

NATO UNCLASSIFIED

13 May 2004

Division of Dockets Management (HFA-305)
Food and Drug Administration
5630 Fishers Lane, Room 1061
Rockville, MD 20852

Re: Docket No. 2002N-0278

BACKGROUND

The North Atlantic Treaty Organization (NATO) Alliance has 26 member nations and 19 Partnership for Peace (PfP) nations. Approximately 400 international families, representing 22 nations, are currently posted to the Headquarters, Supreme Allied Commander Transformation, NATO's Supreme Commander in the United States. The number of personnel will increase to 650 within the next two years in light of the recent expansion of NATO. In addition to those posted to this Headquarters, there are several thousand NATO officers posted throughout the United States in exchange officer positions with U.S. armed forces.

International personnel that are posted to this Headquarters, and throughout the United States, are handpicked as national representatives and undergo intensive background assessments as part of the qualification process for high-level security clearances required for NATO positions. Personnel who are stationed at this Headquarters are posted pursuant to the NATO Status of Forces Agreement (TIAS 2846), the Protocol on the Status of International Military Headquarters (TIAS 2978), and the Agreement and Exchange of Letters between the United States of America and the Headquarters (TIAS 3113). In accordance with these agreements and pursuant to the Harmonized Tariff Schedule (HTS) of the United States, 19 USCA §1202, international personnel are permitted to import their "baggage and effects" (i.e., "household goods") (HTS 9806.00.20) and personal "articles" (HTS 9806.00.45) into the United States free of import duties provided that these items are for consumption therein and for the personal use of international personnel and their family members.

COMMENT

In accordance with the Public Health Security and Bioterrorism Preparedness and Response Act of 2002 (Bioterrorism Act), prior notice must be submitted for any shipment containing human (or animal) food. International personnel posted at this Headquarters are experiencing great difficulties with importers who have refused to pack their sealed food/beverage items for shipment to the United States, citing the notice requirements of the Bioterrorism Act as too burdensome for individual shipments.

In recognition of the intense screening process that these individuals undergo prior to being selected for a NATO position, we respectfully request your consideration in granting an exemption from the prior notice requirements of the Bioterrorism Act to *"persons on duty in the United States as members of the armed forces of a NATO or Partnership for Peace or civilian component attached to or employed by NATO Headquarters, Supreme Allied Commander Transformation Atlantic and their immediate families."*

Given the realities of limited resources, granting this exemption for NATO personnel would alleviate a significant paperwork burden for FDA officials for a category of individuals who have been invited to the United States in connection with official duties representing their foreign government and who come to this country only after undergoing a rigorous background security investigation.

Questions regarding this matter should be directed to Kathy Bair at (757) 445-3640.

Sincerely,

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M. R. DeBoer
HQ SACT Legal Affairs
Acting Branch Head