

September 28, 2025

The Honorable Pete Hegseth
Secretary of Defense
U.S. Department of Defense
1000 Defense Pentagon
Washington, DC 20301

Dear Secretary Hegseth:

I write regarding reports that the Army is “considering a significant expansion of privatized barracks.”¹ Given the significant challenges that privatization has imposed on military family housing for decades, directly resulting from the substantial failures² of private housing providers, I am alarmed that the U.S. Department of Defense (DoD) is considering expanding privatization to unaccompanied military housing (i.e., barracks).

According to one report, construction has begun as part of a pilot program that “will replace existing barracks with 276 modern apartment units in three-story buildings, designed to house 545 service members” on Fort Irwin in California.³ This effort began under President Biden, but now the Army is “looking at expansion writ large,” according to Deputy Assistant Secretary of the Army for Installations, Housing, and Partnerships David Dentino.⁴

DoD should move cautiously with this initiative and ensure that servicemembers are protected from the abusive practices of private military housing providers. For decades, servicemembers and the DoD have experienced the negative impacts of privatized military housing, such as rising housing costs, diminished maintenance, and increased health hazards, and should heed the lessons

¹ Military.com, “‘Everything Is on the Table’: Army Eyeing Expansion of Privatized Barracks,” Steven Beynon, April 24, 2025, <https://www.military.com/daily-news/2025/04/24/everything-table-army-eyeing-expansion-of-privatized-barracks.html>.

² U.S. Senator Elizabeth Warren, “Senator Warren Releases Her Investigation of the Pentagon’s Substandard Military Base Housing Program,” press release, May 1, 2019, <https://www.warren.senate.gov/oversight/letters/senator-warren-releases-her-investigation-of-the-pentagons-substandard-military-base-housing-program>.

³ Army Times, “Fort Irwin breaks ground on first privatized junior enlisted barracks,” Karen Jowers, September 8, 2025, <https://www.armytimes.com/news/your-army/2025/09/08/fort-irwin-breaks-ground-on-first-privatized-junior-enlisted-barracks>.

⁴ Military.com, “‘Everything Is on the Table’: Army Eyeing Expansion of Privatized Barracks,” Steven Beynon, April 24, 2025, <https://www.military.com/daily-news/2025/04/24/everything-table-army-eyeing-expansion-of-privatized-barracks.html>.

learned.⁵ Privatization of on-base housing for servicemembers and their families started in the 1990s as a purported solution to the disrepair of family housing on military installations.⁶

The goal of these efforts was to cut costs for the government while increasing the quality of housing for our servicemembers and their families.⁷ Unfortunately, this approach has failed.⁸

Instead, DoD created new risks and higher costs for taxpayers as the physical and health standards of military housing have continued to worsen for servicemembers and their families.⁹ The Congressional Budget Office (CBO) found that privatization “is ultimately more expensive than traditional military construction and management.”¹⁰ Furthermore, military families in privatized housing have reported a host of problems related to substandard housing, including “black mold, rodents, insect infestations, lead paint, damaged plumbing, and ineffective HVAC units.”¹¹

A detailed investigation by my office in 2019 specifically found that: (1) complex business organizations hinder military families’ and DoD’s ability to hold private housing providers accountable for substandard conditions; and (2) private housing providers failed to create accessible and centralized records and protocols to address tenant complaints, preventing comprehensive assessment or oversight of their performance.¹² In response, Congress instituted several reforms, including directing the Secretary of Defense to develop the “Tenant Bill of Rights” under the Fiscal Year (FY) 2020 National Defense Authorization Act (NDAA).¹³ Despite these reforms, restrictive DoD agreements with private housing providers have perpetuated challenges in providing safe, healthy, and high-quality housing for servicemembers and their

⁵ Project on Government Oversight, “From Toxic Mold to Rampant Fraud: How Privatizing Military Housing Became a Nightmare for Soldiers,” René Kladzyk, May 7, 2024, <https://www.pogo.org/investigations/from-toxic-mold-to-rampant-fraud-how-privatizing-military-housing-became-a-nightmare-for-soldiers>.

⁶ Congressional Research Service, “Privatized Military Housing: Costs and Budgetary Issues for Congress,” Andrew Tilghman, July 25, 2024, p. 2, https://www.congress.gov/crs_external_products/R/PDF/R48137/R48137.3.pdf.

⁷ *Id.*

⁸ Congressional Budget Office, “H.R. 4879, Military Housing Improvement Act of 2004,” July 30, 2004, p. 2, <https://www.cbo.gov/sites/default/files/108th-congress-2003-2004/costestimate/hr48790.pdf>; Project on Government Oversight, “From Toxic Mold to Rampant Fraud: How Privatizing Military Housing Became a Nightmare for Soldiers,” René Kladzyk, May 7, 2024, <https://www.pogo.org/investigations/from-toxic-mold-to-rampant-fraud-how-privatizing-military-housing-became-a-nightmare-for-soldiers>; U.S. Senator Elizabeth Warren, “Senator Warren Releases Her Investigation of the Pentagon’s Substandard Military Base Housing Program,” press release, May 1, 2019, <https://www.warren.senate.gov/oversight/letters/senator-warren-releases-her-investigation-of-the-pentagons-substandard-military-base-housing-program>.

⁹ *Id.*

¹⁰ Congressional Budget Office, “H.R. 4879, Military Housing Improvement Act of 2004,” July 30, 2004, p. 2, <https://www.cbo.gov/sites/default/files/108th-congress-2003-2004/costestimate/hr48790.pdf>; Congressional Research Service, “Privatized Military Housing: Costs and Budgetary Issues for Congress,” Andrew Tilghman, July 25, 2024, p. 22, https://www.congress.gov/crs_external_products/R/PDF/R48137/R48137.3.pdf.

¹¹ Congressional Research Service, “Privatized Military Housing: Costs and Budgetary Issues for Congress,” Andrew Tilghman, July 25, 2024, p. 22, https://www.congress.gov/crs_external_products/R/PDF/R48137/R48137.3.pdf.

¹² U.S. Senator Elizabeth Warren, “Senator Warren Releases Her Investigation of the Pentagon’s Substandard Military Base Housing Program,” press release, May 1, 2019, <https://www.warren.senate.gov/oversight/letters/senator-warren-releases-her-investigation-of-the-pentagons-substandard-military-base-housing-program>.

¹³ National Defense Authorization Act for Fiscal Year 2020, Public Law 116-92, §2890(a).

families. For example, according to a survey released in June of this year, servicemembers and their families are still reporting “mold, mildew, pest infestations, HVAC failures, water intrusion and appliance issues – issues that have been reported countless times by news outlets and have been the subject of concern at Congressional hearings on military budgets.”¹⁴

A significant contributing factor to these ongoing problems is that DoD is locked into decades-long agreements with private housing providers, often based on 50-year leases.¹⁵ The agreements include “provisions that make them nearly impossible to terminate and that allow companies to evade some environmental, tenant rights, and consumer protection laws.”¹⁶ DoD also claims it cannot “unilaterally change [or amend] the terms of the complex, public-private partnerships,” to include new tenant protections, when some housing providers resisted implementation of the congressionally-mandated Tenant Bill of Rights.¹⁷ Ultimately, DoD has failed to maintain meaningful oversight over the privatized housing providers and has failed to effectuate Congressionally-required military housing protections intended to address growing concerns.¹⁸

One unique consideration about privatizing military barracks is whether it would result in commanders relinquishing the authority to conduct health and welfare inspections.¹⁹ This is a critical function of the command teams who are required “[t]o take all necessary and proper measures... to promote and safeguard the morale, the physical well-being, and the general welfare” of troops under their command.²⁰ Commanders can prohibit weapons in the barracks, and these government-owned and -operated facilities are routinely utilized to provide a cooling-off location when servicemembers are involved in domestic disputes at home.²¹ Commanders are even

¹⁴ Task & Purpose, “Most military families on base don’t know their rights as tenants, survey finds,” Patty Nieberg, June 12, 2025, <https://taskandpurpose.com/news/military-private-housing-survey>.

¹⁵ Project on Government Oversight, “From Toxic Mold to Rampant Fraud: How Privatizing Military Housing Became a Nightmare for Soldiers,” René Kladzyk, May 7, 2024, <https://www.pogo.org/investigations/from-toxic-mold-to-rampant-fraud-how-privatizing-military-housing-became-a-nightmare-for-soldiers>.

¹⁶ *Id.*

¹⁷ U.S. Department of Defense, “DOD Gives Update on Tenant Bill of Rights for Privatized Housing,” June 4, 2021, <https://www.defense.gov/News/News-Stories/Article/Article/2646757/dod-gives-update-on-tenant-bill-of-rights-for-privatized-housing>; Congressional Research Service, “Military Housing,” Andrew Tilghman, September 29, 2023, pp. 13-14, https://www.congress.gov/crs_external_products/R/PDF/R47728/R47728.4.pdf.

¹⁸ U.S. Government Accountability Office, “Military Housing: DOD Needs to Strengthen Oversight and Clarify Its Role in the Management of Privatized Housing,” March 26, 2020, <https://www.gao.gov/products/gao-20-281>.

¹⁹ Military Rule of Evidence 313(b), 2024 Manual For Courts-Martial, p. III-15, <https://jsc.defense.gov/Military-Law/Current-Publications-and-Updates>; The Judge Advocate General's Legal Center and School, “Commander’s Legal Handbook 2025,” p. 58, (“The most common type of inspection is a commander’s inspection of the unit to protect the health and welfare of the unit’s Soldiers.”) <https://tjagls.army.mil/publications>; *United States v. McCarthy*, 38 M.J. 398, pp. 12, 16 (“The question in this case involves the degree to which appellant’s reasonable expectation of privacy is less than that of someone living in a private home ... Military authorities have a relationship with and responsibility for persons and property unlike anything in civilian life. A military commander is not only responsible for the barracks building and its contents; he is also responsible for the welfare of its occupants.”).

²⁰ Army Regulation 600-20, para. 1-6c(4)(d)(4), “Command,” p. 3, February 6, 2025, https://armypubs.army.mil/ProductMaps/PubForm/Details.aspx?PUB_ID=1030507.

²¹ Military Rule of Evidence 313(b)(3), 2024 Manual For Courts-Martial, p. III-12, <https://jsc.defense.gov/Military-Law/Current-Publications-and-Updates>; The Judge Advocate General's Legal Center and School, “Commander’s Legal Handbook 2025,” pp. 55-56, <https://tjagls.army.mil/publications>; Joint Base Myer-Henderson Hall Command Policy Letter, “Joint Base Myer-Henderson Hall (JBM-HH) Policy Memorandum DFMWR-7, Physical Separation of

authorized under the Military Rules of Evidence to conduct probable cause searches if there is evidence to support illegal activity in government-owned barracks.²² If DoD moves to privatize barracks, it must ensure that commanders remain equipped to fulfill their duty to oversee and protect their troops.

This is not a partisan issue. Members on both sides of the aisle continue to share concerns about the state of privatized military housing.²³ Moreover, quality housing is critical to recruitment and retention efforts.²⁴ Accordingly, I expect DoD to take thoughtful and informed action to resolve the problems with unaccompanied housing.²⁵ If DoD moves forward with a plan to fully privatize barracks, it must not repeat the same mistakes made when privatizing military family housing. Given my concerns, I request that you respond to the following questions in writing by October 14, 2025:

1. With respect to the pilot program at Fort Irwin, California:
 - a. What is the term of the agreement with the Michaels Organization?
 - b. Does the current agreement with the Michaels Organization require that the private housing provider comply with the “Tenant Bill of Rights”?
 - c. What other private entities are involved in building, operating, and/or maintaining the privatized barracks?
 - d. How many units of housing are implicated in the pilot?
 - e. Will servicemembers’ participation in the pilot program be voluntary?
 - f. Will commanders maintain legal authority to conduct health and welfare inspections?
 - g. Will commanders maintain legal authority to conduct probable cause searches under military law?
 - h. What penalties will be put in place should the Michaels Organization fail to meet statutory or otherwise agreed to requirements?
 - i. Is there a plan for evaluating the pilot program before committing to additional projects? If so, please provide details on the measures of performance and effectiveness included in the planned evaluation.

Parties Involved in Domestic Violence,” December 18, 2019, p. 2, https://home.army.mil/jbmhh/2415/9482/1180/Policy_Memo_DFMWR-7_Physical_Separation.pdf; Department of the Army, “Command Policy #13, Family Advocacy,” December 3, 2018, p. 12, (“=When a commander believes a Soldier who resides off-post is a risk to self or others, the commander may move the Soldier on-post and request the Soldier voluntarily turn-in his/her privately owned weapon(s) for storage.”) https://home.army.mil/monterey/3415/5026/6455/CMD_Policy_13_Family_Advocacy.pdf.

²² Military Rule of Evidence 315(d)(1), 2024 Manual For Courts-Martial, p. III-15, <https://jsc.defense.gov/Military-Law/Current-Publications-and-Updates>; The Judge Advocate General’s Legal Center and School, “Commander’s Legal Handbook 2025,” p. 53, <https://tjagls.army.mil/publications>.

²³ House Armed Services Committee, “FY26 NDAA Floor Amendment Tracker,” <https://armedservices.house.gov/ndaa/fy26-ndaa-floor-amendment-tracker.htm>.

²⁴ Congressional Research Service, “Military Housing,” Andrew Tilghman, September 29, 2023, p. 1, https://www.congress.gov/crs_external_products/R/PDF/R47728/R47728.4.pdf.

²⁵ U.S. Government Accountability Office, “Military Housing: Strengthened Oversight Needed to Make and Sustain Improvements to Living Conditions,” pp. 3-6, September 27, 2023, <https://www.gao.gov/assets/gao-23-107038.pdf>.


2. Does DoD intend to expand the privatization of barracks beyond the pilot program, to all military services? If so, please respond to the following (a-d):
 - a. What is the planned duration for agreements with companies responsible for maintaining private barracks?
 - b. Will there be provisions that allow the government to make unilateral decisions/or changes with respect to the private barracks? Please, provide a copy of such provisions.
 - c. What tenant protections will be incorporated into the agreements with the companies responsible for maintaining the private barracks?
 - d. What type of oversight will DoD conduct over the companies building and maintaining the private barracks?
 - i. Will there be scheduled inspections? How often? Event-oriented?
 - ii. How will the agreements with the companies responsible for maintaining the private barracks address tenant complaint systems and protocols for creating and maintaining records of complaints?
 - iii. What public reporting requirements will be included in the agreements with the companies building and maintaining the private barracks?
 - iv. Will there be data collection standards and provisions to enforce accountability in the agreements with the companies building and maintaining the private barracks?
 - v. What penalties will be put in place for private housing providers that fail to meet agreed to requirements?
3. Please, provide “an estimate on the total time and costs associated with the long-term needs for barracks improvement projects across the [DoD].”²⁶
 - a. Has the Facilities Sustainment, Restoration, and Modernization (FSRM) program been adequately funded over the past ten years to conduct necessary repairs and restorations of the military barracks?
 - b. Explain how the DoD’s FY2026 budget proposal funds the FSRM program.
 - c. How does the DoD intend to fund the FSRM program long-term to address the poor health and safety conditions in the barracks?
4. How would the privatization of the barracks impact future DoD budget requirements for Basic Housing Allowance (BAH) via military personnel accounts?
 - a. Has DoD conducted a cost-benefit analysis?
 - b. If so, please provide the details of that analysis.
5. To what extent do current contracts between DoD and private housing providers give DoD the ability to amend agreement terms, including to effectuate statutory changes enacted by Congress?
6. Does the plan to privatize the barracks include DoD requesting authorization for unaccompanied, junior enlisted servicemembers to receive BAH?

²⁶ Congressional Research Service, “Privatized Military Housing: Costs and Budgetary Issues for Congress,” Andrew Tilghman, July 25, 2024, p. 28, https://www.congress.gov/crs_external_products/R/PDF/R48137/R48137.3.pdf.

7. If existing barracks buildings on military installations go unused as a result of privatization, what is the DoD's plan for these facilities?
8. Has DoD conducted location-specific assessments of available private sector housing near military installations and considered "whether that housing is sufficient to meet the military's current or future housing needs?"²⁷ If so, please share detailed findings.
9. Were military justice policy experts consulted about the legal implications of privatizing barracks? If so, please provide a copy of any legal advice or opinion.

Thank you for your attention to this important matter.

Sincerely,



Elizabeth Warren
United States Senator

CC: The Honorable Dan Driscoll, Secretary of the Army

²⁷ Congressional Research Service, "Privatized Military Housing: Costs and Budgetary Issues for Congress," Andrew Tilghman, July 25, 2024, p. 28, https://www.congress.gov/crs_external_products/R/PDF/R48137/R48137.3.pdf.