racial stereotypes and bias.

(g) A clear and comprehensive law is needed to address the deprivation of opportunities, including in educational and employment settings, on the basis of hair textures, types, and protective styles commonly associated with certain races.

(h) Clear, consistent, and enforceable legal standards are necessary to provide remedies to address race discrimination on the basis of hair texture, type and protective hair styles in numerous contexts.

(i) It is necessary to prevent decisions, practices, and policies in educational, employment and other settings resulting from negative racial biases and stereotypes,

(j) The state must enforce its antidiscrimination laws to secure equal opportunities regardless of race and protect against racial discrimination based on hair texture, type, and protective styles.

(k) The state must prohibit and provide recourse for those who are discriminated against on the basis of race because of their hair texture, hair type, or protective style.

6. Washington

Washington enacted a law similar to California's CROWN Act in March 2020 with bipartisan support. The Washington law amends

---

[43] Autumn Childress, *Gov. Northam signs bill to ban hair discrimination in Virginia*, WHSV (Mar. 4, 2020) available at https://www.whsv.com/content/news/Gov-Northam-signs-bill-to-ban-hair-discrimination-in-Virginia-568490981.html?ref=981.

[44] *HB 20–1048*, Colorado General Assembly, available at https://leg.colorado.gov/bills/hb20-1048.

[45] *Id.*

the state's nondiscrimination protections to prohibit discrimination based on hair texture and protective hairstyles.[46]

In response to the bill being signed into law, lead sponsor Rep. Melanie Morgan stated "Black women should not be barred from success because of the way we wear our hair. The way we choose to style our hair is culturally meaningful, and it has no impact on our abilities to show up professionally, hygienically, and naturally at work and school. We are sending a message to our children, 'You are beautiful just the way you are.'" [47]

7. Maryland

Maryland enacted a law similar to California's CROWN Act in May 2020 with nearly unanimous bipartisan support. The Maryland law amends existing law to prohibit discrimination based on hair texture, Afro hairstyles, and protective hairstyles.[48]

Delegate Stephanie Smith, who sponsored the bill in the General Assembly told the Washington Post "To require people to pretty much alter chemically or in some type of extreme way how their hair grows out of the head seems to me so beyond intrusive. In the 21st century, it shouldn't be necessary to make those kind of accommodations so someone can see you as a human or as a professional." [49]

II. NEED FOR THE LEGISLATION

While state laws provide some measure of protection against discrimination on the basis of hair texture or hairstyles commonly associated with a particular race or national origin, such protections are incomplete and leave many minorities, especially Black Americans, vulnerable to discrimination. In addition, recent court rulings have found that existing civil rights laws do not prohibit discrimination based on hair texture or hairstyle. Clear and explicit nondiscrimination protections on the basis of hair texture or hairstyles commonly associated with a particular race or national origin are therefore necessary to ensure minorities, especially Black Americans, are protected from this form of insidious discrimination.

According to a 2019 study conducted by the JOY Collective (CROWN Act Coalition, Dove/Unilever, National Urban League, Color of Change) [hereinafter "CROWN Study"], Black people are "disproportionately burdened by policies and practices in public places, including the workplace, that target, profile, or single them out for their natural hair styles—referring to the texture of hair that is not permed, dyed, relaxed, or chemically altered." [50] The CROWN Study found that Black women's hair is "more policed in the workplace, thereby contributing to a climate of group control in the company culture and perceived professional barriers" compared

---

[46] *HB 260—2019–20*, Concerning Hair Discrimination, Washington State Legislature, available at https://app.leg.wa.gov/billsummary?BillNumber=2602&Initiative=false&Year=2019.

[47] *Governor signs Morgan bill to prohibit hair discrimination*, Washington State House Democrats (Mar. 19, 2020) available at https://housedemocrats.wa.gov/morgan/2020/03/19/governor-signs-morgan-bill-to-prohibit-hair-discrimination/.

[48] *SB 531*, Maryland General Assembly, available at http://mgaleg.maryland.gov/mgawebsite/Legislation/Details/sb0531?ys=2020RS.

[49] Ovetta Wiggins, *States are banning discrimination against black hairstyles. For some lawmakers, it's personal*. Wash. Post (Mar. 16, 2020) available at https://www.washingtonpost.com/local/md-politics/maryland-bill-crown-act-hairstyles-discrimination/2020/03/12/c3b81582-5f05-11ea-b014-4fafa866bb81_story.html.

[50] JOY Collective, *C.R.O.W.N. Research Study*, Unilever PLC (2019), available at https://www.thecrownact.com/research.

to non-Black women. The study also found that "Black women are more likely to have received formal grooming policies in the workplace, and to believe that there is a dissonance from her hair and other race's hair" and that "Black women's hairstyles were consistently rated lower or 'less ready' for job performance."[51] Among the study's other findings are that 80 percent of Black women believed that they had to change their hair from its natural state to "fit in at the office," that they were 83 percent more likely to be judged harshly because of their looks, that they were 1.5 times more likely to be sent home from the workplace because of their hair, and that they were 3.4 times more likely to be perceived as unprofessional compared to non-African-American women.[52]

While the CROWN Study illustrates the prevalence of hair discrimination, numerous stories across the country put names and faces to the people behind those numbers. For example, in 2017, a Banana Republic employee was told by a manager that she was violating the company's dress code because her box braids were too "urban" and "unkempt."[53] A year later, in 2018, Andrew Johnson, a New Jersey high school student, was forced by a white referee to either have his dreadlocks cut or forfeit a wrestling match, leading him to have his hair cut in public by an athletic trainer immediately before the match.[54] That same year, an 11-year-old Black girl in Louisiana was asked to leave class at a private Roman Catholic school near New Orleans because her braided hair extensions violated the school's policies.[55] The next year, two African-American men in Texas alleged being denied employment by Six Flags because of their hairstyles—one had long braids and the other had dreadlocks.[56] And earlier this year, there were news reports of a Texas student who would not be allowed to walk at graduation because his dreadlocks were too long.[57] There have been several high-profile news reports of Black students forced to change their natural hair, or having been turned away from schools because of their hair.[58] In California, school officials in the Fresno area have sent Black students home because of curls and shaved heads.[59] Unfortunately, these are just a few of the many cases of

---

[51] *Id.*

[52] *Id.*

[53] Lindsay Schallon, *Employers Have Policed Black Hair for Decades. These Four Women Have Had Enough*, Glamour (Aug. 13, 2019), available at https://www.glamour.com/story/hair-discrimination-woty-all-year.

[54] Jacob Bogage, Eli Rosenberg and Alex Horton, *A white referee told a high school wrestler to cut his dreadlocks or forfeit. He took the cut.*, WASH POST (Dec. 22, 2018), available at https://www.washingtonpost.com/sports/2018/12/21/referee-high-school-wrestler-cut-your-dreadlocks-or-forfeit/.

[55] Julia Jacobs and Dan Levin, Black Girl Sent Home From School Over Hair Extensions, N.Y. Times (Aug. 21, 2018) available at https://www.nytimes.com/2018/08/21/us/black-student-extensions-louisiana.html.

[56] Bill Hanna, *Two African-American teens denied jobs at Six Flags Over Texas because of hairstyles*, Fort Worth-Star Telegram (Mar. 29, 2019), available at https://www.star-telegram.com/news/local/arlington/article228387009.html.

[57] Leah Asmelash, *If this Texas student doesn't cut his dreadlocks, he won't get to walk at graduation. It's another example of hair discrimination, some say*, CNN (Jan. 24, 2020), available at https://www.cnn.com/2020/01/23/us/barbers-hill-isd-dreadlocks-deandre-arnold-trnd/index.html.

[58] Janelle Griffith, *When hair breaks rules: Some black children are getting in trouble for natural hairstyles*, NBC (Feb. 23, 2019), available at https://www.nbcnews.com/news/nbcblk/when-hair-breaks-rules-some-black-children-are-getting-trouble-n973346.

[59] Alexa Diaz, *California Set to Be First State to Protect Black People from Natural Hair Discrimination*, Los Angeles Times (June 27, 2019), available at https://www.latimes.com/local/lanow/la-pol-ca-hair-discrimination-bill-20190627-story.html.

hair discrimination against Black workers and students in recent years.

Committee Consideration

On September 15, 2020, the Committee met in open session and ordered the bill, H.R. 5309, favorably reported as an amendment in the nature of a substitute by voice vote, a quorum being present.

Committee Votes

No record votes occurred during the Committee's consideration of H.R. 5309.

Committee Oversight Findings

In compliance with clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee advises that the findings and recommendations of the Committee, based on oversight activities under clause 2(b)(1) of rule X of the Rules of the House of Representatives, are incorporated in the descriptive portions of this report.

New Budget Authority and Tax Expenditures and Congressional Budget Office Cost Estimate

With respect to the requirements of clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974 and with respect to requirements of clause (3)(c)(3) of rule XIII of the Rules of the House of Representatives and section 402 of the Congressional Budget Act of 1974, the Committee has requested but not received a cost estimate for this bill from the Director of Congressional Budget Office. The Committee has requested but not received from the Director of the Congressional Budget Office a statement as to whether this bill contains any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures.

Duplication of Federal Programs

No provision of H.R. 5309 establishes or reauthorizes a program of the federal government known to be duplicative of another federal program, a program that was included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111–139, or a program related to a program identified in the most recent Catalog of Federal Domestic Assistance.

Performance Goals and Objectives

The Committee states that pursuant to clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, H.R. 5309 would explicitly prohibit discrimination on the basis of hair texture or hairstyles commonly associated with a particular race or national origin in areas of the law where discrimination on the basis of race or national origin is already prohibited.

Advisory on Earmarks

In accordance with clause 9 of rule XXI of the Rules of the House of Representatives, H.R. 5309 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of rule XXI.

Section-by-Section Analysis

The following discussion describes the bill as reported by the Committee.

Section 1. Short Title. Section 1 sets forth the short title of the bill as the "Creating a Respectful and Open World for Natural Hair Act of 2020" or the "CROWN Act of 2020."

Section 2. Findings; Sense of Congress; Purpose. Section 2(a) sets forth various findings in support of the bill, including that while discrimination against people of African descent based on natural or protective hairstyles or texture already constitutes race or national origin discrimination that is prohibited by existing federal civil rights statutes because such traits are commonly associated with race, several federal courts have erroneously interpreted such statutes to exclude discrimination based on hairstyle or hair texture from such existing anti-discrimination protections.

Section 2(b) states that it is the sense of Congress that a federal law protecting against discrimination based on hair textures and hairstyles associated with African Americans or people of African descent is necessary to protect more comprehensively against racial and national origin discrimination.

Section 2(c) sets forth the Act's purpose to ensure that federal civil rights laws prohibiting race and national origin discrimination are applied comprehensively.

Section 3. Federally Assisted Programs. Section 3(a) prohibits discrimination in federally funded programs and activities based on an individual's hair texture or hairstyle if it 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."

Section 3(b) provides that Section 3(a) will be enforced as if it was incorporated into Title VI of the Civil Rights Act of 1964, which prohibits discrimination on the basis of race, color, or national origin in federally-funded programs, and that violations of Section 3(a) will be treated as if they were violations of Section 601 of the Civil Rights Act of 1964.

Section 3(c) provides that the term "program or activity" has the same meaning as it does in Section 606 of the Civil Rights Act of 1964 and the terms "race" and "national origin" have the same meanings as they do in Section 601 of the 1964 Act.

Section 4. Housing programs. Section 4(a) prohibits discrimination in housing based on an individual's hair texture or hairstyle if it 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."

Section 4(b) provides that Section 4(a) will be enforced as if it was incorporated into the Fair Housing Act, which prohibits discrimination in housing on the basis of, among other things, race

and national origin, and that violations of Section 4(a) will be treated as if they were discriminatory housing practices.

Section 4(c) provides that the terms "discriminatory housing practice" and "person" have the same meanings as they do in Section 802 of the Fair Housing Act and "race" and "national origin" have the same meanings as they do in Section 804 of the Fair Housing Act.

Section 5. Public Accommodations. Section 5(a) prohibits discrimination in public accommodations, as prohibited under Sections 201, 202, and 203 of the Civil Rights Act of 1964, based on an individual's hair texture or hairstyle if it 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."

Section 5(b) provides that Section 5(a) will be enforced as if it was incorporated into Title II of the Civil Rights Act of 1964, which prohibits discrimination or segregation in public accommodations on the basis of, among other things, race and national origin, and that violations of Section 5(b) will be treated as if they were violations of Sections 201, 202, or 203 of the Civil Rights Act of 1964.

Section 5(c) provides that the terms "race" and "national origin" have the same meanings as they do in Section 201 of the Civil Rights Act of 1964.

Section 6. Employment. Section 6(a) prohibits discrimination in employment (including by an employer, employment agency, labor organization, or joint labor-management committee controlling apprenticeship or other training or retraining programs, including on-the-job training programs) based on an individual's hair texture or hairstyle if it 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."

Section 6(b) provides that Section 6(a) will be enforced as if it was incorporated into Title VII of the Civil Rights Act of 1964, which prohibits discrimination in employment on the basis of, among other things, race and national origin, and that violations of Section 6(b) will be treated as if they were violations of Sections 703 or 704 of the Civil Rights Act of 1964.

Section 6(c) provides that the terms "race" and "national origin" have the same meanings as they do in Section 701 of the Civil Rights Act of 1964.

Section 7. Equal Rights Under the Law. Section 7(a) applies the prohibited practices under Section 1977 of the Revised Statutes (42 U.S.C. 1981) to encompass practices based on an individual's hair texture or hairstyle if it 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." Section 1977 of the Revised Statutes provides that all people within the jurisdiction of the United States will have the same rights as white citizens to "make and enforce contracts, to sue, be parties, give evidence, and to the full and equal benefit of all laws and proceedings for the security of persons and property . . . and shall be subject to like punishment, pains, penalties, taxes, licenses, and exactions of every kind, and to no other."

Section 7(b) provides that Section 7(a) will be enforced as if it was incorporated into Section 1977 of the Revised Statutes and that violations of Section 7(b) will be treated as if they were violations of Section 1977 of the Revised Statutes.

Section 8. Rule of Construction. Section 8 provides a rule of construction that the act shall not be construed to limit the definitions of race or national origin under the Civil Rights Act of 1964, the Fair Housing Act, or Section 1977 of the Revised Statutes.

Minority Views

In the precious few legislative days remaining in this Congress, the Committee on the Judiciary would be better served by focusing on matters of pressing national concern. There has been violent unrest for weeks in Democrat-run cities and urban centers across the country, including looting, rioting, destruction of public and private property, and attacks on law enforcement officers. These serious issues are squarely within the jurisdiction of the Committee, and it is incumbent upon the Committee to address them. Instead, the Committee's Democrat majority has decided to act upon H.R. 5309, a bill that would prohibit conduct that is already illegal under Federal law.

Using a pretextual reason as cover for undertaking an action prohibited by Federal civil rights law is nonetheless a violation of Federal civil rights law.[1] In *Oncale* v. *Sundowner Offshore Services, Inc.,* in an opinion authored by the late Justice Scalia, the Supreme Court explained that "statutory prohibitions often go beyond the principal evil to cover reasonably comparable evils."[2] The Civil Rights Act and other Federal civil rights statutes prohibit the discrimination on the basis of race, color, or national origin in public accommodations,[3] public facilities,[4] public education,[5] federally funded programs,[6] housing,[7] employment,[8] and other aspects of our daily lives. While the contours of these laws vary, their primary intent is simple and consistent: disparate treatment of one individual when compared to another cannot be based on race, color, or national origin.[9]

However, a race-neutral policy is not disparate treatment simply because it is applied to a member of a protected class.[10] Courts have long recognized that neutral policies may legitimately require members of protected classes to take meet certain appearance standards, such as when hair would impede the use of a job-critical tool like a respirator.[11] H.R. 5309 asserts that "society has used (in conjunction with skin color) hair texture and hairstyle to classify individuals on the basis of race" and that "[r]acial and national origin discrimination can and do occur because of longstanding racial

---

[1] *See, e.g.,* McDonnel Douglas Corp. v. Green, 411 U.S. 792, 805 (1973) ("Title VII does not . . . permit petition to use respondent's conduct as a pretext for the sort of discrimination prohibited by § 703(a)(1).").

[2] Oncale v. Sundowner Offshore Servs., Inc., 523 U.S. 75, 79–80 (1998).

[3] *See* 42 U.S.C. § 2000a et seq.

[4] *See* 42 U.S.C. § 2000b et seq.

[5] *See* 42 U.S.C. § 2000c et seq.

[6] *See* 42 U.S.C. § 2000d et seq.

[7] *See* 42 U.S.C. § 3601 et seq.

[8] *See* 42 U.S.C. § 2000e et seq.

[9] *See, e.g.,* Oncale, 523 U.S. at 80 ("The critical issue, Title VII's text indicates, is whether members of one sex are exposed to disadvantageous terms or conditions of employment to which members of the other sex are not exposed." (internal quotations omitted)).

[10] *See, e.g.,* EEOC v. Catastrophe Mgmt. Sols., 852 F.3d 1018 (11th Cir. 2016).

[11] *See* Fitzpatrick v. City of Atlanta, 2 F.3d 1112 (11th Cir. 1993).

and national origin biases and stereotypes associated with hair texture and style."[12] To the extent these assertions are true, that conduct is already illegal under Federal civil rights laws. In fact, some Federal courts have already ruled that "grooming requirements . . . applied to black persons [may] constitute [] . . . racial discrimination. . . ."[13]

The process by which the Committee has considered H.R. 5309 is deficient. At the beginning of this Congress, the Democrats added a requirement to the House Rules that a committee must hold a legislative hearing on a bill before it is considered on the floor. This legislative hearing is meant to inform the committee of what problem the bill is meant to solve, the bill's merits, and whether Congressional action is necessary. Here, the Democrat majority failed to abide by their own rules—the Committee invested no time in a legislative hearing for H.R. 5309.

The Committee made no effort to receive testimony from alleged victims of the discrimination targeted by this bill on whether this bill is needed. The Committee also made no effort to receive testimony from legal scholars or those responsible for enforcing our Nation's civil rights laws on the possible efficacy of this bill, and whether it will achieve its desired effect. The apparent rush to bring this bill to the floor suggests that this is nothing more than an exercise in political messaging in advance of the coming elections.

JIM JORDAN,
Ranking Member.

○

[12] CROWN Act of 2019, H.R. 5309, 116th Cong. §2(a).
[13] *E.g.* Jenkins v. Blue Cross Mut. Hospital Ins., Inc., 538 F.2d 164, 168 (7th Cir. 1976).