



# JUDICIAL CONFERENCE OF THE UNITED STATES

WASHINGTON, D.C. 20544

THE CHIEF JUSTICE  
OF THE UNITED STATES  
*Presiding*

HONORABLE ROBERT J. CONRAD, JR.  
*Secretary*

February 24, 2026

Honorable JD Vance  
President  
United States Senate  
Washington, DC 20510

Dear Mr. President:

On behalf of the Judicial Conference of the United States (Judicial Conference), the policy-making body of the Federal Judiciary, I write to transmit a proposal that would grant the Judiciary real property authority, independent of the General Services Administration (GSA), to manage and maintain those buildings that are critical to the mission of the Judicial Branch. This authority would provide the Judiciary with the same real property authorities held by the other two branches of government, each of which has its own real property entity (the GSA for the Executive Branch and the Architect of the Capitol and internal entities for the Legislative Branch).

This request is a long-standing Judicial Conference position, originally adopted in 1989, and reaffirmed again in 2006. This position is being sought now because the condition of many buildings housing the Judiciary has reached a crisis point after decades of inadequate management and oversight. This has led to over \$8 billion worth of delinquent infrastructure repairs that have created risks to safety, security, and court operations. The recent unilateral actions and reorganization of GSA have only exacerbated these conditions.

Enclosed is a draft bill, section-by-section summary of the draft bill, and a white paper which further outlines the Judiciary's concerns with GSA management and further details of the proposal.

At your convenience, I would appreciate the opportunity to discuss this proposal in greater detail. My staff will be reaching out to your staff to brief them on the proposal and to request a future meeting.

Honorable JD Vance

Page 2

If we may be of further assistance, please do not hesitate to contact the Office of Legislative Affairs, Administrative Office of the United States Courts, at (202) 502-1700.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert J. Conrad, Jr.", written in a cursive style.

Robert J. Conrad, Jr.  
Secretary

Enclosures

cc: Honorable Charles E. Grassley  
Honorable Richard J. Durbin  
Honorable Shelley Moore Capito  
Honorable Sheldon Whitehouse  
Honorable Susan Collins  
Honorable Patty Murray  
Honorable Ted Cruz  
Honorable Kevin Cramer  
Honorable Angela Alsobrooks  
Honorable Bill Hagerty  
Honorable Jack Reed

Identical letter sent to: Honorable John Thune  
Honorable Charles E. Schumer



# JUDICIAL CONFERENCE OF THE UNITED STATES

WASHINGTON, D.C. 20544

THE CHIEF JUSTICE  
OF THE UNITED STATES  
*Presiding*

HONORABLE ROBERT J. CONRAD, JR.  
*Secretary*

February 24, 2026

Honorable John Thune  
Majority Leader  
United States Senate  
Washington, DC 20510

Dear Mr. Leader:

On behalf of the Judicial Conference of the United States (Judicial Conference), the policy-making body of the Federal Judiciary, I write to transmit a proposal that would grant the Judiciary real property authority, independent of the General Services Administration (GSA), to manage and maintain those buildings that are critical to the mission of the Judicial Branch. This authority would provide the Judiciary with the same real property authorities held by the other two branches of government, each of which has its own real property entity (the GSA for the Executive Branch and the Architect of the Capitol and internal entities for the Legislative Branch).

This request is a long-standing Judicial Conference position, originally adopted in 1989, and reaffirmed again in 2006. This position is being sought now because the condition of many buildings housing the Judiciary has reached a crisis point after decades of inadequate management and oversight. This has led to over \$8 billion worth of delinquent infrastructure repairs that have created risks to safety, security, and court operations. The recent unilateral actions and reorganization of GSA have only exacerbated these conditions.

Enclosed is a draft bill, section-by-section summary of the draft bill, and a white paper which further outlines the Judiciary's concerns with GSA management and further details of the proposal.

At your convenience, I would appreciate the opportunity to discuss this proposal in greater detail. My staff will be reaching out to your staff to brief them on the proposal and to request a future meeting.

Honorable John Thune

Page 2

If we may be of further assistance, please do not hesitate to contact the Office of Legislative Affairs, Administrative Office of the United States Courts, at (202) 502-1700.

Sincerely,

A handwritten signature in black ink, reading "Robert J. Conrad, Jr." in a cursive style.

Robert J. Conrad, Jr.  
Secretary

Enclosures

cc: Honorable Charles E. Grassley  
Honorable Richard J. Durbin  
Honorable Shelley Moore Capito  
Honorable Sheldon Whitehouse  
Honorable Susan Collins  
Honorable Patty Murray  
Honorable Ted Cruz  
Honorable Kevin Cramer  
Honorable Angela Alsobrooks  
Honorable Bill Hagerty  
Honorable Jack Reed

Identical letter sent to: Honorable JD Vance  
Honorable Charles E. Schumer



# JUDICIAL CONFERENCE OF THE UNITED STATES

WASHINGTON, D.C. 20544

THE CHIEF JUSTICE  
OF THE UNITED STATES  
*Presiding*

HONORABLE ROBERT J. CONRAD, JR.  
*Secretary*

February 24, 2026

Honorable Charles E. Schumer  
Democratic Leader  
United States Senate  
Washington, DC 20510

Dear Mr. Leader:

On behalf of the Judicial Conference of the United States (Judicial Conference), the policy-making body of the Federal Judiciary, I write to transmit a proposal that would grant the Judiciary real property authority, independent of the General Services Administration (GSA), to manage and maintain those buildings that are critical to the mission of the Judicial Branch. This authority would provide the Judiciary with the same real property authorities held by the other two branches of government, each of which has its own real property entity (the GSA for the Executive Branch and the Architect of the Capitol and internal entities for the Legislative Branch).

This request is a long-standing Judicial Conference position, originally adopted in 1989, and reaffirmed again in 2006. This position is being sought now because the condition of many buildings housing the Judiciary has reached a crisis point after decades of inadequate management and oversight. This has led to over \$8 billion worth of delinquent infrastructure repairs that have created risks to safety, security, and court operations. The recent unilateral actions and reorganization of GSA have only exacerbated these conditions.

Enclosed is a draft bill, section-by-section summary of the draft bill, and a white paper which further outlines the Judiciary's concerns with GSA management and further details of the proposal.

At your convenience, I would appreciate the opportunity to discuss this proposal in greater detail. My staff will be reaching out to your staff to brief them on the proposal and to request a future meeting.

Honorable Charles E. Schumer

Page 2

If we may be of further assistance, please do not hesitate to contact the Office of Legislative Affairs, Administrative Office of the United States Courts, at (202) 502-1700.

Sincerely,



Robert J. Conrad, Jr.  
Secretary

Enclosures

cc: Honorable Charles E. Grassley  
Honorable Richard J. Durbin  
Honorable Shelley Moore Capito  
Honorable Sheldon Whitehouse  
Honorable Susan Collins  
Honorable Patty Murray  
Honorable Ted Cruz  
Honorable Kevin Cramer  
Honorable Angela Alsobrooks  
Honorable Bill Hagerty  
Honorable Jack Reed

Identical letter sent to: Honorable JD Vance  
Honorable John Thune



# JUDICIAL CONFERENCE OF THE UNITED STATES

WASHINGTON, D.C. 20544

THE CHIEF JUSTICE  
OF THE UNITED STATES  
*Presiding*

HONORABLE ROBERT J. CONRAD, JR.  
*Secretary*

February 24, 2026

Honorable Mike Johnson  
Speaker  
United States House of Representatives  
Washington, DC 20515

Dear Mr. Speaker:

On behalf of the Judicial Conference of the United States (Judicial Conference), the policy-making body of the Federal Judiciary, I write to transmit a proposal that would grant the Judiciary real property authority, independent of the General Services Administration (GSA), to manage and maintain those buildings that are critical to the mission of the Judicial Branch. This authority would provide the Judiciary with the same real property authorities held by the other two branches of government, each of which has its own real property entity (the GSA for the Executive Branch and the Architect of the Capitol and internal entities for the Legislative Branch).

This request is a long-standing Judicial Conference position, originally adopted in 1989, and reaffirmed again in 2006. This position is being sought now because the condition of many buildings housing the Judiciary has reached a crisis point after decades of inadequate management and oversight. This has led to over \$8 billion worth of delinquent infrastructure repairs that have created risks to safety, security, and court operations. The recent unilateral actions and reorganization of GSA have only exacerbated these conditions.

Enclosed is a draft bill, section-by-section summary of the draft bill, and a white paper which further outlines the Judiciary's concerns with GSA management and further details of the proposal.

At your convenience, I would appreciate the opportunity to discuss this proposal in greater detail. My staff will be reaching out to your staff to brief them on the proposal and to request a future meeting.

Honorable Mike Johnson

Page 2

If we may be of further assistance, please do not hesitate to contact the Office of Legislative Affairs, Administrative Office of the United States Courts, at (202) 502-1700.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert J. Conrad, Jr.", written in a cursive style.

Robert J. Conrad, Jr.  
Secretary

Enclosures

cc: Honorable Jim Jordan  
Honorable Jamie Raskin  
Honorable Sam Graves  
Honorable Rick Larsen  
Honorable Tom Cole  
Honorable Rosa DeLauro  
Honorable Darrell Issa  
Honorable Henry C. "Hank" Johnson, Jr.  
Honorable Scott Perry  
Honorable Greg Stanton  
Honorable David Joyce  
Honorable Steny Hoyer

Identical letter sent to: Honorable Steve Scalise  
Honorable Hakeem S. Jeffries



# JUDICIAL CONFERENCE OF THE UNITED STATES

WASHINGTON, D.C. 20544

THE CHIEF JUSTICE  
OF THE UNITED STATES  
*Presiding*

HONORABLE ROBERT J. CONRAD, JR.  
*Secretary*

February 24, 2026

Honorable Steve Scalise  
Majority Leader  
United States House of Representatives  
Washington, DC 20515

Dear Mr. Leader:

On behalf of the Judicial Conference of the United States (Judicial Conference), the policy-making body of the Federal Judiciary, I write to transmit a proposal that would grant the Judiciary real property authority, independent of the General Services Administration (GSA), to manage and maintain those buildings that are critical to the mission of the Judicial Branch. This authority would provide the Judiciary with the same real property authorities held by the other two branches of government, each of which has its own real property entity (the GSA for the Executive Branch and the Architect of the Capitol and internal entities for the Legislative Branch).

This request is a long-standing Judicial Conference position, originally adopted in 1989, and reaffirmed again in 2006. This position is being sought now because the condition of many buildings housing the Judiciary has reached a crisis point after decades of inadequate management and oversight. This has led to over \$8 billion worth of delinquent infrastructure repairs that have created risks to safety, security, and court operations. The recent unilateral actions and reorganization of GSA have only exacerbated these conditions.

Enclosed is a draft bill, section-by-section summary of the draft bill, and a white paper which further outlines the Judiciary's concerns with GSA management and further details of the proposal.

At your convenience, I would appreciate the opportunity to discuss this proposal in greater detail. My staff will be reaching out to your staff to brief them on the proposal and to request a future meeting.

Honorable Steve Scalise

Page 2

If we may be of further assistance, please do not hesitate to contact the Office of Legislative Affairs, Administrative Office of the United States Courts, at (202) 502-1700.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert J. Conrad, Jr.", written in a cursive style.

Robert J. Conrad, Jr.  
Secretary

Enclosure

cc: Honorable Jim Jordan  
Honorable Jamie Raskin  
Honorable Sam Graves  
Honorable Rick Larsen  
Honorable Tom Cole  
Honorable Rosa DeLauro  
Honorable Darrell Issa  
Honorable Henry C. "Hank" Johnson, Jr.  
Honorable Scott Perry  
Honorable Greg Stanton  
Honorable David Joyce  
Honorable Steny Hoyer

Identical letter sent to: Honorable Mike Johnson  
Honorable Hakeem S. Jeffries



# JUDICIAL CONFERENCE OF THE UNITED STATES

WASHINGTON, D.C. 20544

THE CHIEF JUSTICE  
OF THE UNITED STATES  
*Presiding*

HONORABLE ROBERT J. CONRAD, JR.  
*Secretary*

February 24, 2026

Honorable Hakeem S. Jeffries  
Democratic Leader  
United States House of Representatives  
Washington, DC 20515

Dear Mr. Leader:

On behalf of the Judicial Conference of the United States (Judicial Conference), the policy-making body of the Federal Judiciary, I write to transmit a proposal that would grant the Judiciary real property authority, independent of the General Services Administration (GSA), to manage and maintain those buildings that are critical to the mission of the Judicial Branch. This authority would provide the Judiciary with the same real property authorities held by the other two branches of government, each of which has its own real property entity (the GSA for the Executive Branch and the Architect of the Capitol and internal entities for the Legislative Branch).

This request is a long-standing Judicial Conference position, originally adopted in 1989, and reaffirmed again in 2006. This position is being sought now because the condition of many buildings housing the Judiciary has reached a crisis point after decades of inadequate management and oversight. This has led to over \$8 billion worth of delinquent infrastructure repairs that have created risks to safety, security, and court operations. The recent unilateral actions and reorganization of GSA have only exacerbated these conditions.

Enclosed is a draft bill, section-by-section summary of the draft bill, and a white paper which further outlines the Judiciary's concerns with GSA management and further details of the proposal.

At your convenience, I would appreciate the opportunity to discuss this proposal in greater detail. My staff will be reaching out to your staff to brief them on the proposal and to request a future meeting.

Honorable Hakeem S. Jeffries

Page 2

If we may be of further assistance, please do not hesitate to contact the Office of Legislative Affairs, Administrative Office of the United States Courts, at (202) 502-1700.

Sincerely,

A handwritten signature in black ink that reads "Robert J. Conrad, Jr." The signature is written in a cursive, flowing style.

Robert J. Conrad, Jr.  
Secretary

Enclosures

cc: Honorable Jim Jordan  
Honorable Jamie Raskin  
Honorable Sam Graves  
Honorable Rick Larsen  
Honorable Tom Cole  
Honorable Rosa DeLauro  
Honorable Darrell Issa  
Honorable Henry C. "Hank" Johnson, Jr.  
Honorable Scott Perry  
Honorable Greg Stanton  
Honorable David Joyce  
Honorable Steny Hoyer

Identical letter sent to: Honorable Mike Johnson  
Honorable Steve Scalise

119th CONGRESS  
2nd Session

A BILL

To improve the maintenance, alteration, and construction of United States courthouses, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act shall be known as the Judicial Space and Facilities Management Effectiveness Act of 2026.

**SEC. 2. TRANSFER OF CERTAIN JUDICIAL BRANCH ACCOMODATIONS AND AUTHORITY OF THE DIRECTOR**

Chapter 41 of title 28, United States Code, is amended by inserting after section 604 the following:

**“§ 604A. Transfer of Jurisdiction, Custody, and Control of Certain Judicial Branch Accommodations to the Director; Authority of the Director.**

“(a) DEFINITIONS. – For purposes of this section –

“(1) the term ‘Administrator’ means the Administrator of the General Services Administration;

“(2) the term ‘court accommodation’ includes (but is not limited to) chambers and courtrooms for all courts of the Judicial Branch of the United States (except the Supreme Court) as well as accommodations for all court-related functions and for probation offices, pretrial service offices, Federal Public Defender Organizations, the United States Sentencing Commission, the Administrative Office of the United States Courts, the Federal Judicial Center, and other administrative or clerical personnel associated with the courts of the Judicial Branch of the United States;

“(3) the term ‘public building’ is defined as set forth in section 3301(a)(5) of title 40 of the United States Code;

“(4) the term ‘facility’ or ‘building’ means any building or other structure, including its grounds, approaches, appurtenances, and parking spaces, or any part thereof;

“(5) the term ‘property’ is defined as set forth in section 102(9) of title 40 of the United States Code;

“(6) the term ‘space’ means any interest, whether fee simple or otherwise, in real property, including land, buildings, structures, or parts thereof;

“(7) the term ‘alter’ includes:

“(A) preliminary planning, engineering, architectural, legal, fiscal, and economic investigations and studies, surveys, designs, plan, working drawings, specifications, procedures, and other similar actions necessary for the alteration of any space or facility; and

“(B) repairing, remodeling, improving, or extending or other changes in any space or facility;

“(8) the term ‘construct’ includes preliminary planning, engineering, architectural, legal, fiscal, and economic investigations and studies, surveys, designs, plans, working drawings, specifications, procedures, and other similar actions necessary for the construction or alteration, as the case may be, of any space or facility; and

“(9) the term ‘Federal agency’ is defined as set forth in section 102(5) of title 40 of the United States Code; and

“(10) the term ‘Judiciary Buildings Service’ is defined as the organization in the judicial branch responsible for managing the functions outlined in subsection (b).

“(b) AUTHORITY OF DIRECTOR. – The Director shall be authorized to establish a Judiciary Buildings Service to –

“(1) acquire, by purchase, condemnation, donation, exchange, transfer, or otherwise, any space or facility which the Director determines to be necessary for the provision of court accommodations and manage that space or facility and its operation;

“(2) alter any space or facility which is acquired under the authority of this Act as the Director deems necessary for the provision of court accommodations;

“(3) construct such facilities as the Director deems necessary for the provision of court accommodations;

“(4) lease, or acquire and exercise any option for the acquisition of a lease, any space or facility as the Director deems necessary for the provision of court accommodations and manage that lease;

“(5) outlease space;

“(6) acquire land necessary to carry out the alteration to the same extent as the Administrator in 40 U.S.C. 3304(b)-(d);

“(7) contract for utility services;

“(8) secure facilities in coordination with the United States Marshals Service and the Federal Protective Service;

“(9) provide by contract or otherwise for the provision of amenities, such as childcare, cafeterias, physical fitness centers, credit unions, and others, to serve tenants and, if appropriate, the public; and

“(10) perform such other duties as necessary to implement this section.

“(c) DELEGATION OF AUTHORITY. – The Director may delegate any authority authorized by this section. The Director may authorize successive redelegation of authority as permitted by this section.

“(d) ARCHITECTURAL, ENGINEERING, AND CONSTRUCTION SERVICES. – The Director is authorized to employ, by contract or otherwise, the services of architectural, engineering, and construction firms, corporations, or individuals, to the extent the Director may require such services for any space or facility authorized to be constructed or altered under this section.

“(e) OPERATION AND MAINTENANCE. – The Director is authorized to employ, by contract or otherwise, the services of corporations, firms, or individuals for the operation and maintenance of any building under the jurisdiction, custody, and control of the Director, to the extent the Director may require such services.

“(f) CONSTRUCTION. –

“(1) REPLACEMENT OF EXISTING BUILDINGS. – When the Director considers it to be in the best interest of the Judiciary to construct a new space or facility to take the place of an existing space or facility, the Director may demolish the existing building and use the site on which it is located for the site of the proposed space or facility. If the Director believes that it is more advantageous to construct the space or facility on a different site in the same city, the Director may exchange the building and site, or the site, for another site, or may transfer the building and site.

“(2) EXCHANGE OR TRANSFER OF SITES. – When the Director decides that a site acquired for the construction of a space or facility is not suitable for that purpose, the Director may exchange the site for another site or may declare the site to be excess and transfer the site to the Administrator.

“(3) CONSTRUCTION OR ALTERATION BY CONTRACT OR OTHERWISE. – The Administrator may carry out a construction or alteration authorized by this section by contract if the Director considers it to be most advantageous to the Government.

“(g) TRANSFER OF COURT ACCOMMODATIONS. –

“(1) The Administrator shall not transfer, dispose of, or close any court accommodation without obtaining the prior consent of the Director.

“(2) Upon request of the Director, and consistent with the implementation plan required by section 5(c) of the Judicial Space and Facilities Management Effectiveness Act of 2026, the Administrator shall transfer to the Director the jurisdiction, custody, and control of any requested real property owned or leased by the United States, and any lease made on behalf of the United States, that is occupied by the judicial branch and critical to the constitutional mission of the Judiciary. Any such transfer shall be non-reimbursable. After completion of any such transfer, the Director shall be responsible for performing all building functions for such judicial branch accommodation and to pay the costs of performing such building functions instead of paying rent for that space to the Administrator.

“(h) REQUEST FOR SPACE OR SERVICES TO BE PROVIDED BY THE ADMINISTRATOR. –

“(1) The Director may request that the Administrator provide, acquire, or maintain such court accommodations as may be required by the courts of the United States. Upon such a request of the Director, the Administrator is directed to provide and maintain such court accommodations.

“(2) Where court accommodations are provided by the Administrator in multitenant facilities, the Administrator shall give priority to providing court accommodations in contiguous space.

“(3) Consistent with General Services Administration regulatory requirements and leasing responsibilities, the Administrator shall endeavor to provide such reasonable alterations to court accommodations as shall be requested and financed by the Director.

“(4) The Director may transfer jurisdiction, custody, and control or leasehold interest of any space or facility acquired by the Director to the Administrator for the provision or maintenance of court accommodations.

“(5) The Director may identify and transfer to the Administrator for disposal, pursuant to section 542 of title 40 United States Code, any real property under the jurisdiction, custody, and control of the Director, as the Director deems necessary.

“(6) The Administrator shall provide the Director, on a non-reimbursable basis, information requested by the Director that assists the Director in the development of the funding requests by the Director, including information regarding prospectus-level repair and alteration projects. For projects for which the Director does not request funds, the Administrator shall request funds in accordance with law.

“(7) The Administrator shall provide the Director secure access to systems, databases, and information used to operate and manage federal buildings accommodating the Judiciary, including, but not limited to, building automation and control systems, real

property inventories and data, personal property inventories and data, work order management systems, document archives, drawings, studies, and contracting files.

“(i) APPROVAL OF PROPOSED PROJECTS BY CONGRESS. –

“(1) RESOLUTIONS REQUIRED BEFORE APPROPRIATIONS MAY BE MADE. –

“(A) No appropriation shall be used to construct, purchase, or acquire any space or facility to be used as a court accommodation which involves a total expenditure in excess of \$10,000,000, adjusted annually for inflation, if such construction, purchase, or acquisition has not been approved by resolutions adopted by the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

“(B) No appropriation shall be used to alter any space or facility, or part thereof, which is under lease by the Director if the cost of such alteration would exceed \$5,000,000, adjusted annually for inflation, unless such alteration has been approved by resolutions adopted by the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

“(2) TRANSMISSION TO CONGRESS OF PROSPECTUS OF PROPOSED PROJECT. – To secure consideration for the approval referred to in paragraph (1) of this subsection, the Director shall transmit to Congress a prospectus of the proposed space or facility, including –

“(A) a brief description of the space or facility to be constructed, altered, purchased, or acquired or the space to be leased;

“(B) the location of the space or facility to be leased and an estimate of the maximum cost to the Federal Government of the facility to be constructed, altered, purchased, or acquired, or the space to be leased;

“(C) a comprehensive plan for providing space for all Judiciary officers and employees in the locality of the proposed facility or the space to be leased, having due regard for suitable space which may continue to be available in existing Federal Government-owned or occupied buildings, especially those buildings that enhance the architectural, historical, social, cultural, and economic environment of the locality;

“(D) with respect to any project for the construction, alteration, or acquisition of any facility, a statement by the Director that suitable alternative space already owned or leased by the Federal Government in proximity to the location chosen for such court accommodation is not available and that suitable

rental space is not available at a price commensurate with that to be afforded through the proposed action;

“(E) a statement of rents and other housing costs currently being paid by the Federal Government for Federal agencies to be housed in the facility to be constructed, altered, or acquired, or the space to be leased;

“(F) with respect to any prospectus for the construction, alteration, or acquisition of any facility or space to be leased, an estimate of the future energy performance of the facility or space and a specific description of the use of energy efficient and renewable energy systems, including photovoltaic systems, in carrying out the project;

“(G) a statement of how the proposed project is consistent with the standards and criteria developed under section 11(b) of the Federal Assets Sale and Transfer Act of 2016;

“(H) information on any space occupied by the Judiciary in the geographical area of the proposed facility, including uses, any proposed consolidations, and, if not proposed to be consolidated, a justification for such determination; and

“(I) a statement by the Director of whether the facility needs of the Judiciary for the proposed space to be leased were formerly met by a federally owned building, including any building identified for disposal or sale.

“(3) LEASE RESOLUTIONS REQUIRED BEFORE APPROPRIATIONS MAY BE MADE. – No appropriation shall be used to lease any space or facility for a permanent court accommodation which involves an average annual expenditure in excess of \$10,000,000, adjusted annually for inflation, if such lease has not been approved by resolutions adopted by the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives. For the purpose of securing consideration for such approval, the Director shall transmit to the Congress a prospectus of the proposed space or facility including (but not limited to) the items set forth in paragraph (2) of this subsection that are relevant to the lease and, in addition, a written statement by the Director setting forth the reasons why leasing such space or facility is necessary to meet requirements which cannot be met in public buildings.

“(4) INCREASE OF ESTIMATED MAXIMUM COST. – The estimated maximum cost of any project approved under this section as set forth in any prospectus may be increased by an amount equal to any percentage increase, as determined by the Director, in construction or alteration costs from the date the prospectus is transmitted to Congress. The increase authorized by this subsection may not exceed 10 percent of the estimated maximum cost. The Director shall notify, in writing, the Committee on Environment and Public Works of the Senate and the Committee on Transportation and

Infrastructure of the House of Representatives of any increase of more than 5 percent of an estimated maximum cost or of any increase or decrease in the scope or size of a project of 5 or more percent. Such notification shall include an explanation regarding any such increase or decrease. The scope or size of a project shall not increase or decrease by more than 10 percent unless an amended prospectus is submitted and approved pursuant to this section.

“(5) RECISSION OF APPROVAL. – If an appropriation is not made within one year after the date a project for construction, alteration, or acquisition is approved under subsection (1), the Committee on Environment and Public Works of the Senate or the Committee on Transportation and Infrastructure of the House of Representatives by resolution may rescind its approval before an appropriation is made.

“(6) EMERGENCY LEASES BY THE DIRECTOR. – The Director may enter into emergency leases during any period declared by the President to require emergency leasing authority. An emergency lease may not be for more than 180 days without approval of a prospectus for the lease in accordance with paragraph (3).

“(7) MINIMUM PERFORMANCE REQUIREMENTS FOR LEASED SPACE. – With respect to space to be leased, the Director shall include, to the maximum extent practicable, minimum performance requirements requiring energy efficiency and the use of renewable energy.

“(8) DOLLAR AMOUNT ADJUSTMENT. – The Director annually may adjust any dollar amount referred to in this section to reflect a percentage increase or decrease in construction costs during the prior calendar year, as determined by the composite index of construction costs of the Department of Commerce. Any adjustment shall be expeditiously reported to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

“(9) NOTIFICATION REQUIREMENT. – For each project approved under this section, the Director shall notify, in writing, the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives of any project milestones that are accomplished, including –

“(A) the solicitation and award of design and construction services;

“(B) the completion of any actions required for the project pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

“(C) any ceremonies for the beginning or completion of the project;

“(D) a naming ceremony for the project; and

“(E) the completion of the project.

“(10) EXPIRATION OF COMMITTEE RESOLUTIONS. – Unless a lease is awarded or a construction, alteration, repair, design, or acquisition project is initiated not later than 5 years after the resolution approvals adopted by the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate pursuant to subsections (i)(1) and (i)(3), the resolutions shall be deemed expired.

“(j) JUDICIAL SPACE AND FACILITIES MANAGEMENT FUND. –

“(1) ESTABLISHMENT OF SPECIAL FUND. – There is hereby established in the Treasury of the United States a special fund to be known as the “Judicial Space and Facilities Management Fund” (hereinafter in this section referred to as the “Space and Facilities Fund”). Moneys deposited in the Space and Facilities Fund shall be available until expended without further appropriation for the purposes set forth in this Act. Deposits in the Space and Facilities Fund shall include:

“(A) transfers of amounts made available in the Judiciary annual appropriations act that are available for the activities described in subsection (j)(3) in such amounts as determined by the Director;

“(B) advances or reimbursements from any entity in the judicial branch for the activities and services described in subsection (j)(3);

“(C) advances and reimbursements obtained pursuant to subsection (k) of this section and section 6506(a) of title 40 of the United States Code; and

“(D) such funds as Congress may otherwise appropriate to the Space and Facilities Fund from time to time, including without limitation, funds appropriated for projects approved pursuant to section (i).

“(2) TRANSFER OF DEPOSITS. – The Director, under the supervision of the Judicial Conference of the United States, may transfer amounts up to \$1,000,000 from the Space and Facilities Fund into the fund or account from which the funds were originally appropriated. Any amount transferred from the Space and Facilities Fund in excess of \$1,000,000 in any fiscal year may only be transferred if the Committees on Appropriations of the Senate and the House of Representatives are notified at least 15 days in advance of such transfer.

“(3) USE OF THE SPACE AND FACILITIES FUND. – The Space and Facilities Fund shall be available until expended without additional appropriation for the acquisition, alteration, construction, and management of space and facilities and related activities, including --

“(A) the acquisition of space and facilities for court accommodations;

“(B) the lease of space or facilities for court accommodations;

“(C) the construction or alteration of facilities under the jurisdiction, custody, and control of the Director;

“(D) the maintenance of space under the jurisdiction, custody, and control of the Director;

“(E) the management, overhead costs, and information technology requirements associated with the acquisition, construction, lease, maintenance, or management of space under the jurisdiction, custody, and control of the Director; and

“(F) the provision of furniture, fixtures, and equipment.

“(4) REIMBURSEMENT OF THE GENERAL SERVICES ADMINISTRATION.

– Moneys deposited into the Space and Facilities Fund shall also be available for reimbursement to the General Services Administration for court accommodations provided, altered, or maintained by the General Services Administration.

“(5) PLAN FOR MEETING SPACE AND FACILITIES MANAGEMENT

NEEDS. – The Director shall develop and annually revise, with the approval of the Judicial Conference of the United States, a long-range plan for meeting the space and facilities management needs of the activities funded under this section. Such plan and revisions shall be submitted to the Committees on Appropriations of the Senate and the House of Representatives, the Committee on Environment and Public Works of the Senate, and the Committee on Transportation and Infrastructure of the House of Representatives.

“(k) USE OF SPACE AND FACILITIES. –

“(1) EXCESS SPACE. – The Director is authorized to make available excess space in all facilities under the jurisdiction, custody and control of the Director to non-Judiciary entities on a reimbursable or non-reimbursable basis, as deemed appropriate by the Director.

“(2) FEDERAL AGENCIES. – The Director is authorized to charge Federal agencies, and Federal agencies are authorized to pay, by advance or reimbursement, a reasonable rate for administering the space and other improvements (including the cost of operation, maintenance, rehabilitation, security, administrative overhead, and structural, mechanical, and domestic care) furnished to Federal agencies. Such charges shall not exceed the actual costs incurred by the Director for the provision of such space or services including a charge for the depreciation and future capital upgrades and replacements.

“(3) OUTLEASED SPACE. – The Director is authorized to charge a reasonable rate for outleased space, with the amount to be determined by the Director and the entity.

“(l) REIMBURSEMENT OF ADMINISTRATOR. – The Director shall reimburse the Administrator for court accommodations provided or maintained by the General Services Administration at rates to be negotiated with the Director, but in no case shall such rates exceed the actual costs incurred by the General Services Administration for the provision of such space or services.

“(m) FEDERAL REGULATORY REQUIREMENTS. – Whenever the Director shall acquire, construct, lease, alter, or maintain any court accommodations, whether by contract or otherwise, the Director shall comply with statutory and regulatory provisions which are applicable to all public buildings or which otherwise are applicable to all Federal agencies, including the Judiciary.

### **SEC. 3. THURGOOD MARSHALL FEDERAL JUDICIARY BUILDING.**

(a) Chapter 65 of title 40 of the United States Code is amended –

(1) in section 6501,

(A) by striking “Definition” from the title of the section and replacing it with “Definitions”;

(B) by inserting “(a)” before “In”; and

(C) by adding the following at the end –

“(b) In this chapter, the term “Director” means the Director of the Administrative Office of the United States Courts or the designee of the Director, except that when there is a vacancy in the office of the Director, the Acting Director or, in the absence of the Acting Director, the Deputy Director shall be deemed to be the Director for purposes of this chapter until the vacancy is filled.”;

(2) in section 6502, by striking subsection (g) and inserting –

“(g) ACCOUNTING SYSTEM. – The Director shall maintain an accounting system for operation and maintenance of the Building and other improvements which will allow accurate projections of the dates and cost of major repairs, improvements, reconstructions, and replacements of the Building and improvements and other capital expenditures on the Building and improvements.”;

(3) by striking section 6503;

(4) by striking section 6504;

(5) in section 6505,

(A) by redesignating such section as section 6503;

(B) by striking subsection (a) and inserting –

“(a) Effective upon the expiration of the 180-day period that begins on the date of the enactment of this section, the jurisdiction, custody, and control of the Thurgood Marshall Federal Judiciary Building shall be assigned to the Director. Such transfer shall be non-reimbursable. After completion of such transfer, the Director shall thereafter be responsible for performing all building functions relating to such accommodations and to pay the costs thereof.”; and

(C) by striking paragraph (3) of subsection (b) and inserting –

“(3) REIMBURSEMENT. – The Director shall transfer from the Judicial Space and Facilities Management Fund of title 28 amounts necessary to reimburse the United States Capitol Police for expenses incurred in providing exterior security under this subsection. The Capitol Police may accept amounts the Director transfers under this paragraph. Those amounts shall be credited to the appropriation account charged by the Capitol Police in carrying out security duties.”;

(6) in section 6506 –

(A) by redesignating such section as section 6504; and

(B) by striking subsections (a) through (f), and inserting –

“(a) PRIORITY. –

“(1) JUDICIAL BRANCH. – Subject to this section, the Director may make available to the judicial branch of the Federal Government all space in the Thurgood Marshall Federal Judiciary Building and other improvements constructed under this chapter.

“(2) OTHER FEDERAL GOVERNMENTAL ENTITIES. – The Director may make available, on a reimbursable basis, to federal government entities which are not part of the judicial branch, and which are not staff of Members of Congress or congressional committees, any space in the Building and other improvements that the Director decides is not needed by the judicial branch.

“(3) OTHER PERSONS. – If any space remains, the Director may sublease it to any person, pursuant to subsection (d).

“(b) SPACE FOR JUDICIAL BRANCH AND OTHER FEDERAL GOVERNMENTAL ENTITIES. – Space made available under paragraph (1) or (2) of subsection (a) is subject to –

“(1) terms and conditions necessary to carry out the objectives of this chapter; and

“(2) reimbursement at an appropriate rental rate established by the Director based on square foot of occupiable space plus an amount necessary to pay each year for the cost of administering the Building and other improvements (including the cost of operation, maintenance, rehabilitation, security, administrative overhead, and structural, mechanical, and domestic care) that is attributable to the space, with the amount to be determined by the Director and, in the case of any federal governmental entity not a part of the judicial branch, the entity.

“(c) SPACE FOR JUDICIAL BRANCH. –

“(1) The Director may assign space made available to the judicial branch under subsection (a)(1) among offices of the judicial branch as the Director considers appropriate.

“(2) Vacating occupied space. –  
When the Chief Justice notifies the Director that the judicial branch requires additional space in the Building and other improvements, the Director shall accommodate those requirements within 90 days after the date of the notification, except that if the space was made available to the Administrator of General Services, it shall be vacated expeditiously by not later than a date the Chief Justice and the Director agree on.

“(3) Unoccupied space. –  
The Chief Justice has the right of first refusal to use unoccupied space in the Building to meet the needs of the judicial branch.

“(d) OUTLEASED SPACE. –

“(1) RENTAL RATE. – Space outleased by the Director under subsection (a)(3) is subject to reimbursement at a reasonable rate, with the amount to be determined by the Director and the entity.

“(2) COLLECTION OF RENT. – The Director shall collect, and lessees are authorized to pay, rent for space outleased under paragraph (3) of subsection (a).

“(e) DEPOSIT OF RENT AND REIMBURSEMENTS. – Amounts received under subsection (a)(3) (including lease payments and reimbursements) shall be deposited into the Judicial Space and Facilities Management Fund.”; and

(7) by striking section 6507.

#### **SEC. 4. CONFORMING AMENDMENTS.**

(a) Section 3101 of Title 40 of the United States Code shall be amended by inserting at the beginning thereof “Except as provided in the Judicial Space and Facilities Management Effectiveness Act of 2026.”

(b) Section 604(a) of title 28, United States Code is amended –

(1) in paragraph (24), by striking “and” at the end;

(2) by redesignating paragraph (25) as paragraph (26); and

(3) by inserting after paragraph (24) the following: “(25) Oversee and manage the Judiciary Buildings Service as set forth in the Judicial Space and Facilities Management Effectiveness Act of 2026; and”.

#### **SEC. 5. IMPLEMENTATION OF ACT.**

(a) To ensure the orderly transition of buildings from the General Services Administration to the Judiciary, the Director is authorized to withhold such sums of funds appropriated for the payment of rent to the General Services Administration as are necessary to stand up the Judiciary Buildings Service.

(b) Beginning 180 days after this Act becomes effective, and any time thereafter, the Director may request that the Administrator transfer jurisdiction, custody, and control of any real property and leases housing court accommodations critical to the constitutional mission of the Judiciary from the General Services Administration to the Judiciary. The Administrator, upon the Director's request, shall transfer those requested properties and leases within 90 days or at a time mutually agreed upon by the General Services Administration and the Judiciary. In addition, the Administrator will provide to the Director essential information required for the transfer of building management, including but not limited to detailed operating costs, shell costs, budget projections, planned and ongoing projects, condition assessments, drawings, operational procedures, warranties, rental rates for each tenant, occupancy data, agreements, and ongoing contracts.

(c) One hundred and eighty days after this Act becomes effective, the Director shall submit to the Committee on Environment and Public Works of the Senate, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committees on Appropriations of the Senate and the House Representatives a plan for implementation of this Act.

(d) All audit authorities and responsibilities of the Director, as set forth in chapter 604(a)(11) of title 28 United States Code, shall apply to the Judiciary Buildings Service. Additionally, the Judiciary Buildings Service shall be subject to all existing Administrative Office of the United States Courts compliance, financial reporting, and fraud, waste, and abuse requirements.

## **Federal Judiciary Legislative Proposal**

### **“Judicial Space and Facilities Management Effectiveness Act”**

#### **Section-by-Section Analysis**

**Sec. 1. Short Title.** Section 1 sets forth the short title of the bill as the “Judicial Space and Facilities Management Effectiveness Act of 2026”.

**Sec. 2. Transfer of Certain Judicial Branch Accommodations and Authority of the Director.** Section 2 amends chapter 41 of title 28 of the United States Code to add a new section 604A authorizing the transfer of jurisdiction, custody, and control of certain Judicial Branch accommodations from the Administrator of the General Services Administration (Administrator) to the Director of the Administrative Office of the United States Courts (Director).

Subsection (a) of new section 604A defines various terms for purposes of this section. It defines, for example, that the term “Administrator” means the Administrator of the General Services Administration.

Subsection (b) of new section 604A specifies the general authority of the Director to establish a Judiciary Buildings Service to:

- acquire, alter, construct, and lease space and facilities necessary for the provision of court accommodations, among other matters; and
- perform such other duties as necessary to implement this section.

Subsection (c) of new section 604A authorizes the Director to delegate and successively redelegate such authorities specified by this section.

Subsection (d) of new section 604A authorizes the Director to employ, by contract or otherwise, the services of architectural, engineering, and construction firms, corporations, or individuals, to the extent he may require such services for any space or facility authorized to be constructed or altered under this section.

Subsection (e) of new section 604A authorizes the Director to employ, by contract or otherwise, the services of corporations, firms, or individuals for the operation and maintenance of any building under the jurisdiction, custody, and control of the Director.

Subsection (f) of new section 604A sets forth the authority of the Director with respect to the construction of a space or facility and related matters.

Subsection (g) of new section 604A specifies that the Administrator may not transfer, dispose of, or close any court accommodation without the prior consent of the Director. It also requires the Administrator, upon request of the Director, to transfer to the Director any real property owned or leased by the United States, and leases made on behalf of the United States, that is occupied by the judicial branch and critical to the constitutional mission of the Judiciary. It further provides that any such transfer shall be on a non-reimbursable basis. Upon such

transfer, the Director shall be responsible for performing all Judicial building services and to pay the costs of performing such services instead of paying rent for that space to the Administrator.

Subsection (h) of new section 604A authorizes the Director to request the Administrator to provide, acquire, or maintain court accommodations as may be required by the courts of the United States, among other matters, and directs the Administrator to provide to the Director, on a non-reimbursable basis, information requested by the Director pertaining to the development of the funding requests by the Director, including information regarding prospectus-level repair and alteration projects. In addition, subsection (h) requires the Administrator to provide the Director with secure access to systems, databases, and information used to operate and manage federal buildings accommodating the Judiciary.

Subsection (i) of new section 604A requires congressional approval of proposed projects and leases over a prescribed monetary amount. The requirements included in this subsection are similar to those set forth in section 3307 of title 40 of the United States Code.

Subsection (j) of new section 604A establishes a special fund in the United States Treasury, designated as the Judicial Space and Facilities Management Fund (Space and Facilities Fund). Moneys appropriated to or deposited in the Space and Facilities Fund shall be available until expended without further appropriation for the purposes set forth in this section. Subsection (j) sets forth moneys that may be deposited into the Space and Facilities Fund, including funds Congress may appropriate for prospectus-level projects. It also authorizes the Director to transfer any amount up to \$1,000,000 from the Space and Facilities Fund into the fund or account from which the funds were originally appropriated. Transfer of any amount above \$1,000,000 requires congressional approval.

In addition, subsection (j) sets forth the uses for the Space and Facilities Fund, for example the acquisition and lease of space or facilities for court accommodations and the construction, alteration, and maintenance of space under the jurisdiction, custody, and control of the Director. Moneys deposited in the Space and Facilities Fund shall be available for reimbursement to the General Services Administration for court accommodations provided, altered, or maintained by the General Services Administration. Subsection (j) also requires the Director to develop and annually revise a long-range plan for meeting the space and facilities management needs of the activities funded in new section 604A and to submit that plan to Congress.

Subsection (k) of new 604A authorizes the Director to make excess space available in all facilities under the Director's jurisdiction, custody, and control to non-Judiciary entities on a reimbursable or non-reimbursable basis. It also authorizes the Director to charge Federal agencies, and authorizes Federal agencies to pay, a reasonable rate for administering the space furnished to Federal agencies. Subsection (k) also authorizes the Director to charge a reasonable rate for outleased space.

Subsection (l) of new 604A requires the Director to reimburse the Administrator for any court accommodations provided or maintained by the General Services Administration.

Federal Judiciary Legislative Proposal  
Judicial Space and Facilities Management Effectiveness Act  
Section-by-Section

Subsection (m) of new 604A requires the Director to comply with statutory and regulatory provisions applicable to public buildings.

***Sec. 3. Thurgood Marshall Federal Judiciary Building.*** Section 3 amends chapter 65 of title 40 of the United States Code to assign the Director jurisdiction, custody, and control of the Thurgood Marshall Federal Judiciary Building on a non-reimbursable basis.

***Sec. 4. Conforming Amendments.*** Section 4 sets forth conforming amendments to chapter 31 of title 40 of the United States Code and chapter 41 of title 28 of the United States Code.

***Sec. 5. Implementation of Act.*** Section 5 sets forth authorities and responsibilities of the Director necessary for implementation of the Act, including the authority to withhold funds appropriated for rent to stand up the Judiciary Buildings Service, the authority to begin requesting transfer of court accommodations 180 days after the Act becomes effective, and responsibilities related to congressional reporting, audit, and compliance.



# Federal Judiciary Seeks Real Property Authority

## Overview

Federal courthouses are in crisis. The General Services Administration (GSA) is unable to provide functional, clean, and safe courthouses needed for the Judiciary to administer justice. Deteriorating courthouses pose a growing risk to the public's safety and well-being, and in turn, the Judicial Branch's ability to fulfill its constitutional mission. They also pose a risk to the safety of judges, court staff, and the public, including making them vulnerable to threats inside the courthouse.

Without immediate and fundamental change, this crisis will continuously get worse. Action is needed now to reverse a downward spiral of critical system failures, long-term underfunding of needed repairs, security risks, and climbing costs. GSA is unable to keep pace with the facility needs of the Judiciary, and at present, there is an \$8.3 billion backlog in delinquent courthouse maintenance and infrastructure projects. Accordingly, the Judiciary is compelled to seek Real Property Authority (RPA) from Congress to manage the buildings critical to its mission.

Providing the Judiciary with RPA will ensure that the Judiciary has the option to independently control the buildings that it occupies to safely fulfill its constitutional mission and provide essential maintenance at its courthouses more effectively. It will also provide the Judiciary with the same real property authorities held by the other two branches of government, each of which has its own real property entity (the GSA for the Executive Branch and the Architect of the Capitol and internal entities for the Legislative Branch).

RPA is a necessary, urgent first step to begin addressing the growing repair and construction backlog at our federal courthouses throughout the country. RPA will allow the Judiciary to manage infrastructure funding more effectively based on its own assessments, without competing with Executive Branch needs and priorities. Under the program, the Judiciary will identify properties for transfer through a phased approach, over time, beginning in no more than 10 judicial districts to ensure continued oversight and success of the transformative change.

This proposal also serves GSA, as well as the Judiciary and public. GSA has reorganized and shrunk its staff nearly in half, and many courthouses lack building and project managers to meet our most basic facilities and repair needs. GSA also has announced plans to offload a significant portion of its property portfolio. Transferring special-focus court properties to the Judiciary would help GSA focus on the facility needs of its fellow Executive Branch agencies and remain consistent with its plans to offload properties.

## What is the Problem?

### **Long-Term GSA Failures Increase Security Risks and Adversely Impact Court Business.**

- Critical building systems such as elevators, heating and cooling units, roofs, lighting, doors and windows are broken or well past their useful life. These failures result in disruptions to court operations and costly emergency repairs, and threaten the well-being of judges, staff, and the public.
- No relief is in sight. Over many years, delinquent repair projects have risen to \$8.3 billion, and that number grows annually. Most projects remain in indefinite backlog status, even when a courthouse's safety and function are at stake.
- Recent examples of delinquent repairs include:
  - Court employees, the public, and judges being trapped in elevators for hours,
  - ceilings collapsing in a courtroom during trial,
  - legionella being discovered in water supplies without remediation plans,
  - water intrusion in offices and courtrooms, and
  - mold making court employees and judges sick.

### **Cuts in GSA Staff Are Stalling Critical Work.**

In the aftermath of GSA's recent reorganization and reductions in force:

- Projects have been significantly delayed. Many fully funded construction projects have stopped because they have no GSA project manager. For example, as of the end of 2025, 18 critical courthouse security improvement projects are currently at risk of not being executed.
- As of December 2025, nearly 25% of courthouses housing five or more judges did not have onsite building managers. If a critical building system fails or an emergency occurs, no building manager could quickly restore operations at the facility. This represents significant fire, life, security, and safety concerns for judges, staff and the public.<sup>1</sup>
- No one is monitoring GSA contractors performing work in most courthouse buildings. In some cases, contractors are abandoning projects prior to completion, without accountability.

### **GSA Increases Rent and Fees While Reducing Services.**

- The \$1.3 billion annually paid to GSA for rent and other services is a significant component of the Judiciary's overall budget.

---

<sup>1</sup> An earlier version of this paper mistakenly put this number at 75%

- GSA announced plans to increase the Judiciary’s rent by unilaterally imposing pricing policy changes that could cost up to \$60 million annually beginning in Fiscal Year 2027 if implemented. This amount is expected to increase each year. Budgetary shocks of this magnitude jeopardize the Judiciary’s ability to maintain operations in a time of fiscal constraints.
- In addition to rent, GSA charges a 3 – 7% overhead charge for every real property transaction. In 2025, the Judiciary paid \$280 million toward GSA’s large overhead costs. In addition, GSA charged the Judiciary \$10 million to administer a relatively small portfolio of leases. The Judiciary believes that we can provide better value with more productive allocation of these limited resources through RPA.

## What is the Solution?

### Action is Needed Now.

The Judiciary has tried to work in partnership with GSA to improve its services for years. RPA has been Judicial Conference policy since 1989. The Conference reaffirmed the position in 2006. The current budget climate, additional rent increases, cuts in GSA staffing, and decades of chronic poor service now necessitate that the courts seek this authority.

### Legislation is Required.

RPA would require legislation granting the Judiciary the authority to have jurisdiction, custody and control of buildings housing the Judiciary. The Judiciary is proposing draft legislative language that would provide these necessary authorities. This includes the ability to acquire, lease, operate, maintain, construct, and repair buildings for courts and court-related agencies and manage the funding necessary to do so.

### Implementation Would Be Gradual and Orderly.

It is contemplated that a gradual implementation plan would begin with the transfer of buildings in no more than 10 judicial districts enabling the Judiciary to establish the capacity and expertise to execute this authority. The program would include development of protocols and policies to assess the viability of the proposal before transferring additional properties from GSA. Long term, it is envisioned that transfers would be limited to buildings that are critical to the Judiciary’s constitutional mission. Generally, due to limited occupancy, buildings with only a small federal court presence would not be considered strong candidates for transfer and would remain under the control of GSA.

## How Would Real Property Authority Improve Things?

### Effective Management.

The Judiciary would deliver better value to the public by using real property funding more effectively. RPA would eliminate the middleman (GSA) and allow the Judiciary to create an efficient building management program, still subject to congressional oversight. The Judiciary would invest in projects to shed underutilized space, optimize space usage, minimize overhead costs, leverage innovative acquisition methods, and embrace industry best practices to deliver real property services.

## **Early Tests Have Shown Promise.**

In limited cases, federal courts have undertaken some property management, with promising results:

- Instead of using GSA, one judicial district used delegated authorities to directly contract for 11 paint and carpet projects for 64 percent less than GSA's estimates, reducing costs by \$1 million. Similarly, another district completed 24 tenant alteration projects for 63 percent less than GSA's estimates, reducing costs by \$2.5 million. By more effectively managing these projects, the Judiciary accomplished more work with limited resources.

## **Judiciary Would Use Real Property Funding More Effectively.**

With RPA, the Judiciary could make the administration of justice the guiding priority for its building investments. The Judiciary would negotiate directly with Congress on real property funding and be directly accountable for how those funds are spent. Available funding would be allocated and reinvested more effectively to address the most urgent needs of the Judiciary, including safety, security, and court operations.

## **Judiciary is a Separate Branch of Government.**

Despite being one of the largest tenants in federally owned special use buildings, GSA does not consider Judiciary requirements a priority. Congress uses the Architect of the Capitol and internal entities to manage its space. The courts compete with Executive Branch agencies for scarce funds and as a result security and judicial operations are routinely compromised.

## **Judiciary RPA would help GSA.**

RPA would reduce the burden on GSA by allowing it to focus on Executive Branch agencies' urgent priorities and initiatives. This narrowing of responsibilities would come at an ideal time for GSA as it is planning major reductions to its real property portfolio and it has reduced staffing levels by 44 percent. GSA would ultimately shed \$8.3 billion in delinquent maintenance it lacks the funding and resources necessary to remediate.

## **Conclusion**

The Judiciary, the Third Branch of government, is entirely dependent on GSA, an Executive Branch agency, to provide modern, clean and functional special purpose facilities for the Judiciary to use to conduct its constitutional mission to administer justice. GSA has failed to provide the real property services required to adequately support the Judiciary's needs, as demonstrated by systemic failures, long term underfunding of needed repairs, increasing operational and security risks, and climbing costs.

The Judicial Branch is seeking this authority to:

- Empower the Judiciary to coordinate directly with Congress on critical courthouse needs;
- Give the Judiciary control to allocate funding based on the Branch's priorities and assessments of critical infrastructure needs, without directly competing with Executive Branch needs and priorities; and
- Ensure that the Judiciary has independent control over the buildings it occupies to safely fulfill its constitutional mission more effectively.