

# Congress of the United States

Washington, DC 20510

August 10, 2011

The Honorable Leon Panetta  
Secretary of Defense  
1000 Defense Pentagon  
Washington, DC 20301-1000

Dear Secretary Panetta:

We were disappointed to learn from Under Secretary of Defense Clifford Stanley yesterday that he has recommended the closure of the commissary in Topsham, Maine, which serves more than 10,000 active duty, Guard, and Reserve personnel, retirees, and other eligible beneficiaries in the immediate area, as well as thousands of additional eligible users throughout the state. We believe this decision to be unjustified and imprudent, and urge you to continue store operations while reconsidering his recommendation.

We note that section 643 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (P.L. 111-383) requires the Department to review the Government Accountability Office (GAO) report GAO-11-266R, prior to making a determination on the future of operations at the Topsham commissary. As you know, this GAO report was particularly critical of DOD Instruction 1330.17, which governs commissary store operations, noting that, "some of the general and economic criteria in the DOD instruction are not clear and are open to interpretation on when to establish or continue a commissary versus when to discontinue commissary operations." The GAO report recommended that the Department of Defense clarify its guidance, and Under Secretary Stanley concurred with this recommendation in his response to GAO. However, the Department has still not revised DOD Instruction 1330.17. In order to ensure fair application of the instruction criteria to all stores, we believe that no commissary closures should occur until the Department has completed a revision and reissuance of that instruction.

Over the past year, we have consistently sought a dialogue with the Department to address the continued operation of the commissary through pragmatic and thoughtful approaches, including legislative proposals to create an "enhanced commissary" authority that would reduce the costs of operating the Topsham store. However, we have been particularly troubled by the lack of response to our efforts to discuss these matters with the Department, including letters sent to Under Secretary Stanley on May 10, June 3, and July 21, each of which indicated a desire to have further discussions about the "enhanced commissary" proposal, the fate of the Topsham commissary, and the GAO's findings. Unfortunately, we did not receive a response to any of these letters, and yesterday was the first time that we have heard from Under Secretary Stanley on this issue. This failure to respond to our requests for a dialogue on a matter of such significant importance is troubling and unacceptable.

We note that the Topsham commissary serves sufficient military personnel to meet Department of Defense criteria for operating a store, including the requirement that there is an active-duty mission with at least 100 active-duty personnel within a 20-mile radius of the store. In this case, approximately 200 active duty sailors at any given time are assigned to the Navy's Supervisor of Shipbuilding, Conversion, and Repair in Bath, Maine, approximately 7 miles away. In addition, even though Naval Air Station Brunswick has been closed, the Topsham commissary is projected to continue to serve more eligible personnel, perform with greater efficiency, and have more sales than many other commissaries in operation around the United States. In fact, Topsham sales projections for fiscal year 2012 exceed the

sales of 75 existing commissaries in fiscal year 2010; the store will serve more users than about 25 other locations in the U.S., and is more efficient, based upon unit cost, than 55 other stores within the United States. Based upon these data, many other commissary stores should be closed before the Topsham commissary, if the Department of Defense is attempting to reduce costs.

We urge you to reconsider Under Secretary Stanley's recommendation to close the Topsham commissary, and to continue store operations until after DoD guidance regarding commissary operations has been updated to reflect GAO's recommendation, a new determination regarding continued Topsham commissary operations has been made based on the updated regulation, and the Department has provided a formal position regarding the proposal to establish an enhanced commissary pilot program that would reduce operation costs by authorizing the sale of alcohol and tobacco products. Thank you for your prompt consideration of our concerns.

Sincerely,



OLYMPIA J. SNOWE  
United States Senator



SUSAN M. COLLINS  
United States Senator



CHELLIE M. PINGREE  
Member of Congress



MICHAEL H. MICHAUD  
Member of Congress