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June 21, 2002

Defense Acquisition Regulations Council
Attention: Ms. Amy Williams
OUSD (AT+L) DP (DAR)
IMD3C132
3062 Defense Pentagon
Washington, DC 20301-3062

Re: **DFARS Case 2002-D002**

Dear Ms. Williams:

The American Frozen Food Institute (AFFI or the Institute) welcomes the opportunity to comment on the Department of Defense's (DOD) interim rule regarding modification of the Berry amendment, published April 26, 2002. AFFI is the national trade association representing frozen food manufacturers, their marketers and suppliers. AFFI's 550 member companies are responsible for approximately 90 percent of the frozen food processed annually in the United States, valued at more than \$60 billion. AFFI members are located throughout the country and are engaged in the manufacture, processing, transportation, distribution and sale of products nationally and internationally.

AFFI commends DOD for its swift and comprehensive implementation of recent statutory modifications to the so-called Berry Amendment. AFFI believes DOD's interim final rule accurately reflects both the letter and spirit of Section 832 of Public Law 107-107, the National Defense Authorization Act for Fiscal Year 2002.

Prior to passage of Section 832, the Berry Amendment, 10 U.S.C. §2241 note, often made DOD's sourcing of food items to meet the peacetime needs and surge requirements of the U.S. armed sources more difficult and time consuming than necessary. The Berry Amendment required DOD to procure foods, entirely of U.S. origin ingredients. Often, DOD was forced to reject multi-ingredient, commercially available food items processed in the U.S. because the domestic origin

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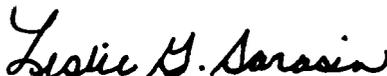
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of all ingredients and components of the product could not be demonstrated. This policy put DOD at odds with common commercial practice in the food industry, which typically follows U.S. tariff law in determining questions of foreign origin, and limited its access to the widest possible selection of products.

The interim final rule permits DOD procurement of food that is manufactured or processed in the United States, regardless of where the food or any component thereof is grown or produced. By focusing on the point of manufacture or processing, this change to the DFARs will eliminate difficult, time-consuming inquiries with regard to the origin of de minimis ingredients and, thereby, ensure that the military has access to the widest possible array of commercially available, multi-ingredient foods. AFFI welcomes this change to the regulations and applauds DOD's quick action in implementing it as an interim final rule. AFFI urges the Department to finalize promptly the interim rule without change to those provisions affecting DOD's procurement of food.

AFFI appreciates this opportunity to comment and looks forward to the DOD's expeditious finalization of the interim rule.

Sincerely,


Leslie G. Sarasin
President and CEO