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**BEFORE THE**

**SUBCOMMITTEE ON COURTS AND  
COMPETITION POLICY**

**COMMITTEE ON THE JUDICIARY  
U.S. HOUSE OF REPRESENTATIVES**

**“FEDERAL COURTHOUSE CONSTRUCTION”**

**SEPTEMBER 29, 2010**



Chairman Johnson and members of the Committee: I am Robert A. Peck, Commissioner of GSA's Public Buildings Service. As the steward of federally owned buildings and the government's landlord, GSA helps more than one hundred Federal agencies achieve their missions by constructing and renovating facilities that help them carry out their public missions productively and efficiently.

The Federal Courts play a critical role in the constitutional framework of American democracy. GSA is proud to build courthouses worthy of that role. Local, state and Federal courthouses are a traditional landmark, dating back to the founding of the nation. Federal courthouses must support the Judiciary's mission of ensuring fair and impartial administration of justice for all Americans while providing security for judges, jurors and others engaged in the judicial process.

GSA has developed a strong partnership with the Federal Judiciary. Since we began our Design Excellence program and Congress began funding a nationwide program of courthouse renovation and construction approximately sixteen years ago, we have compiled a solid track record of delivering high quality buildings that support the Courts' unique needs while enhancing the buildings' surroundings. We do so within carefully considered design and budgetary guidelines and pursuant to Congressional authorization and appropriations.

Today's hearing focuses on the importance of the effective administration of justice. GSA supports the Judiciary in carrying out this mission by constructing Courthouses to allow the Courts to expediently and impartially adjudicate cases on behalf of the American people. The courthouses GSA constructs are economic, sound, and prestigious, worthy of the American people they represent for years to come.

GSA works closely with the Federal Judiciary to develop requirements to meet their needs. Since 1996, the Judiciary has used a 5-year plan to prioritize new courthouse construction projects. This plan takes into account the Court's projected need for space, projected growth in judgeships, and security concerns. GSA uses this plan to develop project requirements for the building program, size, and cost estimates. These requirements result in requests to Congress for authorizations and appropriations. Since the program's inception, 67 new courthouses or annexes have been constructed. In total, Congress has appropriated and authorized approximately \$7.5 billion for this program.

GSA continually works to improve the design and construction of our Federal buildings. We have taken a strong leadership role to improve the efficiency and sustainability of our inventory, including our Courthouses, and recently announced that all of our new construction projects will achieve Leadership in Energy and Environmental Design (LEED) Gold ratings.

Additionally, we have established multiple levels of management and system controls to ensure measurements and costs are carefully tracked and scrutinized. GSA stays within the statutory threshold of 10 percent of appropriated and authorized funding levels or notifies Congress accordingly. We have also improved our controls to measure space in our buildings and validate gross square footage (GSF) by using measurement experts during the project's design and construction. Through its Spatial Data Management program, GSA's space measurement experts are currently reviewing projects both in design and in construction to ensure void areas have been excluded from gross area calculations and to ensure that design has not exceeded authorized square footage by more than ten percent. GSA has agreed to notify both its authorizing and appropriating committees if the size of a courthouse exceeds the Congressionally authorized GSF by 10 percent or more.

Improving the design and construction of our Federal buildings also requires close coordination with customer agencies. GSA is committed to working with our customers to reduce their environmental footprint and their energy costs, which requires us to, among other things, minimize total square footage and optimize their utilization of space. In line with these goals, the Judiciary has developed and implemented policies that require courtrooms to be shared among judges, thereby reducing space needs. We commend the Courts for these recently developed policies and are happy to be a part of further efforts and further conversations in this regard.

While GSA and the Judiciary have made important strides to further improve the courthouse program, the Government Accountability Office (GAO) recently issued a report critical of its administration. GSA has taken strong exception to this report, which asserts that GSA has constructed unnecessary courthouse space and exceeded Congressional authorization of space. GSA disputes much of GAO's methodology and many of the report's conclusions. In brief, our concerns are that:

- GAO used a space measure that assumes upper space in building atriums is included in the GSF of an asset;
- GAO compounded this erroneous assumption by ascribing inflated operating and construction costs to these empty volumes; and
- GAO retroactively applied a methodology of "courtroom sharing" to buildings designed, in some cases, more than a decade ago and predating the inclusion of courtroom sharing in the design guide. GAO then claimed that these previously designed courthouses somehow violated this retroactive application of the standard.

Most egregiously, one reading the GAO report and reviewing their recommendations might assume that GSA has willfully neglected Congressional direction in the courthouse program. On the contrary, GSA has sought and followed regular Congressional authorizations and appropriations and has been subject to strict Congressional oversight of the program. GSA has been forthright and transparent in all of our documents, testimony, and briefings to Congress throughout the history of our courthouse program.

GSA is always happy to discuss ways to more effectively manage the courthouse program in the interests of the American people. It is important that decision-makers and the American people are provided with clear and accurate information to develop the most effective policies to assist the Judiciary in carrying out its critical mission.

This concludes my testimony. I appreciate the opportunity to discuss GSA's role in supporting the mission of the Judiciary. Thank you for inviting me to appear before you today and I am happy to answer any of your questions.