



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.¹
- 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.

¹ 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.