

SC's Graham says closing Parris Island 'ain't gonna happen,' but who has the authority?

Stephen Fastenau

October 11, 2020

If U.S. military leaders ultimately choose to close the Marines' boot camp at Parris Island, they could seek to do so without needing Congressional approval.

The Marine Corps' top general generated shockwaves in northern Beaufort County when he told Military.com in September the service would consider closing boot camps on Parris Island and San Diego to build one co-ed training base. The option is one defense officials are considering to comply with a Congressional mandate to gender-integrate recruit training within five years.

The Port Royal base is one of three military installations in northern Beaufort County, with Naval Hospital Beaufort and Marine Corps Air Station Beaufort.

While South Carolina's federal delegates quickly vowed to save Parris Island at all costs, filing legislation Friday to prohibit the use of federal funds to close or plan the closure of the Marine Corps Recruit Depot, the president and defense secretaries have "considerable existing authority" to close bases, a report by the Congressional Research Service says.

Congress has at times limited that power via annual military spending bills.

For instance, the annual defense bill passed by the Democrat-led House in July for the next fiscal year limited the amount of military construction money the president can use under the office's emergency powers after President Donald Trump pulled from the military projects to pay for border wall construction. A final defense bill from House and Senate versions has not been finalized.

The House passed an amendment to a military construction funding bill in 2019 that prevented the money from being used for a round of base closures.

Federal law otherwise allows the Secretary of Defense or secretary of an individual military branch to unilaterally close a base, as a statute has expired that outlined a process with more legislative oversight known as Base Realignment and Closure — or BRAC — which closes or restructures bases en masse.

Attempts by some in Congress to revive a BRAC process in recent years have been unsuccessful.

“There is no base-closure round on the horizon,” said Mackenzie Eaglen, who researches defense policy as a resident fellow at Washington, D.C., think tank American Enterprise Institute. “It’s not only unlikely, it’s minimal chance of it happening.”

Without BRAC, there’s no obvious mechanism, short of prohibiting money be used for the purpose, for Congress to keep the Marine Corps from closing boot camps at Parris Island and San Diego and building a new facility elsewhere. Marine Corps commandant Gen. David Berger told Military.com in September that a new base might be necessary to comply with a mandate in the National Defense Authorization Act that within five years, men and women train side-by-side at Parris Island and eight years at the West Coast base.

The commandant gets the benefit from Congress that he knows best and has the authority to man, train and equip his force, Eaglen said.

HOW IT COULD WORK

Federal law dictates how military leaders can reduce facilities and personnel in lieu of BRAC.

A defense secretary must first give lawmakers notice before closing a base with a capacity of 300 or more civilian employees. Similar notice is required by a separate statute before reducing the number of service members at a base by more than 1,000.

That notice must accompany an annual budget request submitted to the House and Senate armed services committees and must include comprehensive reports on how closing the base would affect the local economy, environment and military budgets and operations. Defense officials must also tell the lawmakers the criteria used to determine whether a base should close.

There’s then a waiting period of the longer of 30 legislative days or 60 calendar days before the base can be closed. The required reports are open to potential legal challenges that could delay the process.

Fulfilling the notice requirements with the proper studies is time consuming and expensive, and it’s unclear how Congress might react, said Jim Wegmann, a Beaufort attorney and former Marine who is a member of the S.C. Military Base Task Force board.

Short of a formal process to shutter a base, military leaders can “choke them out slowly” by withdrawing resources over time, said Eaglen, who was previously a defense adviser to Sen. Susan Collins, R-ME. Lawmakers could also try to convince a prospective defense secretary to commit to sparing the bases before a Senate confirmation hearing.

South Carolina’s federal delegates were quick to issue statements of support for recruit training remaining on Parris Island, with Sen. Lindsey Graham saying flatly: “It ain’t gonna happen.” U.S. Rep. Joe Wilson, a Republican and senior member of the House Armed Services Committee, told The State newspaper that the requirement to integrate boot camp shouldn’t affect the future of Parris Island.

“I’m sure the delegation from the state will oppose it, but it remains to be seen if they can,” Eaglen said.

Potential paths are also subject to the desires of President Donald Trump, who as commander-in-chief has shown a willingness to upend defense planning with a tweet, she noted.

WHAT ABOUT BRAC

One-off base closures have not been typical. Congress has instead authorized during the past three decades five rounds of BRAC, the process to slim down military facilities that in theory results in more efficiency and lower defense costs.

The process includes an independent, bipartisan commission that considers a list of military installations to trim as submitted by the Secretary of Defense. The panel can accept the list or recommend changes before forwarding a final recommendation to the president. Congress then approves or rejects the list in its entirety.

The most recent BRAC was in 2005, and the 1990 law authorizing the process for the past four commissions expired in 2006. A new BRAC would require new legislation and wouldn't be subject to previously established guidelines for how bases are disposed.

The most recent process required about 10 years, from the Pentagon's analysis of facilities through the end of a six-year implementation period.

Some lawmakers, including Rep. Adam Smith, D-WA, have advocated for another BRAC round in recent years, saying there is a glut of excess infrastructure, and military leaders need the freedom to reorganize as they see fit. A bill to explore another BRAC failed in the House in 2017.

"The military is significantly hamstrung right now in their ability to move assets," said Smith, chairman of the House Armed Services Committee, during a briefing put on by the think tank Cato Institute last year. "Basically members of Congress seem to think that anything moved out of their district is the most egregious act ever committed, and they will fight to the death to prevent it."

It's difficult to predict how Parris Island might fare in a BRAC, Wegmann said. Without BRAC legislation, observers can only speculate about how a new law might carry out the next round of base closures, he said.

What seems clear to Wegmann: Neither a military secretary's order or new round of BRAC is easy or imminent. But Berger's comment should be a reminder to military communities that no base is immune from closure.

"The Lowcountry has a proud and long tradition of supporting its bases and the men and women of the armed forces who inhabit them," Wegmann said. "They are a part of the fabric of our community, and they are essential to our national defense."