

FEDERAL COURTHOUSE DESIGN AND CONSTRUCTION: EXAMINING THE COSTS TO THE TAX-PAYER

(119-22)

HEARING

BEFORE THE

SUBCOMMITTEE ON

ECONOMIC DEVELOPMENT, PUBLIC BUILDINGS, AND
EMERGENCY MANAGEMENT

OF THE

COMMITTEE ON

TRANSPORTATION AND

INFRASTRUCTURE

HOUSE OF REPRESENTATIVES

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Washington, DC 20515

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MAY 16, 2025

SUMMARY OF SUBJECT MATTER

TO: Members, Subcommittee on Economic Development, Public Buildings, and Emergency Management
FROM: Staff, Subcommittee on Economic Development, Public Buildings, and Emergency Management
RE: Subcommittee Hearing on “*Federal Courthouse Design and Construction: Examining the Costs to the Taxpayer*”

I. PURPOSE

The Subcommittee on Economic Development, Public Buildings, and Emergency Management of the Committee on Transportation and Infrastructure will hold a hearing on Tuesday, May 20, 2025, at 10:00 a.m. E.T. in 2167 of the Rayburn House Office Building entitled, “*Federal Courthouse Design and Construction: Examining the Costs to the Taxpayer*.” In 2021, the United States Courts updated the official Design Guide that dictates the basic requirements for new courthouses.¹ This hearing will evaluate the recent changes to the Design Guide and examine the impacts that the changes have had on the costs associated with designing, constructing, and operating Federal courthouses. Witnesses for this hearing will be from the General Services Administration (GSA), the Federal Judiciary, and the Government Accountability Office (GAO).

II. BACKGROUND

GENERAL SERVICES ADMINISTRATION

The Subcommittee on Economic Development, Public Buildings, and Emergency Management has jurisdiction over all of GSA’s real property activity through the Property Act of 1949 (P.L. 81–152), the Public Buildings Act of 1959 (P.L. 86–249), and the Cooperative Use Act of 1976 (P.L. 94–541).² These three Acts are codified as title 40 of the United States Code. The Public Buildings Service (PBS) is responsible for the construction, repair, maintenance, alteration, and operation of public buildings of the Federal Government, including the United States Courts.³

¹ UNITED STATES COURTS, U.S. COURTS DESIGN GUIDE (revised Mar. 2021) [hereinafter DESIGN GUIDE], available at <https://www.uscourts.gov/administration-policies/judiciary-policies/us-courts-design-guide>.

² RULES OF THE HOUSE OF REPRESENTATIVES, 119th Cong. (2025), available at <https://rules.house.gov/sites/evo-subsites/rules.house.gov/files/documents/houserules119thupdated.pdf>.

³ Dominick A. Fiorentino and Garrett Hatch, CONG. RSCH. SERV. (R47722), OVERVIEW OF THE GENERAL SERVICES ADMINISTRATION: ACQUISITION SERVICES AND REAL PROPERTY MANAGEMENT, (Sept. 27, 2023) [hereinafter CRS REPORT], available at <https://www.congress.gov/>

Continued

GSA'S CAPITAL INVESTMENT AND LEASING PROGRAM

PBS activities are funded primarily through the Federal Building Fund (FBF), an intra-governmental fund into which agencies pay rent for the properties they occupy.⁴ While the FBF is funded through agency rents paid to GSA, it is not a true revolving loan fund.⁵ The funds are made available via annual appropriations bills.⁶ GSA has not had full access to the FBF since 2011, when appropriators began using the FBF to offset other unrelated costs in the Financial Services and General Government appropriations bill.⁷

Each year, GSA submits to the House Committee on Transportation and Infrastructure and the Senate Environment and Public Works Committee its Capital Investment and Leasing Program (CILP) for the subsequent fiscal year.⁸ The CILP submission includes what are known as prospectuses for each project, detailing the project scope, need, and estimated costs.⁹ For fiscal year (FY) 2026, a prospectus is required for any project in excess of \$3.961 million.¹⁰

PROSPECTUS APPROVAL PROCESS

Pursuant to the prospectus process (40 U.S.C. 3307), capital projects exceeding the prospectus threshold, including construction of new courthouses, must be authorized through a Committee resolution by the House Committee on Transportation and Infrastructure and the Senate Committee on Environment and Public Works.¹¹ The Committee approves the project by adopting a Committee Resolution, which will typically include limitations and guidelines that GSA must follow in proceeding with the approved project.¹² Only then may GSA enter into a contract to build, purchase, or lease space.¹³

In addition to the approvals through Committee Resolutions, the Appropriations Committees appropriate funds each year from the FBF.¹⁴ For FY 2016 through FY 2022, GSA received \$1.9 billion to construct fifteen new courthouses.¹⁵ However, in recent years Congress has significantly reduced the amount of funding provided for courthouse construction.¹⁶ Since FY 2022, about \$395 million has gone to partially fund three courthouses: Hartford, Connecticut; Chattanooga, Tennessee; and San Juan, Puerto Rico.¹⁷ As a result, it is critical that GSA prioritize existing construction dollars and focus those dollars only on the highest priority projects.

FEDERAL JUDICIARY COURTHOUSE PROJECT PRIORITIES LIST

Each fiscal year, as part of the Judiciary's budget justification, the United States Courts publish a Federal Judiciary Courthouse Project Priorities (CPP) list.¹⁸ The CPP contains two parts: "Part I consists of the judiciary's highest courthouse construction funding priorities for the budget year [and] Part II identifies out-year courthouse construction priorities."¹⁹ For FY 2026, the Judiciary is requesting \$863 million for new courthouse construction costs.²⁰ The CPP's highest funding priorities are: San Juan, Puerto Rico; Hartford, Connecticut; Chattanooga, Tennessee; Bowl-

crs-product/R47722#:~:text=The%20Federal%20Property%20and%20Administrative,and%20disposal%20of%20real%20property.

⁴ *Id.* at 13.

⁵ 40 U.S.C. § 592(c)(1).

⁶ *Id.*

⁷ GSA, FISCAL YEAR 2024 CONGRESSIONAL JUSTIFICATION, FEDERAL BUILDINGS FUND (2023), available at https://www.gsa.gov/system/files/GSA_FY_2024_Congressional_Justification_Final-1.pdf.

⁸ CRS REPORT, *supra* note 3, at 14.

⁹ *Id.*

¹⁰ GSA, *Annual Prospectus Thresholds* (last updated Jul. 31, 2024), available at <https://www.gsa.gov/real-estate/design-and-construction/annual-prospectus-thresholds>.

¹¹ 40 U.S.C. § 3307.

¹² CRS REPORT, *supra* note 3, at 14.

¹³ *Id.*

¹⁴ *Id.*

¹⁵ U.S. GOV'T ACCOUNTABILITY OFF., GAO-25-106724, FEDERAL COURTHOUSE CONSTRUCTION: NEW DESIGN STANDARDS WILL RESULT IN SIGNIFICANT SIZE AND COST INCREASES at 1 (2024) [hereinafter GAO REPORT 2024], available at <https://www.gao.gov/assets/gao-25-106724.pdf>.

¹⁶ ADMIN. OFF. OF THE U.S. COURTS, THE JUDICIARY FISCAL YEAR 2026 CONGRESSIONAL BUDGET SUMMARY at 74 (Apr. 2025) [hereinafter BUDGET SUMMARY], available at <https://www.uscourts.gov/sites/default/files/document/fy-2026-congressional-budget-summary.pdf>.

¹⁷ *Id.* at 74–75.

¹⁸ ADMIN. OFF. OF THE U.S. COURTS, FEDERAL JUDICIARY COURTHOUSE PROJECT PRIORITIES (CPP) FOR FISCAL YEAR 2025, AS APPROVED BY THE JUDICIARY CONFERENCE OF THE UNITED STATES, available at https://www.uscourts.gov/sites/default/files/fy_2025_section_14_courthouse_construction.pdf.

¹⁹ *Id.*

²⁰ BUDGET SUMMARY, *supra* note 16, at 73.

ing Green, Kentucky; and Anchorage, Alaska.²¹ Below is a breakdown of the outstanding funding requests for those projects.

- San Juan, Puerto Rico: *\$343.4 million* for construction.
 - In FY 2022, \$22.5 million was funded for site and design.
 - In FY 2024, \$3.0 million was funded for site and design, and \$25.3 million was funded for construction.
- Hartford, Connecticut: *\$6.1 million* for site and design, and *\$151.5 million* for construction.
 - In FY 2021, \$135.5 million was funded for site, design, and partial construction.
 - In FY 2022, \$138.0 million was funded for partial construction.
 - In FY 2023, \$61.5 million was funded for partial construction.
- Chattanooga, Tennessee: *\$3.4 million* for site and design, and *\$77.1 million* for construction.
 - In FY 2021, \$94.5 million was funded for site, design, and partial construction.
 - In FY 2022, \$85.5 million was funded for partial construction.
 - In FY 2023, \$38.4 million was funded for partial construction.
 - In FY 2024, \$20.9 million was funded for partial construction.
- Bowling Green, Kentucky: *\$26.0 million* for site and design, and *\$193.5 million* for construction.
 - This project has not received any prior funding.
- Anchorage, Alaska: *\$62.1 million* for site and design.
 - This project has not received any prior funding.²²

UNITED STATES COURTS DESIGN GUIDE

First issued in 1991, the United States Courts Design Guide establishes, “the federal judiciary’s requirements for the design, construction, and renovation of court facilities and is intended for use by judges, architects, engineers, [GSA] personnel, and court administrators who are involved in federal court construction projects.”²³ The Judiciary made revisions to the Design Guide in 1993, 1995, 2007, and 2021.²⁴ The Judiciary also made minor amendments to the 2007 version of the Design Guide in 2016.²⁵ The Design Guide is a living document that can be amended or formally updated as needed.²⁶

The changes that the Judiciary incorporated into the 2021 Design Guide range widely in scope and impact. For example, the Design Guide lays out policies related to courtroom sharing and space planning for senior and future judges.²⁷ However, the Design Guide also sets out policies related to acoustic requirements and interior finishes.²⁸ For a detailed breakdown of the changes in the 2021 Design Guide, see Appendix 1.

III. COMMITTEE OVERSIGHT

FEDERAL COURTHOUSE CONSTRUCTION PROGRAM

The Subcommittee on Economic Development, Public Buildings, and Emergency Management has had ongoing oversight of the Federal courthouse construction program. In 2010, at the request of the Subcommittee, GAO completed a study entitled, “*Federal Courthouse Construction: Better Planning, Oversight, and Courtroom Sharing Needed to Address Future Costs*.”²⁹ In the report, GAO examined thirty-three courthouses that were constructed during the ten-year period from 2000 to 2010.³⁰

²¹ *Id.* at 74.

²² *Id.* at 74–75.

²³ DESIGN GUIDE, *supra* note 1, at vii.

²⁴ GAO REPORT 2024, *supra* note 15, at 2.

²⁵ *Id.*

²⁶ DESIGN GUIDE, *supra* note 1, at xi.

²⁷ GAO REPORT 2024, *supra* note 15, at 25–27.

²⁸ *Id.*

²⁹ U.S. GOV’T ACCOUNTABILITY OFF., GAO–10–417, FEDERAL COURTHOUSE CONSTRUCTION: BETTER PLANNING, OVERSIGHT, AND COURTROOM SHARING NEEDED TO ADDRESS FUTURE COSTS (June 2010) [hereinafter GAO REPORT 2010], available at <https://www.gao.gov/assets/gao-10-417.pdf>.

³⁰ *Id.* at 2.

GAO found that 3.56 million square feet of *extra* space was built costing the taxpayer more than \$800 million because of the following reasons:

- The Judiciary grossly overestimated its ten-year projection of future judges assigned to courthouses;
- New courthouses did not incorporate courtroom sharing; and
- GSA constructed courthouses above the Congressionally-approved size.³¹

As a result of these findings, the Committee halted approving new courthouses until the Judiciary revamped its process for proposing new courthouses, including revising judgeship projections and instituting courtroom sharing policies.³² Following this, the Judiciary subsequently updated its *Asset Management Planning* (AMP) process that improved and standardized its method of reviewing the need for new courthouses yet the AMP process continues to give greater weight to number of courtrooms/chambers (50 percent of the weighted AMP system) than building condition (12 percent) or security (10 percent) in determining the “Urgency Evaluation” Rating or UE and need for a new courthouse.³³ While the Judiciary has refined its courtroom sharing policies for magistrate, senior, and bankruptcy judges, sharing policies do not apply to active district court judges.³⁴

Following the United States Courts publication of the new Design Guide in 2021, the Subcommittee requested that GAO examine the judiciary’s rationale for the changes that were made in the new Design Guide.³⁵ The report, “*Federal Courthouse Construction: New Design Standards Will Result in Significant Size and Cost Increases*,” studied the extent to which these changes could affect the size and cost of courthouse projects.³⁶ To conduct this study, GAO examined six recently constructed courthouses that used the 2007 Design Guide, since no courthouses have been constructed using the 2021 Design Guide.³⁷

The report found that, had the 2021 Design Guide requirements been used for the construction of those six courthouse projects, the size of the courthouses would have increased by almost six percent and construction costs would have increased by approximately twelve percent.³⁸ GAO largely attributes these increases in size and cost, to the increase in judiciary circulation requirements (i.e., the amount of space required for movement of the public, court staff, and prisoners).³⁹

IV. CONCERNS WITH FEDERAL COURTHOUSE CONSTRUCTION

OVER-ESTIMATING THE FUTURE NUMBER OF JUDGES

A primary reason for the overbuilding of recent courthouses has been the Judiciary’s inaccurate ten-year projections for future judgeships.⁴⁰ Since courthouses are designed to house judges and their staff, the overall size of a courthouse is largely determined by the number of judges expected to be housed in the building and whether judges will share courtrooms.⁴¹ However, even as far back as 1993, the GAO questioned the basis on which the United States Courts calculated their projections for new judges.⁴² In particular, at that time, the courts based their calculations on a caseload projection method.⁴³ The problem of over-projecting the number of judges has not been resolved.

LACK OF COURTROOM SHARING

The lack of courtroom sharing has also been an ongoing issue. To conduct their report in 2010, GAO created a model for courtroom sharing that showed significant

³¹ *Id.* at 9.

³² Letter from Eleanor Holmes Norton, Chairwoman and Mario Diaz-Balart, Ranking Member, H. Subcommittee on Econ. Dev., Public Buildings, and Emergency Management to President Barack Obama, (Aug. 2, 2010) (On file with Comm.).

³³ ADMIN. OFF. OF THE U.S. COURTS, ASSET MANAGEMENT PLANNING: PROCESS HANDBOOK (2023), available at <https://www.uscourts.gov/data-news/reports/handbooks-manuals/asset-management-planning-process-handbook>.

³⁴ *Id.*

³⁵ GAO REPORT 2024, *supra* note 15.

³⁶ *Id.* at 2.

³⁷ *Id.* at 3.

³⁸ *Id.* at 29.

³⁹ *Id.* at 24.

⁴⁰ GAO REPORT 2010, *supra* note 29, at 26.

⁴¹ *Id.* at 6–8.

⁴² U.S. GOV’T ACCOUNTABILITY OFF., GGD–93–132, FEDERAL JUDICIARY SPACE: LONG-RANGE PLANNING PROCESS NEEDS REVISION (Sept. 1993), available at <https://www.gao.gov/assets/ggd-93-132.pdf>.

⁴³ *Id.*

amounts of unscheduled time in courtrooms, illustrating sharing of courtrooms could be significantly higher than practiced.⁴⁴

Congress has consistently questioned the need for every judge to have a courtroom, particularly in the case of a large courthouse with 20 or more courtrooms.⁴⁵ However, the United States Courts have consistently requested a courtroom for every active judge.⁴⁶ In 2019, the Judicial Conference updated policies with respect to Senior District Judges, Magistrate Judges, and Bankruptcy Judges sharing courtroom.⁴⁷ However, the new courtroom sharing policy was only implemented for courthouses that are renovated or newly constructed, it does not impact existing courthouses.⁴⁸

CONSTRUCTION EXCEEDED AUTHORIZED LIMITS

In the 2010 report, GAO criticized GSA's inability to ensure courthouse projects stayed within the authorized limits and noted that GSA consistently built courthouses that exceeded the scope of Congressional authorizations.⁴⁹ The report found that the 3.56 million square feet of extra space that was built resulted in an additional \$835 million in costs for the thirty-three courthouses that were examined.⁵⁰ Furthermore, GAO estimated the cost to rent, operate, and maintain the extra space would be almost \$51 million annually.⁵¹ Additionally, the report found that:

- Twenty-seven of the thirty-three courthouses completed since 2000 exceeded their Congressionally-authorized size by 1.7 million square feet;
- Fifteen of the thirty-three courthouses exceeded their Congressional authorization for square footage by ten percent; and
- Three courthouses exceeded their authorized square footage by fifty percent.⁵²

JUDICIARY CIRCULATION REQUIREMENTS

In the 2024 report, GAO found that judiciary circulation requirements in the 2021 Design Guide would have led to increased costs and size if existing courthouses projects had been designed to those standards.⁵³ In the 2007 Design Guide, the Judiciary used "circulation factors" (i.e., percentage of usable space allotted for circulation) while the 2021 Design Guide uses "circulation multipliers."⁵⁴ As highlighted by GSA officials, the use of "multipliers" instead of "factors" causes the judicial space necessary to increase.⁵⁵ As a result, the overall size and cost of the courthouses also increase.⁵⁶

V. CONCLUSION

Despite implementing new policies in their 2021 Design Guide, the United States Courts continue to request the construction of courthouses that are too large and overbudget. While the Design Guide includes updates to relevant policies, including courtroom sharing, the Committee fails to see substantive enactment of these policies. Continued Congressional oversight is necessary to ensure that the prospectus process serves to carefully consider requests made by the Judiciary.

VI. WITNESSES

- Mr. David Marroni, Director, Physical Infrastructure, United States Government Accountability Office
- The Honorable Glenn T. Suddaby, District Judge for the United States District Court for the Northern District of New York, and Chair, Judicial Conference Committee on Space and Facilities
- Mr. Michael Peters, Commissioner, Public Buildings Service, United States General Services Administration

⁴⁴ GAO REPORT 2010, *supra* note 29, at 3.

⁴⁵ *L.A. Courthouse: GSA's Plan to Spend \$400 Million to Create Vacant Space: Hearing before the H. Comm. on Transp. & Infrastructure*, 112th Cong. (Aug. 17, 2012), available at <https://www.govinfo.gov/content/pkg/CHRG-112hhrg75572/pdf/CHRG-112hhrg75572.pdf>.

⁴⁶ *Id.*

⁴⁷ DESIGN GUIDE, *supra* note 1.

⁴⁸ *Id.* at 2–11.

⁴⁹ GAO REPORT 2010, *supra* note 29, at 3.

⁵⁰ *Id.* at 9.

⁵¹ *Id.*

⁵² *Id.* at 13.

⁵³ GAO REPORT 2024, *supra* note 15, at 29.

⁵⁴ *Id.*

⁵⁵ *Id.*

⁵⁶ *Id.*

VII. APPENDIX 1

Table 1: Changes in the 2021 United States Courts Design Guide That Could Affect Size or Cost of Courthouse Projects

Change	Description
Space Sharing and Future Courtroom Planning	
Courtroom sharing policy	Incorporates judiciary policies adopted from 2009 through 2011 for judges to share courtrooms in new courthouses with multiple magistrate, bankruptcy, or senior district judges. For example, a courthouse with three or more magistrate judges includes one courtroom for every two magistrate judges, plus an additional courtroom for criminal duty.
Space planning for senior and future judges	Incorporates the judiciary's policy adopted in 2011 that requires new courthouse projects to include space for existing judges and to account for judges eligible for senior status within a 10-year planning period. (District judges are appointed for life but may take senior status and a reduced caseload, if desired, upon meeting certain age and tenure requirements.) Courts may not program space or include space in the proposed design for projected judgeships.
Multiparty courtrooms	Allows for one multiparty courtroom—used for trials involving multiple parties—in new courthouses with at least four district judge courtrooms. Courts can also request exceptions to the 2021 Design Guide for courthouses with fewer than four courtrooms or to allow for more than one multiparty courtroom at a courthouse. The 2007 Design Guide allowed multiparty courtrooms at courthouses with at least four courtrooms that serve as the district headquarters.
Size Standards and Flexibilities	
Circulation multiplier	Changes the method for calculating circulation within judiciary units in the courthouse. Courthouses have three types of circulation: (1) public circulation for members of the public; (2) restricted circulation for judges and other judiciary staff; and (3) secure circulation to move witnesses, litigants, prisoners, or other individuals who are in custody. The 2007 Design Guide used “circulation factors” (i.e., percentage of usable space allotted for circulation), and the 2021 Design Guide uses “circulation multipliers.” Circulation multipliers are values that are applied (i.e., multiplied) to the net square footage of a judiciary unit to determine the square footage needed to move within and between spaces.
Jury assembly suites	Updates ceiling height maximums for jury assembly suites from 10 feet in the 2007 Design Guide to 12 feet and allows ceiling height to exceed this maximum, if located on a floor with increased floor-to-floor height. Courts may use jury assembly suites for other purposes, such as for training or conferences. The 2007 Design Guide did not address using jury assembly suites for other purposes.
Unique program spaces	As with the 2007 Design Guide, the 2021 Design Guide allows courts to use unoccupied rooms for Alternative Dispute Resolution purposes. However, the 2021 Design Guide also allows a court to construct a separate suite of Alternative Dispute Resolution rooms within its given space requirements, with circuit judicial council approval. The 2021 Design Guide allows for new courthouse construction projects to include (1) fitness centers, provided they are within judiciary's space envelope and do not increase the total square footage of the project; and (2) secure rooms to store sensitive or classified information, provided the room does not increase the total square footage of the court unit where the room is located.

Table 1: Changes in the 2021 United States Courts Design Guide That Could Affect Size or Cost of Courthouse Projects—Continued

Change	Description
Flexibility to configure space	As with the 2007 Design Guide, the 2021 Design Guide provides courts with flexibility to configure space within the space envelope of a court unit (i.e., the total usable square feet within the courthouse) to meet their needs. The 2021 Design Guide also specifies that the circuit judicial council must approve “any significant departure” from square footage standards for space and ceiling heights, whereas the 2007 Design Guide specified that the circuit judicial council must approve “a change” to these standards. The 2021 Design Guide does not define what “significant” means in this context.
Design Features	
Raised access flooring	The 2016 chapter amendments removed the requirement in the 2007 Design Guide that courthouses must use raised access flooring in most spaces but specified that such flooring was required in the courtroom well (i.e., the area that includes the judge’s bench, court personnel workstations, witness box, jury box, and counsel tables in the courtroom). The 2021 Design Guide removed the remaining requirement for raised accessed flooring in the courtroom well.
Access for people with disabilities	Adds a requirement that a minimum of one courtroom per court type and per court floor must be fully accessible, if all courtrooms cannot be designed to be fully accessible at the start of court operation. This 2021 Design Guide change is similar in some ways to Architectural Barriers Act Accessibility Standards-related (ABAAS) guidance, which provides that while it is preferable for the judge’s bench and other private work areas in all courtrooms to be fully accessible, in the alternative, private work areas in at least one courtroom of each type (U.S. Court of Appeals, U.S. District Court, and U.S. Bankruptcy Court) should be fully accessible. The principal difference between this 2021 Design Guide provision and the ABAAS-related guidance is that in instances where all courtrooms cannot be designed to be fully accessible, the 2021 Design Guide provision requires one such fully accessible courtroom per court type on each floor.
Restrooms	Provides that if separate staff toilets are necessary on a single floor, the project team will determine the total number of toilets based on the International Plumbing Code. This allows selected staff, such as the Clerk of the Court, to have private restrooms if they do not add space to the court unit. The 2007 Design Guide allowed for up to two separate staff toilets per floor and did not provide for private restrooms for court executives.
Acoustic requirements	Changes the acoustic performance requirements for the judiciary’s spaces. For example, the 2021 Design Guide does not include the privacy standard of “inaudible” between spaces, which was in the 2007 Design Guide.
Interior finishes	Allows for courts to provide input and have flexibility in the selection of finishes within an approved project budget, as specified in the 2007 Design Guide, but also provides for additional finishes. For example, the 2021 Design Guide expands the type of finish for the ceiling of the judges’ chambers suites from acoustical paneling to also include tile.
Security	
Ballistic-resistant windows, glass, or materials.	Provides for ballistic-resistant material for the judge’s bench in the courtroom, as specified in the 2007 Design Guide, and adds this requirement for the deputy clerk station within the courtroom. Also specifies that ballistic-resistant material may be considered for a judge’s private office.
Mailroom screening requirements	Incorporates the latest standards for mail screening safety, including requiring courts to use ductless mail screening units instead of units that need dedicated air-handling equipment, as required in the 2007 Design Guide.
Security and co-tenants	Adds a new section to the Design Guide on security considerations for courts with multiple tenants, such as other Federal agencies.

Table 1: Changes in the 2021 United States Courts Design Guide That Could Affect Size or Cost of Courthouse Projects—Continued

Change	Description
Security screening pavilion	Includes a new section on security pavilions—adjoining exterior structures for security screening—which incorporates a 2013 policy that the judiciary must approve the pavilions prior to their construction.

*Figure 1: GAO Analysis of Judiciary Information.*⁵⁷

⁵⁷GAO REPORT 2024, *supra* note 15, at 25–27.

FEDERAL COURTHOUSE DESIGN AND CONSTRUCTION: EXAMINING THE COSTS TO THE TAXPAYER

TUESDAY, MAY 20, 2025

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON ECONOMIC DEVELOPMENT, PUBLIC
BUILDINGS, AND EMERGENCY MANAGEMENT,
COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,
Washington, DC.

The subcommittee met, pursuant to call, at 10:59 a.m., in Room 2167, Rayburn House Office Building, Hon. Scott Perry (Chairman of the subcommittee) presiding.

Mr. PERRY. The Subcommittee on Economic Development, Public Buildings, and Emergency Management will come to order.

The Chair asks unanimous consent that I be authorized to declare a recess at any time during today's hearing.

Without objection, so ordered.

The Chair also asks unanimous consent that Members not on the subcommittee be permitted to sit with the subcommittee at today's hearing and ask questions.

Without objection, so ordered.

As a reminder, if Members wish to insert a document into the record, please also email it to DocumentsTI@mail.house.gov.

The Chair now recognizes himself for the purposes of an opening statement for 5 minutes.

OPENING STATEMENT OF HON. SCOTT PERRY OF PENNSYLVANIA, CHAIRMAN, SUBCOMMITTEE ON ECONOMIC DEVELOPMENT, PUBLIC BUILDINGS, AND EMERGENCY MANAGEMENT

Mr. PERRY. Let me just begin with an apology to those who have traveled far and waited long and dealt with Washington, DC, for our tardiness here. Sometimes there are things that are out of our control. It's really not an excuse, but I just want to acknowledge that your time is valuable, and we appreciate it.

I want to thank our witnesses for being here today to discuss the costs associated with designing, constructing, and operating Federal courthouses.

In 2021, the United States Courts updated their official Design Guide for designing and constructing new Federal courthouses. Following the publication of the new Design Guide, this subcommittee requested that the Government Accountability Office examine the changes that were made and the extent to which these changes

would have an impact on the size and cost of courthouses. We made this request because there has been a long history of taxpayer dollars wasted on overbuilt Federal courthouses, and we just don't see that as needing to continue.

In 2010, GAO reviewed 33 courthouses built between 2000 and 2010 and found they were overbuilt by 3.56 million square feet, costing the taxpayers \$835 million, plus \$51 million annually in additional operation and maintenance costs. That's real money.

Following those findings, this committee agreed, on a bipartisan basis, to stop authorizing new courthouses until the courts updated their process for setting their courthouse priorities. Only after the courts updated their Asset Management Planning, or the AMP process, and used it to adjust their priority list for new courthouses did this committee restart authorizing courthouse projects.

In 2021, the courts issued a revised Design Guide for new courthouses. Since no courthouses have been constructed using the 2021 Design Guide, to conduct the 2024 report, GAO looked at six recently constructed courthouses that had been built using the previous 2007 Design Guide. GAO found that, if the new Design Guide had been used for these six courthouses, it would have increased the size by almost 6 percent and the construction costs by almost 12 percent.

Just to reiterate, in 2010, GAO found that courthouses were overbuilt by more than 3 million square feet. The new Design Guide now will result in 6 percent more space. This is at least questionable, if not unacceptable.

On top of this, despite the results of its own research arm—the Federal Judicial Center—indicating that courtrooms sit dark most days, district court judges have continued to argue that each of them is entitled to a dedicated courtroom, even though State and local courts across the country, many of which handle far more cases, routinely share courtrooms without issue.

To accommodate this perceived entitlement, the Federal judiciary often includes vacant or unfilled judgeships when calculating the number of courtrooms required at a new courthouse. This results in overbuilt facilities with unused courtrooms and significantly increased construction and maintenance costs.

The Chair expects that we will hear that a major driver of the design change is the safety and security, particularly the size of circulation spaces. And while the Chair agrees that security is an important and legitimate consideration, it is our duty to question these things so that we get the most value, including with the efficacy that goes with that.

However, the courts' own methodology for prioritizing courthouse projects assigns security just 10 percent of the weighted score, while courtroom and chamber needs make up 50 percent. It seems lopsided, but we are not here to judge, at least prematurely; we want to get the answers.

What is even more concerning is that the expansion of the circulation pattern is based, in part, on an outdated 2012 review of then-existing courthouses, some of which were the subject of GAO's 2010 review that found they were overbuilt. It seems the changes in the Design Guide had little to do with addressing security issues.

Also, I am surprised by how much of the Design Guide focuses on things like millwork and floor and wall finishes, and includes notes like polished cement is “unacceptable.” Frankly, it’s hard to believe that at a time when Congress and the President are focused on downsizing the Federal Government and balancing the budget, the judiciary remains so tone deaf to the fiscal realities. I mean, I walk on polished—probably unpolished—concrete around here every single day, and I am perfectly happy with it.

The United States Courts’ courthouse project priorities for fiscal year 2026 includes a request for \$863 million for new courthouse construction. The United States Courts are asking Congress and, more importantly, our bosses—the American taxpayers—to spend hundreds of millions of dollars on new courthouse construction, despite decades of oversight that has found the Design Guides have enabled the construction of courthouses that are too large and too costly.

Going forward, Congress must take a hard look at the construction priorities of the United States Courts, especially the 2021 Design Guide, to ensure that taxpayer dollars are not being wasted. We need to ensure that proposals for new courthouses that this committee must authorize make sense, reduce cost to the taxpayer, and are not overbuilt.

With that, I look forward to hearing from our witnesses.

[Mr. Perry’s prepared statement follows:]

Prepared Statement of Hon. Scott Perry, a Representative in Congress from the Commonwealth of Pennsylvania, and Chairman, Subcommittee on Economic Development, Public Buildings, and Emergency Management

I want to thank our witnesses for being here today to discuss the costs associated with designing, constructing, and operating federal courthouses.

In 2021, the United States Courts updated their official Design Guide for designing and constructing new federal courthouses. Following the publication of the new Design Guide, this subcommittee requested that the Government Accountability Office (GAO) examine the changes that were made, and the extent to which these changes would have an impact on the size and cost of courthouses. We made this request because there has been a long history of taxpayer dollars wasted on overbuilt federal courthouses.

In 2010, GAO reviewed 33 courthouses built between 2000 and 2010 and found they were over-built by 3.56 million square feet, costing the taxpayer \$835 million, plus \$51 million annually, in additional operation and maintenance costs. Following those findings, this committee agreed on a bipartisan basis to stop authorizing new courthouses until the Courts updated their process for setting their courthouse priorities.

Only after the Courts updated their Asset Management Planning (AMP) process and used it to adjust their priority list for new courthouses did this committee restart authorizing courthouse projects.

In 2021, the Courts issued a revised Design Guide for new courthouses. Since no courthouses have been constructed using the 2021 Design Guide, to conduct the 2024 report, GAO looked at six recently constructed courthouses that had been built using the previous 2007 Design Guide. GAO found that, if the new Design Guide had been used for these six courthouses, it would have increased the size by almost six percent and the construction costs by almost 12 percent.

Just to reiterate, in 2010, GAO found that courthouses were overbuilt by more than three million square feet. The new Design Guide now will result in six percent more space. This is at least questionable, if not unacceptable.

On top of this, despite the results of its own research arm—the Federal Judicial Center—indicating that courtrooms sit dark most days, District Court judges have continued to argue that each of them is entitled to a dedicated courtroom even

though state and local courts across this country, many of which handle far more cases, routinely share courtrooms without issue.

To accommodate this perceived entitlement, the Federal Judiciary often includes vacant or unfilled judgeships when calculating the number of courtrooms required in a new courthouse. This results in overbuilt facilities with unused courtrooms and significantly increased construction and maintenance costs.

I expect that we will hear that a major driver of the design changes is safety and security, particularly the size of circulation spaces. I agree that security is an important and legitimate consideration. However, the Courts' own methodology for prioritizing courthouse projects assigns security just ten percent of the weighted score, while courtroom and chamber needs make up 50 percent.

What is even more concerning is that the expansion of the circulation patterns is based, in part, on an outdated 2012 review of then-existing courthouses, some of which were the subject of GAO's 2010 review that found they were overbuilt. It seems the changes in the Design Guide had little to do with addressing security issues.

I am also surprised by how much of the Design Guide focuses on things like mill-work and floor and wall finishes and includes notes like polished cement is "unacceptable."

Frankly, it's hard to believe that, at a time when Congress and the President are focused on downsizing the federal government and balancing the budget, the Judiciary remains so tone deaf to fiscal realities.

The United States Courts' Courthouse Project Priorities for Fiscal Year 2026 includes a request for \$863 million for new courthouse construction. The United States Courts are asking Congress, and more importantly our bosses—the American taxpayers—to spend hundreds of millions of dollars on new courthouse construction despite decades of oversight that has found that Design Guides have enabled the construction of courthouses that are too large and too costly.

Going forward, Congress must take a hard look at the construction priorities of the United States Courts, especially the 2021 Design Guide, to ensure that taxpayer dollars are not being wasted. We need to ensure that proposals for new courthouses that this committee must authorize make sense, reduce costs to the taxpayer, and are not overbuilt.

Mr. PERRY. And just prior to recognizing the ranking member, I want to enter into the record this letter from the Associated Builders and Contractors regarding project labor agreements and the increased cost associated with those.

And without objection, so ordered.

[The information follows:]

Letter of May 20, 2025, to Hon. Scott Perry, Chairman, and Hon. Greg Stanton, Ranking Member, Subcommittee on Economic Development, Public Buildings, and Emergency Management, from Kristen Swearingen, Vice President, Government Affairs, Associated Builders and Contractors, Submitted for the Record by Hon. Scott Perry

MAY 20, 2025.

The Honorable SCOTT PERRY,
Chairman,

Committee on Transportation and Infrastructure, Subcommittee on Economic Development, Public Buildings and Emergency Management, U.S. House of Representatives, Washington, DC 20515.

The Honorable GREG STANTON,
Ranking Member,

Committee on Transportation and Infrastructure, Subcommittee on Economic Development, Public Buildings and Emergency Management, U.S. House of Representatives, Washington, DC 20515.

DEAR CHAIRMAN PERRY, RANKING MEMBER STANTON AND MEMBERS OF THE U.S. HOUSE COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE'S SUBCOMMITTEE ON ECONOMIC DEVELOPMENT, PUBLIC BUILDINGS AND EMERGENCY MANAGEMENT:

On behalf of Associated Builders and Contractors, a national construction industry trade association with 67 chapters representing more than 23,000 members, I write to thank you for holding the hearing, "Federal Courthouse Design and Con-

struction: Examining the Costs to the Taxpayer.” This hearing is vital to examining cost premiums associated with federal construction to ensure efficient use of taxpayer dollars and that federal procurement policy is consistent with congressional intent.

ABC members have a strong history of competing on and completing courthouse construction and improvements procured by the General Services Administration. Furthermore, ABC members play a significant role in building America’s infrastructure. Specifically, between fiscal years 2009–2023, ABC members won 54% of federal contracts worth \$35 million or more, and built award-winning projects safely, on time and on budget. ABC is committed to promoting a fair and competitive bidding process that allows all qualified contractors to compete on a level playing field based on merit, experience, quality and safety to deliver the highest-quality projects at the best cost.

BACKGROUND

In 2022, President Joe Biden issued Executive Order 14063, resulting in the corresponding January 2024 Federal Acquisition Regulatory Council Use of Project Labor Agreements for Federal Construction Projects final rule, which requires project labor agreements on federal construction projects of \$35 million or more.

The Biden administration mandate applies to numerous federal agencies, including the GSA, and discourages competition from quality nonunion contractors and their employees, who comprise 89.7% of the private U.S. construction industry workforce. As a result, this anticompetitive policy inflates federal construction projects costs by 22%, needlessly wasting billions of taxpayer dollars annually and preventing taxpayers from getting the best bang for their buck on federal construction projects.

Specific to courthouse construction, ABC identified \$277–\$317 million in the below federal courthouse construction solicitations and presolicitations affected by the Biden PLA mandate, suggesting taxpayers are paying a \$55.4–\$63.4 million premium for such work.

- Mike Mansfield Federal Building/Courthouse Seismic Retrofit & Ltd Modernization Design/Build Phase 1 Solicitation—\$30–\$40 million
- Construction Manager as Constructor (CMc) Services for the Phases 2–5 Repairs and Alterations Prospectus for the U.S. Courthouse in Clarksburg, West Virginia—\$40–\$50 million
- Carl B. Stokes U.S. Courthouse Plaza Replacement Design Build Services—\$35–\$45 million
- New United States Courthouse, Chattanooga—Construction Manager as Constructor (CMc)—\$172–\$182 million

DEVELOPMENTS

While President Trump issued several executive orders to restore merit-based hiring and contracting across the federal government, President Biden’s executive order and corresponding PLA final rule remain in effect.

On May 16, 2025, Judge Rudolph Contreras of the U.S. District Court for the District of Columbia halted the Trump administration’s class deviations from the Biden mandate for the U.S. Department of Defense and GSA. Now, taxpayers return to paying a premium for federal construction and workers are prevented from completing jobs in their communities.

With the U.S. District Court’s decision, Congress and the Trump administration must act to restore merit to federal procurement. Specifically, Congress must advance H.R. 2126/S. 1064, the Fair and Open Competition Act, to ensure federal and federally assisted contract awards occur through a fair and competitive bidding process that allows all qualified contractors to compete on a level playing field based on merit, experience, quality and safety to deliver the highest-quality projects at the best cost.

ABC appreciates the opportunity to comment on the unnecessary premiums associated with federal courthouse construction. It is essential that the committee promotes competition in public works projects for American taxpayers and workers.

Sincerely,

KRISTEN SWEARINGEN,
Vice President, Government Affairs, Associated Builders and Contractors.

Mr. PERRY. The Chair now recognizes Ranking Member Friedman for 5 minutes for her opening statement.

OPENING STATEMENT OF HON. LAURA FRIEDMAN OF CALIFORNIA, VICE RANKING MEMBER, SUBCOMMITTEE ON ECONOMIC DEVELOPMENT, PUBLIC BUILDINGS, AND EMERGENCY MANAGEMENT

Ms. FRIEDMAN. Thank you, Chairman Perry. I have to say, it's refreshing to be in a committee when we have Congress working in a very bipartisan way and, I think, being in agreement on a lot of the issues in front of the committee today.

Over the last 45 years, the Government Accountability Office, the GAO, has compiled a large body of work on Federal courthouse construction, much of it at the request of this very committee. In study after study, GAO found that the judiciary has requested and received courthouses that are larger than the size authorized by Congress and more expensive to build and operate than Congress was aware of.

Wide latitude amongst judiciary and GSA decisionmakers in choices about location, design, construction, and finishes often resulted in expensive features in some courthouse projects for reasons that are obscure. Long-range space projections by the judiciary were not sufficiently reliable. The judiciary's 5-year plan did not always reflect its most urgently needed projects. And the judiciary did not track courtroom uses.

The judiciary pays rent to GSA for the use of these courthouses, and a proportion of the judiciary's budget that goes to rent has increased as its space requirements have grown. Difficulties in paying for its increasing rent costs were so great that the judiciary requested a \$483 million permanent annual exemption from rent payments to GSA, which they did not receive.

Representative Eleanor Holmes Norton, then-chair of the subcommittee, was so concerned about the bloated Federal courthouse construction program that she asked then-President Obama to place a moratorium on new courthouse construction requests. Along the way, the judiciary did seem to try to meet the concern of Congress. The Judicial Conference revised its courtroom allocation planning assumptions. New courtroom construction projects are to be designed to facilitate courtroom sharing for senior district judges, magistrate judges, and bankruptcy judges, but there is still some cause for concern.

In 2022, this committee asked GAO to look at differences between the courts' 2007 Design Guide and their updated 2021 Design Guide. GAO found that the changes made to the 2021 Design Guide will increase the size of new courthouses by 12 percent.

As the judiciary increases the size of their spaces, the building envelope expands: more tile, more wiring, more ceiling tiles, more paint, longer hallways, increased circulation. You get the picture. The judiciary wanted three circulation zones: public, restricted space for judges and staff, and the secure circulation that's the Marshals Service purview to move prisoners, which, of course, is appropriate. But when updating the Design Guide to reflect the changes in circulation, the judiciary did not fully collaborate with

GSA or the Federal Protective Service to determine necessity or even feasibility.

I appreciate the participation of the witnesses today.

Director Marroni, you and your colleagues are the workhorses of this committee. Year after year, report after report, your work is incalculable to the effective and efficient operations of the United States, and I want to thank you.

Judge Suddaby, I assume that you and your colleagues are probably annoyed by coming in front of Congress as we ask these questions, so I really do appreciate your being here and your patience with us. I hope we can work together collaboratively. So, thank you for being here.

And Commissioner Peters, I am particularly pleased to see you here today, since I am told you declined to participate in our last hearing on Federal real estate. I look forward to learning more about your plans to shed 63 percent of your workforce and 50 percent of your budget, all without impeding the progress of courthouses under construction and courthouses that need repairs and maintenance. I am interested to see how that can happen.

So, thank you, Mr. Chairman, and I yield back.

[Ms. Friedman's prepared statement follows:]

Prepared Statement of Hon. Laura Friedman, a Representative in Congress from the State of California, and Vice Ranking Member, Subcommittee on Economic Development, Public Buildings, and Emergency Management

Thank you, Mr. Chairman.

Over the last 45 years, the Government Accountability Office (GAO) has compiled a large body of work on Federal courthouse construction—much of it at the request of this Committee.

In study after study, GAO found that the judiciary has requested and received courthouses that are larger than the size authorized by Congress and more expensive to build and operate than Congress was aware of.

Wide latitude among judiciary and GSA decision makers in choices about location, design, construction and finishes often resulted in expensive features in some courthouse projects.

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Along the way, the judiciary did seem to try to meet the concerns of Congress. The Judicial Conference revised its courtroom allocation planning assumptions. New courtroom construction projects are to be designed to facilitate courtroom-sharing for senior district judges, magistrate judges and bankruptcy judges.

But there is still some cause for concern.

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GAO found that changes made to the 2021 design guide will increase the size of new courthouses by 12 percent.

As the judiciary increases the size of their spaces, the building envelope expands—more tile, more wiring, more ceiling tiles, more paint, longer hallways, increased circulation, etc.

The judiciary wanted three circulation zones: public, restricted space for judges and staff, and the secure circulation that is the Marshals Service's purview to move prisoners. But when updating the design guide to reflect changes in circulation, the judiciary did not fully collaborate with GSA or the Federal Protective Service to determine necessity or feasibility.

I appreciate the participation of all our witnesses.

Director Marroni, you and your colleagues are truly the workhorses of this Committee. Year after year, report after report, your work is incalculable to the effective and efficient operations of the United States.

Judge Suddaby, I assume that you and your colleagues are annoyed when Congress questions your priorities, but that is our job.

And Commissioner Peters, I am particularly pleased to see you here today since you declined to participate in our last hearing on federal real estate. I look forward to learning more about your plans to shed 63 percent of your workforce and 50 percent of your budget—all without impeding the progress of courthouses under construction and courthouses that need repairs and maintenance.

Thank you, Mr. Chairman.

Mr. PERRY. The Chair thanks the gentlelady. The Chair would now like to welcome our witnesses and thank them again for being here today. And thank you for your patience with us.

Briefly, I would like to take just a moment to explain our lighting system to our witnesses. There are three lights in front of you. Green means go; yellow means you are running out of time; and red means to conclude your remarks.

The Chair asks unanimous consent that witnesses' full statements be included in the record.

Without objection, so ordered.

The Chair also asks unanimous consent that the record of today's hearing remain open until such time as our witnesses have provided answers to any questions that may be submitted to them in writing.

Without objection, so ordered.

The Chair also asks unanimous consent that the record remain open for 15 days for any additional comments and information submitted by Members or witnesses to be included in the record of today's hearing.

Without objection, so ordered.

As your written testimony has been made part of the record, the subcommittee asks that you limit your oral remarks to 5 minutes.

And with that, Mr. Marroni, you are now recognized for 5 minutes for your testimony, sir.

TESTIMONY OF DAVID MARRONI, DIRECTOR, PHYSICAL INFRASTRUCTURE, U.S. GOVERNMENT ACCOUNTABILITY OFFICE; HON. GLENN T. SUDDABY, DISTRICT JUDGE FOR THE U.S. DISTRICT COURT FOR THE NORTHERN DISTRICT OF NEW YORK, AND CHAIR, JUDICIAL CONFERENCE COMMITTEE ON SPACE AND FACILITIES; AND MICHAEL PETERS, COMMISSIONER, PUBLIC BUILDINGS SERVICE, U.S. GENERAL SERVICES ADMINISTRATION

TESTIMONY OF DAVID MARRONI, DIRECTOR, PHYSICAL INFRASTRUCTURE, U.S. GOVERNMENT ACCOUNTABILITY OFFICE

Mr. MARRONI. Thank you, Chairman Perry, Ranking Member Friedman, and members of the subcommittee. I am pleased to be here today to discuss the judiciary's revised design standards for Federal courthouses and the likely impact on courthouse costs.

The judiciary issued these revised standards as part of a 2021 update to the U.S. Courts Design Guide. That guide sets standards for designing and constructing Federal courthouses and is meant to help GSA and other stakeholders build functional and cost-effective courthouses.

The judiciary updated the Design Guide for several reasons, including to improve security, provide flexibility for local courts involved in new courthouse projects, and to contain costs. Cost containment is certainly an important goal, because Federal courthouses, like all Federal real property, require a significant investment of taxpayer resources.

It can cost over \$100 million simply to build a new courthouse, and even more to operate and maintain those buildings over time. As a result, changes to design standards are important, particularly now, as Congress and executive branch agencies are taking steps to reduce the Federal real property footprint.

Given that, last year we reviewed the changes that judiciary made in the 2021 Design Guide, and analyzed their potential impact on the size and cost of future courthouse projects. We identified 16 substantive changes and estimated that, together, they would increase the size of future courthouses by 6 percent and their cost by 12 percent, on average. This could equate to tens of millions of dollars in additional construction spending. For example, when we model what would happen if seven courthouse projects were designed according to the updated design standards, we found it would increase the construction costs for those seven projects by an estimated \$143 million.

These higher estimated costs are due, in part, to changes in the 2021 Design Guide that increased the amount of space allotted to design pathways like hallways and stairways, between courtrooms, and other judiciary spaces. For example, we estimated that the updated standards would provide about 350 additional square feet of circulation space for each district courtroom in a courthouse. Building in this additional space not only increases the size of judiciary space, it also increases the size of the overall courthouse, making it more expensive to build, operate, and maintain.

The judiciary cited the need for improved security as the basis for the higher amounts of circulation space, and the security of

Federal courthouses is certainly a key consideration for their design and construction. However, we found that judiciary did not fully collaborate with GSA when deciding to make this and other updates to the Design Guide.

Specifically, while the judiciary solicited input from GSA on its planned changes to the Design Guide and met with GSA to discuss concerns with the final draft, it did not consistently engage in two-way communication. For example, the judiciary did not fully address GSA's concerns that the revised circulation standards were based on a 2012 contract study of older courthouses, some of which GAO had previously found to be oversized. GSA officials told us it was unclear how the judiciary determined the final 2021 circulation standards in relation to that study.

GSA also raised concerns that the proposed changes would significantly increase the overall size and cost of courthouse projects, which is consistent with our own analysis. While the judiciary adjusted some of its proposed circulation changes based on GSA's feedback, it did not fully address these concerns.

Given the significant cost implications, we recommended that the judiciary, in collaboration with GSA, reassess the need for the revised circulation standards in the 2021 Design Guide. The judiciary is now working with GSA to identify an approach for reassessing these standards, and that is a positive step. If the judiciary determines that the increase in circulation space isn't needed, then the Federal Government could avoid tens of millions of dollars in costs. And if the judiciary decides it is important to keep those increases in the guide, then it will have a stronger basis to justify the higher costs. That is important as the Federal Government moves to rightsize its Federal real property footprint.

Mr. Chairman, that concludes my opening statement. I will be happy to answer any questions.

[Mr. Marroni's prepared statement follows:]

**Prepared Statement of David Marroni, Director, Physical Infrastructure,
U.S. Government Accountability Office**

COURTHOUSE CONSTRUCTION: CHANGES TO DESIGN STANDARDS WILL RESULT IN
LARGER AND MORE COSTLY FUTURE COURTHOUSES

HIGHLIGHTS

What GAO Found

The judiciary issued a new U.S. Courts Design Guide (Design Guide) in 2021 that included many changes in the standards from the prior 2007 version. GAO determined that 16 of the changes could affect the size or cost of courthouse projects. (See table.) Judiciary officials cited four overarching reasons for making these changes: to incorporate existing policies, provide courts with flexibility to design spaces that meet their needs, contain costs, and meet security needs. To date, no courthouses funded through fiscal year 2024 have been designed under the 2021 Design Guide. According to judiciary officials, as of May 2025, the judiciary was planning five courthouse projects with the intention of using the 2021 Design Guide.

Selected Changes in the 2021 U.S. Courts Design Guide That Could Affect the Size or Cost of Courthouse Projects

Change	Description
Circulation requirements	Increases the circulation pathways (i.e., the amount of space required for movement of the public, court staff, prisoners, and others) required for judiciary spaces—primarily those associated with courtrooms and associated spaces, grand jury suites, probation and pretrial services, and other court units.
Courtroom sharing policy	Incorporates judiciary policies adopted from 2009 through 2011 for judges to share courtrooms in new courthouses with two or more magistrate, bankruptcy, or senior district judges.
Ballistic-resistant materials	Adds a requirement for ballistic-resistant material for the deputy clerk station within the courtroom.
Raised access flooring	Removes the requirement for raised access flooring in the courtroom well—the area that includes the judge's bench, court personnel workstations, witness box, jury box and counsel tables.

Source: GAO analysis of judiciary information. GAO-25-108406

GAO found that changes made in the 2021 Design Guide will significantly increase the size and cost of future courthouse projects. To reach this conclusion, GAO estimated the potential impacts of these changes for seven recently completed or future courthouses designed under the 2007 Design Guide. According to this analysis, changes in the 2021 Design Guide would increase the size of the courthouses by 6 percent and project costs by 12 percent on average. These hypothetical increases are due, in part, to increases in the amount of circulation within the judiciary's space. Increases in the judiciary's space result in larger courthouses overall, which GAO estimates will lead to more costly courthouses in the future, due to the need for additional construction materials and building components.

Further, GAO found that the judiciary did not fully collaborate with the General Services Administration (GSA) or involve the Federal Protective Service, which has courthouse security responsibilities. As a result, the judiciary missed an opportunity to address significant issues, such as those related to the size, cost, and security of courthouses. Specifically, the judiciary did not fully address GSA's concerns that the revised circulation requirements were based on a 2012 assessment of older courthouses that GAO had previously found to be oversized. Engaging with stakeholders and reassessing the need for increased circulation requirements in the 2021 Design Guide using relevant information will help the judiciary develop functional and cost-effective courthouses and could avoid millions of dollars in future costs.

Why GAO Did This Study

Courthouses play an important role in ensuring the proper functioning of the federal judicial system. For fiscal years 2016 through 2024, Congress appropriated \$2.1 billion for the construction of 15 federal courthouse projects. According to the judiciary, this funding addressed long-standing needs for new courthouses.

The Design Guide aims to help GSA and other stakeholders build courthouses that are both functional and cost-effective. In 2021, the judiciary made changes to the Design Guide, citing the need to provide greater security for court personnel and flexibility for local courts involved in new courthouse projects.

This testimony discusses (1) the changes made in the 2021 Design Guide, and the judiciary's rationale for making these changes; (2) how these changes could affect the size and cost of future courthouse projects; and (3) how the judiciary collaborated with selected stakeholders in making these changes. It draws primarily from GAO's October 2024 report on the judiciary's Design Guide.

What GAO Recommends

GAO made three recommendations to the judiciary that remain open. These include that the judiciary document a process to ensure collaboration with stakeholders when updating the Design Guide and, in collaboration with GSA, use relevant information to reassess the need for increased circulation requirements. In May 2025, the judiciary told us it is continuing to review its collaboration efforts and work to identify an approach to reassess its circulation requirements.

Chairman Perry, Ranking Member Stanton, and Members of the Subcommittee:
I am pleased to be here today to discuss our work on federal courthouse construction. Courthouses play an important role in ensuring the proper functioning of the

federal judicial system and the administration of justice. The safety and security of federal courthouses are a key consideration in their design and construction.

The construction of new federal courthouses can cost hundreds of millions of dollars. From fiscal years 2016 through 2024, Congress appropriated \$2.1 billion for the construction of 15 federal courthouse projects. According to the judiciary, this funding addressed long-standing needs for new courthouses, and for repairs and alterations to existing courthouses.

The judiciary's U.S. Courts Design Guide (Design Guide) establishes standards for designing and constructing new federal courthouses. The Design Guide aims to help the General Services Administration (GSA) and other stakeholders—including architects, engineers, judges, and court administrators—build courthouses that are both functional and cost-effective. In 2021, the judiciary made changes to the Design Guide, citing the need to provide greater security for court personnel and flexibility for local courts involved in new courthouse projects.

Allowing for such flexibilities could affect the size and cost of courthouses at a time in which Congress and executive branch agencies are taking steps to reduce the real property footprint of the executive branch.¹ Specifically, the Utilizing Space Efficiently and Improving Technologies (USE IT) Act—enacted in January 2025—requires executive branch agencies to measure their use of buildings and submit an annual occupancy report.² It also establishes a building utilization rate target of at least 60 percent.³ Further, a February 2025 Executive Order directed, among other things, that GSA submit to the Office of Management and Budget a plan for the disposition of government-owned executive branch real property that agencies deemed no longer needed.⁴

This testimony is based on our October 2024 report examining issues related to the 2021 version of the Design Guide (2021 Design Guide).⁵ Specifically, my remarks will focus on (1) the changes made in the 2021 Design Guide, and the judiciary's rationale for making these changes; (2) how these changes could affect the size and cost of future courthouse projects; and (3) how the judiciary collaborated with selected stakeholders in making changes in the 2021 Design Guide. My statement will also provide an update on actions the judiciary has taken to implement the recommendations we made in our report.

To examine these issues for our report, we reviewed documentation and interviewed GSA and judiciary officials. We also worked with these officials to estimate the difference in total courthouse size and cost that would likely result from building selected projects according to the 2021 Design Guide, compared with the prior version of the guide from 2007. In addition, we conducted site visits to five of these courthouses, selected for variation in size and cost. Detailed information on the objectives, scope, and methodology for this work can be found in the issued report.

We conducted the work on which this statement is based in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

¹Federal agencies have long struggled to determine the amount of space they need to fulfill their missions, which has at times led them to retain excess and underutilized space. This is one reason that managing federal real property has remained on our High Risk List since 2003. GAO, *High-Risk Series: Heightened Attention Could Yield Billions More and Improve Government Efficiency and Effectiveness*, GAO-25-107743 (Washington, D.C.: Feb. 25, 2025).

²The USE IT Act was enacted as a part of the Thomas R. Carper Water Resources Development Act of 2024, Pub. L. No. 118-272, div. B, tit. III, § 2302, 138 Stat. 2992, 3218 (2025).

³The Office of Management and Budget (OMB), in consultation with GSA, is required under the USE IT Act to ensure building utilization in each public building and federally leased space is not less than 60 percent on average over each 1-year period. GSA, in consultation with OMB, is required under the USE IT Act to take steps to reduce the space of tenant agencies that fail to meet the 60 percent target. These requirements apply to Chief Financial Officers Act of 1990 (CFO Act) agencies. The CFO Act established, among other things, chief financial officers to oversee financial management activities at 23 major executive departments and agencies. Pub. L. No. 101-576, 104 Stat. 2838 (Nov. 15, 1990). The list now includes 24 entities, which are often referred to collectively as CFO Act agencies, and is codified, as amended, in section 901 of Title 31, United States Code.

⁴Exec. Order No. 14222, 90 Fed. Reg. 11095, 11096-97 (Feb. 26, 2025). For further information on recent executive branch actions to dispose of government-owned property and terminate leases, see GAO, *Federal Real Property: Reducing the Government's Holdings Could Generate Substantial Savings*, GAO-25-108159 (Washington, D.C.: Apr. 8, 2025).

⁵GAO, *Federal Courthouse Construction: New Design Standards Will Result in Significant Size and Cost Increases*, GAO-25-106724 (Washington, D.C.: Oct. 16, 2024).

BACKGROUND

Courthouse Characteristics

Federal courthouses can have different types of courtrooms and chambers, depending on the type of judges in the facility (e.g., circuit, district, magistrate, and bankruptcy). Federal courthouses can also have other spaces, such as judiciary offices, libraries, public spaces, security screening areas, and office space for other tenants, such as the U.S. Marshals Service (USMS) and GSA's facilities management personnel. The judiciary's Design Guide includes requirements for the size of courtrooms, judiciary staff offices, and other spaces.

Courthouses also have various pathways (e.g., hallways, stairways, and elevators) that facilitate circulation for different groups in a manner that ensures safety and security. The length and width of some of these circulation pathways can vary based on their function and to meet building codes related to the number of occupants and visitors. As described in the Design Guide, the three primary types of circulation are: (1) public circulation for spectators, attorneys, and media representatives; (2) restricted circulation for judges, courtroom deputy clerks, court reporters, other judiciary staff, and jurors; and (3) secure circulation for law enforcement personnel, witnesses, litigants, prisoners, or other individuals who are in custody.

Role of Federal Agencies

The judiciary and GSA share responsibility for managing the design and construction of courthouse projects.

- The judiciary establishes funding priorities for the construction of new courthouses based on a long-range planning process and on the status of funding for previously approved, pending courthouse construction projects.⁶ Using its AnyCourt space programming tool, the judiciary identifies for GSA the type and size of spaces like courtrooms and offices, to ensure that courthouse projects meet the needs of the courts. The AnyCourt tool also calculates the amount of circulation within judiciary spaces, such as restricted hallways for court personnel to get from their offices to the courtrooms.
- GSA is typically responsible for requesting the funding for courthouse construction, acquiring the building site, and contracting for the design and construction work for courthouse projects. GSA has used the judiciary's Design Guide, GSA's Facilities Standards for the Public Buildings Service (now rescinded), and design guidance from other tenants to ensure that the design and construction plans of the courthouse meet the space and other needs of federal agencies.⁷ GSA uses the judiciary's AnyCourt tool, as well as other tenant agencies' space programs, to then determine the total courthouse size. Based on this determination, GSA develops projects' cost estimates using its Cost Benchmark Tool. The tool is intended to enable GSA to accurately forecast courthouse project costs and develop realistic budgets based on the information specified in the judiciary's AnyCourt tool, as well as other tenants' space requirements.

In addition, USMS and the Federal Protective Service (FPS) have security responsibilities at federal courthouses. Generally, USMS provides security in judiciary spaces within the courthouse and for federal judges, attorneys, jurors, and other members of the federal court. FPS is responsible for providing security in non-judiciary spaces within the courthouse and along the perimeter of the courthouse.⁸

⁶In prior work, we reported on the judiciary's process for ranking courthouse needs and made recommendations to ensure that the judiciary's methodology for ranking courthouse projects results in greater transparency and consistency. The judiciary implemented one of our three recommendations. GAO, *Federal Courthouse Construction: Judiciary Should Refine Its Methods for Determining Which Projects Are Most Urgent*, GAO-22-104034 (Washington, D.C.: Jan. 5, 2022).

⁷GSA's Facilities Standards for the Public Buildings Service (P100) established mandatory design standards and performance criteria for certain federally owned buildings in GSA's control. GSA, *P100 Facilities Standards for the Public Buildings Service* (October 2021). In February 2025, GSA rescinded the P100 and issued interim guidance, stating that the informational memorandum should assist in the preparation of contract documents for architects, engineers, and general contractors until GSA develops a process to update the P100 in accordance with the Thomas R. Carper Water Resources Development Act of 2024. GSA, *Rescission of PBS P100 Facilities Standards, and Issuance of PBS Interim Core Building Standards* (Feb. 24, 2025). The memorandum provides a list of laws, regulations, codes, and guidelines applicable to projects in GSA facilities under design and construction, including the Design Guide.

⁸We reported on courthouse security and made recommendations that the judiciary, USMS, and FPS collect better information and improve coordination on courthouse security. The judiciary and both agencies fully implemented our recommendations. GAO, *Federal Courthouses: Ac-*

U.S. Courts Design Guide

The judiciary's U.S. Courts Design Guide establishes standards for GSA and project stakeholders to follow when designing and constructing new federal courthouses. The judiciary issued its first Design Guide in 1991 and made major revisions in 1993, 1995, 1997, and 2007. The judiciary also amended selected chapters of the 2007 Design Guide in 2016. In 2021, the judiciary issued its most recent revisions to the Design Guide.

Congressional resolutions and appropriations act language for courthouse projects typically stipulate that standards in the Design Guide should be followed.⁹ No courthouse projects funded through fiscal year 2024 were designed under the 2021 Design Guide. According to judiciary officials, as of May 2025, the judiciary is planning five courthouse projects with the intention of using the 2021 Design Guide.¹⁰

Courthouses Funded from Fiscal Years 2016–2024

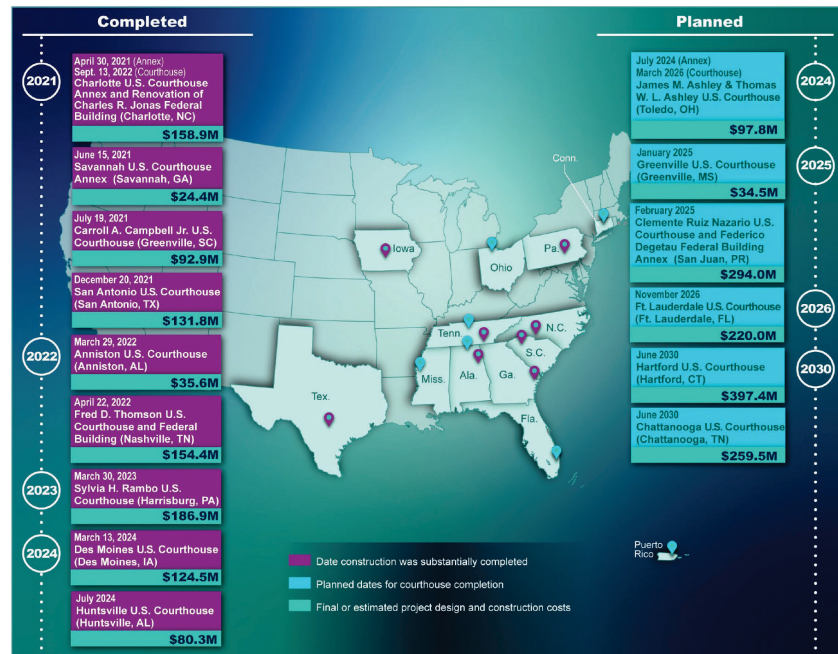
Congress appropriated \$2.1 billion for the construction of 15 federal courthouse projects for fiscal years 2016 through 2024. At the time of our review, GSA had completed construction of nine of these projects. The other six projects were in varying phases of design or construction. (See fig. 1.) GSA and stakeholders used the 1997 version of the Design Guide to design one of the courthouses and the 2007 version of the Design Guide, with the 2016 chapter amendments, to design 14 courthouses.

tions Needed to Enhance Capital Security Program and Improve Collaboration, GAO–17–215 (Washington, D.C.: Feb. 16, 2017).

⁹Under a statutory requirement, the House Committee on Transportation and Infrastructure and the Senate Committee on Environment and Public Works must adopt resolutions approving the purpose before Congress can make an appropriation for the proposed project. 40 U.S.C. § 3307(a). Such committee resolutions have, for example, stipulated that, “except as provided in the prospectus,” courthouse design must not deviate from the Design Guide. If a court requests space that the Design Guide does not specify, or exceeds the limits established by the Design Guide for a given space, then this variation represents an “exception” to the Design Guide. The judiciary must review and approve exceptions before they are implemented and report them to Congress. In our October 2024 report, we found that the judiciary had not provided a clear and complete definition of, or guidance on, the types of variations that constitute an exception. We recommended the judiciary clearly define, or provide specific examples of, variations from the Design Guide that constitute exceptions subject to additional oversight. See GAO–25–106724. According to judiciary officials, the judiciary has taken steps to develop a report—and provide information from the report to GSA—that describes the type of variations from the Design Guide that constitute exceptions subject to additional oversight. In May 2025, we requested further information on the report. We will evaluate the extent to which its contents satisfy our recommendation when judiciary fulfills this request.

¹⁰Judiciary officials stated that two planned courthouses—in Anchorage, Alaska and Bowling Green, Kentucky—will include all elements from the 2021 Design Guide. An additional three planned courthouses—in Chattanooga, Tennessee; Hartford, Connecticut; and San Juan, Puerto Rico—will include cost-neutral elements (i.e., those that do not increase or decrease costs) from the 2021 Design Guide.

Figure 1: Status of Federal Courthouse Projects Funded from Fiscal Years 2016–2024, as of August 2024



Sources: GAO presentation of General Services Administration (GSA) and judiciary data; Map Resources (map). GAO–25–108406

CHANGES IN THE 2021 DESIGN GUIDE AIM TO BETTER MEET COURT NEEDS

In our October 2024 report, we discussed that the judiciary made 16 substantive changes in the 2021 Design Guide that were likely to increase or decrease the size and cost of courthouses.¹¹ Judiciary officials cited four overarching reasons for making these changes: to incorporate existing policies, provide flexibility to meet the space needs at individual courthouses, contain costs, and meet security needs. For example, judiciary officials stated that changes such as increasing the amount of space for the separate circulation of the public, court staff, and prisoners were necessary to ensure safety. The 16 substantive changes in the 2021 Design Guide fall into four broad categories: (1) space sharing and future courtroom planning, (2) size standards and flexibilities, (3) design features, and (4) security. (See table 1 for examples of changes in each of these categories.)

¹¹ We initially identified 28 potentially substantive changes in the 2021 Design Guide. We took additional steps to determine which changes were most substantive by requesting input from the judiciary and GSA on the changes they considered likely to increase or decrease the size and cost of courthouses. We used the judiciary and GSA's responses and our professional judgment to identify the final 16 substantive changes that could potentially affect the size and cost of courthouses, including their views on whether the changes could increase or decrease courthouse size and cost. We did not analyze the extent to which these 16 changes would affect size or cost, except for the change in the circulation requirements, as discussed later.

Table 1: Selected Changes in the 2021 U.S. Courts Design Guide That Could Affect the Size or Cost of Courthouse Projects

Change	Description
Space sharing and future courtroom planning	
Courtroom sharing policy	Incorporates judiciary policies adopted from 2009 through 2011 for judges to share courtrooms in new courthouses with two or more magistrate, bankruptcy, or senior district judges. For example, a courthouse with three or more magistrate judges is allocated one courtroom for every two magistrate judges, plus an additional courtroom for criminal court duty.
Space planning for senior and future judges.	Incorporates the judiciary's policy adopted in 2011 that requires new courthouse projects to include space for existing judges and to account for judges eligible for senior status within a 10-year planning period. (District judges are appointed for life but may take senior status and a reduced caseload, if desired, upon meeting certain age and tenure requirements.) Courts may not program space or include space in the proposed design for projected judgeships.
Size standards and flexibilities	
Circulation requirements	Changes the method for calculating circulation within judiciary units in the courthouse. Courthouses have three types of circulation: (1) public circulation for members of the public; (2) restricted circulation for judges and other judiciary staff; and (3) secure circulation to move witnesses, litigants, prisoners, or other individuals who are in custody. The 2007 Design Guide used "circulation factors" (i.e., percentage of usable space allotted for circulation), and the 2021 Design Guide uses "circulation multipliers." Circulation multipliers are values that are applied (i.e., multiplied) to the net square footage of a judiciary unit to determine the square footage needed to move within and between spaces.
Unique program spaces	As with the 2007 Design Guide, the 2021 Design Guide allows courts to use unoccupied rooms for Alternative Dispute Resolution purposes. However, the 2021 Design Guide also allows a court to construct a separate suite of Alternative Dispute Resolution rooms within its given space requirements, with circuit judicial council approval. Further, the 2021 Design Guide allows for new courthouse design elements, including (1) fitness centers, provided they do not increase the total square footage of the project; and (2) secure rooms to store sensitive or classified information, provided the room does not increase the total square footage of the court unit where the room is located.
Design Features	
Raised access flooring	The 2016 amendments to the Design Guide removed the requirement in the 2007 Design Guide that courthouses must use raised access flooring in most spaces but specified that such flooring was required in the courtroom well (i.e., the area that includes the judge's bench, court personnel workstations, witness box, jury box, and counsel tables in the courtroom). The 2021 Design Guide removed the remaining requirement for raised access flooring in the courtroom well.
Interior finishes	Allows for courts to provide input and have flexibility in the selection of finishes within an approved project budget, as specified in the 2007 Design Guide, but also provides for additional finishes. For example, the 2021 Design Guide expands the type of finish for the ceiling of the judges' chambers suites from acoustical paneling to also include tile.
Security	
Ballistic-resistant windows, glass, or materials.	Provides for ballistic-resistant material for the judge's bench in the courtroom, as specified in the 2007 Design Guide, and adds this requirement for the deputy clerk station within the courtroom. Also specifies that ballistic-resistant material may be considered for a judge's private office.
Mailroom screening requirements ..	Incorporates the latest standards for mail screening safety, including requiring courts to use ductless mail screening units instead of units that need dedicated air-handling equipment, as required in the 2007 Design Guide.

Source: GAO analysis of judiciary information. GAO-25-108406

Note: To identify changes, we compared the 2007 and 2021 versions of the U.S. Courts Design Guide (Design Guide). We also reviewed other judiciary documentation and interviewed judiciary and General Services Administration officials.

In our October 2024 report, we noted that some of the 16 substantive changes in the 2021 Design Guide could increase the size and cost of courthouse projects. For example, the 2021 Design Guide provides courts the option to add unique spaces that the 2007 Design Guide did not address, such as—under certain conditions—fitness centers and secure rooms. Fitness centers and secure rooms must not increase the total square footage of the judiciary’s space in the courthouse project. However, according to GSA officials, the increase in judiciary’s circulation requirements could make judiciary spaces larger overall and, therefore, judiciary may use the additional space to build unique spaces now allowed under the 2021 Design Guide, such as a fitness room. Both the judiciary and GSA projected an increase in courthouse project costs to account for additional circulation and unique spaces.

We also discussed changes that could decrease the cost of courthouse projects with judiciary and GSA officials. For example, the 2021 Design Guide removed the requirement that courts must use raised access flooring in the courtroom well, which is the area that includes the judge’s bench, court personnel workstations, witness box, jury box, and counsel tables. According to judiciary and GSA officials, this change will reduce the cost to construct courthouses because it will simplify construction of the floors. Both the judiciary and GSA projected no change in the courthouse size from eliminating the use of raised access flooring.

CHANGES IN THE 2021 DESIGN GUIDE WILL INCREASE THE SIZE AND COST OF FUTURE COURTHOUSES

In our October 2024 report, we estimated that changes in the 2021 Design Guide would increase the size of future courthouses by 6 percent and project costs by 12 percent on average. These size and cost increases are due, in part, to increases in the judiciary’s circulation requirements.

Changes to Circulation Requirements Will Increase the Size of Future Projects

We modeled seven selected courthouses, which included six completed, or nearly completed, projects and one future courthouse. As shown in table 2, we estimated that changes in the 2021 Design Guide would have increased the judiciary’s space needs for the seven projects by nearly 8 percent, on average, and the overall size of these projects by about 6 percent, on average.¹²

Table 2: Estimated Increases in Judiciary and Total Courthouse Space in Selected Courthouse Projects That Would Result from Changes in the 2021 U.S. Courts Design Guide

Courthouse location	Judiciary space (in usable square feet)		Percentage increase	Total courthouse space (in gross square feet)		Percentage increase
	2007 Design Guide	2021 Design Guide		2007 Design Guide	2021 Design Guide	
Anniston, AL	30,105	32,666	8.5%	68,451	72,273	5.6%
Charlotte, NC	142,481	153,313	7.6	288,913	305,080	5.6
Greenville, SC	110,892	117,277	5.8	222,575	232,105	4.3
Harrisburg, PA	99,371	107,155	7.8	192,414	204,032	6.0
Huntsville, AL	61,143	66,549	8.8	125,751	133,819	6.4
San Antonio, TX	140,041	152,324	8.8	273,325	291,657	6.7
Future courthouse	33,731	36,852	9.3	83,946	88,604	5.5
Total	617,764	666,136	7.8%	1,255,375	1,327,570	5.8%

Source: GAO analysis of judiciary and General Services Administration (GSA) information. GAO–25–108406

Notes: We worked with the judiciary to use its AnyCourt space programming tool to model (i.e., estimate) and compare changes in judiciary space (in usable square feet) that would likely result from building selected projects according to the 2007 and 2021 versions of the U.S. Courts Design Guide. The courthouse projects modeled included the following six completed, or nearly completed, projects: (1) U.S. Courthouse in Anniston, AL; (2) U.S. Courthouse Annex/Renovation of Jonas Federal Building and U.S. Courthouse in Charlotte, NC; (3) Campbell U.S. Courthouse in Greenville, SC; (4) Rambo U.S. Courthouse in Harrisburg, PA; (5) U.S. Courthouse in San Antonio, TX; and (6) U.S. Courthouse in Huntsville, AL. Those six projects were built according to the 2007 Design Guide. The modeled projects also included a future courthouse planned in the eastern U.S. The future courthouse is being planned according to the 2021 Design Guide. Because Congress has not yet approved and funded the future courthouse, we are not identifying the city where the project is located.

¹²The judiciary’s space needs are those spaces requested by the judiciary for its use, as compared with other tenants’ space. We worked with the judiciary to use its AnyCourt space programming tool to model (i.e., estimate) and compare changes in judiciary space (in usable square feet) that would likely result from building selected projects, according to the 2007 and 2021 versions of the Design Guide. Total courthouse gross square footages are based on estimates GSA provided that include the space requirements of the judiciary and other building tenants, as well as, for example, building public spaces and maintenance support spaces. For further information, see Appendix II of GAO–25–106724.

Total courthouse gross square footages are based on estimates GSA provided that include the space requirements of the judiciary and other building tenants, as well as, for example, building public spaces and maintenance support spaces.

Based on GSA and judiciary officials and our review of GSA and judiciary documentation, we found that the updated circulation requirements in the 2021 Design Guide are a significant factor in increasing the projected size of courthouses. Specifically, the 2021 Design Guide increased the circulation requirements for judiciary spaces—primarily those associated with courtrooms and associated spaces, grand jury suites, probation and pretrial services, and other court units. For example, the circulation requirements for courtrooms and associated space increased from 17 percent to 25.9 percent of usable square footage for those spaces. Based on those percentages, each district courtroom—which is 2,400 square feet under the 2007 and 2021 Design Guides—will require approximately 348 square feet of additional circulation space under the 2021 Design Guide.¹³

According to GSA officials, as the judiciary's space increases, the overall courthouse size also increases.¹⁴ This results in an increase in the overall building gross square footage, which comprises the total space within the courthouse, including judiciary spaces; other tenant spaces; and shared lobbies, hallways, and support spaces such as rooms for telecommunications equipment.

Changes to Circulation Requirements Will Increase the Cost of Future Projects

As a result of the increases in courthouse size identified through our modeling, we also estimated that changes in the 2021 Design Guide would increase estimated construction costs by approximately 12 percent on average for the same seven modeled projects. We worked with GSA to use its Cost Benchmark Tool to estimate cost increases that would likely result from building selected projects according to the 2007 and 2021 versions of the Design Guide.¹⁵ According to our modeling estimates, changes in the 2021 Design Guide—mostly those made to the judiciary's circulation requirements—increased estimated construction costs by approximately \$143 million for the seven selected courthouses (see table 3).

Table 3: Increases in Estimated Construction Costs of Selected Courthouse Projects That Would Result from Changes in the 2021 U.S. Courts Design Guide

Location	Estimated construction cost (millions)		Cost increase	
	2007 Design Guide	2021 Design Guide	Overall (millions)	Percentage
Anniston, AL	\$67.5	\$75.2	\$7.7	11.4%
Charlotte, NC	274.2	310.3	36.1	13.2
Greenville, SC	206.5	220.0	13.5	6.5
Harrisburg, PA	198.4	215.3	16.9	8.5
Huntsville, AL	127.0	148.3	21.3	16.8
San Antonio, TX	238.2	270.9	32.7	13.7
Future courthouse	87.9	102.9	15.0	17.1
Total	\$1,199.6	\$1,342.9	\$143.3	11.9%

Source: GAO summary of General Services Administration (GSA) information. GAO-25-108406

Notes: We worked with GSA to use its Cost Benchmark Tool to model (i.e., estimate) and compare cost increases that would likely result from building selected projects according to the 2007 and 2021 versions of the U.S. Courts Design Guide. The courthouse projects modeled included the following six completed, or nearly completed, projects: (1) U.S. Courthouse in Anniston, AL; (2) U.S. Courthouse Annex/Renovation of Jonas Federal Building and U.S. Courthouse in Charlotte, NC; (3) Campbell U.S. Courthouse in Greenville, SC; (4) Rambo U.S. Courthouse in Harrisburg, PA; (5) U.S. Courthouse in San Antonio, TX; and (6) U.S. Courthouse in Huntsville, AL. The six projects were built according to the 2007 Design Guide. The modeled projects also included a future courthouse planned in the eastern U.S. The future courthouse is being planned according to the 2021 Design Guide. Because Congress has not yet approved and funded the future courthouse, we are not identifying the city where the project is located. Figures have been rounded and do not add precisely.

¹³ See table 4 of GAO-25-106724 for the judiciary's circulation space requirements under the 2007 and 2021 Design Guides.

¹⁴ GSA expresses the total size of a federal courthouse in gross square feet. GSA plans courthouse space to be 67 percent efficient (i.e., the ratio of all tenants' usable square feet to the building's gross square feet). Consequently, as any tenant's usable square footage increases, so does the building gross square footage; as tenant spaces expand, public hallways and other building common spaces then expand to service the larger areas.

¹⁵ We requested that GSA use its Cost Benchmark Tool to calculate the likely budget effects on the construction costs for the same seven selected projects of the changes in the 2021 Design Guide. GSA cost models assume that projects will take 3 years to construct, beginning in fiscal year 2026, and use fiscal year 2019 and 2022 cost values.

Estimated costs are for construction and exclude site acquisition, design, and project management and inspection costs. The modeled construction cost estimates are not comparable to GSA's original prospectuses to Congress (e.g., fiscal year 2016) or to actual construction costs for completed projects, as the modeled cost values, durations, and schedules are not the same.

The increases in estimated construction costs result from both increases in the judiciary's space and the additional courthouse space and building material needed overall (other building costs).¹⁶ Of the total estimated increase in construction costs, the portion associated with increases in the judiciary's space varies across projects but, in aggregate, contributes to just under half (\$66 million of \$143 million), while the remainder is associated with the overall increases in courthouse size. If the judiciary were to revert to the circulation requirements in the 2007 Design Guide when designing future courthouses, we estimate the federal government could achieve tens of millions of dollars in cost avoidance.¹⁷

THE JUDICIARY SHOULD COLLABORATE WITH STAKEHOLDERS TO REASSESS THE NEED FOR LARGER AND MORE COSTLY COURTHOUSES

In our October 2024 report, we found the judiciary did not fully collaborate with GSA or FPS when updating the 2021 Design Guide and therefore missed an opportunity to obtain additional information on significant issues, such as those related to the security, size, and cost of courthouses. We also reported that the judiciary solicited input on changes in the 2021 Design Guide but did not fully address GSA's concerns.

The Judiciary Did Not Engage in Consistent Communication with GSA or Involve FPS When Updating the Design Guide

The judiciary solicited input from GSA on changes to the Design Guide and met with GSA to discuss some of its concerns with the final draft. However, the judiciary did not consistently engage in two-way communication with GSA throughout the process of updating the Design Guide. For example, while the judiciary communicated with GSA regarding comments GSA made on suggested revisions to the Design Guide in February 2020, the judiciary did not convey to GSA whether or how it had incorporated those comments. According to judiciary officials, they did not follow up with GSA on how they had addressed GSA's feedback because they did not have a process for communicating with stakeholders to address their comments. In addition, the judiciary did not keep a record of its final disposition of the comments, because officials did not sufficiently monitor the transfer of information across the three project managers who sequentially led efforts to update the Design Guide.

Further, although the judiciary identified FPS as a key external stakeholder in 2019 during the process of updating the Design Guide, it did not solicit input from FPS. According to judiciary documentation developed after the update to the 2021 Design Guide was complete, officials did not involve FPS in the process because FPS is responsible for the external security of courthouses, which does not include the internal judiciary space to which the standards in the Design Guide apply. This documentation stated that the judiciary had incorrectly identified FPS as a stakeholder in 2019. FPS officials told us that the Design Guide largely does not affect FPS and that they did not have concerns with the 2007 Design Guide and subsequent changes.

However, the 2021 Design Guide states that the judiciary and selected other agencies, including GSA and FPS, have federal courthouse security responsibilities, and that security is essential to the basic design of courthouses.¹⁸ Specifically, the Design Guide notes that FPS is responsible for nonjudiciary spaces within the courthouse. It also includes requirements related to FPS; for example, FPS is to install closed-circuit video cameras that provide a clear view of each exit of the courthouse.

In our October 2024 report, we recommended that the judiciary develop and document a process to better ensure effective collaboration when updating the Design Guide, including by engaging in two-way communication with, and soliciting input from, all relevant stakeholders. In May 2025, judiciary officials told us the judiciary

¹⁶ Examples of other building costs associated with the building's size increase include costs for telecommunication closet wiring; plumbing systems and bathroom fixtures; structural concrete and steel; and materials for "hardened" construction (e.g., heavy glazed block walls rather than lighter drywall) in the USMS's secure circulation areas.

¹⁷ GAO, *2025 Annual Report: Opportunities to Reduce Fragmentation, Overlap, and Duplication and Achieve an Additional One Hundred Billion Dollars or More in Future Financial Benefits*, GAO-25-107604 (Washington, D.C.: May 13, 2025).

¹⁸ In an April 2025 letter to congressional oversight and appropriations committees, the judiciary cited its concerns with funding in light of threats to the courts, including direct threats against individual judges. Judicial Conference of the United States, *Letter to Congressional Committees* (Apr. 10, 2025).

was conducting a review of collaboration and communication processes it had previously used to identify areas of improvement. This recommendation remains open.

The Judiciary Did Not Fully Address GSA's Concerns with Increases in Circulation Requirements

GSA raised concerns about the judiciary's revised circulation requirements in the 2021 Design Guide. Specifically:

- GSA questioned the judiciary's basis for increasing courthouse circulation requirements. An architectural firm the judiciary contracted to assist with revisions to the 2007 Design Guide recommended an increase in circulation requirements, in part, based on a 2012 study that examined the judiciary's circulation space needs.¹⁹ GSA staff raised concerns that the 2012 study relied on a review of completed courthouse projects that we previously found exceeded the sizes authorized by Congress.²⁰ GSA officials were unclear how the contracted architectural firm reached its conclusions, as well as how the judiciary determined the final 2021 circulation requirements in relation to the 2012 study.
- GSA raised concerns that the proposed changes to the judiciary's circulation requirements would result in significant increases in the overall size and cost of courthouse projects. Specifically, GSA noted that the draft Design Guide's increased circulation requirements would apply to all areas of courthouses, including public circulation and shared common spaces whose functions do not require increased circulation space. GSA officials stated that, consequently, these circulation changes would increase the overall size and cost of courthouses.

In response to GSA's concerns, the judiciary adjusted some of the circulation requirements to less than what the contractor initially recommended. The judiciary also clarified that the revised circulation requirements applied only to judiciary spaces accessible from restricted or secured corridors. However, the judiciary did not take steps to fully address GSA's concerns that the increased circulation requirements would significantly increase the overall size and cost of future courthouses. Further, the judiciary's preliminary cost estimates of increasing the judiciary's circulation space under the 2021 Design Guide did not include all potential costs for future courthouse projects. Specifically, these estimates did not account for likely increases to the overall courthouse size, operations, and maintenance costs over the life of the courthouses, and the judiciary's rent obligations.²¹ While judiciary officials acknowledged that the increased circulation requirements would lead to higher costs, they believed the circulation space and cost increases were necessary to enhance the safety of judges and the public.

Further, according to judiciary officials, architectural firms that worked on past courthouse projects using the 2007 circulation requirements reported that the circulation requirements for judiciary space were too restrictive. However, judiciary officials were unable to provide documentation of any architectural firm's challenges related to the circulation requirements, or the number of firms and projects affected. In addition, project stakeholders and courthouse occupants we spoke with told us that courthouses built according to the 2007 Design Guide generally met their circulation needs.

In our October 2024 report, we recommended that the judiciary, in collaboration with GSA, reassess the need for increased circulation requirements in the 2021 Design Guide, using relevant information. Such an assessment should consider the space and cost modeling of recently constructed courthouses discussed in that report, the perspectives of project stakeholders and building occupants in these courthouses, the cost implications for future rent obligations paid to GSA, and operations and maintenance costs of judiciary space and overall building space in future courthouses.

¹⁹ Judiciary officials told us that, in making the decision to increase circulation requirements, they relied on the assessment of the 2012 study by a separate architectural firm that had extensive federal, state, and local courthouse design experience. The 2012 study was undertaken for the Administrative Office of the U.S. Courts via a GSA contract. Federal courthouses assessed within the study were completed between 1995 and 2008.

²⁰ GAO, *Federal Courthouse Construction: Better Planning, Oversight, and Courtroom Sharing Needed to Address Future Costs*, GAO-10-417 (Washington, D.C.: June 21, 2010).

²¹ We have previously reported that operations and maintenance costs typically comprise 60 to 80 percent of total life cycle costs. See GAO, *Federal Buildings: More Consideration of Operations and Maintenance Costs Could Better Inform the Design Excellence Program*, GAO-18-420 (Washington, D.C.: May 22, 2018.). GSA buildings are typically built with a 100-year assumed life cycle. Federal agencies, including the judiciary, that operate in facilities under the control and custody of GSA pay rent to GSA for the space they occupy.

In May 2025, judiciary officials told us that the judiciary and GSA had discussed our recommendation and were continuing to work to identify an approach for reassessing the circulation requirements in the 2021 Design Guide. This recommendation remains open.

Our modeling shows that the overall increase to judiciary space caused by new circulation requirements will increase the overall future courthouse size and cost. We believe that reassessing the need for increased circulation requirements in the 2021 Design Guide using relevant information—such as the perspectives of project stakeholders and building occupants in recently constructed courthouses—will help ensure that the judiciary and GSA develop functional and cost-effective courthouses. This reassessment is especially important as GSA continues to take steps to reduce the federal government's real property footprint.

Chairman Perry, Ranking Member Stanton, and Members of the Subcommittee, this completes my prepared statement. I would be pleased to respond to any questions that you may have at this time.

Mr. PERRY. The Chair thanks the gentleman for your testimony. The Chair now recognizes Judge Suddaby.

You are recognized for your testimony for 5 minutes, sir.

**TESTIMONY OF HON. GLENN T. SUDDABY, DISTRICT JUDGE
FOR THE U.S. DISTRICT COURT FOR THE NORTHERN DISTRICT
OF NEW YORK, AND CHAIR, JUDICIAL CONFERENCE
COMMITTEE ON SPACE AND FACILITIES**

Judge SUDDABY. Chairman Perry and Representative Friedman and members of the subcommittee, I am Glenn Suddaby. I am a U.S. district court judge in the northern district in New York, and I am the Chair of the Judicial Conference Committee on Space and Facilities. Thank you for the opportunity to be here today.

As this subcommittee considers the topic of Federal courthouse design and construction, examining the cost to the taxpayer, I want to assure you that the judiciary is also thinking about being good stewards of taxpayer dollars.

Federal courthouses play an instrumental role in allowing the third branch to carry out its constitutional mission. Every day in these buildings across the country, judges preside over hearings, trials; litigants appear in courtrooms to present their cases to juries; and the public is able to observe the administration of justice.

Courthouses are unique buildings. They serve a vital and distinct purpose to the communities in which they are located. Accordingly, the judiciary plays particular importance on its courthouse construction and facilities programs.

In recent years, the judiciary has used a number of tools to manage its courthouse construction program in a cost-efficient and effective manner, including a 3-percent space reduction program, circuitwide policies to assure no net new space growth, and a Capital Security Program, as well as courtroom-sharing policies.

At the outset, it is important to note the judiciary space is not like much of the executive branch. The Constitution and statutes passed by Congress requires to have a presence and hold court in hundreds of communities across this country to ensure there is equal access to justice for all.

The vast majority of the courthouses are buildings that have been in place for decades, many of which have deferred maintenance liabilities. At the same time, the judiciary acknowledges we are obligated to the efficient use of the space we have. To that end, in 2013, the judiciary began its space reduction program by setting

out on a 5-year goal to reduce its nationwide footprint by 3 percent. By 2018, the judiciary surpassed that goal, reducing over 1.1 million rentable square feet, which equated to an annual cost avoidance of \$36 million and a cumulative cost avoidance of over \$100 million during that time period.

Since the conclusion of that space reduction effort, the judiciary has maintained a no net new policy, whereby any space increase within a circuit must be met with corresponding and equal space reduction in order to ensure the Federal judiciary footprint does not grow. Courts today are still finding innovative ways to do more with less, closing underused nonresident courthouses and leveraging open office workspace strategies to gain greater efficiencies.

The Judicial Conference has also developed its Capital Security Program, which provides funding to address security deficiencies in existing courthouses. Where physical renovations are viable, the construction of new courthouses is not needed or expected in the foreseeable future. The program's goals include utilizing buildings and Government resources in a cost-effective manner to address security deficiencies that put the public and Government staff at risk, also providing lower cost alternatives to higher cost capital investments. This cost-effective program has reduced the need for new courthouses in many locations across the country.

Since 2011, the judiciary has implemented three separate courthouse-sharing policies. Courtroom sharing is required in all new construction projects for senior, magistrate, and bankruptcy court judges. The judiciary also requires sharing policies to be followed when a court needs to build out additional space in any existing facility as a result of newly authorized judgeships.

An important tool in implementing our courthouse construction program is the U.S. Courts Design Guide. The Design Guide sets forth the judiciary's unique, essential requirements for design, construction, and renovation of facilities.

In March 2017, the Judicial Conference approved undertaking a comprehensive review and revision of the existing Design Guide—which was previously updated in 2007—as a result of a number of new courthouse construction projects being completed. It was determined that the previous Design Guide was outdated in terms of industry standards and practices, and did not reference critical Judicial Conference policies including courtroom sharing. The updated Design Guide was incorporated by the Judicial Conference, and these policies and standards were incorporated.

The judiciary is evaluating addressing each of the recommendations made by the 2024 GAO report, including reassessing the need for increased circulation requirements and collaborating with GSA on mutually acceptable methodologies.

As always, the judiciary looks forward to working together with the subcommittee and its executive branch service partners to design and construct courthouses that meet the branch's unique needs and enable us to carry out our constitutional mission.

Thank you for the opportunity to be here today, and I am happy to answer any questions.

[Judge Suddaby's prepared statement follows:]

Prepared Statement of Hon. Glenn T. Suddaby, District Judge for the U.S. District Court for the Northern District of New York, and Chair, Judicial Conference Committee on Space and Facilities

Chairman Perry, Ranking Member Stanton, and members of the Subcommittee: Good morning, I am Glenn Suddaby, District Judge for the U.S. District Court for the Northern District of New York and chair of the Judicial Conference Committee on Space and Facilities. I am appearing today by designation of the Secretary of the Judicial Conference of the United States and on its behalf. I appreciate your invitation to appear today to discuss the federal Judiciary's courthouse construction program and *U.S. Courts Design Guide*.

As members of the Subcommittee know, federal courthouses play an instrumental role in allowing the Third Branch to carry out its constitutional mission. Every day in these buildings across the country judges preside over hearings and trials; litigants appear in courtrooms to present their cases to juries; and the public is able to observe the administration of justice. In so many communities across the country, these buildings are symbols of the federal government and our democracy, and, accordingly, these buildings serve as visible reminders of the government's commitment to upholding justice.

I say this not to overstate the role of the Judiciary in our government, but to underscore the importance the federal Judiciary places on its courthouse construction program. Simply put, courthouses are unique buildings, and they serve a vital and distinct purpose to the communities in which they are located.

The Judicial Conference last testified before this Subcommittee in 2016 after Congress had graciously appropriated \$1 billion in fiscal year (FY) 2016 for new courthouse construction. Since that time, many of our fundamental policies and practices have remained consistent. One example is our Asset Management Planning (AMP) process which was adopted in 2008. The AMP process is used to identify and prioritize, on an objective basis, the space and facilities needs of the federal Judiciary. The AMP process is a "good government" measure that was developed to: (1) achieve cost-containment goals; and (2) provide an objective and consistently applied methodology for identification of space needs, prioritization of those needs, and development of solutions for all Judiciary buildings. By applying this methodology, we ensure that only the most urgent project recommendations are approved by the Judicial Conference.

To enhance long-range facilities planning, the AMP process integrates costs, space needs, and functionality. AMP analysis is more detailed and robust than was the previous long-range facilities planning process—a process that was criticized by the Government Accountability Office (GAO) and Congress. The AMP process assesses facilities in a holistic and objective manner. It identifies space alternatives and strategies, considers the costs and benefits of space housing strategies, and thereby determines the best strategy to meet the current and future needs of the court. Under the AMP process, each district and circuit adopts a long-range facilities plan which entails an evaluation of each courthouse location for urgency of space needs. The AMP process evaluates the building condition and its security needs. An Urgency Evaluation Results List is then developed each year, placing each courthouse location in rank order. This objective ranking reflects the urgency of the Judiciary's space needs.

Using this information, courthouse projects are prioritized and transmitted to Congress in the *Federal Judiciary Courthouse Project Priorities* list (CPP). The CPP is the Judiciary's planning instrument that details its funding priorities for new courthouse construction projects as approved by the Judicial Conference. The CPP is structured in two parts. Part I lists the Judiciary's "current year" courthouse construction priorities—projects for which the Judiciary will request federal funding in its annual budget submission. The priority order of all projects on Part I is maintained until a project has been fully funded, at which point the funded project will be removed from Part I. Part II of the CPP lists out-year courthouse construction priorities. Each year, the priority of projects on Part II is reviewed and updated based on the AMP calculated Urgency Evaluation rating for each location, the addition of new locations, and the elevation of locations from Part II to Part I of the CPP.

Since FY 2016, Congress has provided approximately \$2.12 billion for courthouse construction projects. This includes \$1 billion for 10-plus projects, the largest one-time appropriation ever made for courthouse construction. In total, this has resulted in full funding for 13 different courthouse construction or acquisition projects, and partial funding for three others. Of those 13 fully funded projects, nine have been

delivered, and the remaining four should be completed in the next two years. Working together with the General Services Administration (GSA), the Judiciary has managed all of these projects successfully, delivering state of the art facilities that meet the needs of local courts and communities. The Judiciary works together with GSA and other federal stakeholders to track the status of every project; identify risks; develop a portfolio management plan; participate on the National Courthouse Change Management Board (which reviews and oversees potential changes that could impact scopes, schedules, and budgets for each project); and execute communication strategies that support transparent and timely sharing of information with project stakeholders. The Judiciary is appreciative of the funding to date and is hopeful Congress will continue to support this program and provide additional resources to the projects that have received partial funding as well as those projects identified on the Judiciary's *CPP* that have not yet received funding.

In addition to the progress the Judiciary has made in managing the funding provided for new courthouse construction projects, we have also made great strides over the past decade in managing our existing space portfolio. In 2013, the Judiciary set out on a five-year goal to reduce its nationwide footprint by 3 percent. By 2018, the Judiciary surpassed its goal, reducing over 1.1 million rentable square feet which equated to an annual cost avoidance of \$36 million and cumulative cost avoidance of over \$100 million during the time of space reduction. Since the conclusion of that space reduction effort, the Judiciary has maintained a No Net New policy, whereby any space increase within a circuit must be met with a corresponding and equal space reduction. Courts today are still finding innovative ways to do more with less—closing underused non-resident courthouses and leveraging open office workspace strategies to gain greater efficiencies.

Additionally, the Judicial Conference endorsed the Capital Security Program (CSP) in 2010. The CSP provides funding to ameliorate security deficiencies in existing courthouse buildings where physical renovations are viable and the construction of a new courthouse is not needed or expected in the foreseeable future. The CSP's goals include utilizing existing building assets and government resources in a cost-effective manner; addressing security deficiencies that put the public and government staff at risk; and providing a lower cost alternative to higher cost capital investments or even a new courthouse. Typical improvements funded through the CSP include constructing secure and/or restricted corridors; adding or reconfiguring elevators to provide secure and/or restricted circulation; enclosing prisoner drop-off areas to create sallyports; creating visual barriers for judges' parking areas; and reconfiguring security screening areas. This cost-effective program has reduced the need for new courthouses in many locations across the country.

The Judicial Conference has also continued to implement three separate courtroom sharing policies, as requested by this Subcommittee. Currently, courtroom sharing is required in all new construction projects for senior, magistrate, and bankruptcy judges. The Judiciary also requires sharing policies to be followed when a court needs to build out additional space in an existing facility as a result of a newly authorized judgeship or because a judge has taken senior status. Additionally, in response to direction given by both this Subcommittee and recommendations from GAO, the Judicial Conference eliminated the inclusion of projected new judgeship space needs from the project requirements for new construction. These policies balance the Judiciary's obligation to be good stewards of taxpayers' funds along with our duty under the Constitution to provide access to justice and ensure that cases are handled in a fair and expeditious manner.

An important tool in implementing our courthouse construction program is the *U.S. Courts Design Guide* (*Design Guide*). Appropriate courthouse design must balance the need for secure and restricted spaces with public access. At the same time, it must address a local court's present space needs while incorporating opportunities for future growth. Courthouse designs must accomplish these goals in a thoughtful, effective, and cost-conscious manner to deliver buildings that can serve communities for generations. These values are prioritized in the Judicial Conference's management and oversight of its courthouse construction program and the development, update, and application of the *Design Guide*.

The *Design Guide* sets forth the Judiciary's unique and essential requirements for the design, construction, and renovation of federal court facilities. As noted above, the buildings are occupied daily by federal judges and judiciary personnel, litigants from both the public and private sector, federal law enforcement and security personnel, in-custody defendants and other individuals who are appearing before the local court, and members of the public. Because of the varied business of the court, there is a need for a variety of different spaces and supporting infrastructure in a federal courthouse. To this end, the *Design Guide* is intended to be used by judges,

court administrators, architects, engineers, the United States Marshals Service (USMS), and GSA personnel that are involved in federal court construction projects.

In March 2017, the Judicial Conference approved undertaking a comprehensive review and revision of the existing *Design Guide* last updated in 2007. Recent congressional funding at the time of nine new courthouse construction projects highlighted the need to examine the usefulness of the then-current *Design Guide* to all stakeholders to glean best practices from the large influx of new courthouse projects. It was determined that the 2007 *Design Guide* was outdated in terms of industry standards and practices and did not reference critical Judicial Conference policies including courtroom sharing or the elimination of build-out space for projected judgeships, another policy requested by this Subcommittee. The review and update would serve to increase the clarity and ease of use of the *Design Guide* as well as the Judicial Conference policies and industry standards and practices that were missing.

This effort was a comprehensive, multi-year process that sought a broad range of technical and practical expertise. The Administrative Office of the U.S. Courts (AO) established a working group of relevant stakeholders within the Judiciary, including court personnel and judges that had recently undertaken a significant new courthouse or alteration project. The Judiciary also sought feedback from our external service partners, GSA and USMS. This process was overseen entirely by the Committee on Space and Facilities, and the Committee's approved revisions were submitted into a draft 2021 *Design Guide*. At its March 2021 session, the Judicial Conference considered the recommendations of the Committee and approved the 2021 *Design Guide* for publication.

Upon approval of the new *Design Guide*, the Judiciary informed all stakeholders of the final product highlighting the significant changes made to the previous *Design Guide* including incorporating all Judicial Conference courtroom sharing policies and increasing design flexibility. Additionally, the *Design Guide* was also posted on USCourts.gov along with several videos informing stakeholders on changes and how to use the document. Finally, the Judiciary began its work on a Best Practices Guide, a companion document that demonstrates the need for, and applicability of, the *Design Guide* by providing examples of past projects, lessons learned, and case studies on how the *Design Guide* may be implemented. This document was published in 2021. In addition to this work, after the Judicial Conference approved the updated *Design Guide*, the AO conferred with staff at the Office of Management and Budget to explain significant changes to the updated *Design Guide* and respond to staff inquiries.

At the time of its approval, the Judiciary intended for this *Design Guide* to be applied to all projects that had not yet received federal funding. Accordingly, the first new courthouse project where the new *Design Guide* would apply is the project in Bowling Green, Kentucky. The new courthouse projects in Hartford, Connecticut; Chattanooga, Tennessee; and Hato Rey, Puerto Rico have all been designed using the former 2007 *Design Guide*.

In its report on the development of, and standards put forth by, the 2021 *Design Guide*, the GAO makes three recommendations. The recommendations address: (1) the definition of a *Design Guide* exception; (2) the Judiciary's collaboration with other federal stakeholders; and (3) the new circulation factors incorporated into the updated *Design Guide*. The Judiciary appreciates the time and careful consideration that GAO has given to its review and is currently in the process of addressing the recommendations.

With regard to the first recommendation on the definition of a *Design Guide* exception, GAO reports that GSA officials have difficulty finding information in the 2021 *Design Guide* about which changes constitute exceptions. Previously, the Judiciary had published an *Exceptions Appendix*, which listed specific exceptions to the standards and planning assumptions, that was agreed to by both the Judiciary and GSA. This document, however, was not updated after its publication and quickly became outdated when considering updated practices and new Judicial Conference policies. Moreover, the document actually created confusion about which requests would qualify as an exception and the level of approval that was necessary. Accordingly, in 2017, the Judicial Conference approved eliminating the *Exceptions Appendix* and reported that any item not identified in the program of requirements in the *Design Guide*, would be an exception and require a certain level of approval depending on the nature of the exception.

This approach to identifying exceptions, in the Judiciary's view, has proved workable, and until the GAO report, the Judiciary was unaware of GSA's critical commentary in this regard. Since the issuance of GAO's report, the Judiciary has evaluated options for clarifying the exceptions policy, including whether to add specific examples in the *Design Guide* or a new *Exceptions Appendix*.

It should be noted that detailed information about exceptions and the necessary approvals needed are included throughout the 2021 *Design Guide*. Further, neither the criteria of what constitutes an exception nor the process for review and approval of exceptions were changed from the 2007 to the 2021 *Design Guide*. Regardless, the Judiciary is in the process of developing a report which identifies all items from the previous *Exceptions Appendix*, where the same items are found in the 2021 *Design Guide*, and what level of approval is required for each exception. This report will be shared with GSA to ensure a mutual understanding of *Design Guide* exceptions. Defining exceptions is critical because not only must they be approved by the Judicial Conference, but exceptions must be included in all GSA prospectuses submitted to Congress for authorization for the project. I can assure you that the Committee on Space and Facilities and the Judicial Conference takes their consideration of exceptions very seriously due to the implications of them for a project.

With respect to GAO's second recommendation regarding improved collaboration, throughout the Judiciary's review process, the Branch sought input from all relevant stakeholders, as referenced above, including GSA. Indeed, during the revision process, the Judiciary sought broad input from GSA at two separate times in 2018 and again in 2019. In response, GSA provided 560 comments—all of which the Judiciary reviewed and addressed, including comments about *Design Guide* exceptions and circulation factors. In 2020, GSA's Public Buildings Commissioner, Daniel Matthews, and his staff met with the Chair of the Space and Facilities Committee, Judge Jeffrey Helmick, and the Chair of the Space Standards Subcommittee, Judge David Kessler, and AO staff to discuss GSA's most significant comments related to the draft *Design Guide*.

While good faith efforts were made to solicit, consider, and incorporate comments from GSA, the Judiciary agrees more could have been done with follow-up communications including improved documentation on the resolution of all comments. This same improvement can be made with the Branch's collaboration with our security partners as well. The Judiciary believes it has already made progress on addressing this recommendation with regard to our conversations with GSA on *Design Guide* exceptions as detailed above. Certainly, we will endeavor to do so in the future.

Finally, with respect to GAO's third recommendation for the Judiciary to collaborate with GSA to reassess the need for increased circulation requirements, the Judiciary has been collaborating with GSA regarding a mutually acceptable methodology. As the Subcommittee knows, a courthouse contains three distinct circulation paths: public, restricted (for judges and court employees), and secure (for in-custody persons and designated staff). For the safety of the public, judges, and staff, all three circulation paths must remain separate, and only intersect in a courtroom. The 2007 *Design Guide* used different departmental circulation factors to help designers and GSA estimate the necessary square footage for a given courthouse project. These circulation factors increased the net square footage of a room to take into account space for walls and the hallways and vestibules needed to get to those spaces. Because the 2007 *Design Guide* and GSA used different standards to plan for and measure space, the 2007 *Design Guide* did not accurately account for the total circulation area needed. As a result, the Judiciary reduced square footage in multiple projects from other court areas to align the design of the courthouse with the square footage included in the prospectus program. The increased circulation factors in the 2021 *Design Guide* attempt to fix this problem by better aligning with how GSA measures space during the design phase of construction projects.

While GSA may disagree with the circulation information cited by Judiciary experts, the Judiciary did consider feedback from all stakeholders as noted above. Although GAO states that construction costs will increase as a result of new circulation factors, the Judiciary ultimately determined that the incurred costs are a necessary and defensible expense so that federal courthouses are appropriately sized to ensure the safety of the public, judges and court staff.

That being said, the Judiciary has committed to re-evaluating the need for the circulation multipliers included in the 2021 *Design Guide*. This review will include the potential impacts on safety and function as well as future construction cost and size. The Judiciary will confer with GSA and other stakeholders during this review.

Ultimately, the Judiciary looks forward to continuing to work together with this Subcommittee and its executive branch service partners to design and construct courthouses that meet the Branch's unique needs and enable it to carry out its constitutional mission. In the spirit of good stewardship, we will be working hard to deliver these projects so that they meet all of the individual courts' needs, and in an effective, cost-efficient manner befitting the trust that Congress has placed in us by appropriating these needed funds.

Chairman Perry, Ranking Member Stanton, and members of the Subcommittee, thank you again for the opportunity to appear today to discuss our courthouse con-

struction program and the *U.S. Courts Design Guide*. I would be happy to answer any questions the Subcommittee may have.

Mr. PERRY. The Chair thanks the judge.

Mr. Peters, you are now recognized for your testimony for 5 minutes.

TESTIMONY OF MICHAEL PETERS, COMMISSIONER, PUBLIC BUILDINGS SERVICE, U.S. GENERAL SERVICES ADMINISTRATION

Mr. PETERS. Good morning, Chairman Perry, Ranking Member Friedman, and distinguished members of the subcommittee. My name is Michael Peters, and I serve as Commissioner of the Public Buildings Service at the U.S. General Services Administration.

I accepted this position for two reasons: first, it enabled me to fulfill a calling to public service I had not previously answered; and second, it provides me with an opportunity to contribute to addressing the unsustainable imbalance between our Federal revenues and expenditures. I am honored to be serving in this role, and grateful for the opportunity to appear before you today to discuss the Federal courthouse program.

Since stepping into this role in January, I have been focused on realigning PBS with its core mission: delivering efficient, cost-effective real estate solutions that support Federal agencies and serve the American taxpayer.

Acting Administrator Stephen Ehikian and I share a fundamental belief with this committee: Taxpayers shouldn't pay to keep the lights on when nobody is home. That is why we are committed to identifying and shedding costly, underused space, while investing in the assets that matter most. To date, we have sold 19 Federal properties, avoiding \$49 million in deferred maintenance, and initiated the termination of nearly 600 vacant or underused leases, saving \$298 million in future obligations. My strategy centers on focusing limited capital on core, mission-critical facilities like courthouses, while leveraging the private sector where appropriate.

PBS partners closely with the Federal judiciary to deliver courthouse projects that meet evolving security and operational needs. Since 2016, we have completed 10 major courthouse projects, with more underway, totaling over \$2 billion in investment. We have also made significant progress under the courthouse security program.

However, these gains haven't come without challenges. GSA currently faces over \$24 billion in deferred maintenance needs, \$8.3 billion of which is tied to courthouses alone. Prioritization is essential, and we must continue to ensure that every courthouse project approved by Congress delivers on time, on budget, and aligned with judicial needs.

In closing, GSA is dedicated to rightsizing the Federal real estate portfolio, reducing liabilities, and investing where it matters most. I am proud of the progress we are making, and I look forward to working with you to deliver on this mission.

Thank you, and I welcome your questions.

[Mr. Peters' prepared statement follows:]

**Prepared Statement of Michael Peters, Commissioner, Public Buildings
Service, U.S. General Services Administration**

INTRODUCTION:

Good morning, Chairman Perry, Ranking Member Stanton, and distinguished Members of the Subcommittee. My name is Michael Peters, and I am the Commissioner of the Public Buildings Service ("PBS") at the U.S. General Services Administration ("GSA"). I appreciate the Committee's invitation to appear before you today to discuss the Federal courthouse program.

I am honored to have been appointed as Commissioner of PBS this January, and I am excited about the opportunity to serve in alignment with the Trump-Vance Administration to return GSA to its founding mission of streamlining Federal operations, consolidating resources and efficiently providing essential services for American taxpayers.

Acting Administrator Stephen Ehikian and I agree with Chairman Perry, taxpayers should not be paying to keep the lights on when nobody is home. That is why we aim to responsibly steward taxpayer resources by identifying underutilized and costly infrastructure for the public we serve.

We are not just shrinking our footprint but creating a smarter, more agile real estate portfolio. By efficiently delivering our agency partners the space needed to effectively accomplish their missions, we are maximizing taxpayer value.

In my time as Commissioner, GSA has sold 19 federal properties, avoiding \$49 million in deferred maintenance costs and initiated the termination of 595 vacant or underutilized leases, eliminating \$298 million in future lease obligations.

Today, I am prepared to discuss PBS's collaboration and partnership with the Federal Judiciary and our ongoing work to execute projects that meet the Judiciary's critical mission requirements.

PBS STRATEGY—A NEW APPROACH

In order to accomplish the goals of this Administration, I would also like to take a moment to discuss my strategy and approach to managing PBS's real estate portfolio in the best interest of the taxpayer.

Generally, I believe that more specialized space, such as courthouses, land ports of entry and certain law enforcement facilities should be Federally owned, and that is where PBS should use its limited appropriation funding to address critical deferred maintenance liabilities.

GSA can no longer afford to effectively maintain all of the federally owned assets it currently manages, which is why I am laser focused on investing in our core assets, such as courthouses and other types of specialized space, and identifying office facilities for disposition where the government could lease replacement space from the private sector cost-effectively. In fact, since FY2011, GSA has requested approximately \$19 billion for Repair and Alteration funding to maintain our current inventory of assets, but Congress has only appropriated approximately \$9.5 billion during that time, representing a reduction of 50% from the requested level. These funding constraints have significantly limited GSA's ability to maintain its portfolio and led to the exponential growth in Repair and Alteration liabilities for GSA's federally owned portfolio, which now total more than \$24.4 billion, with more than \$8.3 billion of those liabilities associated with courthouses. Those figures represent a 536% growth in liabilities. Downsizing the portfolio, with a focus on assets with substantial deferred maintenance, will enable GSA to more effectively deploy the available capital over a smaller footprint.

COURTHOUSE PROGRAM

The Federal courthouse construction program is administered jointly by the Federal Judiciary and GSA. GSA works with the Federal Judiciary to propose projects for funding and seek approval of those funds from Congress. While the Judiciary establishes its priorities for courthouse construction projects and sets forth housing requirements for each project, GSA works in tandem to ensure that projects meet the needs of the Judiciary and are consistent with the *Federal Judiciary Courthouse Project Priorities*.

Courthouses are proposed in order of priority by the Judiciary and funding is requested in that priority order, including feasibility studies. GSA's role is to administer consistent, cost-effective delivery of the U.S. courthouse program according to the Courts' national prioritization plan and driven by the Judicial Conference on Space and Facilities.

GSA also develops the plans for these projects, including the identification of any U.S. Courts Design Guide exceptions approved by the Judiciary, and identification of the strategy for the courthouse facilities being replaced.

ACHIEVEMENTS AND OPPORTUNITIES

With regard to delivery of the program, I would like to point out several key recent achievements as we work to deliver both new courthouses and repair and alterations projects on schedule and on budget, within the parameters established by the prospectuses GSA submits and the resolutions approved by this Committee.

Since Fiscal Year 2016, GSA has delivered ten projects associated with the new courthouse program, with five additional projects in construction, and three additional projects in the design phase. Those eighteen projects, across fifteen cities, total approximately \$2.12 billion. GSA is also coordinating with the Judiciary to deliver the Courthouse Security Program, and since Fiscal Year 2012, there have been eight projects completed, five in construction, and two more in design.

Recently, PBS-GSA announced the sale of the Gus J. Solomon U.S. Courthouse. By including the Solomon courthouse in President Trump's strategy to optimize the government's real estate portfolio, GSA will avoid over \$76 million in potential capital expenditures to modernize the vacant 90-year-old building for continued office use.

The potential for adaptive reuse by the private sector is exceptional.

The results of our efforts are notable, exhibited in our project delivery outcomes and provide a solid foundation to grow on into the future.

CHALLENGES

These efforts were not realized without their fair share of challenges. As mentioned before, GSA's goal is simply to ensure that any courthouse project funded and approved by Congress is completed in support of the mission to our federal customer Agencies.

We will continue our efforts to deliver courthouses on time and on budget with the funding already provided by Congress; however, moving forward will require working with our judiciary partners and Congress on how to best ensure a balanced allocation of resources.

As I previously mentioned, current estimates equal approximately \$24 billion in liability for GSA's federally owned portfolio: a portfolio that also averages over 50 years of age. And while this number is steadily growing, priorities identified by the Judiciary must also compete for limited funding across GSA's owned portfolio.

A few examples of repair and alterations projects competing for limited future funding:

In Pennsylvania at the James A. Byrne Courthouse in Philadelphia, this core asset requires upgrades to the heating, ventilation, and air conditioning (HVAC) system, which includes comprehensive replacement of obsolete air handling units and degraded ductwork, and the installation of enhanced controls and related electrical and life-safety upgrades. The current estimated cost of this investment is \$87.4M.

Also in Pennsylvania, the Joseph F. Weis, Jr. U.S. Courthouse in Pittsburgh, which is another core asset, requires replacement of the HVAC system, associated electrical systems, and a section of the roof, as well as a lightning protection and fall arrest system. The current estimated cost of this investment is \$44.9M.

CONCLUSION

In conclusion, GSA requires both funding and prospectus approval to deliver high-quality space on behalf of the Federal Judiciary. The need for funding, a more streamlined prospectus process, as well as expanded authorities to drive the identification and preparation of assets for disposition are a few of the tools that would allow GSA to reduce the size of the Federal inventory, address deferred maintenance and operate more efficiently in this challenging environment.

I am very proud of the work that we are doing to help return GSA to its founding mission drafted over 75 years ago—a mission designed to help customer agencies achieve their missions through cost-effective real estate investments.

I look forward to partnering with you to address these key priorities in the 119th Congress and to drive cost efficiency in Federal real estate. Thank you for the opportunity to testify before you today, and I look forward to answering your questions.

Mr. PERRY. The Chair thanks the gentleman and all our witnesses. Thank you for your testimony. We will now turn to questions.

The Chair now recognizes the ranking member, Ms. Friedman, for her questions.

Ms. FRIEDMAN. Thank you, Mr. Chair.

Mr. Peters, thank you again for being here today.

The Inflation Reduction Act, the IRA, provided GSA with \$3.4 billion for building renovations and improvements; \$975 million to support the emerging and sustainable technologies; \$2.15 billion for low-embodied carbon materials in construction and renovation projects; and \$250 million to turn GSA facilities into high-performance green buildings.

GSA identified 164 projects to be supported with the IRA funding: 42 Federal courthouses; 69 Federal buildings; and 53 land points of entry. These projects include modernizing buildings, replacing windows, repairing building facades, making deep energy retrofits, installing stormwater management technology, stabilizing garages and foundations, resurfacing parking lots, and replacing windows and lighting. And to be clear, a lot of these kinds of upgrades also make buildings run more efficiently and make them less expensive to operate in the long run. So, there are a lot of good reasons to do this work.

What is the status of the courthouse modernization projects that GSA identified as good candidates for IRA funding? And I will also ask a second question; you can answer them both at once.

Will GSA move forward with the projects for which funding has not yet been obligated?

Mr. PETERS. Thank you for the question.

So, we have done an assessment, in conjunction with the work here, and we are continuing to utilize IRA funds, both for LPOE projects and for courthouse projects.

The requirement we have is that we must comply with the legislation and the law, but we need to find cost-effective alternatives. So, if there is a situation—you mentioned low-embodied carbon—where a low-embodied carbon solution was prohibitively expensive relative to a more standard solution, we wouldn't proceed with the IRA funding in that case. But to date, we have been able to utilize IRA funding and have actually over \$1 billion of funding we look forward to utilizing moving forward for LPOEs and for courthouses.

Ms. FRIEDMAN. Thank you very much.

So, GSA's approach to reducing waste and construction costs has included a focus on energy efficiency in both existing Federal buildings and new construction. This has been the case for the past 30 years, through both Democratic and Republican Presidents and leadership. These projects are—like I mentioned—often undertaken as energy savings performance contracts, where the Federal funds are leveraged to attract private investment.

Does GSA currently have any energy savings performance contracts in Federal courthouses?

And how is GSA's contracting freeze impacting these projects?

Mr. PETERS. So, we do continue to utilize ESPCs. We have scrutinized and evaluated them on a case-by-case basis. I think your assessment is accurate that, in many cases in the past, we have been

able to employ technology—you can call it green technology, you can call it energy-saving technology, whatever it is—we want to deliver the most value to taxpayers that we can, so we are not opposed to saving money.

Now, we are opposed, if there is a low-cost alternative—perhaps natural gas that is the low-cost solution—we don’t want to feel like we are obligated to put a solar panel on a roof if we have a lower cost solution for securing energy. But we are not prohibiting any type of energy sources in our projects going forward.

I can’t speak—I would be happy to get back to you on ESPCs, and courthouses in particular. We are certainly using ESPCs across the portfolio, though.

Ms. FRIEDMAN. Thank you. I will move now to Judge Suddaby. Thanks again for being here.

The judiciary has cited the need for heightened security at courthouses as a reason for revisiting the 2007 Design Guide. Obviously, we want everyone to be safe and secure in courthouses. Given ongoing security concerns, why did the judiciary not include the Federal Protective Service in the process of revising the design guideline?

Judge SUDDABY. Thank you for the question.

We participated with our stakeholders, GSA, the Marshals Service, and FPS. FPS was consulted. FPS took the position that they weren’t really involved in the Design Guide, they were responsible for the exterior of the courthouses, the courthouse proper, the properties. And certainly, going forward with any courthouse construction, we are going to be consulting with FPS to say, “Where do you want to put cameras? How do you envision courthouse hardening projects?” to make sure that that building is secure.

Ms. FRIEDMAN. Thank you.

Mr. Marroni, in 2013, GAO cited gross overestimates by the judiciary of projected additional judgeships, a refusal to share courtrooms, and courthouses constructed by the GSA that far exceed the congressionally approved square footage as reasons for the overruns.

So, my question is, how has the implementation of courtroom-sharing requirements for bankruptcy, magistrate, and senior district judges impacted the judiciary’s courthouse construction requests?

Mr. MARRONI. So, certainly, when you use courtroom sharing, it reduces the number of courtrooms you need to build in courthouses. So, that is going to have a positive effect on reducing the cost of construction. Courtroom sharing is a great way to maximize the utilization of your space.

Ms. FRIEDMAN. Thank you, I yield back.

Mr. PERRY. The Chair thanks the Representative, gentlelady. The Chair now recognizes himself for 5 minutes of questioning. I guess I am going to start with Mr. Marroni here.

Your most recent report said that the changes to the 2021 Design Guide result in significant size and cost of future courthouses. And it seems to me—like, I think, if nothing else, we ought to just maybe question this process as the beginning here. You are working with the Conference Committee on Space and Facilities which

Judge Suddaby, I guess, chairs. Do you see this as the appropriate methodology for determining what courthouses should be?

I understand I am not a judge, so I am not in the chambers, I don't know what the needs are. I suspect you're not, either, so we would design a building differently. So we want that input, but is—are we asking the people to provide the input—are those the very people that are going to say, well, you need this and you don't need that? With all due respect, I mean, I would assume that they would advocate for the best for themselves—we all would—but is that the best for the taxpayer, and is that the most efficient and best way to do this, in your estimation, based on what you have seen?

Mr. MARRONI. So, I think it is important that judiciary establishes the requirements. As you say, they know best their needs. But I think, as part of that, it is important that they collaborate with GSA, with their partners, to get a sense of the real-world implications of this.

I also think getting congressional oversight and other independent means to look at these Design Guide changes like we have done in this 2024 report is important because, yes, as—anyone, when you are looking at your needs, you are going to know what you need, but you are also—maybe you go for a little more than perhaps an independent observer would think you would need. So, having an independent source to look at it is important.

Mr. PERRY. So, just to follow that line of reasoning, that line of thought, who is the arbitrator? Who is the arbiter? Who is the honest broker—not to say that anybody is dishonest, but is it Congress? Is it this committee that provides all the oversight to what the—who else would it be? Who is it? Is it you?

Mr. MARRONI. It is not us. The primary oversight would be Congress, through the authorization process, as well as through the appropriations process. Judiciary, as a branch of Government, is setting its own requirements there—

Mr. PERRY [interrupting]. Okay, so—

Mr. MARRONI [continuing]. We certainly can help by providing reports, but we are not the primary.

Mr. PERRY. So, that having been said, in my opening statement, I mentioned the fact that the courthouse project assigned security 10 percent of the weighted score, while the courtroom and chamber needs make up 50 percent. Who determines that makeup, is it Judge Suddaby's group or—who—is it Congress? Who determines that?

Because the claim is that this is all for security and safety, and I think we are all for that, whether you are a Democrat or Republican, but it clearly indicates that there are other forces that seem to take precedent over safety and security. The question is, who determines what that breakout is supposed to be?

Mr. MARRONI. So, I believe judiciary sets their requirements for the security and the other requirements for the courthouse.

Mr. PERRY. Does that not seem at least a little bit like the fox guarding the henhouse?

Mr. MARRONI. Well, I think it's a starting point to design. You need the customer to decide what the requirements are, but you do need some oversight of what's coming out of that.

Mr. PERRY. So, let me ask you this. We have got the 2021 Design Guide, but we have also got the 2007 Design Guide. The committee has been informed that the courthouse in San Juan, Puerto Rico, would be designed to the 2007 standards, but may include elements from the 2021 standards. Those are the very elements that your organization, the GAO, claimed would increase cost and size.

Why do we have two standards, and which one are we following, and why are we following—what is happening here?

Mr. MARRONI. So, my understanding there—and Judge Suddaby can correct me—but my understanding is they are using the 2007 Design Guide and then incorporating cost-neutral elements from the 2021 guide, so, not circulation we are describing, they are including the cost-neutral elements. But Judge Suddaby may be able to—

Mr. PERRY [interrupting]. Okay, Judge, what do you say to that?

Judge SUDDABY. Yes, thank you.

First of all, Mr. Chairman, I want to assure you that the judiciary is not tone deaf with regard to your concerns.

Now, based on criticism from GAO and this committee, we had a 5-year plan which was halted. And we went to the asset management program to rightsize courthouses, and we continue to do that. And we look for every opportunity to downsize courts. We are not looking to build bigger, more elaborate courthouses. We are trying to build secure courthouses that will last the cycle that GSA sets with 100-year building cycle.

So, these things that—the 2007 Design Guide was in effect when Puerto Rico was authorized to go forward with their new construction based on their seismic retrofit concerns and the building being unsafe, therefore, the 2007 guide would be used. There have been no courthouses constructed or even designed under the 2021 Design Guide.

So, cost-neutral things that can occur to improve the design and circulation patterns of that courthouse in Puerto Rico, that will be done as long as it is cost-neutral.

Mr. PERRY. Okay, thank you. My time has expired. The Chair now recognizes the Representative from Washington, DC, the Honorable Ms. Norton.

Ms. NORTON. Thank you, Mr. Chairman.

I support policies like the Courthouse Affordability and Space Efficiency Act that ensure cost-effectiveness and space efficiency, and require courtroom sharing. This subcommittee, including when I was chair, has worked over the past two decades to prevent Federal courthouse overbuilding and to save taxpayer dollars.

The judiciary has a history of providing flawed projections for future courthouses, which has led to underutilized courtrooms across the Nation. This is why the Public Buildings Service must collaborate with the Judicial Conference on space efficiencies.

Commissioner Peters, how does this administration plan to collaborate with the judiciary to effectively manage the design and construction of courthouse projects and implement courtroom-sharing policies?

Mr. PETERS. Thank you for the question, Representative Norton. That is a great question.

One of the things that I was really surprised by when I first assumed this role was the lack of data we had not just about courtroom utilization, but really about utilization of Federal properties across our entire portfolio. One of the benefits that I had going for me was that, through the WRDA legislation which was passed, we were instructed to work with OMB to begin developing occupancy data across the portfolio. Actually, yesterday—last night, late last night, that data just started coming in, and that will really inform our decisionmaking on a go-forward basis across the Federal portfolio of which assets to dispose of and where to consolidate.

With respect to the courts, we're really lacking in that type of data and don't have a good understanding of occupancy, going forward. The bills you referenced do call for—to begin developing utilization data in the courthouses, and I think that would be important data for all of us. But the courts, Congress, and us at GSA to identify where there are opportunities to increase utilization, where we have shortfalls and might need to consider adding additional space or adding additional courts.

In terms of the courts' actual utilization of their facilities, that is really outside of GSA's control. That is a matter for the courts to assess. I would say it is our collective duty and Congress', for sure, to determine how to allocate the very scarce capital we have in an environment where we have almost \$37 trillion in debt. We don't have a lot of excess funds. We don't even have enough funds to address the \$8½ billion of deferred maintenance within the portfolio.

So we need to be very judicious in building new courthouses and making certain that, when we do so, it is because there is a true need there, and putting a close eye to that.

Ms. NORTON. Thank you.

Mr. Marroni, what steps can Congress take to work with the Public Buildings Service and the judiciary to ensure smart asset management for courthouses?

Mr. MARRONI. I think Congress needs to do things like this, these kind of hearings, ask tough questions during both the prospectus process and during appropriations to understand the basis for requests for funding for courthouse projects and have that independent look.

Ms. NORTON. Justice Suddaby, how can Members of Congress be assured that the planning of new courthouses is consistent with the actual needs of the judiciary?

Judge SUDDABY. The new courthouse AMP program, where we evaluate every year the needs for every court across this country—and it is called an urgency evaluation—to consider the courts' needs with regard to space, number of judges, number of courtrooms, number of chambers, as well as security concerns, all that is weighed and they are ranked. And we act on the ones that are most urgent at that time.

We have a courthouse priorities list that—all of this came out of the stop work order by Congress with regard to courthouses on the 5-year plan, and reassessing how we looked at planning and constructing new courthouses.

With regard to the overbuilding, again, the judiciary heard this committee and GAO's concerns, and projected judgeships are no

longer part of the calculation that is done with regard to determining whether courthouses—the size of courthouses and how they are built. There is a 10-year window that we look at. If there are senior judges or judges who are active judges that are looking at taking senior within that 10-year period, the courthouse is appropriately built for that future expansion, but nothing else.

So there are a number of things that the court does, continuing to look at our portfolio and make sure only the most urgent courts across the country are going to percolate up to the top of that list to get consideration, and we do that in conjunction with GSA to make sure that we are doing things appropriately. And, of course, they come to Congress with a prospectus. And all of this is put through the Space and Facilities Committee and the Judicial Conference for approval before it comes here to you for your appropriation approvals.

Ms. NORTON. Thank you. I yield back.

Mr. PERRY. The Chair thanks the gentlelady. The Chair now turns to Representative Barrett.

Mr. BARRETT. Thank you, Mr. Chairman, and apologies for not being here for your opening remarks, I was on my way across.

But I did have a few questions for you, so if you have already answered them, please bear with me.

I know we have talked a lot about courtroom sharing, and what effect that has on overbuilding or building to rightsize or the appropriate size of a courtroom. Can you give us any—either of you that have had insight into this, has there been any look at what percent of the time a courtroom is in use versus time that it is essentially dormant and not in use and could help facilitate that courtroom sharing?

Judge SUDDABY. I am happy to take the question.

Courtroom sharing has been in place now since 2009 for both magistrate judges and senior judges, and then bankruptcy court judges since 2011. Any construction that goes forward includes those requirements.

Mr. BARRETT. Right.

Judge SUDDABY. And any buildout in an existing courthouse includes those elements.

Now, the courtrooms—

Mr. BARRETT [interrupting]. We have got a lot of legacy courtrooms that aren't under that condition, right? Because they haven't been built or updated since then. And if we look—and not to interrupt you or cut you off, but if we look retrospectively, do we do any analysis of what percent of the time—and this is just an oversimplification of my own, kind of, understanding of this, is that most cases end up not going to a full trial, with a jury and everything else.

I am sure the courtrooms are used for other proceedings along the way, but the—like the stuff you see on “Law & Order” is less likely to happen in real life with dramatic jury trials and everything else, thereby probably offloading some of the need for courtrooms that are fairly dormant most of the time. Is that accurate?

Judge SUDDABY. I would say it's not accurate.

Mr. BARRETT. Okay.

Judge SUDDABY. There is a reason for judges having access to courtrooms, and that is an important tool to get their docket or their cases moved. They have to handle emergency motions, they have to do trials that require Speedy Trial Act concerns. And active district court judges in this country are among the most busy judges in this Nation, and they have to have a courtroom accessible to them.

Now, is that courtroom used every day, 8 o'clock to 5 o'clock in the afternoon? No, not always. It depends on what's going on. But certainly, that access and the ability to be in there is what gives them the ability to do their jobs. And the courtroom-sharing policies that the Judicial Conference continues to look at and refine consider these things, and we work on them consistently to make sure that we are sharing where appropriate, but making sure that judges have courtrooms to do their work.

Mr. BARRETT. And I think, if you look at some of how we do our work here, I mean, this committee hearing room is used for the full committee, it is used for each of the subcommittees, we share this space, and if you were to look at our committee today, there are fewer Members than the full committee, and you would say maybe we are overbuilt in this room. But when the full committee is assembled and we are doing a markup, obviously, we are rightsized for that situation.

I just want to make sure that what we are doing is the appropriate use of resources that we have, and the escalation dramatically of building costs over time has made it such that we have to be far more mindful about the capital expense of things, everything from building materials to labor to siting approval to engineering design. All of that has become far more expensive over time, and it ends up coming out of, certainly, the appropriations that come from the Congress.

Another question I had for you, do we own every Federal courthouse? Does the Federal Government own, or do we rent any space currently?

Judge SUDDABY. There are some leased courthouses.

Mr. BARRETT. Okay.

Judge SUDDABY. And that is a decision that is made in conjunction with GSA, that it is more cost-efficient and effective and timely to build—or have a lease-build done in a particular area, a lot of times often rural or remote regions of the country, where constructing a Federal building just does not make good economic sense. So there are a few leased buildings. And, of course, we have other leases for different court units. Probation and pretrial services often are in leased spaces. Federal defenders' offices are typically in leased spaces.

Mr. BARRETT. Okay, thank you.

And thank you, Mr. Chairman, I yield back.

Mr. PERRY. The Chair thanks the gentleman. The Chair now recognizes Representative Figures.

Mr. FIGURES. Thank you, Mr. Chair, and thank you to all the witnesses for being here today, and thank you to your respective teams for getting you guys prepared here. I don't know if a law clerk—when I was a law clerk, congressional testimony preparation

wasn't exactly within the job description, so I want to give a special thanks to you guys.

Judge SUDDABY. I want to start with you. Can you just talk about and highlight the importance—I have been a Federal law clerk myself, I worked at the Department of Justice—can you talk about the importance in all of this to making sure that prioritizing judicial security remains the, sort of, North Star in all of these design changes and all of the construction assessments that we are doing, that we don't lose sight of the ball of making sure that we are asking our judges and our court personnel and officers and witnesses and all of those who are participating in courthouse proceedings, that they are in as safe as possible position that they can possibly be?

Judge SUDDABY. Yes, thank you. The Design Guide revision was—a lot of the impetus for that was on that particular concern: security. And it is a major concern in all construction.

The three pathways of circulation: secure for in-custody persons in law enforcement, the Marshals Service transporting people into our courts; restricted areas for judges and staff; and obviously, the open public corridors—in many of our older courthouses, those pathways do not exist. These are from lessons learned, things like building sally ports for the appropriate transportation and security of in-custody persons, secure parking, all of these things are incorporated in the Design Guide. And, again, we worked cooperatively with GSA to make sure those issues are addressed.

One of the things that drove the size concerns of GAO—and we thank them for their analysis—is making sure that those corridors existed and didn't impinge on the other areas of the courthouse design. So, certainly, again, it is not our intention to build bigger or more opulent courthouses. Secure, efficient courthouses that will stand for decades and allow for reasonable growth without overbuilding is what we are attempting to do.

Mr. FIGURES. And I want to shift focus a little bit to our more rural areas, satellite offices as they are commonly referred to. I come from Alabama. Mobile and Montgomery are both respective, sort of, judicial district seats, Montgomery being the middle district, Mobile being the southern district. They both have satellite offices. And those satellite offices historically—as I am sure you can relate to, Judge—they have historically been the red-headed stepchild when it comes to investments in terms of construction, redesign, upgrades, renovations, that sort of thing.

So, as we go through this process, can you talk to me—Mr. Peters, I will direct this one to you, but anyone who wants to take a stab at it—of what we can do to prioritize making sure that those satellite offices don't fall behind the curve in this and don't get unnecessarily cut.

Mr. PETERS. I appreciate the question. I actually was born in Alabama many moons ago.

Mr. FIGURES. Well, here is the question: Roll Tide or War Eagle?

Mr. PETERS. Well, I grew up in Florida.

[Laughter.]

Mr. FIGURES. There is only one right answer.

Mr. PETERS. There is no good answer there, so—but that is a great question.

I mean, we have a great partnership with the courts and work with them. I have met with Judge Suddaby on more than one occasion before this, and they really set the priority in terms of which projects get prioritization, both for new construction as well as dealing with deferred maintenance in our facilities.

And you are right, there are a lot of courthouses, particularly some of these stepchildren, but even here within the District, that are neglected, right? Of our \$24 billion in deferred maintenance across GSA, over \$8 billion of that is just within the courts. And those are—they are not nice-to-haves, they are critical needs that need to be addressed, and we are working with you to deal with that. So—

Mr. FIGURES [interrupting]. Right. And I don't want to cut you off, I've got one more—

Mr. PETERS [interposing]. Go ahead.

Mr. FIGURES [continuing]. Question I want to squeeze in.

Throughout the DOGE process, there were numerous Federal facilities that were listed for sale, Federal property that was listed for sale, and in some cases, this was shared space between Federal courthouses and maybe a nonjudicial space. Were any of you guys consulted in your roles with any of the proposed cuts?

And the reason I ask this is because there was courthouse space in one of my areas that was very valuable and vital parking that, without it—they don't build parking decks underground in Mobile, Alabama, for hurricanes and sea-level issues—without it, employees will be in a tough spot.

So, A, I want to work with you guys to hopefully try to resolve those issues; but B, I just want to know if any of you guys were consulted in the, sort of, listing of Federal property as it related to shared space with Federal courts throughout the DOGE process.

Mr. PETERS. If you don't mind, I will answer that first, and then I will let the judge comment.

The list that we published initially was—there were two purposes. Primarily, it was to identify core assets which we view as, basically, untouchable assets. They should be owned by the Federal Government in perpetuity. There were other assets that didn't fall under that category that got listed as noncore. Probably not the best name. That was not meant to imply that those assets are for sale or that we are trying to market them, it was meant to imply that we want to evaluate them and assess their importance to the Federal Government based on how utilized they are, what level of deferred maintenance is in them currently, could the existing tenants be moved into another facility. So, probably poor communication on our part.

I will say that the policy we have in place now, whether it relates to a potential lease termination or disposing of a building, is to first identify it, then contact the agency for which it would be relevant to get their input on that decision. If the agency is in agreement—in this case, the courts—that, hey, this is an asset we could dispose of, then to reach out to Congress and the relevant Members of the House and the Senate to make certain that they are aware before we take any action.

But we probably did move a little too quickly in our first month here, and we have changed our procedures at this point.

Mr. FIGURES. Thank you. I am well over my time. I appreciate it, Chair.

Mr. PERRY. The Chair thanks the gentleman. The Chair now recognizes the gentleman, Mr. Onder.

Dr. ONDER. I thank you, Mr. Chairman, and thank you to the witnesses for being here today.

Mr. Peters—and again, I apologize, excuse me if any of my questions have been asked previously—but what tools does the GSA have to push back when the judiciary proposes a building project, a courthouse that appears to be oversized or misaligned with the actual usage? What tools are at your disposal, and what's usually the outcome?

Mr. PETERS. Yes, so I guess, as I mentioned earlier, I think we really have been developing a collaborative relationship with the judiciary—but it's in the context of what we spoke of earlier, massive Federal debt, tight budget. We just have limited funds.

Many of these projects are clearly useful, not just within judiciary, elsewhere. But just because it's useful doesn't mean we can afford it. And——

Dr. ONDER [interposing]. Right.

Mr. PETERS [continuing]. So, what we are working to do is to develop a better process of assessing need, and I think we would like to work collaboratively with the judiciary and Congress on—one of the things that was mentioned earlier is utilization. Because right now, we are gathering that data outside of the judiciary, but we don't have it collectively. If they have it, I am unaware of it. Just think about, like, how often are these courtrooms occupied? And I don't know what the ultimate standard should be, but let's work together to assess that so that we can make informed decisions about where do we spend our limited capital dollars either improving and upgrading an existing facility or investing in it, in a new courthouse.

But our tools are really—we are kind of instructed what to build, and Congress appropriates the funds and says, "Go build this courthouse," and then we try to do that as cost-effectively as we can. But we don't ultimately determine the design standards.

Dr. ONDER. Right. So, yes, you touched on something I did want to ask. Does the GSA verify whether the new courthouses are actually being fully utilized once they are built?

Mr. PETERS. So, I have to admit we do not.

Dr. ONDER. Yes.

Mr. PETERS. I—that—at least historically, that has not been our role.

Like I say, I would welcome the opportunity to work together to determine how utilized they are——

Dr. ONDER [interposing]. Sure.

Mr. PETERS [continuing]. To determine how necessary they are.

Dr. ONDER. And Judge, do you care to comment?

Judge SUDDABY. Yes, thank you.

Well, any part of the Design Guide that would deviate, any construction deviation, would have to be approved by the Judicial Conference, and then it would have to go through the process as an exception with GSA. They would then have to include it in the prospectus that would be sent over here for congressional approval. So,

to say that we are looking at overbuilding or doing extravagant things, that is not what this is about. And that's not what we are doing.

As far as courtroom usage, there is a separate Judicial Conference committee, the CACM Committee, Court Administration and Case Management, that has been looking and analyzing this issue for a number of years which led, in conjunction with feedback from this subcommittee, to courtroom sharing that we have now.

The determination about the way courtrooms are used by active district court judges, as I indicated previously, we use our space differently. And the fact that a courtroom may be empty for a period of time does not mean that that courtroom is not being put to use by a judge moving his docket, settling cases, being ready to handle emergency motions, or anything else.

So, those types of decisions the Judicial Conference makes by informed information coming back from the judges across the country.

Dr. ONDER. Okay, very good.

And Mr. Marroni, the GAO found that many courthouses are underutilized, with more space than needed. Has there been any measurable improvement since your last audit?

And are there any reforms you would recommend to rein in courthouse proposals that you might deem oversized?

Mr. MARRONI. So, our last look at this was in 2010, so, quite some time ago. I don't have current data on the utilization.

I do think the adoption of courtroom sharing has been an important step. I think that is worth looking further at. And I do agree with Commissioner Peters. The extent that there can be data, it sounds like judiciary may have some of that data to look at—how are these spaces being used, could there be more courtroom sharing, are there methods to increase utilization—is worthwhile.

Dr. ONDER. Thank you. I yield back.

Mr. PERRY. The Chair thanks the gentleman from Missouri. Are there any further questions?

Looking around the room, I apologize. The change in schedule, unfortunately, oftentimes results in—we have other things that are layered on top of these hearings, and I would like to have the luxury of other Members being here to ask more questions, but we simply don't have them, because I am sure they are busy doing other things that comport with their schedule before it was kind of upended this morning.

I do have one, kind of, final question as an overall theme here regarding utilization—occupancy, if you will, or utilization maybe is the better term. Who is collecting that information right now? Is there any ongoing collection?

And I imagine, differently from some other Federal facility, where we are looking for occupancy, it seems to me that the court has a very unique circumstance where they might have a competing interest in the same room, or something like that, so we would have to identify that as a specific category to capture. But is anyone doing that? Who should be doing it? Who is best suited to do it?

Judge SUDDABY. It is being done, and it's done by the Judicial Conference committee that I just mentioned. We refer to it as

CACM. And the recommendations of this subcommittee to the judiciary led to courtroom sharing in the areas that we thought were appropriate. And those utilization factors are the ongoing study.

But as I have indicated, the use is so unique and different—

Mr. PERRY [interposing]. We understand.

Judge SUDDABY [continuing]. To any other public—

Mr. PERRY [interrupting]. And we are not—

Judge SUDDABY [continuing]. You know, public space—

Mr. PERRY [interrupting]. We are not here to challenge that, but we need to have the data.

In talking to both of you, or all three of you, regarding Congress' role in oversight, we can't do a good job at that, or an adequate job, if we don't have the information.

So, there is a study that is ongoing. Is it just a continual study, or is there going to be some end to it that we receive a report? How will we know—or can we just tap into that information at any time and get utilization rates for this courtroom or that courtroom and this courthouse, this is how many times somebody was in this one when somebody else needed to use it—how is that all—

Judge SUDDABY [interposing]. Yes.

Mr. PERRY [continuing]. Meted out at this point?

Judge SUDDABY. The CACM Committee, again, is the one would be responsible for that, and we can certainly ask them if they have those sort of statistics and numbers.

Mr. Chairman, for example, I just turned senior this past year as a district court judge. In my entire career, I have never had a single courtroom that I was assigned to. I have shared courtrooms with other senior judges and other active judges, because I am in a Federal office building with courtrooms that are available throughout the building.

So, we make do with what we have, and do it effectively and efficiently, I think. But certainly, the way that the courtrooms are used, I think there is a lack of an appreciation of how critical it is to have that availability. And certainly, the judiciary is always looking for ways to maximize the usage, minimize more space, and give back space when we can. And those programs that I mentioned, those tools that we have been doing, are continuing all the time.

So, the answer you are looking for, we will approach the CACM Committee, see what information they have, and see if we can provide that information back to this committee, what they have, sir.

Mr. PERRY. Well, the Chair thanks the judge and thanks the gentleman for that. And understand, regardless of whether the questions come from myself or other Members here, we are having this hearing so that we can formulate appropriate public policy, and so, we are seeking information. It would be, I think, derelict if we were to make those decisions without having the correct input. And I don't think you would like the outcome of that, either.

So, it would be better to have the input—

Judge SUDDABY [interposing]. I see.

Mr. PERRY [continuing]. So that we can make decisions.

Whether I think that the majority of the consideration should be on security as opposed to how the courtroom is structured or whatever, that's one person's opinion. But I think we all need the infor-

mation so that we can do the job that we are tasked to do. That is the purpose for this hearing.

And so, I am asking you that question so that we get the information, because if we are not going to get the information, or we are not knowing when we are going to get the information, then I suspect this body is going to move to say: you are going to provide this information this way by this time so we can make a decision. All right? So that is the reason for the question.

Judge SUDDABY. Understood, sir. I didn't take exception to that.

Mr. PERRY. Yes, all right.

Judge SUDDABY. We will try and get you the information and get back.

And if I can make just one last comment with regard to the cost for space, in our own self-interest in these tough budget times which the judiciary recognizes, rent is one of our biggest must-pays. And when it comes to an extra conference room or some other type of space within a courthouse, certainly, we want to be able to keep staff. And when it comes to a decision between space and personnel to do the work, we are always going to lean towards personnel.

So, it's in our self-interest to examine our space and make sure that we are rightsized and efficient, and optimize the use of our space so we can keep not only the lights on, but the——

Mr. PERRY [interposing]. Yes, sure.

Judge SUDDABY [continuing]. People that we need to do the job in place.

Mr. PERRY. And we understand that you care for your people. We do, as well, whether we are on different sides of the aisle. I am sure that Ms. Norton and I both agree that a functioning judiciary is critical to our society and the things that we have, the great things that we have in this country. We expect you to advocate for the things that are important to you. We have to be, kind of, the referees in this thing to determine the right thing is being done.

With that, unfortunately, because we have no other Members to ask questions, this concludes our hearing for the day. I would like to thank each of the witnesses for your testimony and for your time and your patience here today.

This subcommittee now stands adjourned.

[Whereupon, at 12:03 p.m., the subcommittee was adjourned.]

APPENDIX

QUESTION TO DAVID MARRONI, DIRECTOR, PHYSICAL INFRASTRUCTURE, U.S. GOVERNMENT ACCOUNTABILITY OFFICE, FROM HON. DINA TITUS

Question 1. The judiciary created an Asset Management Planning (AMP) process to prioritize construction projects. In 2022, the Government Accountability Office (GAO) found that the judiciary's asset management process for ranking courthouses was not entirely transparent or objective. For example, GAO reported that the methodology the judiciary used to score courthouses would prioritize larger courthouses over smaller ones.

Since that report was published, what steps has the judiciary taken to improve its Asset Management Planning process? In your view, are those steps sufficient?

ANSWER: In our 2022 report, we recommended approaches for the judiciary's Administrative Office of the U.S. Courts (AOUSC) to refine its scoring process to improve the objectivity and transparency of the results.¹ AOUSC has taken some actions to implement these approaches, but one of our three recommendations remains open.

- Recommendation 1 (Closed): In 2022, we found that the judiciary did not always update assessment scores, when appropriate, to reflect major changes in courthouses' operating status. For example, a hurricane destroyed one courthouse in 2018, and another had a mold problem. We found that the judiciary did not update these courthouses' assessment scores, an update that would have had an important effect on the urgency ratings—a later part of the AMP process. By updating courthouse assessment scores to reflect major changes in operating status, the judiciary can provide more accurate and reliable information to decision-makers. We recommended that AOUSC update assessment scores, as appropriate, to reflect major changes in a courthouse's operating status.

In February 2025, AOUSC provided us with documentation demonstrating that it had taken steps to help ensure that urgency ratings accurately reflect major changes in courthouses' operating status. Specifically, when a courthouse's operating status changes to uninhabitable or permanently closed, AOUSC immediately enters the change in operating status and its associated supporting documentation into the AMP database. The changes in the database populate the Urgency Evaluation Results List, preventing AOUSC from including non-operational courthouses in urgency ratings. Additionally, AOUSC completes a summary document—with the courthouses that AOUSC has added and removed from the Urgency Evaluation Results List, along with an accompanying explanation—and publishes it annually. AOUSC distributes the Urgency Evaluation Results List and summary to judiciary decision-makers for their consideration in approving and funding construction projects. By taking these steps, the AOUSC is better positioned to help ensure that decision-makers have access to more accurate and reliable information on courthouses that experience major changes in operation status, which meets the intent of our recommendation.

- Recommendation 2 (Open): In our 2022 report, we noted that the AMP evaluation process has three main parts: a courthouse assessment, a citywide assessment, and an urgency evaluation rating for its courthouse needs. We found that elements of the AMP scoring methodology could amplify or diminish the scores of certain courthouses and cities in ways that were not always transparent. As a result, the scoring methodology was not clearly aligned to the AMP evaluation goal of conducting an objective and consistent evaluation. For example, our

¹ GAO, *Federal Courthouse Construction: Judiciary Should Refine Its Methods for Determining Which Projects Are Most Urgent*, GAO-22-104034 (Washington, D.C.: Jan. 5, 2025).

analysis indicated that some of the courthouses with the most significant needs nationwide had their citywide scores, and part of their urgency ratings, diluted because their city had other courthouses that were in better condition. We recommended that AOUSC evaluate the AMP's scoring methodology's three-part process, to ensure its effects align to the AMP's goals and are made transparent to judiciary decision-makers, and make revisions where needed.

As of January 2024, AOUSC officials stated that they had begun an analysis of the AMP's scoring methodology's three-part process to ensure its effects align to the AMP's goals and are transparent to judiciary decision-makers. Officials further stated they would describe this analysis in a memo AOUSC was developing. Once received, we will review the documentation and determine if it addresses the recommendation.

- Recommendation 3 (Closed): In our 2022 report, we found that the scoring methodology sets a cap or limit that is the maximum number or score a city can get for each of four rating components. Setting caps is an important decision because a city's need can appear more or less urgent depending on where the judiciary sets the cap for the rating calculation. However, judiciary officials acknowledged that they did not have formal or documented criteria for determining where to set caps. Further, officials said they set a cap by observing the highest calculated needs and placed a cap where natural breaks in the data began to occur.

Without a consistent, transparent process for placing caps, there was no guarantee that the judiciary could consistently and objectively rank the order of cities' needs. This could lead the judiciary to inadvertently recommend courthouses for construction projects that are not actually those with the most urgent needs. Therefore, we recommended that the AOUSC better document for judiciary decision-makers the criteria the judiciary applies for the placement of caps.

In August 2022, we confirmed several actions taken by AOUSC to document the criteria for setting caps. AOUSC established an Asset Management Planning Process Handbook that described the rating methodology for the urgency evaluation and made clear the purpose of setting caps each year. Specifically, the handbook described that AOUSC would use natural breaks in the data for cap criterion and address outlier values as to not skew the overall urgency rankings. To that end, the handbook made clear that locations with values at or above the cap for each criterion would receive "full credit" for the maximum allowable value for that criterion. In addition, all other locations would receive credit in relation to the cap value and a percentage of the urgency evaluation's model weight for that criterion. Within the handbook, AOUSC documented and communicated the criteria to the judiciary's decision-makers. The AOUSC's actions make the AMP's process for setting caps more consistent and transparent, which meets the intent of our recommendation.

QUESTIONS TO MICHAEL PETERS, COMMISSIONER, PUBLIC BUILDINGS SERVICE, U.S. GENERAL SERVICES ADMINISTRATION, FROM HON. DINA TITUS

Question 1. According to Assistant Commissioner for Facilities Management Andrew Heller, the Public Buildings Service intends to eliminate 3,557 positions through a nonvoluntary Reduction in Force (RIF). That is 63 percent of the Public Buildings Service's total workforce.

Question 1.a. How will staff reductions at the Public Buildings Service impact GSA's operation of court facilities?

Question 1.b. How have staff reductions impacted GSA's ability to deliver courthouses currently under construction?

ANSWER to 1.a. & 1.b.: GSA is adapting to workforce changes by continuing to identify and address operational challenges, including with our court facilities. GSA is strategically reallocating resources, where appropriate, to meet our customer agencies' evolving needs and maintain safe, fully functional spaces for our tenants.

Through a comprehensive analysis of our construction and repair and alteration projects, GSA is diligently working to ensure these projects have the necessary project management coverage and oversight. GSA employees are focused on supporting our customer agencies and providing the best value for the American taxpayer.

Question 2. Through its Fine Arts Program, GSA maintains one of the oldest and largest public arts collections in the United States. The civic artworks in the collection date back to the 1850s and are displayed in federal buildings and courthouses across the United States. In Las Vegas, the Lloyd D. George U.S. Courthouse features “Eldorado,” a stunning landscape of the desert by Brent Thomson commissioned by GSA in 2000, among other works that illustrate Southern Nevada’s unique beauty. Last month, I led other members of the Congressional Arts Caucus in a letter to the GSA expressing concerns about reports that over half of the GSA Fine Arts Program staff had been terminated. The letter demands answers on how GSA will maintain those invaluable works.

Question 2.a. As GSA works to shrink the size of the federal real estate portfolio and dispose of public buildings, what is happening to this art?

ANSWER: As buildings are considered for disposal, the GSA Center for Fine Arts will assess the artwork to determine the most appropriate course of action. Some pieces may remain in place with protective covenants, while others may be removed and relocated to other federal buildings or loaned to museums or nonprofit institutions. In some cases—such as when artwork is considered part of the real property and conveyed with the building—GSA may choose to reallocate the artwork.

Question 2.b. How are you working with your colleagues at GSA to ensure that it is taken care of and accounted for?

ANSWER: The GSA Center for Fine Arts continues carrying out its responsibility to care for over 26,000 artworks in the Fine Arts Collection. The Fine Arts staff use a database and application called The Museum System, known as TMS, as the primary tool to manage GSA’s art collection. The history of each object, its current location and condition, and any needed actions such as protection during construction or conservation, are tracked in TMS. TMS is a commercially available collections management software and is used by museums internationally.

TMS also allows non-art program GSA staff in the field to view past inspection forms and to generate new inspection forms. For the next biennial inspection in 2026, the Fine Arts staff will rely on and coordinate with non-art program GSA staff in the field to confirm artwork location, take photos, note artwork condition, and flag critical issues for Fine Arts staff to address.

In addition to artworks installed in GSA-owned facilities, the GSA Center for Fine Arts routinely updates the inventory and renews or initiates loan agreements with institutions. The TMS database is critical to managing the loan program, which accounts for almost 24,000 artworks in the collection.