



Téléfax: (41-22)-917 9029  
Télégrammes: UNATIONS, GENEVE  
Téléx: 41 29 62  
Téléphone: (41-22)-917 9614  
Internet: www.ohchr.org  
E-mail: tschackel@ohchr.org



Address:  
Palais des Nations  
CH-1211 GENEVE 10

REFERENCE: TS/JF

28 September 2009

Excellency,

I wish to inform you that the Committee on the Elimination of Racial Discrimination, in the course of its 75<sup>th</sup> session, considered the additional report submitted by the Government of the United States of America, pursuant to Rule 65(1) of the Rules of Procedure of the Committee.

The Committee welcomes the timely submission of the report, in response to its request to receive information within one year on the implementation of the recommendations contained in paragraphs 14, 19, 21, 31 and 36 of the concluding observations (CERD/C/USA/CO/6) adopted in February 2008, following consideration of the State party's fourth to sixth periodic reports. The Committee thus appreciates the opportunity provided to continue the dialogue with the State party, and would like to draw the State party's attention to the observations mentioned below. The Committee requests that comments and responses on action taken by the State party on these issues be included in its seventh to ninth periodic reports to be submitted by 20 November 2011.

**Paragraph 14 of the Concluding Observations.** The Committee urges the State party to make all efforts to pass the End Racial Profiling Act and to review its 2003 Guidance Regarding the Use of Race by Federal Law Enforcement Agencies, with a view to avoiding any ambiguous language that may provide a loophole allowing for actions that constitute racial profiling. The Committee also stresses the need to review the National Entry and Exit Registration System, NSEERS, with a view to avoiding racial profiling in migration policies. In this regard, the Committee recommends that the State party also reconsider its policy under 287(g) of the Immigration and Nationality Act. The Committee further encourages the State party to continue and strengthen training and awareness-raising in order to avoid racial profiling in the migration context. With regard to the conduct of criminal investigations, national security investigations and intelligence gathering by the Federal Bureau of Investigation, FBI, the Committee welcomes the information that the new consolidated guidelines adopted in this regard do not authorize any conduct prohibited by the "Guidance Regarding the Use of Race by Federal Law Enforcement Agencies". The Committee invites the State party to closely monitor compliance in this regard.

Mr. Douglas M. Griffiths  
Minister Counsellor, Chargé d'affaires a.i.  
Permanent Mission of the United States of America to the United Nations  
Route de Pregny 11, 1292 Chambésy  
Fax : 022 749 48 80.

**Paragraph 19 of Concluding Observations.** The Committee notes that the information provided does not fully respond to the issues addressed in decision 1(68) and expresses concern over the slow progress in the implementation of the decision as well as the disproportionate negative environmental impact suffered by the Western Shoshone people from resource extraction activities conducted on their lands. The Committee once again calls for the full implementation of decision 1(68) and requests that information in this regard be provided to the Committee. The Committee finally highlights the need for high-level officials to interact and consult with the affected communities on matters of concern.

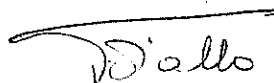
**Paragraph 21 of Concluding Observations.** The Committee takes note of the information provided and would like to reiterate its recommendation.

**Paragraph 31 of Concluding Observations.** The Committee takes note of the efforts undertaken, but expresses concern over allegations concerning instances of racial discrimination suffered by victims of Hurricane Katrina. The Committee urges the State party to strengthen its efforts to provide adequate and affordable housing to the victims in a timely manner and to take all measures necessary to ensure that its policies do not have a discriminatory effect on any of the victims of this natural disaster.

**Paragraph 36 of Concluding Observations.** The Committee welcomes the efforts undertaken by the State party in the area of awareness-raising and education and highlights the need to continue and strengthen these efforts.

Rest assured, Excellency, that the Committee looks forward to continuing its constructive dialogue with the Government of the United States of America, with a view to assisting in its efforts to ensure the effective implementation of the Convention.

Yours sincerely,



Fatimata-Binta Victoire Dah  
Chairperson of the Committee on the  
Elimination of Racial Discrimination