



October 2024

FEDERAL COURTHOUSE CONSTRUCTION

New Design
Standards Will Result
in Significant Size and
Cost Increases

GAO Highlights

Highlights of [GAO-25-106724](#), a report to the Committee on Transportation and Infrastructure, House of Representatives

Why GAO Did This Study

For fiscal years 2016 through 2022, GSA received \$1.9 billion for 15 new federal courthouse projects. GSA and other project stakeholders use the Design Guide to design functional and cost-effective courthouses.

GAO was asked to review issues related to the Design Guide, including key changes the judiciary made in the 2021 version. This report examines, among other things, (1) the judiciary's rationale for making changes in the 2021 Design Guide, and the extent to which these changes could affect the size and cost of selected courthouse projects; and (2) the extent to which the judiciary collaborated with partner agencies in making changes in the 2021 Design Guide.

GAO reviewed documentation and interviewed GSA and judiciary officials. GAO also worked with these officials to model (i.e., estimate) the sizes and construction costs of seven new courthouse projects based on standards in the 2007 and 2021 Design Guides. GAO conducted site visits to five of these courthouses, selected for variation in size and cost.

What GAO Recommends

GAO is making three recommendations, including that the judiciary document a process to better ensure effective collaboration when updating the Design Guide and, in collaboration with GSA, use relevant information to reassess the need for increased circulation requirements. The judiciary did not agree or disagree with GAO's recommendations but stated it will evaluate them and report on follow-up actions. GAO continues to believe these actions would enhance the judiciary's courthouse planning.

View [GAO-25-106724](#). For more information, contact David Marroni at (202) 512-2834 or marronid@gao.gov, or Brian Bothwell at (202) 512-6888 or bothwell@gao.gov.

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New Design Standards Will Result in Significant Size and Cost Increases

What GAO Found

The U.S. Courts Design Guide (Design Guide) establishes standards for the General Services Administration (GSA) and project stakeholders to follow when designing and constructing new federal courthouses. The judiciary made multiple changes in its 2021 revision of the Design Guide, including 16 that GAO determined could affect the size and cost of courthouse projects. Judiciary officials said they made these changes primarily to provide courts with design flexibility and to incorporate policies the judiciary had adopted since 2007, when it last formally revised the Design Guide. GAO analyzed the potential effects of these changes for six recently or nearly completed courthouses and one planned courthouse designed under the 2007 Design Guide. On the basis of this analysis, GAO estimates that the changes would have increased the size of these selected courthouses by almost 6 percent and construction costs by approximately 12 percent, on average, had the courthouses been built using the new 2021 Design Guide. These increases are due, in part, to the increase in judiciary circulation requirements (i.e., the amount of space required for movement of the public, court staff, and prisoners). Judiciary officials stated that the increased circulation requirements were necessary to enhance safety and address concerns that the 2007 circulation requirements did not provide enough space.

Estimated Percentage Increases in Size and Construction Costs of Selected Courthouses Resulting from Changes in the 2021 U.S. Courts Design Guide

Courthouse location	Size increase	Construction cost increase
Anniston, AL	5.6%	11.4%
Charlotte, NC	5.6	13.2
Greenville, SC	4.3	6.5
Harrisburg, PA	6.0	8.5
Huntsville, AL	6.4	16.8
San Antonio, TX	6.7	13.7
Future courthouse	5.5	17.1
Total	5.8%	11.9%

Source: GAO analysis of judiciary and General Services Administration data. | [GAO-25-106724](#)

GAO found that the judiciary solicited input from GSA and the U.S. Marshals Service on changes to the 2021 Design Guide, but that it did not engage in two-way communication with GSA or involve the Federal Protective Service, which has courthouse security responsibilities. In addition, the judiciary did not indicate how, or whether, it planned to address GSA's concerns that the increased circulation requirements were based on a 2012 assessment of older courthouses that GAO had previously found to be oversized. Moreover, the judiciary did not systematically collect information from project stakeholders or courthouse occupants to determine whether the previous circulation requirements were too restrictive. Developing and documenting a process to ensure effective collaboration, and reassessing the need for increased circulation requirements using relevant information—such as the size and cost estimates above and views of project stakeholders and courthouse occupants—will help the judiciary plan and design functional and cost-effective courthouses.

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Abbreviations

Design Guide	U.S. Courts Design Guide
FPS	Federal Protective Service
GSA	General Services Administration
Judicial Conference	Judicial Conference of the United States
LEED	Leadership in Energy and Environmental Design
NCCMB	National Courthouse Change Management Board
RWA	reimbursable work authorization
USMS	U.S. Marshals Service

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October 16, 2024

The Honorable Sam Graves
Chairman
The Honorable Rick Larsen
Ranking Member
Committee on Transportation and Infrastructure
House of Representatives

The General Services Administration (GSA) has received \$1.9 billion for fiscal years 2016 through 2022 to construct 15 federal courthouses. About half of that funding—roughly \$950 million—was provided in fiscal year 2016 appropriations for construction and/or acquisition of nine of these courthouses. This \$1.9 billion investment is greater than the amount of funding that has generally been available for the construction of new federal courthouses. According to the judiciary, this funding provided the judiciary and GSA an opportunity to address long-standing needs by constructing new courthouses and annexes, as well as by repairing and completing alterations of existing courthouses.

The judiciary’s U.S. Courts Design Guide (Design Guide) establishes standards for GSA and project stakeholders to follow when designing and constructing new federal courthouses.¹ A key purpose of the Design Guide is to effectively plan, budget, program, and design functional and cost-effective courthouses. Congressional resolutions and appropriations act language for courthouse projects typically stipulate that the standards in the Design Guide should be followed.² Under the Design Guide, variations from the standards outlined in the Design Guide are permitted, and the judiciary must review and approve some variations that meet

¹Judicial Conference of the United States, *U.S. Courts Design Guide, 2007* (Rev. March 2021). The Design Guide translates requirements of the judiciary into criteria for the design and construction of courthouses.

²Under a statutory requirement, specified congressional committees 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, the design of the new courthouse shall not deviate from the U.S. Courts Design Guide.” Appropriations act language, such as in the Consolidated Appropriations Act, 2023, have provided that “funds made available by this Act shall be used to transmit a fiscal year 2024 request for United States Courthouse construction only if the request meets the design guide standards for construction as established and approved by the General Services Administration, the Judicial Conference of the United States, and the Office of Management and Budget.” Pub. L. No. 117-238, div. E, tit. V, § 522, 136 Stat. 4459, 4686 (2022).

certain criteria—known as “exceptions”— and report them to Congress. Other variations that do not meet the criteria for exceptions are not subject to the same review.

The judiciary issued its first Design Guide in 1991 and made major revisions in 1993, 1995, and 2007. The judiciary also amended selected chapters of the 2007 Design Guide and issued the chapter amendments in 2016.³ In 2021, the judiciary issued its most recent revisions to the Design Guide (2021 Design Guide), which were intended to incorporate changes in judiciary policies and provide flexibility for local courts when designing and constructing courthouses. Allowing for such flexibilities could affect the size and cost of courthouse projects, at a time in which GSA and other federal agencies are taking steps to reduce the overall federal footprint.⁴ Almost all courthouses that were recently completed, or that are currently planned courthouse projects, have been designed using the 2007 Design Guide and 2016 chapter amendments. At the time of our review, no courthouses had been designed or constructed under the 2021 Design Guide.

You asked us to review the extent to which recently completed courthouse projects conformed to the Design Guide and to identify key changes that the judiciary has made to the Design Guide. In this report, we examined:

- the extent to which selected courthouse projects included exceptions and other variations from the 2007 Design Guide, and how the judiciary reviews and approves exceptions and other variations;
- the judiciary’s rationale for making changes in the 2021 Design Guide, and the extent to which these changes could affect the size and cost of selected courthouse projects; and

³For the purposes of this report, we refer to these amendments as the 2016 chapter amendments.

⁴Federal 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 that they no longer need. The COVID-19 pandemic, which changed how people work, further challenged agencies to fully utilize their buildings and dispose of unneeded assets. Effectively addressing excess and underutilized property is one of the reasons managing federal real property has remained on our High Risk list since 2003. GAO, *High-Risk Series: Efforts Made to Achieve Progress Need to Be Maintained and Expanded to Fully Address All Areas*, [GAO-23-106203](#) (Washington, D.C.: Apr. 20, 2023).

-
- the extent to which the judiciary collaborated with partner agencies in making changes in the 2021 Design Guide.

To examine exceptions and other variations from the 2007 Design Guide in selected courthouse projects and the judiciary’s process for reviewing and approving them, we analyzed project documentation for seven recently completed, or nearly completed, courthouse projects.⁵ We selected courthouse projects that were designed under the 2007 Design Guide and 2016 chapter amendments, were funded from fiscal year 2016 through fiscal year 2022, and met the 2021 Design Guide’s definition of “new” projects.⁶ For each of our seven selected projects, we analyzed project documentation to identify project characteristics, as well as ways in which the projects may have varied from requirements in the 2007 Design Guide. Project characteristics included approved size (square footage, number, and type of courtrooms) and costs (design and construction costs).⁷ See appendix I for more information about the seven selected courthouse projects. We also conducted site visits to five of the seven selected courthouses to examine and discuss project variations with local judiciary officials.⁸ In selecting site visit locations, we considered various criteria, including project variations, size, costs, and proximity to other courthouses and GAO locations.

We also reviewed the judiciary’s policies and project documentation that described the judiciary’s process for approving exceptions and other variations. We determined that the control activities component of

⁵The seven courthouse projects we selected were (1) Anniston U.S. Courthouse in Anniston, AL; (2) Charlotte U.S. Courthouse Annex/Renovation of Charles R. Jonas Federal Building in Charlotte, NC; (3) Carroll A. Campbell Jr. U.S. Courthouse in Greenville, SC; (4) Huntsville U.S. Courthouse in Huntsville, AL; (5) Sylvia H. Rambo U.S. Courthouse in Harrisburg, PA; (6) San Antonio U.S. Courthouse in San Antonio, TX; and (7) Savannah U.S. Courthouse Annex in Savannah, GA.

⁶The 2007 Design Guide and 2021 Design Guide define new projects as those that involve the “design and construction of new buildings, annexes, all new leased space in new location, and repair and alteration projects in which new space is being configured for a court unit, including courtrooms and chambers.”

⁷We did not assess the cost and schedule performance of these projects.

⁸Of the seven courthouses in our review, we visited (1) Anniston U.S. Courthouse in Anniston, AL; (2) Charlotte U.S. Courthouse Annex/Renovation of Jonas Federal Building in Charlotte, NC; (3) Campbell U.S. Courthouse in Greenville, SC; and (4) Rambo U.S. Courthouse in Harrisburg, PA. We also conducted a virtual visit to the San Antonio U.S. Courthouse in San Antonio, TX. The Los Angeles U.S. Courthouse was not one of our seven selected courthouses, but we visited this courthouse to pretest our interview questions before conducting our site visits.

Standards for Internal Control in the Federal Government was significant to this objective.⁹ Specifically, we applied the underlying principles that agencies should develop and maintain documentation of their internal control systems (principle 3) and communicate externally the necessary quality information to achieve the entity's objectives (principle 15). We compared the judiciary's documentation with principles 3 and 15 to evaluate the extent to which the judiciary documented its process for reviewing and approving variations and communicated quality information about the process to help achieve its objectives. In addition, we interviewed judiciary and GSA officials, as well as GSA contractors, responsible for the design and construction of these projects to discuss project variations, the need for these variations, and GSA and the judiciary's process for reviewing these variations.

To examine the judiciary's rationale for making changes in the 2021 Design Guide, and the extent to which these changes could affect the size and cost of selected courthouse projects, we reviewed documentation and interviewed officials from GSA and the judiciary. Specifically, we reviewed documentation of judiciary summaries of the 2021 Design Guide to identify changes in the guide (relative to the 2007 Design Guide and 2016 chapter amendments) that could affect the size and cost of courthouse projects. We determined which changes were most substantive based on input from the judiciary and GSA and on our professional judgment of the potential for changes to increase or decrease the size and cost of projects. We identified the judiciary's rationale for these changes by reviewing judiciary documentation and interviewing judiciary officials about the reasons for the changes and the extent to which the judiciary considered the potential effects of these changes on courthouse size and cost.

To determine the extent to which the changes in the 2021 Design Guide that we identified could affect the size and cost of selected courthouse projects, we interviewed judiciary and GSA officials about their processes for planning courthouse space needs and estimating project budgets. We also worked with judiciary and GSA officials to model (i.e., estimate) the sizes and estimated construction costs of seven selected courthouse projects based on space standards in the 2007 and 2021 Design

⁹GAO, *Standards for Internal Control in the Federal Government*, [GAO-14-704G](#) (Washington, D.C.: September 2014).

Guides.¹⁰ Those projects included six recently or nearly completed courthouses and one planned courthouse.¹¹ Specifically, we requested that the judiciary use its AnyCourt tool to develop two plans for each courthouse outlining space requirements (programs of requirements) based on both versions of the Design Guide.¹² One program used space standards from the 2007 Design Guide, and the other used space standards from the 2021 Design Guide. We then requested that GSA model those space programs using its Cost Benchmarking Tool to estimate the construction cost for each of the courthouse projects.¹³ See appendix II for more information about the modeling.

To evaluate the extent to which the judiciary collaborated with partner agencies in making changes in the 2021 Design Guide, we reviewed documentation and interviewed officials from the judiciary and partner agencies involved in courthouse design and construction. We specifically examined how the judiciary collaborated with GSA, the U.S. Marshals

¹⁰We modeled the estimated size and cost effects associated with changes in the judiciary's space requirements. We did not model the effects of enhanced flexibilities included in the 2021 Design Guide that can result in changes requested and funded by the judiciary, such as increasing the ceiling heights of jury assembly spaces. Modeled costs are estimated based on beginning construction in 2026 and exclude costs for site acquisition, design, project management, and inspection. Although the results of the cost differences from this modeling exercise are not generalizable to all future courthouse projects, they are instructive for assessing the likely cost implications of using the 2021 Design Guide for future projects.

¹¹The courthouse projects that we modeled, in coordination with GSA and the judiciary, included six of the seven courthouses that we selected for our review: (1) Anniston U.S. Courthouse in Anniston, AL; (2) Charlotte 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) Huntsville U.S. Courthouse in Huntsville, AL; (5) Rambo U.S. Courthouse in Harrisburg, PA; and (6) San Antonio U.S. Courthouse in San Antonio, TX. These six completed, or nearly completed, projects were built according to the 2007 Design Guide. We did not model the U.S. Courthouse in Savannah, GA, in part, because of the limited space requirements associated with the new courthouse annex. We also modeled a future courthouse that is being planned in the eastern U.S. and will be designed and constructed using the 2021 Design Guide. Because Congress has not yet approved and funded the planned courthouse, we are not identifying the city where the project is to be located.

¹²The judiciary describes AnyCourt as a tool used to develop space programs. Space programs identify the numbers, types, and sizes of courtrooms, judges' chambers, staff offices and workstations, and other court support spaces that a courthouse must have, based on Design Guide standards.

¹³Modeled costs are estimated construction costs and exclude, for example, GSA site acquisition costs, design costs, and project management and inspection costs. GSA uses the judiciary's space programs, and those of other building tenants, to estimate the total courthouse sizes and budget costs for projects.

Service (USMS), and the Federal Protective Service (FPS). We considered these as partner agencies because the judiciary identified them as key stakeholders in the process for updating the Design Guide, and because the Design Guide specifies the three agencies' roles and responsibilities in courthouse design, construction, and security. In addition, we reviewed documentation from the judiciary on its communication with Congress on efforts to update the Design Guide. Congressional appropriations and authorizing committees play a role in courthouse construction projects by providing funding for, and approving, these projects.

We examined documentation of the judiciary's efforts to collaborate with the three agencies and Congress. Such documentation included agendas and presentations for meetings involving the agencies, comments on the draft Design Guide, written correspondence between agencies, and responses to our questions on collaboration. We also reviewed the Design Guide's description of the roles and responsibilities of GSA, USMS, and FPS, and interviewed officials from these agencies to better understand how the judiciary collaborated with them during the process of updating the Design Guide. We determined that the principles of using quality information (principle 13) and communicating externally (principle 15) in *Standards for Internal Control in the Federal Government* were relevant to this objective. We compared the judiciary's collaboration efforts with principle 15 to evaluate the extent to which the judiciary engaged in two-way communication with external stakeholders to obtain quality information that could help the judiciary achieve its objectives.¹⁴ We also evaluated the extent to which the judiciary used quality information in making its decision to increase the size and costs of future courthouses in relation to principle 13.

We conducted this performance audit from March 2023 to October 2024 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 that

¹⁴[GAO-14-704G](#). The standard to use two-way reporting lines to communicate quality information is consistent with GAO's leading practices for interagency collaboration. One of those leading practices is to include relevant participants. See GAO, *Government Performance Management: Leading Practices to Enhance Interagency Collaboration and Address Crosscutting Challenges*, [GAO-23-105520](#) (Washington, D.C.: May 2023).

the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

Background

Role of Federal Agencies in Courthouse Design and Construction

The judiciary and GSA share responsibility for managing the design and construction of courthouse projects but have unique roles in identifying space needs, securing funding, and delivering a completed courthouse.

- As reflected in the Federal Judiciary Courthouse Projects Priorities list, the judiciary establishes funding priorities for the construction of new courthouses based on its long-range facilities planning process and the status of funding for previously approved, pending courthouse construction projects.¹⁵ The judiciary sets space requirements for each project to ensure that completed courthouses meet the needs of the courts. In addition, the judiciary sets standards for the design, construction, and renovation of federal courthouses in its Design Guide. Various stakeholders—including GSA, architects, engineers, judges, and court administrators—use the Design Guide to develop courthouse projects.
- GSA is typically responsible for securing the funding for courthouse construction, acquiring the building site, and completing the design and construction work for courthouse projects. These projects are funded from the Federal Buildings Fund, which is primarily financed by revenue and collections that GSA receives from tenant agencies for furnishing space and services.¹⁶

GSA uses the judiciary's Design Guide, GSA's Facilities Standards for the Public Buildings Service, and design guidance from other tenants to ensure that the design and construction plans of the courthouse meet the

¹⁵The judiciary sets forth its priorities for courthouse construction funding in its Federal Judiciary Courthouse Project Priorities list. This list contains information about the judiciary's highest courthouse construction funding priorities.

¹⁶The Federal Buildings Fund was established by 40 U.S.C. § 592. Deposits in the Federal Buildings Fund are available for real property management and related activities, including the capital construction program, in amounts specified in annual appropriations acts without regard to fiscal year limitations. See 40 U.S.C. § 592(c)(1). As part of the annual budget process, GSA estimates the amount of new obligational authority it will require for projects in that fiscal year and includes this amount in its budget request.

space and other needs of federal agencies.¹⁷ GSA also coordinates with courthouse tenants (e.g., the judiciary and USMS) to determine the space needed for public lobbies, elevators, and support spaces, such as for heating, ventilation, and air conditioning systems. GSA then uses the judiciary's AnyCourt space program, and other tenant agencies' space programs, to estimate the total courthouse size.

To develop budget cost estimates for courthouse projects, GSA uses its Cost Benchmark Tool.¹⁸ GSA uses these cost estimates to develop prospectuses (i.e., requests for funding) for congressional authorizing committees that review and approve the size and budget of each courthouse project.¹⁹ Through the annual appropriations process, Congress makes a certain amount of funding (in the Federal Buildings Fund) available to GSA to implement projects.²⁰ Once a courthouse is built, GSA furnishes space in the courthouse and provides facilities management services to the judiciary and other tenant agencies that are assigned space in the courthouse (such as USMS and FPS) in exchange for rent.

¹⁷GSA's *Facilities Standards for the Public Buildings Service (P100)* establishes mandatory design standards and performance criteria for certain federally owned buildings in GSA's control. See General Services Administration, *P100 Facilities Standards for the Public Buildings Service* (October 2021). GSA also has a Design Excellence Program, which is intended to creatively design federal buildings that meet federal agencies' functional needs and become public landmarks. Some of the policies and procedures of this program inform GSA's selection of the architect and design teams, for certain construction projects. Other relevant design guides include, for example, U.S. Marshals Service, *Publication 64, Requirements and Specifications for the Construction of Special Spaces and Support Spaces*, vols. I and II (2022) and vol. III (2017). Publication 64 provides construction requirements and specifications for USMS space and judiciary space. Publication 64 also addresses other requirements, such as those pertaining to lighting and fire protection.

¹⁸GSA uses its Cost Benchmark Tool to establish budget cost benchmarks for new proposed courthouse projects. 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 space program, as well as other tenant's space requirements. GSA last updated the Cost Benchmark Tool in 2022 to reflect current costs and standards, based on new courthouse facilities of various sizes. See appendix II for additional information about this tool.

¹⁹40 U.S.C. § 3307 directs the GSA Administrator to submit information on these proposed projects to specified congressional authorizing committees for their review and approval.

²⁰According to GSA officials, funding is identified either by a project-specific line item in an appropriation act or in a GSA spending plan, if the appropriation provides a lump sum.

USMS and FPS both have security responsibilities at federal courthouses.²¹ Generally, USMS provides security for federal courthouses and judiciary spaces within the courthouses to ensure the safe conduct of judicial proceedings and provide protection for federal judges, attorneys, jurors, and other members of the federal court. FPS has the responsibility to enforce federal laws and regulations aimed at protecting federally owned and leased buildings, including federal courthouses. Specifically, FPS is responsible for providing security along the perimeter of federal courthouses.

Characteristics of Federal Courthouses

Federal courthouses support the federal judicial system, which is responsible for ensuring the administration of justice. The judicial system consists of the Supreme Court, 13 appellate courts, 94 district courts (organized into 12 regional circuits), 90 bankruptcy courts, and two special trial courts (the U.S. Court of Federal Claims and U.S. Court of International Trade). Federal courthouses can have different types of courtrooms, depending on the type of judges resident in the facility (e.g., circuit, district, magistrate, and bankruptcy). Additionally, the courthouses can have other spaces, such as libraries, public spaces and lobbies, security screening areas, clerks' offices, jury facilities, and judges' chambers.

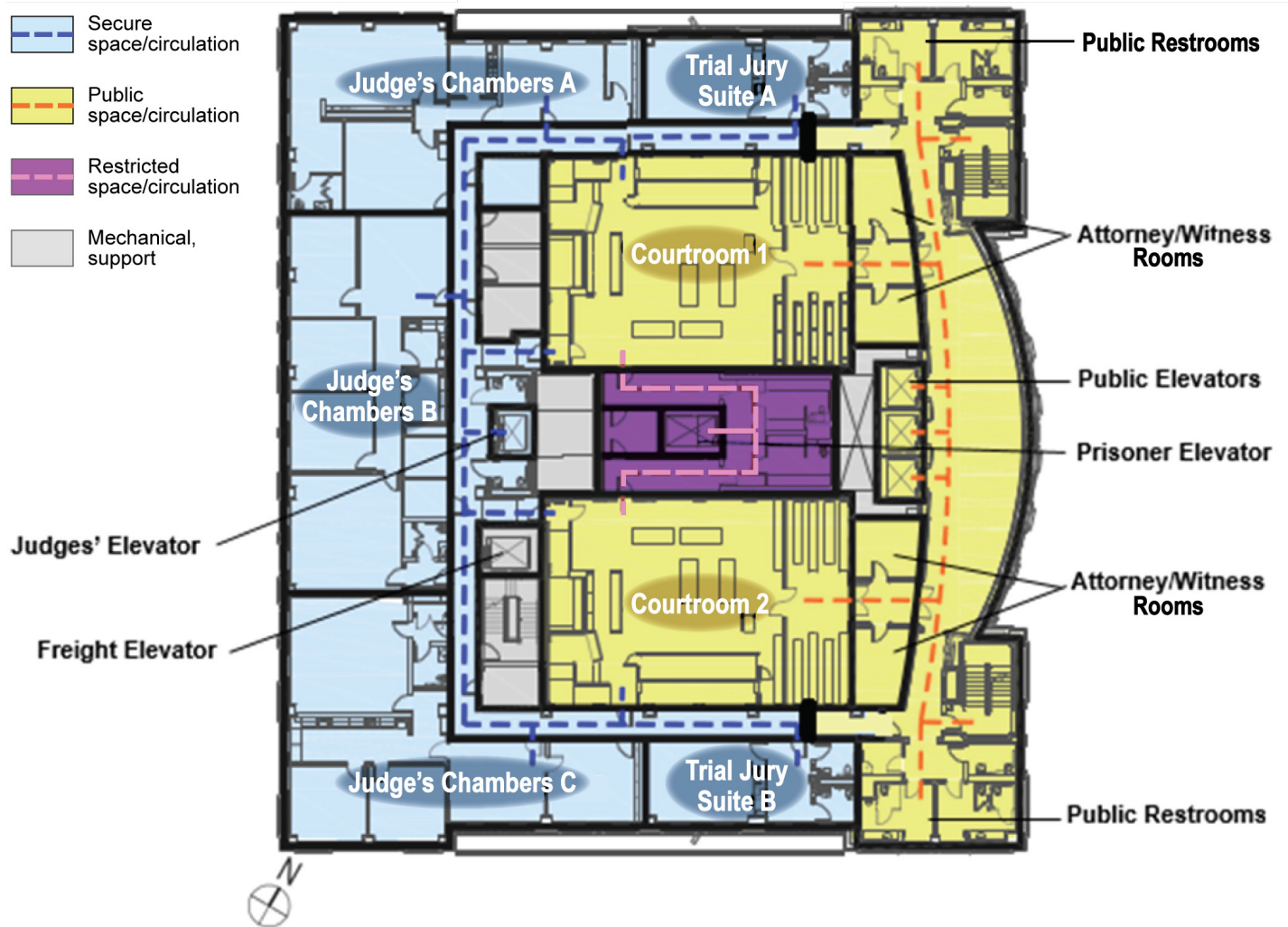
Courthouses also have pathways, such as hallways, stairways, and elevators, that facilitate the circulation of members of the public, judges, court staff, witnesses, and prisoners. The length and width of some of these pathways can vary based on their function and to meet building codes related to the number of occupants and visitors. Courthouses have three types of circulation: (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.²² According to the

²¹The primary role and mission of USMS is to provide for the security of the federal justice system, including judicial officers, court employees, and judicial facilities. FPS, as designated by the Secretary of Homeland Security, is primarily responsible for the protection of buildings under the jurisdiction, custody, and control of GSA. This includes the performance of law enforcement-related duties, including enforcing federal laws and regulations for the protection of persons and property, making arrests, serving warrants, and conducting investigations. See 40 U.S.C. § 1315.

²²Judiciary officials noted that separate circulation pathways are a feature that makes courthouses unique among federal buildings. According to these officials, the separate pathways are needed to ensure the safety and security of different groups served by courthouses.

Design Guide, secure circulation must not intersect public or restricted circulation, except within a courtroom or hearing room. Figure 1 shows the various circulation paths in a sample courthouse.

Figure 1: Example of Different Federal Courthouse Pathways That Facilitate Circulation of the Public, Court Staff, and Prisoners

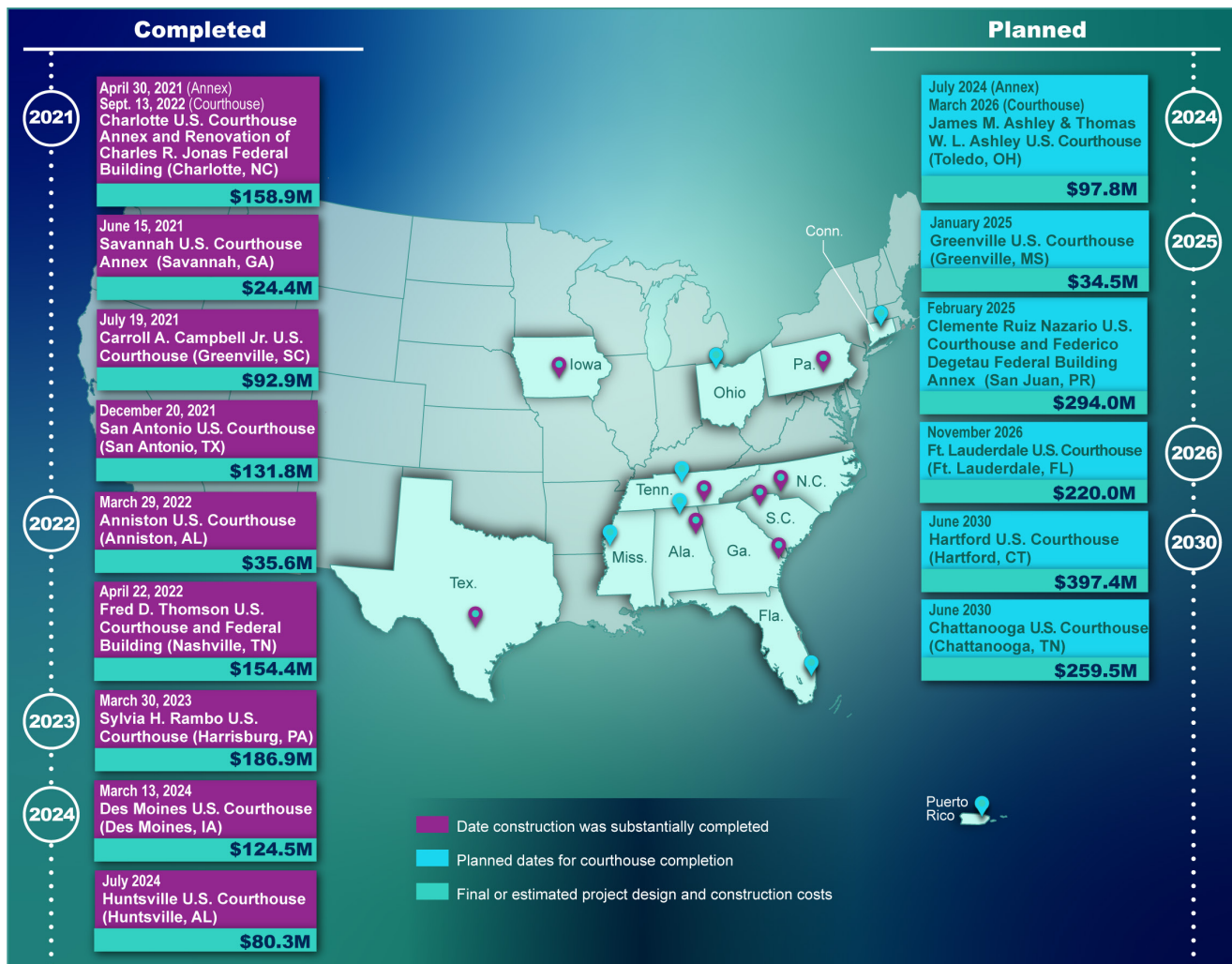


Source: GAO representation of the judiciary's conceptual floor plan. | GAO-25-106724

Recently Completed and Planned Federal Courthouses

Congress approved \$1.9 billion for the construction of 15 federal courthouse projects for fiscal years 2016 through 2022. 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. 2.) Almost all 15 projects used, or will use, the 2007 Design Guide and 2016 chapter amendments. These projects are mostly located in the South and Southeast regions. According to judiciary officials, these locations were selected because the original courthouses had an insufficient number of courtrooms and chambers to meet operational needs, security deficiencies related to prisoner movement and holding cells, aged building systems, and poor building conditions.

Figure 2: Recently Completed and Planned Federal Courthouse Projects, as of August 2024



Sources: GAO presentation of General Services Administration (GSA) and judiciary data; Map Resources (map). | GAO-25-106724

Note: Costs for completed and planned courthouses do not include site acquisition costs and GSA management and inspection costs. For completed projects, costs represent final costs, as provided to us by GSA, and dates indicate when construction was substantially completed for contractual purposes (i.e., GSA considers a project to be substantially complete on the date the project space is suitable for tenant occupancy). For planned projects, costs represent estimates as presented in GSA's congressional prospectus for a project.

Revisions to the Courthouse Design Guide

In 2017, the Judicial Conference of the United States (Judicial Conference) approved a recommendation from the Judicial Conference Committee on Space and Facilities to conduct a comprehensive review and revision of the 2007 Design Guide. The purpose of this effort was to

update and reorganize the contents of the guide to reflect current policies and better meet the needs of stakeholders, including judges, architects, GSA personnel, and others that use the Design Guide.

In 2017, the judiciary established a working group, composed of internal stakeholders and a contracted architectural firm, to revise the 2007 Design Guide. According to judiciary officials, the working group led the revision, and the architectural firm provided technical advice and guidance to the working group through the review process.

In March 2021, the Judicial Conference approved the final 2021 Design Guide. Because the judiciary began considering changes to the Design Guide before the COVID-19 pandemic, judiciary officials did not consider topics relevant to remote work and reduced office space utilization that became apparent during the pandemic. Judiciary officials stated that they may address these topics in the future.

Selected Courthouses Had Numerous Variations from the Design Guide, but the Judiciary Has Not Clearly Defined Which Ones Need Additional Approval

Selected Courthouses Had Over 200 Variations, and the Judiciary Considered Seven to Be Exceptions Subject to Additional Oversight

For our seven selected courthouse projects, we found that the judiciary approved 214 variations (i.e., project changes that varied from standards in the Design Guide). Of these variations, the judiciary determined that seven were formal “exceptions” to the 2007 Design Guide subject to approval by the Judicial Conference, the policymaking body for the federal courts. The remaining variations were not subject to this formal review process. We classified these remaining variations as either routine or nonroutine variations.

Exceptions to the Design Guide

According to the 2007 Design Guide, if a court (i.e., officials representing the court unit that will be a tenant in the courthouse space) 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.²³ Under the Design Guide, exceptions are the most substantial type of variation and require the most stringent level of oversight, including notifying Congress.

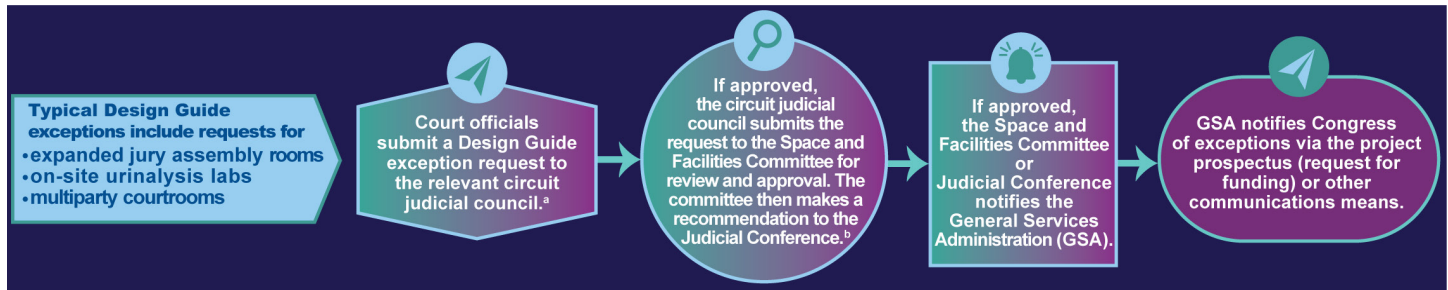
According to judiciary officials, courts generally request exceptions to accommodate unique circumstances and needs. For example, according to judiciary documentation, on-site urinalysis laboratories are typically considered exceptions.²⁴ If court officials determine there is a need for an on-site urinalysis laboratory, they must request an exception and follow the formal review and approval process. GSA officials stated that they work with court officials to identify exceptions early during space programming, ideally before project budgets are established. According to the judiciary’s Best Practices Guide, exceptions identified later, during design and construction, can be more expensive to accommodate and can pose risks to a project’s cost and schedule.

The judiciary manages a formal process for reviewing and approving requests for exceptions to the Design Guide (fig. 3). During this process, the Judicial Conference, or its Space and Facilities Committee, reviews and approves exceptions to the Design Guide. According to the Design Guide, GSA must also communicate any approved exceptions through the statutorily required project prospectus, or request for funding, to Congress. With the information included in the prospectus, including any exceptions, Congress will then decide whether to authorize and appropriate funds.

²³According to judiciary officials, generally, court officials will request an exception while the courthouse project is being planned. If GSA has started work to design and construct a new courthouse, the entity requesting the exception could be the court, the project team, or GSA.

²⁴See Administrative Office of the U.S. Courts’ *U.S. Courts Design Guide Best Practices Guide*. This guide was issued in 2021 as a companion document to the 2021 Design Guide. According to judiciary officials, the Best Practices Guide is not a policy document. It provides examples for how the 2021 Design Guide requirements can be implemented, as well as industry best practices and lessons learned from courthouse planning, design, and construction projects throughout the federal judiciary.

Figure 3: Review and Approval Process for Exceptions to the U.S. Courts Design Guide in Courthouse Projects



Source: GAO icons and analysis of U.S. Courts Design Guide. | GAO-25-106724

^aCourt officials represent the court unit that will be a tenant in the courthouse space. As directed by the Judicial Conference of the United States, the respective circuit judicial council must approve any significant departure from the standards in the Design Guide.

^bThe Space and Facilities Committee—a committee of the Judicial Conference of the United States—reviews any exception that would (1) exceed the total envelope for either the court unit or the project as a whole, (2) change the standard configurations for judges' chambers and courtrooms, or (3) exceed the plumbing standards. The Judicial Conference reviews any exception requests to prospectus-level courthouse projects that would result in additional estimated costs, including additional rent payment obligations.

Generally, the judiciary reviews exception requests before GSA finalizes the project prospectus. However, in some cases, an exception arises afterward, during design or construction. If this occurs, and the exception is approved by the respective authority as outlined in the Design Guide, then an additional entity, called the National Courthouse Change Management Board (NCCMB), must also review the exception request. The NCCMB is an oversight mechanism established by GSA and the judiciary in coordination with other agencies.²⁵

According to GSA officials, the role of the NCCMB is to determine (1) whether the exception affects the project's budget, cost, or schedule; (2) how the change will be implemented; and (3) which agency will be responsible for the implementation costs. The NCCMB's role is not to approve or reject a proposed exception, according to these officials, but rather to determine whether implementing the exception is feasible within

²⁵According to GSA and the judiciary, in response to the funding that GSA received in 2016 for 10 courthouse projects, the NCCMB was established to oversee variations that occur during design or construction and that could significantly affect a project's cost or schedule. These variations include exceptions that arise after the project prospectus has been finalized. The NCCMB comprises representatives from GSA, Administrative Office of the U.S. Courts, Office of the Circuit Executive, USMS, and Executive Office of the U.S. Attorney.

the project's budget and schedule constraints. GSA officials noted that they coordinate closely with court officials requesting the exception to understand why an exception is needed and to vet the request before the request is submitted to the NCCMB for review. For this reason, all exceptions submitted to the NCCMB, since its inception in 2016, have been approved for implementation, according to GSA. If an exception to the Design Guide is approved for implementation, GSA policy requires officials to notify GSA's authorizing congressional committees of the new exception and any resulting cost and schedule changes.²⁶

According to our review of judiciary and GSA project documentation, court officials from five of our seven selected courthouses sought a total of seven exceptions (see table 1). The judiciary—through the Judicial Conference, or its Space and Facilities Committee—formally reviewed and approved all seven exceptions. The courts requested four of the seven exceptions early in the planning process, as the judiciary was developing the projects' AnyCourt space programs. GSA provided congressional notification of these approved exceptions via the projects' prospectuses.

The judiciary identified the other three exceptions during the design and construction phases of the projects. These exceptions were for an enlarged space for a special proceedings courtroom in the Huntsville U.S. Courthouse, and for increased ceiling height for jury assembly rooms in the San Antonio U.S. Courthouse and the Rambo U.S. Courthouse (Harrisburg, PA). GSA provided congressional notification of these three exceptions, including updated information about the projects.²⁷

²⁶If additional funding is needed, GSA may need to submit an amended prospectus pursuant to 40 U.S.C. § 3307 for congressional approval reauthorizing the project.

²⁷For the San Antonio U.S. Courthouse and the Rambo U.S. Courthouse, GSA provided congressional notification of GSA's planned course of action for the ceiling heights on April 30, 2020. For the Huntsville U.S. Courthouse, GSA submitted a request to authorizing committees to amend the prospectus to allow the inclusion of a special proceedings courtroom as an exception to the Design Guide.

Table 1: Exceptions to the 2007 U.S. Courts Design Guide That the Judiciary Approved for Selected Courthouses, and Associated Cost and Space Increases

Name and location of courthouse ^a	Exception ^b	Cost increase	Space increase (in usable square feet)
Charlotte U.S. Courthouse Annex and Jonas Federal Building in Charlotte, NC	Regional urinalysis laboratory	\$1,157,000	1,499
Campbell U.S. Courthouse in Greenville, SC	Expanded jury assembly suite	291,000	436
Rambo U.S. Courthouse in Harrisburg, PA	Increased ceiling height of jury assembly room	0	0
Huntsville U.S. Courthouse in Huntsville, AL	Enlarged space for special proceedings courtroom	420,600	600
San Antonio U.S. Courthouse in San Antonio, TX	Regional urinalysis laboratory	1,199,000	838
	Expanded jury assembly suite	N/A ^c	1,150
	Increased ceiling height of jury assembly room	0	0
Total		\$3,067,600	4,523

Source: GAO review of General Services Administration (GSA) and judiciary documentation. | GAO-25-106724

^aWe reviewed seven of 15 courthouse projects for which GSA received congressional funding from fiscal year 2016 through fiscal year 2024.

^bThe Design Guide establishes standards for GSA and project stakeholders to follow when designing and constructing new federal courthouses. If a court requests space that the 2007 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.

^cNot applicable, as the cost estimate for the regional urinalysis laboratory includes the cost of the expanded jury assembly suite.

As shown in table 1, the approved exceptions varied in cost and scope. For example:

- The Western District of North Carolina requested an exception to the Design Guide to add a regional urinalysis laboratory in the Charlotte U.S. Courthouse in Charlotte, NC. This exception added 1,499 square feet, at a cost of approximately \$1.2 million. According to GSA and judiciary officials, regional urinalysis testing services were previously provided in space leased by the probation office, and bringing the urinalysis services in-house has resulted in cost savings. Judiciary officials stated that if the regional urinalysis laboratory exception had not been approved, the cost to outsource these services would have been approximately \$75,000 per year, starting in 2024.
- The District of South Carolina requested an exception to the Design Guide for an expanded jury assembly suite in the Campbell U.S.

Courthouse in Greenville, SC, to accommodate 146, rather than 100, potential jurors. According to the project prospectus and a March 2016 *Report of the Proceedings of the Judicial Conference*, the judiciary requested this exception because the court projected that it would need to regularly accommodate 146 potential jurors by 2026. This exception increased the space by 436 square feet and had an associated cost of approximately \$291,000. Judiciary officials told us that the prior federal courthouse in Greenville did not have sufficient dedicated space for jurors, and the new courthouse would provide needed space for a dedicated jury assembly room.

Court officials we interviewed noted that courthouse projects generally have few exceptions to the Design Guide. According to these officials, project stakeholders have been advised to not pursue exceptions due to the amount of time needed to request and review them. As a result, some project stakeholders we spoke with said they avoided requesting exceptions for changes they otherwise believed were necessary to ensure the project would stay within budget and schedule.

Instead of requesting an exception, these project stakeholders incorporated unique elements into the design of the courthouse to avoid deviating from the Design Guide. For example, in the Campbell U.S. Courthouse in Greenville, SC, officials said they had two judiciary spaces—a jury assembly room and a conference room—that needed “drop ceilings” to comply with the Design Guide. The ceiling height for the entire floor was constructed to meet the relatively higher ceiling heights permitted under the Design Guide for courtrooms; however, a higher ceiling is not permitted for other types of judiciary spaces. As a result, officials said that they added the drop ceiling in the jury assembly room and conference room because they believed the process for reviewing and approving an exception request to exceed the Design Guide’s height limitations for these spaces would be too lengthy (fig. 4).²⁸ According to judiciary officials, the cost and time to add a drop ceiling to the jury assembly and conference rooms was minimal compared to the cost and time that would likely be required to request an exception. Judiciary officials noted that officials responsible for constructing the Huntsville U.S. Courthouse in Huntsville, AL, waited over a year to get approval for a separate exception to create a special proceedings courtroom.

²⁸According to judiciary and GSA officials, should there be a need for an additional courtroom in the future, they would remove the drop ceiling in the jury assembly room.

Figure 4: Example of a Jury Assembly Room and Conference Room Where the Judiciary Elected Not to Request an Exception to the U.S. Courts Design Guide



Source: GAO photos from the Campbell U.S. Courthouse. | GAO-25-106724

Note: A jury assembly room (left) and conference room (right) in the Campbell U.S. Courthouse in Greenville, SC, which are located adjacent to courtrooms with higher ceilings permitted under the Design Guide. For both spaces, judiciary officials said they dropped the ceiling heights rather than request an exception to exceed the Design Guide's height limitations for these spaces. The Design Guide establishes standards for GSA and project stakeholders to follow when designing and constructing new federal courthouses. If a court requests space that the 2007 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.

Other Variations from the Design Guide

The seven selected courthouse projects we reviewed had more than 200 other variations that cost at least \$39 million. Generally, tenants funded these variations separately from GSA's project construction appropriation, via reimbursable work authorizations. As a result, GSA did not require an increase in project appropriations. Judiciary determined that these variations were not exceptions. As a result, judiciary and GSA officials agreed that these variations were not subject to congressional communication requirements for exceptions to the Design Guide. These variations included routine and nonroutine variations.²⁹

Routine variations. Our seven selected courthouse projects had 151 "routine variations" that cost approximately \$34 million. Routine project variations requested by the judiciary during design and construction are

²⁹For the purposes of our report, we classified variations as either routine or nonroutine to differentiate between variations that are reviewed by the NCCMB (nonroutine) and variations that are not reviewed by the NCCMB (routine). The Design Guide does not include this distinction.

those that exceed allowance limits established by the Design Guide. These changes are funded separately from GSA's project budget via reimbursable work authorizations funded by tenants. Examples of these variations include changes to material finishes (such as wood floors, rather than carpet in judges' chambers) and changes to locations of electrical outlets.

Nonroutine variations. Our seven selected courthouse projects had 56 "nonroutine variations," which cost nearly \$5 million. Nonroutine project variations are significant changes identified during design or construction that may result in an increase to the project's size, cost, or schedule but that do not meet the requirements of a Design Guide exception, as discussed below. These changes could result in increased costs to GSA, the tenants, or both. As a result, nonroutine variations are also reviewed by the NCCMB.

According to GSA officials, the relevant tenant agency must review and approve nonroutine variations before the NCCMB can consider the change. The NCCMB then reviews these variations and considers the feasibility of making the change in light of potential cost, schedule, or other implementation challenges. Judiciary officials stated that because these variations are not considered exceptions to the Design Guide, there is no requirement to go through the review process for Design Guide exceptions or to report these variations to Congress.

Nonroutine variations can include changes to GSA's approved congressional prospectus, such as the number of secure parking spaces within the building, or unique changes to the courthouse (such as changes in the mailroom design or a reduction in the number of juror chairs in a courtroom). For example, for the U.S. Courthouse in Anniston, AL, the judiciary revised the AnyCourt space program to include a jury assembly suite (measuring 1,024 square feet) that had previously been eliminated. According to judiciary officials, the judiciary did not consider this variation to be an exception because the overall space for the judiciary and the courthouse did not change. Rather, the judiciary shifted space from another court unit within the courthouse AnyCourt program to provide additional area for the jury assembly suite.

The Judiciary Has Not Clearly Defined When a Variation Constitutes an Exception

The judiciary has provided some information to stakeholders about exceptions and other variations from the Design Guide. However, we found that the judiciary has not provided a clear and complete definition of, or guidance on, the types of variations that constitute an exception—for which the Design Guide requires more stringent review by the

judiciary, as well as notification of Congress. As described earlier, GSA and others have notification and review responsibilities related to exceptions and can carry them out, if they understand what constitutes an exception.

The 2007 and 2021 Design Guides and other judiciary policies provide some information about what types of project variations generally constitute an exception, including those that

- (1) exceed the total envelope for either the court unit (i.e., individual court office, such as Court of Appeals, Clerk of the Court's Office, District Clerk's Office, etc.) or the project as a whole;
- (2) change the standard configurations for judges' chambers and courtrooms;
- (3) exceed the plumbing standards; or
- (4) affect prospectus-level courthouse projects resulting in additional estimated costs, including additional rent payment obligations.

In response to a GSA request for clarification in 2008, the judiciary developed an "Exceptions Appendix" to the 2007 Design Guide that described the types of variations that qualified as an exception. The purpose of the appendix was to help GSA, architects, and other project stakeholders understand the Design Guide requirements and identify potential exceptions early in the process, to ensure they were approved and reported to Congress. The judiciary removed the appendix from the Design Guide in 2017 when it updated selected chapters, and it did not include a similar list in the 2021 version.

Judiciary officials stated that they removed the appendix because it had not been updated since 2008 and did not reflect current Judicial Conference policy. Moreover, according to a March 2017 Judicial Conference letter to GSA, the appendix was unnecessary because the body of the Design Guide identifies all the types of variations that qualify as exceptions. However, according to GSA officials, they now have difficulty finding information about which courthouse variations the judiciary considers exceptions, because the Design Guide does not include a single consolidated list of what constitutes an exception. GSA officials stated that the appendix provided clear direction to all stakeholders about which variations constituted exceptions and about the judicial entities that had the authority to review and approve these exceptions. According to GSA officials, by eliminating the appendix, the

judiciary created more confusion about whether a variation constitutes an exception.

In addition, GSA officials said that changes the judiciary made in the 2021 Design Guide to the language describing variations also created confusion about whether a variation qualifies as an exception. For example:

- The 2021 Design Guide states that any “significant departure” from the Design Guide standards is an exception and subject to judiciary approval and may require congressional reauthorization.³⁰ However, the Design Guide does not provide clear information about what it considers to be a “significant departure.” According to GSA officials, the use of that term has introduced an element of subjectivity in interpreting the Design Guide standards.
- The 2007 Design Guide stated that any variations exceeding the total space envelope (i.e., the total usable square feet within the courthouse) for either the court unit or the project as a whole were exceptions. The 2021 Design Guide states that any variations that “significantly” change the space standards are exceptions. According to GSA officials, the Design Guide has not clearly defined “significantly.” We reviewed the 2021 Design Guide and did not find additional information detailing how the judiciary defines whether a variation “significantly” changes the space standards.

According to GSA headquarters officials and regional project managers, GSA officials that oversee courthouse design and construction often have difficulty determining whether a requested variation constitutes an exception. As a result, project managers must reach out to GSA headquarters officials for additional guidance when assessing how to proceed with requested variations to the Design Guide.

GSA officials stated that the lack of a clear definition of, or guidance on, what is considered an exception has made it difficult to determine (1) whether a variation or exception request should be submitted to the NCCMB and (2) how the NCCMB should consider the feasibility of implementing such requests. As previously discussed, the role of the NCCMB is to review selected approved variations and exceptions to determine if, and how, to implement the approved changes. According to

³⁰The 2021 Design Guide notes that an approved exception may require the project to be reauthorized by Congress if the exception has not been previously identified.

GSA officials, if the judiciary provided clear guidance on exceptions, the NCCMB could use that information to ensure that project teams have clear expectations of what should be submitted to the NCCMB for review and consideration.

Federal internal control standards state that federal agencies should document their processes to retain organizational knowledge and mitigate the risk of having that knowledge limited to a few personnel (principle 3).³¹ These standards also state that agencies should communicate quality information—in this case, clear definitions of what constitutes an exception—externally through reporting lines so that external parties, such as GSA and NCCMB, can help the agency achieve its objectives and address related risks (principle 15). Specifically, this information would help the NCCMB determine what kinds of variations should be submitted for its review and ensure that the NCCMB is able to effectively conduct its oversight role. Clearly defining what variations constitute exceptions would help ensure that (1) the judiciary and the NCCMB review all variations that meet the standard of exceptions in a consistent manner and (2) Congress has complete information about changes made to courthouse projects that could affect cost, size, and schedule.

The 2021 Design Guide Changes Aim to Better Meet Court Needs but Will Increase the Size and Cost of Future Courthouses

³¹[GAO-14-704G](#).

The Judiciary Made Substantive Changes in the Design Guide to Increase Flexibility in Layout and Finishes and Incorporate Updated Policies

The judiciary made multiple changes in the 2021 Design Guide, 16 of which we determined were substantive changes based on our review of judiciary and GSA documentation and interviews with relevant officials. Judiciary officials cited four overarching reasons for making these changes: incorporate existing policies, provide courts with flexibility, contain costs, and meet security needs. Of these, judiciary officials most frequently cited the need to incorporate existing policies and provide courts with flexibility to meet their individual needs.

- **Incorporate policies.** The judiciary adopted multiple policies after 2007—such as space planning for future judges—and cited the need to incorporate these policies into the Design Guide. For example, the 2021 Design Guide incorporated a policy adopted in 2011 that the judiciary plan new courthouse projects to provide space (1) for existing circuit, district, bankruptcy, and magistrate judges (including vacant judgeship positions), and senior judges; and (2) to account for judges who will be eligible for senior status within a 10-year period.³²
- **Provide flexibility.** According to judiciary documentation, changes to the 2021 Design Guide, such as allowing courts to use jury suites for multiple purposes and providing more options for interior finishes, can help meet the needs of individual courthouses. For example, courts that use jury facilities intermittently can now use them for other purposes, such as for training and conferences. In addition, judiciary officials stated that increasing the amount of space programmed for separate circulation of the public, court staff, and prisoners responds to concerns that the 2007 circulation requirements did not provide enough space to design efficient and effective courtrooms. According to judiciary officials, architectural firms that worked on past courthouse projects constructed under the 2007 Design Guide faced challenges in designing courthouses because the circulation requirements were too restrictive.
- **Contain costs.** According to judiciary documentation, the judiciary made selected changes to the 2021 Design Guide to contain costs. For example, the 2021 Design Guide no longer requires new courthouses to use a raised flooring system to access and manage electronic wiring. Judiciary officials noted that this will result in savings by reducing costs associated with additional floor construction.

³²Judicial Conference of the United States, *Report of the Proceedings of the Judicial Conference of the United States* (Washington, D.C.: Sept. 13, 2011), 36-37. Circuit and district judges are Article III judges who are appointed for life but may take senior status and a reduced caseload, if desired, upon meeting certain age and tenure requirements.

- **Meet security needs.** Judiciary officials stated that changes such as increasing the amount of space programmed for the separate circulation of the public, court staff, and prisoners are necessary to ensure safety. Specifically, according to judiciary officials, additional circulation could minimize the amount of contact between these groups, particularly prisoners, which is designed to help ensure that the judicial process moves forward smoothly and safely. However, GSA officials noted that there have not been any incidents of compromised security, due to circulation pathways crossing, at the new courthouses that were built using the 2007 Design Guide. (We discuss the effects of greater circulation on courthouse size and cost later in the report.)

Substantive Changes Could Increase or Decrease the Size and Cost of Courthouse Projects

The 16 substantive changes in the 2021 Design Guide that we identified could increase or decrease the size and cost of courthouse projects.³³ These changes 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 2.)

Table 2: Changes in the 2021 U.S. Courts Design Guide That Could Affect Size or Cost of Courthouse Projects

Space sharing and future courtroom planning	
Change	Description
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.

³³We 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. We did not analyze whether the changes would affect size or cost, except for the change in the circulation requirements, as discussed in a subsequent section of this report.

Size standards and flexibilities

Change	Description
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.
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

Change	Description
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. ^a 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	
Change	Description
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.
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.

Source: GAO analysis of judiciary information. | GAO-25-106724

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.

^aThe International Code Council develops various model codes and standards, including the International Plumbing Code, which according to the International Code Council, establishes minimum standards for plumbing on topics such as sanitary drainage and water heaters.

Some of these changes could increase the size or cost of courthouse projects. For example:

- Unique program spaces.** The 2021 Design Guide provides courts with the option to add spaces that the 2007 Design Guide did not address. Specifically, courts may construct (1) fitness centers, as permitted under a policy adopted by the judiciary in 2017; and (2) sensitive compartmentalized information facilities (secure rooms) for court personnel to review sensitive or classified information. Courts may add a fitness center or a secure room, provided they are within judiciary's space envelope and do not increase the total square footage of the courthouse project. According to GSA officials, the increase in circulation requirements (discussed further below) may result in additional space, which the judiciary could use to add unique spaces now allowed under the 2021 Design Guide, such as a fitness room. Both the judiciary and GSA projected an increase in cost for additional unique spaces.

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- **Multiparty courtrooms.** Under the 2021 Design Guide, new courthouses with at least four district judge courtrooms may have multiparty courtrooms, which are larger than regular district courtrooms and used for trials involving multiple parties. The 2007 Design Guide allowed multiparty courtrooms only at courthouses with at least four courtrooms that serve as the district headquarters. According to the judiciary and GSA, this change will increase the size of courthouses and potentially lead to increased cost, because multiparty courtrooms are larger.

Other changes could decrease the cost of courthouse projects. For example:

- **Raised access flooring.** The 2021 Design Guide incorporates a 2012 judiciary policy that provided courts with some discretion on the use of raised access flooring to manage electrical wiring. The 2021 Design Guide further adjusted this policy by removing the remaining 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 in the courtroom. 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.
- **Mailroom screening requirements.** The 2021 Design Guide requires central mail facilities in courthouses to use ductless mail screening units instead of units that need dedicated air-handling equipment, as required in the 2007 Design Guide. These ductless units operate under negative pressure to filter contaminants within the unit. The 2021 Design Guide specifies that courts will determine the number of units based on the amount of mail that the courts screen, and that at least one unit should meet accessibility standards. According to the judiciary and GSA, the ductless mail screening units may reduce cost but would not contribute to changes in courthouse size.

Modeling of Selected Courthouses Shows New Circulation Requirements Will Increase Courthouse Size by 6 Percent and Project Costs by 12 Percent, on Average

Changes to Circulation Requirements Will Increase the Size of Future Projects

On the basis of our modeling of seven selected courthouses, we estimate that changes to the judiciary's circulation requirements in the 2021 Design Guide will add nearly 8 percent to the judiciary's space needs (i.e., space requested by the judiciary for its use, as compared with other tenants' space) in future projects and will increase the overall size of future courthouse projects by about 6 percent.³⁴ As discussed above, judiciary circulation space, such as hallways and pathways, primarily allow courthouse personnel to move between courthouse spaces, such as courtrooms, judges' chambers, staff offices, and jury selection and deliberation spaces.³⁵ We worked with the judiciary to use its AnyCourt space programming tool to model how designing the seven selected courthouse projects in accordance with the 2021 Design Guide would

³⁴The judiciary's space needs for a project are outlined within AnyCourt in net square feet for defined spaces, such as courtrooms, judges' and staff office spaces, law libraries, and support spaces (e.g., file, copy, or storage rooms). In addition, space is programmed for the circulation areas (e.g., hallways and pathways) to move between rooms. The total combined net square footage for defined spaces and the added circulation space is expressed as usable square footage for each court unit (e.g., District Court, Bankruptcy Court, Clerk of the Court, Probation, Pretrial, etc.) that will occupy space within a courthouse.

³⁵While increases to the circulation space requirements that the judiciary made in the 2021 Design Guide are specific to circulation within court units, the overall building size will increase, which may include primary building circulation paths, such as public hallways, lobbies, and stairwells. GSA estimates the total size of a courthouse, as expressed in gross square feet, which includes the usable space needs of the judiciary and other building tenants, as well as spaces that are common to all tenants or that support building operations (such as entrance lobbies, public elevators and stairwells, public restrooms, or vending spaces, and maintenance spaces for building utilities and systems, janitorial closets, and trash/recycling storage). GSA plans courthouses to be 67 percent efficient (i.e., the ratio of all tenants' usable square feet to the building's gross square feet). Consequently, as the judiciary's usable square footage increases, so does the gross square footage of the building.

have affected the size of judiciary space in each project.³⁶ For all seven modeled projects, the judiciary's space requirements increased by about 8 percent, and the overall courthouse sizes increased by about 6 percent. However, in the case of Greenville, the judiciary's space increased by just 5.8 percent, while the total courthouse space increased by only 4.3 percent (see table 3).

Table 3: 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	2021		2007	2021	
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-25-106724

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 planned courthouse, we are not identifying the city where the project is located.

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.

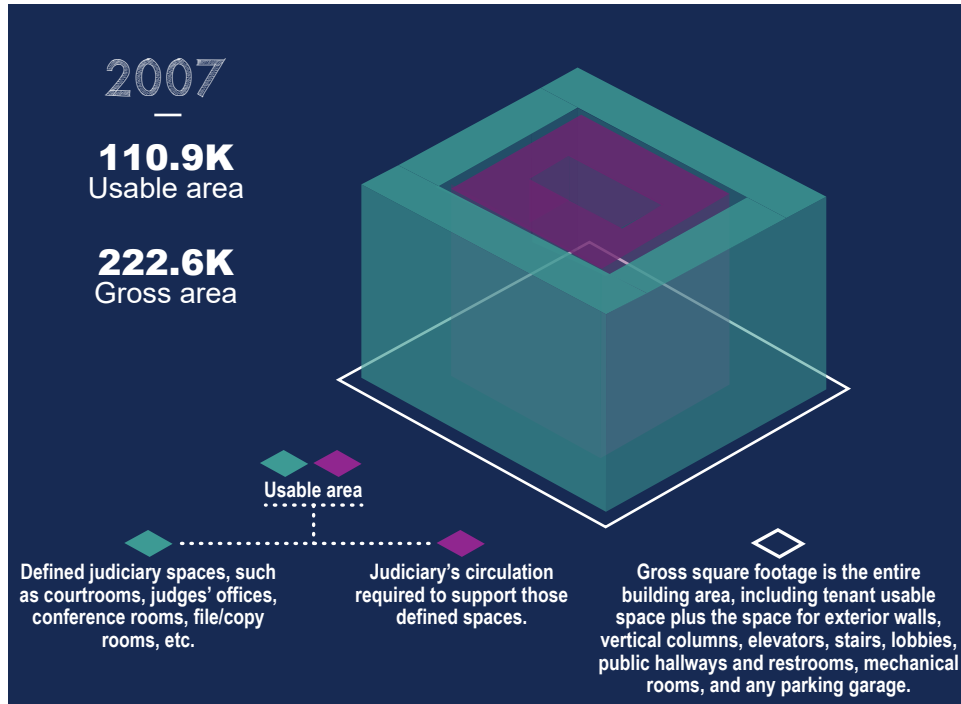
³⁶The courthouse projects modeled included the following six completed, or nearly completed, projects: (1) U.S. Courthouse in Anniston, AL; (2) U.S. Courthouse Annex/Renovation of Jonas Federal Building and U.S. Courthouse in Charlotte, NC; (3) Campbell U.S. Courthouse in Greenville, SC; (4) Rambo U.S. Courthouse in Harrisburg, PA; (5) San Antonio 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. We also modeled a future courthouse that is being planned in the eastern U.S. The future courthouse is being planned according to the 2021 Design Guide. Because the future courthouse has not yet been approved and funded by Congress, we are not identifying the location of the city.

According to GSA officials, as the judiciary's space increases, the overall courthouse size also increases. 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.³⁷ For example, figure 5 shows how the size of the Greenville, SC, courthouse increases under the 2021 Design Guide relative to the 2007 Design Guide. In this example, the judiciary's space increased by 5.8 percent (from 110,892 to 117,277 usable square feet), and the overall courthouse size increased by 4.3 percent (from 222,575 to 232,105 gross square feet).

³⁷Examples of support spaces include rooms for heating, cooling, and telecommunications equipment.

Figure 5: Example of How Using the 2021 U.S. Courts Design Guide Would Have Led to Increases to Both the Judiciary Space and Overall Size of the Greenville, SC, Courthouse

 **Directions:** Hover over image to view 2021 Design guide difference.



Sources: GAO (illustration and analysis); U.S. Courts Design Guide. | GAO-25-106724

Note: Usable area includes the defined judiciary spaces, like offices and courtrooms, which are measured in net square feet, as well as circulation allowances for hallways and pathways for court personnel to move between those spaces. Gross square footage includes courthouse tenants' usable square footage requirements, plus additional needed space, such as for public lobbies, main hallways, elevators, stairs, restrooms, columns, and exterior walls. Our modeling analyses compared how changes between the 2007 and 2021 U.S. Courts Design Guide circulation requirements would affect both the judiciary's usable square footage and the overall courthouse gross square footage.



Print instructions

To access a printable version of this interactive graphic, see appendix.

On the basis of our discussions with 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 contributing to the increase in both the judiciary's space and the overall courthouse size. 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. (See table 4.) 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. On the basis of 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.³⁸

³⁸Under the 2007 Design Guide, a 2,400-square-foot district courtroom required a circulation factor of 17 percent, or 492 square feet of associated circulation space: that is, 492 divided by 2,892 (492 plus 2,400) equals 17 percent. Under the 2021 Design Guide, that district courtroom requires a circulation factor of 25.9 percent, or 840 square feet of circulation: that is, 840 divided by 3,240 (840 plus 2,400) equals 25.9 percent. As a result, the changes in circulation requirements will result in 348 square feet (840 minus 492) of additional space. Under the 2021 Design Guide, the judiciary applies "circulation multipliers" (i.e., a numeric value, such as 1.4, which is multiplied by the net square footage of defined spaces, such as courtrooms, offices, and support spaces, to determine the space needed for circulation). For the purposes of comparing the circulation requirements in the 2021 Design Guide with the 2007 Design Guide, we express those multipliers as percentages.

Table 4: Changes to the Judiciary’s Circulation Space Requirements in the 2021 U.S. Courts Design Guide

Space type	Circulation requirements (as a percentage of usable square footage)	
	2007 Design Guide	2021 Design Guide
Courtrooms and associated spaces	17%	25.9%
Jury assembly	11	13.0
Trial jury suite	17	16.7
Grand jury suites	13	25.9
Judges’ chamber suites	8 to 17	16.7
Court libraries	24	24.2
Clerk of the Courts office	24	24.2
Probation/pretrial services	19	24.2
Other court units	19 to 21	24.2
Judicial shared support spaces	20	20.0

Source: GAO analysis of judiciary information. | GAO-25-106724

Note: The 2007 U.S. Courts Design Guide expresses circulation requirements as “circulation factors” (percentage of usable space allotted for circulation). The 2021 Design Guide identifies “circulation multipliers” (a numeric value, such as 1.4, which is multiplied by the net square footage of defined spaces, such as courtrooms, offices, and support spaces, to determine the space needed for circulation). For the purposes of this figure, the 2021 circulation requirements have been expressed as “circulation factors” (percentage of space programmed for circulation) for comparison with the 2007 Design Guide (which were in whole numbers).

Changes to Circulation Requirements Will Increase the Costs of Future Projects

According to our modeling of seven selected courthouse projects, changes to the judiciary’s circulation requirements in the 2021 Design Guide will result in larger courthouses in the future and increase estimated construction costs by approximately 12 percent, on average. To examine how these changes will affect estimated construction costs of future courthouses, 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 whose sizes we modeled above.

Specifically, we asked GSA to model the overall cost effects related to changes in the 2021 Design Guide. GSA cost models assume that

projects will take 3 years to construct, beginning in fiscal year 2026.³⁹ GSA further broke down those overall costs into two areas: those related to changes in (1) the size of judiciary spaces and (2) the amount of building materials needed to account for increases in the overall courthouse size.⁴⁰ As noted above, increases in the judiciary's space will result in larger courthouses, which will also lead to more costly courthouses, due to the need for additional construction materials and building components.⁴¹

As shown in table 5, according to our modeling estimates, changes in the 2021 Design Guide resulted in total increased estimated construction costs of approximately \$143 million for the seven selected courthouse projects. The Greenville, SC, courthouse had the smallest estimated percentage increase, at 6.5 percent (\$13.5 million), whereas a future courthouse project that is now being planned for a location in the eastern U.S. had the largest increase, at 17.1 percent (\$15 million). On average, estimated construction costs for the seven selected courthouse projects increased by about 12 percent. These estimated cost increases do not include several additional project costs, such as costs for site acquisition, design, project management, and inspection services.

³⁹The estimated construction costs are not based on the same inputs and parameters as those used to develop estimates contained in GSA's original prospectuses to Congress (e.g., fiscal year 2016) for these projects. For example, for all projects, GSA models assumed a 2-year design period (from 2024 to 2026) and a 3-year construction period (from 2026 to 2029) and used fiscal year 2019 and 2022 cost values (e.g., not fiscal year 2016). In addition, GSA models exclude site acquisition, design, and project management and inspection costs. As a result, GSA's modeled costs are not comparable to costs shown in the prospectus or the actual construction costs for these projects. See appendix II for more information about the modeling.

⁴⁰GSA refers to this as a "unit cost" analysis, as the model estimated building material costs on a per-quantity basis (i.e., unit costs) and included factors such as the square footage of the foundation, floors, building systems, and roof.

⁴¹Examples of construction materials include concrete, steel, and wiring. Examples of building components include interior and exterior walls, columns, floors, stairwells, and larger capacity systems, such as for heating, air conditioning, and fire protection.

Table 5: 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-25-106724

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 planned courthouse, we are not identifying the city where the project is located.

Figures have been rounded and do not add precisely.

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. For example, for all projects, modeling assumed a 2-year design period (from 2024 to 2026) and a 3-year construction period (from 2026 to 2029) and used GSA fiscal year 2019 and 2022 cost values (e.g., not fiscal year 2016).

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).⁴² Of the total cost increase, the portion associated with the judiciary's space varies across projects but, in aggregate, contributes to just under half of the total estimated construction cost increase (\$66 million, out of \$143 million), while the remainder is associated with the overall courthouse size increase. Table

⁴²Examples 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 USMS secure circulation areas.

6 summarizes the estimated construction cost increase, by project, and how those costs comprise increases in both the judiciary space costs and other building costs.

Table 6: Increases in Estimated Construction Costs of Selected Courthouse Projects Resulting from Changes in the 2021 U.S. Courts Design Guide, due to Judiciary Space and Other Building Cost Increases

Location	Estimated construction cost increase (millions)	Judiciary space cost increase (millions)	Other building cost increase (millions)
Anniston, AL	\$7.7	\$3.5	\$4.2
Charlotte, NC	36.1	14.7	21.4
Greenville, SC	13.5	8.6	4.9
Harrisburg, PA	16.9	11.6	5.3
Huntsville, AL	21.3	7.6	13.7
San Antonio, TX	32.7	15.5	17.2
Future courthouse	15.0	4.5	10.5
Total	\$143.3	\$66.2	\$77.1

Source: GAO analysis and summary of General Services Administration (GSA) cost models. | GAO-25-106724

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 planned courthouse, we are not identifying the city where the project is located.

Figures have been rounded and do not add precisely.

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. For example, for all projects, modeling assumed a 2-year design period (from 2024 to 2026) and a 3-year construction period (from 2026 to 2029) and used GSA fiscal year 2019 and 2022 cost values (e.g., not fiscal year 2016).

According to judiciary officials, prior to issuing the 2021 Design Guide, they assessed how changes in the Design Guide could affect project costs. Specifically, judiciary officials told us that they worked with GSA to gauge how changes in the draft version of the Design Guide would affect a hypothetical generic courthouse located in Washington, D.C. According to these officials, their analysis, which was completed in 2020 and used GSA's benchmark tool, showed that increases in judiciary space would raise costs by 5.3 percent (an estimated \$16.4 million).

By contrast, our modeling, based on the final 2021 Design Guide, which considered both increases in judiciary space and the overall building, found that changes in the 2021 Design Guide would raise the costs of a similar hypothetical courthouse in Washington, D.C., by 6.7 percent (an estimated \$30.6 million).⁴³ Judiciary officials told us that their earlier estimate, provided by GSA, included only the costs related to increased judiciary space and did not account for other associated building costs, as the version of GSA's Cost Benchmark Tool that GSA used for the analysis at that time had not yet been adjusted to reflect such related changes.⁴⁴

The Judiciary Solicited Input from Most Partner Agencies on Design Guide Changes but Did Not Fully Collaborate with Them

⁴³As part of our analysis, we asked the judiciary and GSA to also model the size and cost of a hypothetical courthouse located in Washington, D.C., based on the final 2021 Design Guide. However, we did not include those results within the summary size and cost tables above, because GSA was concerned that the estimate may be low, as GSA had not constructed an extra-large courthouse in many years. We included this example here to illustrate the potential difference in estimating cost increases when modeling all affected spaces (i.e., nonjudiciary). The model for this hypothetical Washington, D.C., courthouse is discussed further in appendix II.

⁴⁴According to GSA officials, they updated the Cost Benchmark Tool to reflect changes in the 2021 Design Guide, such that the budget tool produces an appropriate budget for future projects beginning in fiscal year 2024. GSA periodically conducts studies to update its budget Benchmark Tool to current costs and standards. GSA's October 2021 study updated the previous fiscal year 2019 study costs to fiscal year 2022 standards and cost information.

The Judiciary Solicited Input from GSA and USMS and Communicated with Relevant Congressional Committees in Making Changes to the Design Guide

According to available judiciary documentation, the judiciary solicited input from GSA and USMS at two points in its process of updating the Design Guide. First, the judiciary met with GSA and USMS at a workshop in April 2018 to obtain their input on (1) how the agencies use the 2007 Design Guide, (2) considerations for the judiciary to take into account to improve the guide, and (3) how updates to the guide could affect stakeholders' work. Second, in November 2019, the judiciary provided GSA and USMS a final draft of the Design Guide and requested that the agencies identify any issues that would contradict USMS or GSA protocols and policies.

GSA and USMS provided comments to the judiciary at several points during this process.

- Following the April 2018 workshop, GSA provided approximately 60 comments on topics it determined that the judiciary should address in updating the Design Guide.⁴⁵ Such topics included circulation requirements and exceptions to the Design Guide. For example, GSA commented that the judiciary should clearly define what qualifies as an exception, as well as the steps needed for their approval and for GSA's timely communication of them to Congress. The judiciary provided an initial written response to some of GSA's comments via its contractor—including that it would provide examples of exceptions and address the process for reviewing and approving them—but did not provide GSA with an update on the judiciary's final disposition of the comments.
- GSA provided approximately 500 additional comments in February 2020 on the final draft of the Design Guide. These comments addressed some of the same topics GSA had raised in its initial 60 comments. GSA subsequently met with the judiciary to discuss its concerns about certain topics, including the circulation requirements; new and additional spaces, such as bathrooms and interior finishes; and the exceptions process. According to a September 2020 Judicial Conference report, the judiciary considered GSA's comments on the circulation requirements, the number of restrooms in restricted court space, and selection of interior finishes for courtrooms and

⁴⁵Prior to the Judicial Conference approving a revision to the Design Guide in March 2017, the judiciary revised four chapters of the Design Guide in 2016. According to GSA documentation, GSA provided over 20 comments to the judiciary in 2015 to inform the 2016 revisions to the Design Guide. GSA provided these same comments prior to the April 2018 workshop, which are separate from the comments that it provided after the workshop.

chambers.⁴⁶ Specifically, the judiciary agreed to include language in the Design Guide to ensure that increased circulation factors applied only to judiciary spaces accessible from restricted or secured corridors. The judiciary also removed its draft standards for allotting bathrooms and replaced them with plumbing standards designated by an organization that develops model codes. These standards prescribe a minimum, rather than maximum, number of toilets based on occupancy.⁴⁷ In response to GSA's concern about the interior finishes, the judiciary stated it would work with GSA to determine the appropriate budget for courts to use when selecting finishes during the design process.

- USMS provided approximately 40 comments in December 2019 focused on security-related topics in the final draft of the Design Guide. According to judiciary documentation, the judiciary worked collaboratively with USMS to address all comments through informal verbal communication with USMS.⁴⁸ USMS officials stated that they did not have records of the judiciary's response, if any, because USMS officials who interacted with the judiciary during the process of updating the Design Guide were no longer with the agency.

In addition, the judiciary communicated with relevant congressional committees on changes made to the Design Guide on several occasions. Specifically, the judiciary provided Congress with proceedings from the Judicial Conference's March 2017 and March 2021 meetings, in which the judiciary reviewed, revised, and approved updates to the Design Guide. In May 2022, the judiciary transmitted letters to GSA's congressional authorizing committees that contained an electronic link to the 2021 Design Guide and described its most significant changes.⁴⁹ In addition, the judiciary transmitted reports on the 2021 Design Guide to congressional appropriations committees in June 2022. These reports

⁴⁶Judicial Conference of the United States, Committee on Space and Facilities, *Report of the Judicial Conference* (September 2020).

⁴⁷The International Code Council develops various model codes and standards, including the International Plumbing Code, which according to the International Code Council, establishes minimum standards for plumbing on topics such as sanitary drainage and water heaters.

⁴⁸Judicial Conference of the United States, Committee on Space and Facilities, *Report of the Judicial Conference*.

⁴⁹GSA prospectus-level projects are authorized by the House Transportation and Infrastructure Committee and the Senate Environment and Public Works Committee pursuant to 40 U.S.C. § 3307.

outlined changes made in the 2021 Design Guide and expected increases in cost from these changes.⁵⁰

The Judiciary Did Not Engage in Consistent Two-Way 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. Specifically:

- Following the April 2018 workshop, GSA officials requested that the judiciary involve GSA in the process of updating the Design Guide. In particular, GSA asked to work collaboratively with the judiciary by providing input on GSA cost-estimating tools and design and construction policies. According to email exchanges with GSA and the judiciary, GSA officials told the judiciary that involving GSA would help improve the quality of its Cost Benchmark Tool, which GSA was in the process of updating, and enable GSA to ensure that changes in the Design Guide were consistent with GSA's design standards.⁵¹ The judiciary responded that it would inform GSA of possible Design Guide changes that its contracted architectural firm recommended to the judiciary's internal working group for approval. However, the judiciary did not seek additional input from GSA until November 2019, when the judiciary had already developed the final draft of the Design Guide.
- The judiciary did not engage with GSA officials to discuss how or whether the judiciary incorporated their comments from May 2018 and February 2020. Judiciary officials told GSA in September 2019 that the judiciary did not keep a record of its final disposition of the responses because officials did not sufficiently monitor the transfer of information across the three project managers who sequentially assisted with efforts to update the Design Guide. Although the judiciary communicated with GSA regarding GSA's February 2020 comments in a meeting with GSA executives and through informal staff-to-staff communications, the judiciary did not convey to GSA how or whether it had incorporated GSA's comments. As a result, GSA officials noted that they did not believe the judiciary engaged in two-

⁵⁰The reports were required under the Explanatory Statement accompanying the Consolidated Appropriations Act, 2022 (Pub. L. No. 117-103, 136 Stat. 49). The Explanatory Statement further directed the judiciary to provide notice to the appropriations committees "ahead of future design guide changes."

⁵¹General Services Administration, *P100 Facilities Standards for the Public Buildings Service*.

way collaboration to address GSA comments or in making updates to the 2021 Design Guide. 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.

While the judiciary solicited input on changes to the Design Guide from GSA and USMS, it did not do so for FPS, even though the judiciary had identified FPS as a key external stakeholder in the process of updating the Design Guide. According to judiciary documentation, 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. Further, judiciary documentation stated that the judiciary had incorrectly identified FPS as a stakeholder. 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.

Federal internal control standards state that an agency should use open, two-way reporting lines to communicate quality information, so stakeholders can help the agency achieve its objectives and address related risks. Further, agencies should externally communicate information to achieve their objectives.⁵² In addition, the 2021 Design Guide states that the judiciary, GSA, USMS, and FPS have federal courthouse security responsibilities, including for decisions on security planning and design, and that security is essential to the basic design of courthouses. Specifically, the Design Guide 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.

By engaging in two-way communication with GSA and FPS during the process of updating the Design Guide—such as by maintaining records of its responses to GSA's comments and consistently engaging with the agencies—the judiciary would be better positioned to obtain quality information on courthouse design, construction, security, and other issues that could help address potential risks to courthouse projects and their costs. For example, by engaging in two-way communication with GSA, the judiciary could help ensure that GSA is able to update its Cost Benchmark Tool to accurately reflect the new requirements and,

⁵²[GAO-14-704G](#). The standard to use two-way reporting lines to communicate quality information is consistent with GAO's leading practices for interagency collaboration. One of those leading practices is to include relevant participants. See [GAO-23-105520](#).

therefore, is able to use the tool to develop accurate and reliable cost estimates. Further, including FPS in the process of updating the Design Guide would provide the judiciary with an opportunity to gather FPS's perspectives and other quality information on issues related to the security of courthouses. For example, FPS could provide insights on a new section of the 2021 Design Guide that addresses security pavilions—adjoining exterior structures for FPS or USPS to screen individuals entering the courthouse.

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

As discussed above, in its 2020 comments on the draft Design Guide, GSA raised concerns about the judiciary's revised circulation requirements. The judiciary took some steps to address GSA's comments, but it did not fully address GSA's concerns that the rationale the judiciary cited in increasing the circulation requirements was not based on the most relevant information. Nor did the judiciary fully address GSA's concerns about how the revised requirements could add to the size and costs of judiciary space and overall building space in future courthouses.

Specifically, in its comments to the judiciary, GSA questioned the need for the revised circulation requirements, noted that they would increase the size and costs of future projects, and anticipated concerns from congressional stakeholders. In particular, GSA raised concerns about a 2012 contracted study that the judiciary, in part, cited as the basis for increasing the circulation requirements.⁵³ In that study, the contractor measured the circulation in existing courthouses and found that some circulation spaces, on average, exceeded the 2007 Design Guide requirements. GSA noted that the study's findings were based on a review of completed courthouse projects that we had previously found exceeded the size authorized by Congress and had more courtrooms and chamber suites than the judiciary needed. Specifically, in 2010, we reported that 33 federal courthouses completed since 2000—including eight that were used to support judiciary's 2012 study—included 3.56

⁵³Judiciary 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 (year construction was completed) within the study included those located in Alexandria, VA (1995); Buffalo, NY (2008); Cape Girardeau, MO (2008); Concord, NH (1996); Covington, KY (1999); Eugene, OR (2006); Fort Pierce, FL (2011); Fresno, CA (2005); Hammond, IN (2002); Kansas City, MO (1998); Miami, FL (2008); Omaha, NE (2000); Portland, OR (1997); Reno, NV (1995); Seattle, WA (2004); Springfield, MA (2008); and White Plains, NY (1995).

million square feet of space that was constructed above the congressionally authorized size.⁵⁴

The recommendations to increase the circulation space requirements were made by an architectural firm that the judiciary hired to support the 2021 Design Guide update. That firm made its proposed recommendations to the judiciary, in part, based on the earlier 2012 study that examined the judiciary's circulation space needs. However, GSA noted that the draft Design Guide's increased circulation requirements would apply to all areas of courthouses, including public spaces and spaces occupied by nonjudiciary tenants whose functions do not require increased circulation space. GSA officials stated that, consequently, these circulation changes would increase the overall size of courthouses, which would increase courthouse project costs and allow flexibilities for the judiciary to add additional design elements (e.g., secure rooms and fitness centers). In response to GSA's concerns, the judiciary adjusted some of the circulation requirements to be less than what its contractor initially recommended. As described earlier, the judiciary clarified in the 2021 Design Guide that the revised circulation requirements applied only to judiciary space accessible from restricted or secured corridors.

However, the judiciary did not take steps to address GSA's concerns about the 2012 study that was the basis for increasing the circulation requirements in judiciary spaces. GSA staff were also concerned that it was unclear how the judiciary's contracted architectural firm—the firm that recommended the circulation increases to the judiciary that are reflected in the 2021 Design Guide—justified and reached its conclusions, as compared with the earlier 2012 study. Judiciary officials reported that the circulation increases were also needed, in part, to address slightly different methods in how the judiciary and GSA define and calculate space within courthouses.⁵⁵ Nonetheless, GSA stated—and our modeling shows—that the overall increase to judiciary space caused by new circulation requirements will increase the overall future courthouse size,

⁵⁴Our analysis showed that the extra space was due to overestimating the number of judges the courthouses would have, as well as a lack of planning for courtroom sharing among judges. In response to one of our 2010 recommendations, GSA instituted a process to report to congressional authorizing committees when the design of a courthouse exceeds the authorized size by more than 10 percent, including the reasons for the increase in size. See GAO, *Federal Courthouse Construction: Better Planning, Oversight, and Courtroom Sharing Needed to Address Future Costs*, [GAO-10-417](#) (Washington, D.C.: June 21, 2010).

⁵⁵For example, GSA and the judiciary disagreed on how to account for wall thickness when measuring courthouse floor plans.

including from a potentially greater number of stairwells and elevators and larger public hallways, maintenance rooms, and storage areas.

In establishing the new circulation requirements in the 2021 Design Guide, the judiciary did not analyze how Design Guide changes, including the circulation requirements for judiciary space, would affect the size or cost of the rest of the courthouse. The judiciary also did not assess how changes would affect future annual rent obligations to GSA, as well as increased operations and maintenance costs over the life of the courthouses.⁵⁶ According to GSA and industry associations, operation and maintenance costs are significantly higher over the life of the facility than the initial costs, such as for design and construction, as we have reported in prior work.⁵⁷

While judiciary officials and the Judicial Conference's Committee on Space and Facilities acknowledged that the increased circulation requirements would lead to higher costs, they believe the circulation space and cost increases are 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. Judiciary officials told us that architectural firms for some past projects were unable to design efficient and effective courthouses.⁵⁸ However, judiciary officials were unable to provide documentation of any firm's challenges related to the circulation requirements, or the number of firms and projects affected.

In establishing the new circulation requirements, the judiciary also did not systematically collect information from other project stakeholders or courthouse occupants to determine whether the circulation requirements were too restrictive and needed adjustment. According to local judiciary and GSA project officials we spoke with at four of five completed courthouses built using the 2007 Design Guide, the circulation space at

⁵⁶We 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 2018.). GSA buildings are typically built with a 100-year assumed life cycle.

⁵⁷[GAO-18-420](#).

⁵⁸The judiciary also reported that increasing the amount of planned circulation space will better facilitate the design of courthouses that are on oddly shaped sites and have less efficient floor layouts.

their courthouses generally meets occupants' needs, though they experienced challenges in designing the space according to the more restrictive circulation requirements.⁵⁹ Those officials included judges, clerks of the court, probation officials, judiciary and GSA staff architects, and GSA contractors that worked on the projects. One judiciary staff architect we spoke with believed the 2007 circulation factors were more likely a challenge when applied to an existing courthouse being renovated and modernized rather than to a new courthouse. Further, according to judiciary officials, the judiciary did not consider space utilization (i.e., number of people using the courthouse) or the use of remote work outside the courthouse when changing the circulation requirements.

A key purpose of the 2021 Design Guide is to provide relevant information for GSA and architecture and engineering firms to effectively plan, budget, program, and design functional and cost-effective courthouses. *Standards for Internal Control in the Federal Government* state that management should use quality information, including relevant data from reliable sources, to make informed decisions and evaluate the entity's performance in achieving key objectives and addressing risks. Without fully addressing GSA's concerns, including its concerns that the judiciary's rationale for increasing the circulation requirements was not based on the most recent and relevant information, the judiciary risks making decisions about courthouse planning and design without assurances that the potential increase in costs is justified and the 2021 circulation requirements are reliable and appropriate. For example, the judiciary may not be fully aware of the extent to which circulation changes in judiciary space will increase the overall building square footage, as well as the judiciary's annual rent obligations to GSA, which fund, in part, operations and maintenance over the life of the building. As a result, the judiciary might not be best positioning the federal government to build and operate cost-effective courthouses.

By using relevant information—such as the perspectives of project stakeholders and building occupants in recently constructed courthouses—the judiciary could better assess the need for greater circulation within judiciary spaces. Doing so could ultimately help the judiciary ensure that new courthouses both serve the needs of the judiciary and other occupants and are cost-effective.

⁵⁹We did not solicit the views of courthouse officials on the adequacy of circulation space for courthouse projects in Huntsville, AL, or Savannah, GA, as those projects were still under construction at the time of our review.

Conclusions

Major federal courthouse construction projects usually cost hundreds of millions of dollars. The judiciary's U.S. Courts Design Guide is intended to help judiciary staff, GSA, and project teams make decisions that lead to the design and construction of courthouses that are both functional and cost-effective. The judiciary issued an updated Design Guide in 2021. However, the updated Design Guide does not clearly communicate some key information, including the criteria for determining which project variations require more stringent review and notification of Congress. By clearly defining which variations from the Design Guide constitute an exception, the judiciary can help ensure consistent oversight of variations that could significantly affect the size and cost of courthouse projects.

The judiciary also did not fully collaborate with partner agencies, such as GSA and FPS, when updating the 2021 Design Guide, and therefore missed an opportunity to obtain quality information from them on significant issues, including those related to the costs and security of courthouses. Developing and documenting a process to ensure effective collaboration—including by engaging in two-way communication with, and soliciting input from, all relevant stakeholders—will enable the judiciary to better understand significant issues that affect the design, construction, and security of courthouses when updating future versions of the Design Guide.

Moreover, while the judiciary communicated with GSA and solicited input on changes to the 2021 Design Guide, it did not fully address GSA's concerns about courthouse size and cost increases or about the judiciary's basis for making the decision to increase courthouse circulation requirements. This decision will not only affect the construction costs for future courthouses—as our modeling demonstrated—but also significantly increase the rent and operations and maintenance costs the judiciary and other tenant agencies must pay. Given these costs, reassessing the need for increased circulation requirements in the 2021 Design Guide using relevant information would help ensure that the judiciary and GSA construct cost-effective courthouses. This reassessment is especially important as GSA continues to take steps to reduce the federal government's real property footprint, and as federal agencies evaluate their need for space following the COVID-19 pandemic.

Recommendations for Executive Action

We are making the three recommendations to the judiciary. Specifically:

The Director of the Administrative Office of the U.S. Courts should clearly define, or provide specific examples of, variations from the Design Guide

that constitute exceptions subject to additional oversight.
(Recommendation 1)

The Director of the Administrative Office of the U.S. Courts should 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.
(Recommendation 2)

The Director of the Administrative Office of the U.S. Courts, in collaboration with GSA, should 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 this 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. (Recommendation 3)

Agency Comments and Our Evaluation

We provided a draft of this report to the judiciary, GSA, USMS, and FPS for review and comment. The judiciary and GSA provided written comments that are reprinted in appendixes III and IV, respectively, and summarized below. In its comments, the judiciary did not agree or disagree with our recommendations, but stated it will evaluate our recommendations and report on follow-up actions. In addition, GSA stated that it will coordinate with the judiciary to reassess the need for increased circulation requirements in the 2021 Design Guide. The judiciary, GSA, and USMS also provided technical comments on the draft, which we incorporated as appropriate. FPS did not have any comments on the report.

In response to our first recommendation, the judiciary stated that it would consider options to clarify how the Design Guide defines an exception. The judiciary noted that during its multiyear review and revision of the 2007 Design Guide, it determined that the Exceptions Appendix created confusion about which variations would qualify as exceptions and the level of approval that was necessary. As a result, the judiciary decided to eliminate this appendix from the Design Guide. Judiciary officials also stated that the 2021 Design Guide explains that “any significant departure” from the Design Guide standards is an exception. While the judiciary may have intended these revisions to clarify what constituted an exception, we maintain that the revisions did not achieve this goal. As we noted in our report, the 2021 Design Guide does not sufficiently define a “significant departure” or provide clear examples of variations that meet

the requirements of an exception. GSA officials told us that as a result, what constitutes a “significant departure” is open to interpretation. Having clear examples of what types of variations meet the requirements of an exception could help project stakeholders accurately and more confidently interpret the Design Guide.

The judiciary also noted that the number of exceptions that were approved for the seven selected projects was relatively small. As we noted in our report, project stakeholders we spoke to said they were advised not to pursue certain exceptions due to the amount of time needed to request and review them. In response to our draft report, the judiciary disagreed with this characterization and stated that judiciary officials explained the process without suggesting a course of action.

Further, the judiciary stated that the combined costs of the variations that the judiciary and GSA reviewed and approved for the seven selected courthouses in our report represents a small percentage (approximately 5 percent) of the total costs of these projects. In addition, the judiciary stated that its process for reviewing and approving these variations was efficient and accomplished the judiciary’s goal of overseeing and vetting variations from the 2007 Design Guide. In our report, we did not evaluate or comment on the judiciary’s process for reviewing and approving variations, evaluate the number or nature of those variations, or compare them to other construction projects.

The judiciary also stated that large-scale courthouse projects need some design flexibility to meet the functional needs of the court in an efficient and cost-effective manner. While we agree that these projects need design flexibility, we maintain that clearer definitions of the types of variations that constitute exceptions would help ensure that the judiciary and GSA review variations in a consistent manner and communicate them to Congress.

In response to our second recommendation, the judiciary disagreed with our finding that it did not fully communicate with partner agencies when updating the 2021 Design Guide. However, the judiciary stated that they conceded it could have done more to communicate with stakeholders and that it would evaluate how to ensure that it solicits, documents, and properly considers input from all necessary stakeholders and appropriately archives this communication in the future. The judiciary also stated that it made good faith efforts to solicit, consider, and address all comments from GSA when updating the 2021 Design Guide. In addition, the judiciary reiterated that FPS told us that the Design Guide largely

does not affect FPS, and that FPS did not have concerns with the 2021 update.

While we recognize that the judiciary solicited input from GSA on changes to the Design Guide and met with GSA to discuss some of its concerns, we maintain that the judiciary did not consistently engage in open, two-way communication with GSA. As discussed in our report, GSA officials requested that the judiciary involve GSA in the process to update the Design Guide following an April 2018 workshop convened by the judiciary with GSA and other stakeholders. However, the judiciary had already developed a final draft of the Design Guide by the next time it asked GSA for additional input in November 2019.

Although the judiciary communicated with GSA regarding GSA's subsequent comments in February 2020, the judiciary did not convey to GSA how or whether it had addressed the comments. We were not able to verify that the judiciary addressed the comments because it did not maintain records of its disposition of the comments. We also maintain that engaging with FPS will ensure that the judiciary is well positioned to obtain quality information on courthouse design, construction, and security. In light of these challenges collaborating and documenting communications with stakeholders, we continue to believe that the judiciary should develop a documented process to better ensure effective collaboration when the judiciary next updates the Design Guide.

In response to our third recommendation, the judiciary stated it would reevaluate the need for increasing the circulation requirements in the 2021 Design Guide. However, the judiciary stated that it disagreed with our finding that it did not consider quality information, including from GSA, when making changes to the circulation requirements and did not properly consider the effect on the cost and size of future courthouses.

As discussed in our report, GSA officials told us that they communicated to judiciary that they had concerns about the effect of the new circulation requirements on the future cost and size of courthouse projects. According to GSA officials, their concerns were due in part to a 2012 circulation study that partially informed the judiciary's decision to increase the circulation requirements. This study was based on a review of completed courthouses that we previously found exceeded the sizes authorized by Congress. GSA officials were unclear how the judiciary's contracted architecture firm—which reviewed the 2012 study and assisted the judiciary in updating the Design Guide—reached its conclusions, as well as how the judiciary determined the final 2021 circulation

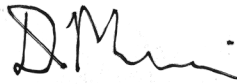
requirements in relation to the 2012 study. Further, in our interviews, courthouse occupants told us that projects built according to the 2007 Design Guide generally met their needs. GSA officials also said the projects provided adequate separate circulation space for courthouse personnel, prisoners, and the public.

While the judiciary made some changes in response to GSA's comments, it did not fully address GSA's concerns that the increased circulation requirements would significantly increase the size and costs of future courthouses, nor did judiciary provide GSA a response about how judiciary addressed GSA's comments. Specifically, the judiciary considered potential costs of increasing the judiciary's circulation space in future courthouse projects. However, the judiciary and GSA noted that those preliminary estimates did not include all potential costs—specifically, the increases to the overall courthouse size (i.e., nonjudiciary spaces), operations and maintenance costs over the life of the courthouses, and the judiciary's rent obligations.

Our estimates showed that the judiciary's increases to the circulation space, on average, will increase overall future courthouse size by about 6 percent and construction costs by 12 percent. A key purpose of the 2021 Design Guide is to provide relevant information to GSA and other stakeholders to effectively design functional courthouses that are cost-effective. Our report demonstrates that the judiciary made its determination on the circulation requirements without using all relevant information on the cost implications. Therefore, we maintain that a reassessment of the circulation requirements is warranted.

As agreed with your offices unless you publicly announce the contents of this report earlier, we plan no further distribution until 30 days from the report date. At that time, we will send copies to the appropriate congressional committees, the Director of the Administrative Office of the United States Courts, the Administrator of GSA, the Assistant Attorney General for Administration, the Secretary of the Department of Homeland Security, and other interested parties. In addition, the report is available at no charge on the GAO website at <https://www.gao.gov>.

If you or your staff have any questions about this report, please contact David Marroni at (202) 512-2834 or marronid@gao.gov, or Brian Bothwell at (202) 512-6888 or bothwellb@gao.gov. Contact points for our Offices of Congressional Relations and Public Affairs may be found on the last page of this report. GAO staff making key contributions to this report are listed in appendix V.



David Marroni, Director, Physical Infrastructure



Brian Bothwell, Director, Science, Technology Assessment, and Analytics

Appendix I: Profiles of Selected U.S. Courthouses

For fiscal year 2016 through fiscal year 2022, the General Services Administration (GSA) received \$1.9 billion for the construction of 15 federal courthouses. Congress authorized and appropriated funds for these projects based on information that GSA included in its congressional prospectuses for such projects.¹ At the time of our review, GSA had completed construction of nine of these projects, and the remaining six projects were in varying phases of design or construction. For our review, we selected seven of the 15 federal courthouses to provide illustrative examples of a range of federal courthouse projects.

The judiciary's U.S. Courts Design Guide (Design Guide) establishes standards for GSA and project stakeholders to follow when designing and constructing new federal courthouses. We selected courthouse projects that were designed under the judiciary's 2007 Design Guide and 2016 chapter amendments, which were funded by Congress for fiscal year 2016 through fiscal year 2022 and were "new" courthouse projects, as defined in the 2021 Design Guide.²

To provide information about each of the seven selected federal courthouses, we developed the following courthouse profiles. Each profile highlights project characteristics, such as approved size (square footage, and number and type of courtrooms), design and construction costs, and project features. We also included information about the following three types of project variations that the judiciary approved for each selected courthouse project:

- **Exceptions.** The Design Guide provides guidance on standards for courthouse construction and renovations to existing space. Under the

¹40 U.S.C. § 3307 directs the GSA Administrator to submit information on these proposed projects to specified congressional authorizing committees for their review and approval. Through the annual appropriations process, Congress makes a certain amount of funding (in the Federal Buildings Fund) available to GSA to implement specified projects. GSA develops project prospectuses (i.e., requests for funding) for congressional authorizing committees that review and approve the size and budget of each courthouse project. With this information included in the prospectus, Congress will then decide whether to authorize and appropriate funds.

²Specifically, this includes projects that involve the "design and construction of new buildings, annexes, all new leased space in new location, and repair and alteration projects in which new space is being configured for a court unit, including courtrooms and chambers." The judiciary issued its first Design Guide in 1991 and made major revisions in 1993, 1995, and 2007. The judiciary also amended selected chapters of the 2007 Design Guide and issued these chapter amendments in 2016. In 2021, the judiciary issued its most recent revisions to the Design Guide. At the time of our review, no courthouses had been designed or constructed under the 2021 Design Guide.

2021 Design Guide, any significant departure from these standards is considered an “exception” to the Design Guide and must be approved by the appropriate judiciary authority and reported to Congress. Examples of exceptions that have been previously approved include changes that exceed the allowable courtroom sizes or layouts, or that exceed allowable ceiling heights for prescribed spaces. Five of the seven selected courthouses in our review sought a total of seven exceptions, which totaled \$3.1 million.

- **Routine project variations.** Routine project variations are changes requested by the judiciary during design and construction that exceed allowance limits established by the Design Guide. These variations are funded by tenant agencies separately from GSA’s congressionally approved project budget, via reimbursable work authorizations. Examples of these variations include changes to material finishes (such as wood floors, rather than carpet, in judges’ chambers) and locations of electrical outlets. Our seven selected courthouse projects had 151 routine variations, which cost a total of \$34 million.
- **Nonroutine project variations.** Nonroutine project variations are significant changes identified during design or construction that may result in an increase to the project’s size, cost, or schedule but that do not meet the requirements of a Design Guide exception. These changes could also result in increased costs to GSA, the tenants, or both. Nonroutine variations must be reviewed and approved by the relevant tenant agency. Nonroutine variations must also be reviewed by the National Courthouse Change Management Board (NCCMB), an oversight mechanism established in 2016 by GSA and the judiciary in coordination with other agencies. According to judiciary and GSA officials, the NCCMB determines (1) whether significant project changes, proposed during design or construction, affect the project’s budget, cost, or schedule; (2) how the change will be implemented; and (3) what agency will be responsible for the implementation costs.³ GSA officials stated that the NCCMB’s role is not to approve or reject a proposed variation but rather to determine whether implementing the variation is feasible within the project’s budget and schedule. GSA is not required, under the Design Guide, to notify Congress of nonroutine variations. Our seven selected courthouse projects had 56 nonroutine variations, which cost a total of \$5 million.

³The NCCMB also reviews exceptions that arise after a project’s prospectus has been finalized.

Anniston U.S. Courthouse in Anniston, AL

Project Features

- The three-story Anniston Courthouse resembles the 1906 Federal Building Courthouse it replaced and was intended to provide space for future expansion and security.
- The new courthouse was designed to look like a classic courthouse and incorporated salvaged items from the community, including a stone eagle carving that sits in the courthouse interior and cast-iron lampposts.
- According to judiciary officials, the building was designed to make the courthouse open and inviting to the public, from the art installations to the use of windows that maximize natural light in the building.
- The new courthouse incorporates several sustainable design and energy efficiency features to minimize its environmental impact, including landscaping with native plants and grasses that require low water usage. In 2024, the courthouse received a Sustainable Sites Initiative Silver certification, as well as Leadership in Energy and Environmental Design (LEED) Gold certification.



Source: GAO illustration. | GAO-25-106724

Courthouse at a Glance

- **Design started:** March 2019
- **Construction completed:** March 2022
- **Building size:** 63,000 square feet
- **Judiciary space:** 29,000 square feet, including two courtrooms and three office chambers for judges and their staff
- **Final project design and construction costs:** \$35.6 million (does not include reimbursable work authorizations (RWA), funded by tenant agencies—see below)
- **Tenants:** U.S. District Court, U.S. Bankruptcy Court, U.S. Probation and Pretrial Services Office, U.S. Marshals Service, Office of the U.S. Attorney, and General Services Administration

Approved Exceptions and Variations from Design Guide

- **Exceptions:** None
- **Routine variations:** 16 routine variations, funded by tenant agencies (such as the judiciary or other tenants) via RWA, at a total cost of \$1.3 million
- **Nonroutine variations:** Four nonroutine variations, including one to remove raised access flooring in the courtroom that according to GSA officials resulted in a cost savings of approximately \$15,000

New Anniston Courthouse (left) and Courtroom with Windows to Maximize Natural Light (right), Anniston, AL



Source: GAO. | GAO-25-106724

Charlotte U.S. Courthouse Annex and Renovation of Jonas Federal Building in Charlotte, NC

Project Features

Courthouse at a Glance

- **Design started:** February 2017
- **Construction completed:** April 2021 (annex); September 2022 (courthouse)
- **Building size:** 332,428 square feet, including the annex
- **Judiciary space:** 144,001 square feet, including 10 courtrooms and 15 office chambers for judges and their staff
- **Final project design and construction costs:** \$158.9 million (does not include reimbursable work authorizations (RWA) funded by tenant agencies—see below)
- **Tenants:** U.S. District and Magistrate Court, U.S. Bankruptcy Court, U.S. Probation and Pretrial Services Office, Court of Appeals, U.S. Marshals Service, trial preparation space for the Federal Public Defender Organization and Office of the U.S. Attorney, and General Services Administration

Approved Exceptions and Variations from Design Guide

- **Exceptions:** One exception for a regional urinalysis laboratory that cost \$1.2 million and, according to Judiciary officials, would result in cost savings of approximately \$75,000 per year, starting in 2024
- **Routine variations:** 14 routine variations, funded by tenant agencies (such as the judiciary or other tenants) via RWA, at a cost of \$5 million
- **Nonroutine variations:** Seven nonroutine variations, including reducing the number of parking spots, for a cost savings of \$3.5 million

- This project consists of construction of a new courthouse annex and renovation of the existing historic Jonas Federal Building. The project team incorporated building materials designed to ensure that the annex and renovated building look like a cohesive single facility.
- The courthouse features a courtroom with a “Virginia Revival” layout, characterized by having the jury box in the center of the room, as opposed to the side of the room. According to the judiciary’s Best Practices Guide that accompanies the 2021 Design Guide, this layout has several benefits, including eliminating the advantage of one set of counsel being positioned closer to the jury box.
- This project received a 2024 General Services Administration Construction Award in three categories, including merit in craftsmanship.

Exterior of Historic Jonas Federal Building (foreground) and New U.S. Courthouse Annex (background) (left), and Virginia Revival Courtroom Layout (right), Charlotte, NC



Source: General Services Administration. | GAO-25-106724

Campbell U.S. Courthouse in Greenville, SC



Source: GAO illustration. | GAO-25-106724

Courthouse at a Glance

- **Design started:** August 2016
- **Construction completed:** July 2021
- **Building size:** 193,000 square feet
- **Judiciary space:** 111,126 square feet, including seven courtrooms and nine office chambers for judges and their staff
- **Final project design and construction costs:** \$92.9 million (does not include reimbursable work authorizations (RWA) funded by tenant agencies—see below)
- **Tenants:** U.S. District Court, Satellite Circuit Library, U.S. Probation and Pretrial Services Office, U.S. Marshals Service, trial preparation space for the Federal Public Defender Organization and Office of the U.S. Attorney, and General Services Administration

Approved Exceptions and Variations from Design Guide

- **Exceptions:** One exception for an expanded jury assembly room, which cost \$291,000
- **Routine variations:** 21 routine variations, funded by tenant agencies (such as the judiciary or other tenants) via RWA, at a total cost of \$6 million
- **Nonroutine variations:** Three nonroutine variations, including changes to millwork and door materials, funded by the judiciary via RWA, at a total cost of \$191,000

Project Features

- According to the General Services Administration, the Campbell U.S. Courthouse includes features absent from the formerly used C.F. Haynsworth Federal Building and U.S. Courthouse, such as restricted space for the U.S. Marshals Services to move defendants, witnesses, litigants, and other individuals who are in custody to and from courtrooms.
- The courthouse exhibits a traditional architectural style and includes high vertical windows that provide natural daylight to the corridors and courtrooms.
- The building includes several design elements intended to reduce water and energy costs and to meet requirements for Leadership in Energy and Environmental Design (LEED) Gold certification.

C.F. Haynsworth Federal Building (left) and Campbell U.S. Courthouse (right), Greenville, SC



Source: General Services Administration. | GAO-25-106724

Rambo U.S. Courthouse in Harrisburg, PA



Source: GAO illustration. | GAO-25-106724

Courthouse at a Glance

- **Design started:** January 2017
- **Construction completed:** March 2023
- **Building size:** 243,000 square feet
- **Judiciary space:** 103,132 square feet, including eight courtrooms and 11 office chambers for judges and their staff.
- **Final project design and construction costs:** \$186.9 million (does not include reimbursable work authorizations (RWA) funded by tenant agencies—see below)
- **Tenants:** U.S. District Court, Court of Appeals, U.S. Probation and Pretrial Services Office, U.S. Bankruptcy Court, U.S. Marshals Service, Office of the U.S. Attorney, trial preparation space for the Federal Public Defender Organization, and General Services Administration

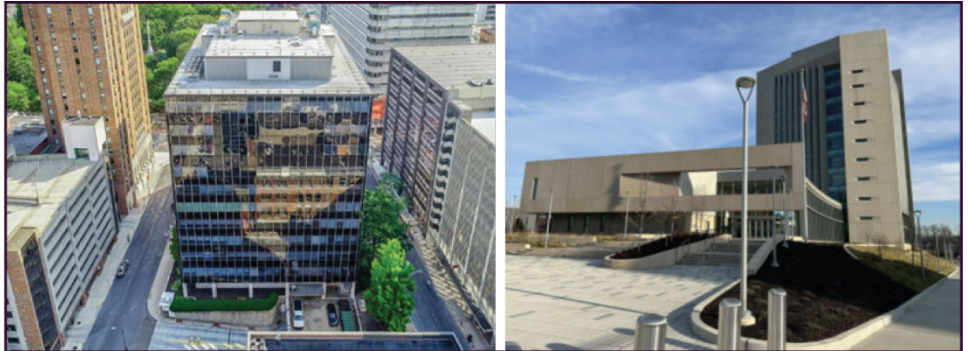
Approved Exceptions and Variations from Design Guide

- **Exceptions:** One exception to increase the ceiling height of the jury assembly room, at no cost
- **Routine variations:** 53 routine variations, funded by tenant agencies (such as the judiciary or other tenants) via RWA, at a total cost of \$8 million
- **Nonroutine variations:** Four nonroutine variations, including an internal stairwell that cost \$91,000 and was funded by the judiciary via RWA

Project Features

- The Rambo U.S. Courthouse replaces the Ronald Reagan Federal Building and U.S. Courthouse and provides increased space for safe circulation of the public, court staff, witnesses, litigants, defendants, and other individuals who are in custody.
- The building includes several design elements intended to meet requirements for Leadership in Energy and Environmental Design (LEED) Gold certification. For example, the courthouse incorporates long vertical slants to the building's exterior to allow natural light and reduce energy cost.

Ronald Reagan Federal Building (left) and Rambo U.S. Courthouse (right), Harrisburg, PA



Source (left to right): General Services Administration and GAO. | GAO-25-106724

Huntsville U.S. Courthouse in Huntsville, AL



Source: GAO illustration. | GAO-25-106724

Courthouse at a Glance

- **Design started:** November 2019
- **Planned construction completion:** July 2024
- **Building Size:** 123,100 square feet
- **Judiciary space:** 62,320 square feet, including five courtrooms and six office chambers for judges and their staff
- **Estimated project design and construction costs:** \$93.2 million (does not include reimbursable work authorizations (RWA) funded by tenant agencies—see below)
- **Tenants:** U.S. District Court, U.S. Bankruptcy Court, U.S. Probation and Pretrial Services Office, U.S. Marshals Service, trial preparation space for the Federal Public Defender Organization and Office of the U.S. Attorney, and General Services Administration

Approved Exceptions and Variations from Design Guide

- **Exceptions:** One exception for a special proceedings courtroom measuring 600 square feet, at a cost of \$420,600
- **Routine variations:** 19 routine variations, funded by tenant agencies (such as the judiciary or other tenants) via RWA, at a total cost of \$2.8 million
- **Nonroutine variations:** Five nonroutine variations, including one to remove raised access flooring in a courtroom that resulted in cost savings of about \$129,000

Project Features

- The new Huntsville Courthouse replaces the existing Huntsville Post Office and U.S. Courthouse, which was constructed in 1936. According to the project prospectus, the original courthouse did not meet standards in the U.S. Courts Design Guide and lacked adequate security and building circulation space to allow for distinct separation between restricted, secure, and public areas.
- The new courthouse is anticipated to meet the 10-year space needs and anticipated 30-year needs of the court.
- The new building will feature a 100-year-old historic mural that was previously located in the old courthouse. According to judiciary officials, the mural was restored and will be reinstalled in the new courthouse to reflect the court's history.

Existing Huntsville Post Office and U.S. Courthouse (left) and Design Renderings of the New Huntsville U.S. Courthouse (right), Huntsville, AL



Source: General Services Administration. | GAO-25-106724

San Antonio U.S. Courthouse in San Antonio, TX



Source: GAO illustration. | GAO-25-106724

Courthouse at a Glance

- **Design started:** June 2016
- **Construction completed:** December 2021
- **Building size:** 305,000 square feet
- **Judiciary space:** 140,677 square feet, including eight courtrooms and 13 office chambers for judges and their staff
- **Final project design and construction costs:** \$131.8 million (does not include reimbursable work authorizations (RWA) funded by tenant agencies—see below)
- **Tenants:** Court of Appeals, U.S. District Court, U.S. Probation and Pretrial Services Office, U.S. Marshals Service, trial preparation space for the Federal Public Defender Organization and Office of the U.S. Attorney, and General Services Administration

Approved Exceptions and Variations from Design Guide

- **Exceptions:** Three approved exceptions, including a regional urinalysis laboratory and an expanded jury assembly suite, at a total cost of \$1.2 million
- **Routine variations:** 21 routine variations, funded by tenant agencies (such as the judiciary or other tenants) via RWA, at a cost of \$10 million
- **Nonroutine variations:** 27 nonroutine variations, including adding space to view classified information, at a cost of \$20,000, funded by the judiciary via RWA

Project Features

- The new San Antonio Courthouse replaces the John H. Wood Jr. U.S. Courthouse, which was reconfigured into a courthouse in the 1970s.
- The new courthouse incorporates skylights and full-height windows to maximize natural light and provide views of San Antonio's new San Pedro Creek Riverwalk. In addition, the new courthouse was designed to improve security, such as by providing for separate circulation of the public, court staff, witnesses, litigants, defendants, and other individuals who are in custody.
- The San Antonio Courthouse has received several awards, including a 2023 National Award of Merit from the Design-Build Institute of America and 2024 General Services Administration Construction awards in three honor categories.

John H. Wood Jr. U.S. Courthouse (left) and New San Antonio Courthouse (right), San Antonio, TX



Source: General Services Administration. | GAO-25-106724

Savannah U.S. Courthouse Annex in Savannah, GA



Source: GAO illustration. | GAO-25-106724

Courthouse at a Glance

- **Design started:** August 2018
- **Construction completed:** June 2021
- **Building size:** 46,000 square feet (annex only)
- **Judiciary space:** 57,598 square feet, including four courtrooms and five office chambers for judges and their staff
- **Final project design and construction costs:** \$24.4 million (does not include reimbursable work authorizations (RWA) funded by tenant agencies—see below)
- **Tenants:** U.S. District Court, U.S. Bankruptcy Court, U.S. Probation and Pretrial Services Office, U.S. Marshals Service, Office of the U.S. Attorney, and GSA

Approved Exceptions and Variations from Design Guide

- **Exceptions:** None
- **Routine variations:** Seven routine variations, funded by tenant agencies (such as the judiciary or other tenants) via RWA, at a total cost of \$631,400
- **Nonroutine variations:** Six nonroutine variations, including one for upgraded finishes to the building facade, ceiling, elevator, and stairs that cost approximately \$1 million and was funded from the project appropriations

Project Features

- Built in the 1890s, Savannah's Tomochichi Federal Building and U.S. Courthouse required expansion to meet the judiciary's needs for security, accessibility, and operational efficiency, according to the project prospectus.
- To meet the judiciary's needs, the General Services Administration (GSA) decided to renovate the Tomochichi Federal Building and construct the Savannah Courthouse Annex. While there have been delays in completing the renovation of the federal building, the annex—located on an adjacent site—was completed in 2021 and is currently in operation.
- According to GSA, the Savannah Courthouse Annex was designed to complement the unique character of the Savannah Historic District through a contemporary façade that aligns with the scale, materials, and character of adjacent buildings.
- In 2022, the Savannah Courthouse Annex received a GSA Construction award for exemplary urban design and planning.

Savannah U.S. Courthouse Annex, Savannah, GA



Source: General Services Administration. | GAO-25-106724

Appendix II: Results of Modeling of Selected Courthouses

The judiciary and General Services Administration (GSA) coordinate to identify the judiciary's space needs, estimate the overall courthouse size, and develop budget cost estimates for courthouse projects. The judiciary uses a space planning tool, called AnyCourt, to develop courthouse space programs that outline and calculate the judiciary's space requirements.¹ GSA uses the judiciary's AnyCourt space programs to estimate the budget costs for the overall courthouse project using a cost-estimating tool called the Cost Benchmark Tool.² In the discussion below, we describe (1) the judiciary's AnyCourt and GSA's Cost Benchmark Tool, (2) the courthouse size and cost modeling that we requested the judiciary and GSA undertake, and (3) the results of the modeling.

Judiciary's AnyCourt Space Planning Tool and GSA's Cost Benchmark Tool

The Judiciary's AnyCourt Space Planning Tool

The automated AnyCourt tool is based on the U.S. Courts Design Guide (Design Guide), which establishes space standards (e.g., allowable sizes for courtrooms and offices) and other requirements for GSA to follow when designing and constructing new federal courthouses. AnyCourt has been in use for over 20 years, and the current version of AnyCourt is based on the 2021 Design Guide.³ GSA uses the results of the judiciary's AnyCourt space program to develop benchmark cost estimates to inform its project budget requests to congressional authorizing and appropriation

¹The space program outlines the judiciary's space needs, such as functions to be housed (e.g., District Court, Bankruptcy Court, Probation Office) and the number and sizes of courtrooms, judges' chambers, jury orientation and deliberation rooms, staff offices and workstations, and support spaces (e.g., conference and training rooms, storage rooms, library space, and information technology spaces).

²In addition to the judiciary's space programs, GSA uses the space programs from other courthouse occupants, such as the U.S. Marshals Service, when determining total courthouse size and developing project budget estimates.

³The judiciary updates the AnyCourt tool when the Judicial Conference of the United States (Judicial Conference) officially approves changes to the Design Guide. As discussed earlier in this report, the Judicial Conference approved revisions to the 2007 Design Guide in March 2017, resulting in a new version of the Design Guide in 2021.

committees.⁴ The judiciary’s AnyCourt program also helps guide the U.S. Marshals Service in developing its own separate space and security requirements, which it submits to GSA.

Embedded formulas within AnyCourt convert staffing counts and defined spaces (e.g., judges’ chambers, courtrooms, and grand jury suites) into space allocations. Net square feet is the base unit for each defined space standard in a courthouse, as identified in the Design Guide. For example, the space standards within the Design Guide specify that a District courtroom is 2,400 net square feet, each judge is provided an office of 500 net square feet, and law clerks and professional staff are provided offices of 150 net square feet.

In addition, AnyCourt calculates an amount of space to be designed as circulation area (e.g., hallways and pathways) to move between rooms and different court units within the courthouse. The total combined net square footage for defined spaces and the added circulation space is expressed as “usable square footage” for each court component (e.g., District Court, Bankruptcy Court, Clerk of the Court, Probation, and Pretrial Services) that will occupy space within a courthouse.

GSA’s Cost Benchmark Tool

The Cost Benchmark Tool is intended to enable GSA to accurately forecast courthouse project costs and develop realistic budgets. The Cost Benchmark Tool’s cost factors are informed by, and based upon, completed federal courthouses that were built in compliance with the appropriate design guides and standards (e.g., the Design Guide and GSA’s Facilities Standards for Public Buildings Service). The use of GSA’s benchmark tool to set courthouse budgets was in response to

⁴GSA uses the AnyCourt results to program space, identify potential and final housing alternatives (e.g., build a new courthouse, modernize and expand an existing facility, or lease space), and develop project designs. Final AnyCourt space programs must be approved by the respective district’s Chief Judge and Circuit Judicial Council.

recommendations from Congress and a joint GSA and judiciary task force organized to examine the courthouse construction program.⁵

GSA last updated the Cost Benchmark Tool in 2022 to reflect current costs and standards, based on new courthouse facilities of various sizes.⁶ GSA incorporated cost evaluations of recently constructed courthouse facilities into the revised benchmark formulas to establish construction budgets for future federal courthouse projects. Those standards include the changes that the judiciary made in its 2021 Design Guide.⁷

Courthouse Size and Cost Modeling Methodology

General Approach

As part of our analysis of how judiciary space within courthouses will likely be affected by changes in the 2021 Design Guide, we requested that the judiciary develop two AnyCourt space programs for comparison

⁵In December 1994, the Senate Environment and Public Works Committee issued a report which recommended that GSA develop a cost comparison tool to address substantial cost increases with the federal courthouse construction program. In September 1995, GSA initiated a benchmarking process to evaluate courthouse project costs and identify potential savings. GSA uses its Cost Benchmark Tool to establish a proposed construction budget that provides sufficient funding to build a new courthouse that meets all Design Guide requirements and GSA's Facilities Standards for Public Building Services. The Cost Benchmark Tool generates an estimated cost for construction and informs any congressional prospectus funding request. Generally, the estimated cost is not developed based on an actual design but rather on a space program as provided by tenant agencies. If appropriations are lower than requested, or if construction bids are higher than estimated, then the courts and GSA may have to modify the space program to meet the appropriated budget.

⁶GSA's initial 2000 benchmark study was based on four federal courthouses located in Jacksonville, FL; Laredo, TX; Omaha, NE; and Tucson, AZ. GSA added six projects in a 2005 update; these courthouses were located in Eugene, OR; Miami, FL; Richmond, VA; Seattle, WA; Springfield, MA; and Youngstown, OH. In a 2007 update, GSA revised the benchmark formulas based on an analysis of the 10 previously studied courthouses. The 2007 study examined the differential costs relating to the height of federal courthouses, as well as the effect of security mandates. A 2012 update included four courthouses located in Buffalo, NY; Cedar Rapids, IA; Fort Pierce, FL; and Jackson, MI. A 2018 study updated and refined costs from the 2012 study. The 2022 study includes an analysis of four recent courthouses: Anniston, AL; Des Moines, IA; Greenville, SC; and Huntsville, AL.

⁷The data GSA used in the latest update of its benchmark were current as of 2022. GSA has used these data in establishing benchmarks for new federal courthouses targeted for funding in fiscal year 2024 and beyond. The fiscal year 2022 benchmark study updated the previous fiscal year 2019 benchmark study (which was based on the 2007 Design Guide) and includes fiscal year 2022 standards and cost information.

purposes, based on standards in the 2007 and the 2021 Design Guides. Our request included 16 total space programs for eight selected courthouse projects (two programs for each project).⁸ The analysis included one project—a hypothetical courthouse located in Washington, D.C.—that we did not include in the body of our report due to GSA’s concerns about the accuracy of those results.⁹ We include that project in this appendix for transparency. We selected these eight projects to model a range of courthouse sizes (determined, in part, by courthouse square footage and the number of courtrooms) and to align some of those locations with the projects we evaluated and visited for our other audit work.¹⁰

As part of our analysis of how changes in the 2021 Design Guide might affect the costs of a courthouse, we requested that GSA use its Cost Benchmark Tool to examine the eight selected projects using the two AnyCourt space programs (based on the 2007 and 2021 Design Guides) that the judiciary provided for each of the projects. Specifically, we asked GSA to model the overall cost effects to a courthouse related to changes in the 2021 Design Guide. In conducting this modeling, GSA broke down those overall cost effects into two areas: those related to changes in (1) the size of judiciary spaces; and (2) the amount of building materials needed to account for increases in the overall courthouse size, which GSA refers to as unit cost analysis.¹¹ We describe the limitations and assumptions of GSA’s model; the analyses; and their results below.

⁸The courthouse projects modeled by GSA included 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 modeling also included a future courthouse that is being planned in the eastern U.S. and a hypothetical courthouse located in Washington, D.C. The future courthouse is being planned according to the 2021 Design Guide. Because the future courthouse has not yet been approved and funded by Congress, we are not identifying the city in which the project is located.

⁹According to GSA officials, GSA has not constructed such an atypical, extra-large courthouse anytime in the last 10 years and, therefore, the hypothetical space program and GSA’s cost models may not best represent what might be built and underestimates its cost.

¹⁰See the body of this report for a description of our selection of the projects.

¹¹As described below, we refer to the three GSA analyses we requested as the (1) Overall Courthouse Building Analysis, (2) Judiciary Space Analysis, and (3) Quantity of Building Material Analysis.

Cost Analysis Limitations and Assumptions

GSA's cost analysis includes several important limitations that should inform interpretation of the results:

- Estimated construction costs from the GSA Cost Benchmark Tool analyses are not comparable to the original budgets and actual completed final costs for past courthouse projects. Specifically, the Cost Benchmark Tool used GSA's fiscal year 2019 and 2022 cost data in the modeling; therefore, estimated construction costs are not comparable to the modeled projects' original budgets (e.g., fiscal year 2016 budgets) or final contract costs (e.g., fiscal year 2024).¹²
- Modeled costs derived from application of the fiscal year 2019 and 2022 Cost Benchmark Tools incorporate similar assumptions about "escalation costs" (e.g., increases in material and labor prices due to inflation). To ensure comparable results and isolate cost increases related to changes in the 2021 Design Guide, GSA escalated costs for both the 2019 and 2022 data to the current fiscal year (2024). This approach allows for a direct comparison of unit costs between the old and new Design Guides, eliminating escalation and inflationary effects as possible explanations for differences between model outputs using the 2019 and 2022 Cost Benchmark Tools.¹³
- Modeling results reflect estimated costs for construction and do not include GSA project costs related to site acquisition, design, project management, or inspections.
- Modeled costs do not include costs that arise on courthouse projects when the judiciary requests changes (i.e., reimbursable work) and funds changes above the appropriated project budget, such as a change in room finishes (e.g., changing fabric wall covering to wood paneling).

¹²With respect to the models for the (1) future project and (2) hypothetical project in Washington, D.C., the estimated construction costs derived from the modeling do not represent budget estimates.

¹³Further, to ensure the estimates were reasonable, GSA conducted multiple runs that provided similar ranges of budget deltas based on courthouse sizes. GSA's Cost Management Team provided the escalation rates that the Cost Benchmark Tool used. In general, inflation is an economy-wide increase in the average price level. Changes in the prices of specific goods (such as steel, wire, glass, etc.) and services (such as increase in costs to test, inspect, and commission building systems during construction) are termed "escalation."

**Appendix II: Results of Modeling of Selected
Courthouses**

In addition, to complete the cost analysis, GSA made several assumptions and methodological decisions related to its Cost Benchmark Tool and project-specific estimates (see table 7).

Appendix II: Results of Modeling of Selected Courthouses

Table 7: General Services Administration (GSA) Assumptions Pertaining to Modeling the Estimated Construction Costs of Courthouses

Model assumptions	Description
Unit costs and baseline location	The Cost Benchmark Tool calculation includes unit costs, such as for specific space types (e.g., the square foot cost for building a courtroom, office, or parking space) as informed by buildable area (i.e., square footage). The baseline costs are based on a project being in Washington, D.C., and then adjusted (e.g., based on location, seismic considerations, and number of floors), as discussed below.
Location and seismic adjustment factors	GSA applies regional cost adjustment factors to initial Cost Benchmark Tool estimates that are based on a project being in Washington, D.C. For example, GSA applied a location adjustment factor of 0.87 to the Charlotte, NC, courthouse cost models because GSA anticipated the construction costs in that region would be less than those in Washington, D.C. GSA also applied a seismic adjustment factor of 1.01 to this estimate, as it expected seismic strengthening requirements to be greater for projects in certain parts of North Carolina than those in Washington, D.C.
Number of floors and height modifiers	<p>The Cost Benchmark Tool is based on a 200,000-gross-square-foot facility of four floors (i.e., 50,000 gross square feet per floor). Each assumed courthouse floor has two courtrooms and two judges' chambers.</p> <p>The Cost Benchmark Tool assumes a 20-foot floor height for a courtroom floor and a 14-foot height for a standard office floor. Ceiling heights are a maximum of 16 feet for courtrooms, except for multiparty courtrooms, which are a maximum of 18 feet.</p> <p>Project-specific estimates are adjusted according to the total square footage and resultant assumptions about the number of floors. A different height modifier is applied in each of three cases: low-rise courthouses that are one to two stories, mid-rise courthouses that are three to nine stories, and high-rise courthouses that are over nine stories.</p>
Building and tenant costs	The Cost Benchmark Tool organizes and calculates costs for the (1) building "Core and Shell" (e.g., foundation, walls, windows, doors, stairwells, elevators, building systems, and roof) and (2) "Tenant Improvement" areas (e.g., courtrooms, offices, libraries) and expresses the associated space as a ratio: useable tenant area (i.e., usable square feet) to gross building area (i.e., gross square feet). This ratio is referred to as the "building efficiency," and the Cost Benchmark Tool pricing is based upon an assumed building efficiency of 67 percent, as stated in GSA's Facilities Standards for the Public Buildings Service. ^a
Project durations and cost escalation during construction	Outputs are based on assumptions for schedule durations and escalation of construction costs, which GSA applied consistently to each of the comparative analyses. For modeling purposes, all project estimates assume that design takes 2 years (beginning in September 2024), and construction takes 3 years (beginning in October 2026), regardless of project size. The fiscal year 2019 and 2022 Cost Benchmark Tools held cost escalation constant for the cost modeling analysis.
Interior finishes	Cost Benchmark Tool formulas include costs for interior finishes (e.g., paint, carpet, ceiling tile, and wood) established in guidelines provided by each agency. ^b
Raised flooring	The Cost Benchmark Tool considers that raised flooring is used in the courtroom well (i.e., space between the judge's bench and the attorneys' and defendant tables). Other tenant spaces do not include raised flooring.
Security considerations	The Cost Benchmark Tool includes costs for protecting courthouses from progressive collapse due to terrorist bombing and other security-related requirements. ^c The security setback from the street is assumed to be 50 feet, and the site size is assumed to be 5 acres.
Site development costs	Site development costs (e.g., stormwater management) are included in the Cost Benchmark Tool pricing based on an average unit cost per gross square foot of building area. No land acquisition or existing structure demolition costs are included in the construction cost estimates.

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Model assumptions	Description
Typical project features and add-ons	Cost Benchmark Tool and project-specific cost estimates for courthouses incorporate several typical project features and add-ons as allowances: (1) limited courtroom furniture, ^d (2) court audio/visual equipment, (3) U.S. Marshals Service security wiring and equipment, (4) Federal Protective Service perimeter security wiring and equipment, and (5) GSA perimeter access control systems. ^e
Art-in-architecture	The Cost Benchmark Tool includes an allowance of 0.5 percent for GSA's Art-In-Architecture program, which promotes public art in federal facilities.
Contractor costs	The Cost Benchmark Tool incorporates a 15-percent markup on unit prices for the General Contractor's overhead costs and profit (10 percent for overhead and 5 percent for profit). ^f
Contingency	The estimated construction cost includes a 7-percent construction contingency for risks of encountering unforeseen conditions, such as differing site conditions, that may affect the building foundation requirements and cost. ^g

Source: GAO review of GSA documentation. | GAO-25-106724

^aGSA plans courthouses to be at least 67 percent efficient (i.e., the ratio of all tenants' usable square feet to the building's gross square feet).

^bThe U.S. Courts Design Guide, U.S. Marshals Service guides, and U.S. Attorneys' Office space requirements establish basic standards for interior finishes. A request for interior finishes above the established standards (e.g., a higher-quality carpet), would require the requesting agency to provide funding for the added costs.

^cSecurity-related requirements are outlined in GSA's 2021 Facilities Standards for Public Buildings Service (P100) and in the Department of Defense's *Minimum Antiterrorism Standards for Buildings, DOD Unified Facilities Criteria*, UFC 4-010-01 (Dec. 12, 2018).

^dLimited courtroom furniture, such as for attorneys' tables and a lectern, is included in GSA's construction cost estimates. All other movable courtroom furniture is paid for by the judiciary.

^eCourt audio/visual equipment and U.S. Marshals Service security equipment are typically paid for by tenant agencies, rather than from funding requested by GSA for design and construction of the new courthouse, and are typically procured outside the project's construction contract.

^fGSA's Cost Benchmark Tool guide indicates this is an industry standard provision and may vary, depending on such things as market conditions and other factors. Overhead costs include, for example, the construction contractor's headquarters administrative costs and costs for an insurance performance bond, which allows for a new contractor to complete the project in the event the original contractor fails.

^gThe construction contingency is not part of the General Contractor's bid but is a component of the overall project budget. Per GSA guidance, the use of these funds is limited to differing site conditions and design errors and omissions, and is not for changes to the approved design requested by tenant agencies.

Data Reliability Assessment

To assess the reliability of the judiciary's AnyCourt and GSA's Cost Benchmark Tool and data, we reviewed internal agency process documentation, including GSA's Managing the Cost of Courthouse Projects Within the Benchmark (October 2022) and the judiciary's Program of Requirements AnyCourt Process Standard Operating Procedure. We also provided input on the analysis's methodology to agency officials and worked with them to resolve potential data reliability issues. Specifically, we held multiple joint meetings with (1) the judiciary; (2) the judiciary's space programming contractor, which supports the development of the AnyCourt model for projects on behalf of the judiciary;

and (3) GSA's courthouse program officials, who are responsible for using GSA's Cost Benchmark Tool to estimate courthouse project budgets.

At the joint meetings, we discussed and resolved any discrepancies that GSA identified between the AnyCourt space programs that the judiciary provided based on the 2007 and 2021 Design Guides. Examples of such discrepancies included any differences between the 2007 and 2021 space programs in the number of staff, or in the number or sizes of support spaces (e.g., conference, copier, and storage rooms). Judiciary officials updated the AnyCourt space programs, as appropriate, to resolve discrepancies and ensure that the programs were generally reliable for the purposes of modeling.

We also asked officials from the judiciary and GSA to answer a series of questions to help us gauge the reliability of the AnyCourt and the Cost Benchmark Tool. Specifically, we requested information on their processes for using those tools to estimate the sizes and potential budgets for courthouses. In addition, we asked questions about how the judiciary and GSA ensured the reliability of the data inputs (e.g., numbers of judges, staff, and courtrooms, and construction unit costs) used in the modeling. For example, GSA officials independently compared the 2007 and 2021 AnyCourt space programs provided by the judiciary with the relevant versions of the Design Guides. We determined that the data were sufficiently reliable for the purpose of describing the extent to which changes in the 2021 Design Guide could affect the size and cost of selected courthouse projects.

Modeling Results

Size Changes for Judiciary Space and the Overall Courthouses

As discussed above, we requested that the judiciary develop two AnyCourt space programs for comparison purposes, based on standards in the 2007 and the 2021 Design Guides, for eight selected courthouse projects. In general, the modeling showed that the changes in the 2021 Design Guide would result in an average increase of about 8 percent in the judiciary's space needs for the projects (as measured in usable square feet).

We also asked that GSA use its Cost Benchmark Tool to estimate the likely effects of changes in the 2021 Design Guide on the overall size of the courthouses. This modeling showed that the overall building gross square footage—which comprises the total space within the courthouse, including judiciary spaces; other tenant spaces; and building common and

Appendix II: Results of Modeling of Selected Courthouses

support spaces—would increase by about 6 percent, on average. However, in the case of Greenville, SC, the total courthouse size would increase by only 4.3 percent.¹⁴ Table 8 provides the size outputs from the courthouse size modeling analyses.

Table 8: Estimated Increases in Judiciary and Total Courthouse Space in Selected Courthouse Projects Resulting 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	2021		2007	2021	
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
Washington, DC	202,958	217,534	7.2	403,382	425,137	5.4
Future courthouse	33,731	36,852	9.3	83,946	88,604	5.5
Total	820,722	883,670	7.7%	1,658,757	1,752,707	5.7%

Source: GAO analysis of judiciary and General Services Administration (GSA) information. | GAO-25-106724

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. and a hypothetical courthouse located in Washington, D.C. The future courthouse is being planned according to the 2021 Design Guide. Because the future courthouse has not yet been approved and funded by Congress, we are not identifying the city the project is located in. Total courthouse gross square footages are based on estimates GSA provided that include judiciary and other building tenant space requirements, as well as, for example, building public spaces and maintenance support spaces.

Figures have been rounded and do not total precisely.

¹⁴For the purposes of determining total building size (gross square footage), GSA used the two AnyCourt space programs that the judiciary provided for each project. GSA included and held constant the space requirements of other tenants (e.g., U.S. Marshals Service and U.S. Attorneys' Office) and indoor parking requirements for those projects. GSA's estimates of total courthouse gross square footage are based on GSA's courthouse building efficiency planning factor of 67 percent.

Cost Changes

GSA performed three separate cost modeling analyses using its Cost Benchmark Tool to estimate the likely effects of changes in the 2021 Design Guide. These analyses used the space and size programs described above to model the estimated budget costs under different scenarios. As noted above, GSA assumed that each courthouse project would take 2 years to design (2024 to 2026) and 3 years to construct (2026 to 2029). The first analysis (Overall Courthouse Building) identifies increased costs for the entire courthouse. The second (Judiciary Space) and third (Quantity of Building Materials) analyses identify how the cumulative costs from Cost Analysis 1 are attributable to changes in the judiciary’s space needs and additional materials needed for the rest of the courthouse (i.e., nonjudiciary space), respectively.¹⁵

Cost Analysis 1: Overall Courthouse Building. GSA’s modeling shows that as judiciary space increased, the estimated construction costs for the entire building increased by 6.5 to 17.1 percent for the eight selected courthouse projects (see table 9). GSA estimated and compared overall courthouse building costs using both the fiscal year 2019 and 2022 Cost Benchmark Tools, the judiciary’s AnyCourt space programs based on both the 2007 and 2021 Design Guides, and other associated tenant and building common space.¹⁶ Increases in overall courthouse building costs are equal to the total increases from the Judiciary Space Analysis (Cost Analysis 2) and the Quantity of Building Materials Analysis (Cost Analysis 3).

Table 9: Increases in Overall Estimated Construction Costs of Selected Courthouse Projects Resulting from Changes in the 2021 U.S. Courts Design Guide

Courthouse location	Estimated construction cost (as modeled using sources noted below)		Percentage increase
	2007 Design Guide and 2019 Benchmark	2021 Design Guide and 2022 Benchmark	
Anniston, AL	\$67,470,624	\$75,176,133	11.4%
Charlotte, NC	274,188,749	310,323,494	13.2
Greenville, SC	206,481,779	220,000,222	6.5

¹⁵As noted earlier, GSA refers to the Quantity of Building Material Analysis as a unit cost analysis.

¹⁶The fiscal year benchmark labels represent the year the tool was updated. These updates included revised costs to reflect the current tenant design guides at the time. Therefore, the fiscal year 2019 Cost Benchmark Tool uses costs that meet standards set in the judiciary’s 2007 Design Guide (and 2016 chapter amendments), and the fiscal year 2022 Cost Benchmark Tool uses costs that meet standards set in the 2021 Design Guide.

Appendix II: Results of Modeling of Selected Courthouses

Courthouse location	Estimated construction cost (as modeled using sources noted below)		Percentage increase
	2007 Design Guide and 2019 Benchmark	2021 Design Guide and 2022 Benchmark	
Harrisburg, PA	198,400,060	215,285,554	8.5
Huntsville, AL	126,967,093	148,291,019	16.8
San Antonio, TX	238,192,994	270,893,176	13.7
Washington, D.C.	458,224,485	488,799,067	6.7
Future courthouse	87,860,845	102,895,270	17.1

Source: GAO summary of General Services Administration (GSA) Cost Benchmark Tool data. | GAO-25-106724

Notes: The modeling of the likely budget effects on projects' estimated construction costs are not comparable to the original GSA 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. For example, for all projects, modeling assumed design would take 2 years (from 2024 to 2026), and construction would take 3 years (from 2026 to 2029). GSA costs for site acquisition, design, management, and inspection are not included.

To ensure comparable results and isolate cost increases related to changes in the 2021 Design Guide, GSA escalated costs for both fiscal year 2019 and 2022 data to the current fiscal year (2024), such that escalation was held constant for a direct comparison of unit cost between the old and new Design Guides. This approach effectively eliminates inflationary effects of material and labor cost increases as possible explanations for differences between model outputs using fiscal year 2019 and 2022 Cost Benchmark Tools.

Projects have unique locality cost adjustment factors, such as for local cost escalation based on regional market conditions. These adjustments were similarly held constant when using the fiscal year 2019 and 2022 Cost Benchmark Tools. We have rounded GSA's estimated percentage increases.

Cost Analysis 2: Judiciary Space. GSA's modeling shows that changes in the space requirements in the 2021 Design Guide increased the estimated construction costs associated with judiciary space by approximately 4.2 to 6.5 percent for the eight selected courthouse projects (see table 10). GSA based its cost estimates for judiciary space on the square foot size of various spaces, including District and Bankruptcy courtrooms, judicial chambers and workspaces, and probation offices. These costs included interior wall construction, finishes, and light fixtures. The increased costs for judiciary space that the model identified are primarily attributable to changes in the 2021 Design Guide that increased the amount of circulation within judiciary space.

Appendix II: Results of Modeling of Selected Courthouses

Table 10: Increases in Estimated Construction Costs of Judiciary Space in Selected Courthouse Projects Resulting from Changes in the 2021 U.S. Courts Design Guide

Courthouse location	Estimated construction cost (as modeled using sources noted below)		Percentage increase
	2007 Design Guide 2019 Benchmark	2021 Design Guide 2019 Benchmark	
Anniston, AL	\$67,470,624	\$71,011,150	5.2%
Charlotte, NC	274,188,749	288,911,683	5.4
Greenville, SC	206,481,779	215,095,861	4.2
Harrisburg, PA	198,400,060	210,023,729	5.9
Huntsville, AL	126,967,093	134,612,834	6.0
San Antonio, TX	238,192,994	253,700,230	6.5
Washington, D.C.	458,224,485	481,765,574	5.1
Future courthouse	87,860,845	92,374,232	5.1

Source: GAO summary of General Services Administration (GSA) Cost Benchmark Tool data. | GAO-25-106724

Notes: The modeling of the likely budget effects on projects' estimated construction costs are not comparable to the original GSA 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. For example, for all projects, modeling assumed design would take 2 years (from 2024 to 2026), and construction would take 3 years (from 2026 to 2029). GSA costs for site acquisition, design, management, and inspection are not included.

The modeled estimated construction costs used GSA fiscal year 2019 Cost Benchmark Tool values (e.g., not fiscal year 2016). Projects have unique locality cost adjustment factors, such as for local cost escalation based on regional market conditions. We have rounded GSA's estimated percentage increases.

To estimate the cost increases for judiciary space, GSA used the fiscal year 2019 GSA Cost Benchmark Tool and the AnyCourt space programs that the judiciary provided to develop theoretical construction costs of court spaces, if built according to the 2007 and 2021 Design Guides. By using only fiscal year 2019 benchmark cost values in this analysis, along with space programs based on both the 2007 and 2021 Design Guides, GSA effectively isolated the costs attributed to the increase in judiciary space. As a result, costs for the rest of the building were excluded, including additional construction materials, such as electrical wiring and steel reinforced concrete, needed to accommodate the expanded courthouse footprint.

Cost Analysis 3: Quantity of Building Materials. GSA's models show that as judiciary space increased, the estimated construction costs for other areas of the building (i.e., nonjudiciary spaces) increased, by about 2 to 11 percent for the eight selected courthouse projects (see table 11).

Appendix II: Results of Modeling of Selected Courthouses

The percentage increases are generally larger for smaller courthouses, in part because small buildings typically require proportionately more public space, as there is a minimum threshold of public space required in a building.¹⁷ Once this threshold is passed, a project can benefit from economies of scale, needing relatively less public space in proportion to tenant space.

Table 11: Increases in Estimated Construction Costs for Building Materials in Nonjudiciary Spaces in Selected Courthouse Projects Resulting from Changes in the 2021 U.S. Courts Design Guide

Courthouse location	Estimated construction cost (as modeled using sources noted below)		Percentage increase
	2021 Design Guide 2019 Benchmark	2021 Design Guide 2022 Benchmark	
Anniston, AL	\$71,011,150	\$75,176,133	5.9%
Charlotte, NC	288,911,683	310,323,494	7.4
Greenville, SC	215,095,861	220,000,222	2.3
Harrisburg, PA	210,023,729	215,285,554	2.5
Huntsville, AL	134,612,834	148,291,019	10.2
San Antonio, TX	253,700,230	270,893,176	6.8
Washington, D.C.	481,765,574	488,799,067	1.5
Future courthouse	92,374,232	102,895,270	11.4

Source: GAO summary of General Services Administration (GSA) Cost Benchmark Tool data. | GAO-25-106724

Notes: The modeling of the likely budget effects on projects' estimated construction costs are not comparable to original GSA 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. For example, for all projects, modeling assumed design would take 2 years (from 2024 to 2026), and construction would take 3 years (from 2026 to 2029). GSA costs for site acquisition, design, management, and inspection are not included.

To ensure comparable results and isolate cost increases related to changes in the 2021 Design Guide, GSA escalated costs for both fiscal year 2019 and 2022 data to the current fiscal year (2024), such that escalation was held constant for a direct comparison of unit cost between the old and new Design Guides. This approach effectively eliminates inflationary effects of material and labor cost increases as possible explanations for differences between model outputs using fiscal year 2019 and 2022 Cost Benchmark Tools.

Projects have unique locality cost adjustment factors, such as for local cost escalation based on regional market conditions. We have rounded GSA's estimated percentage increases.

GSA estimated building material costs on a per-quantity basis (i.e., unit costs) and included factors such as the square footage of the foundation, floors, building systems, and roof. In courthouses, building material costs

¹⁷Smaller courthouses included Anniston, AL; Huntsville, AL; and the planned future courthouse.

are driven by the planned size of judiciary spaces, which dictate the size of each floor within a multistory building. Therefore, as the need for judiciary space increases, so does the overall building size and quantity of building materials required. For example, a larger building typically requires more structural steel, a higher capacity for the building's electrical system, and increased fire sprinkler coverage. The increased costs identified in the modeling of building material quantity are primarily attributable to changes in the 2021 Design Guide that increased the amount of circulation within judiciary space.¹⁸ The increased costs are also attributable to more secure hallways and spaces for the U.S. Marshals Service to facilitate the movement of prisoners from detention areas to the courtrooms.

To estimate the increased costs for building materials, GSA used the fiscal year 2019 and 2022 GSA Cost Benchmark Tool to develop theoretical construction costs of a courthouse based on the AnyCourt space program that the judiciary developed according to the 2021 Design Guide, as well as on other associated tenant and building common spaces.¹⁹ By using both fiscal year 2019 and 2022 benchmark cost values in this analysis, while applying only the AnyCourt space program based on the 2021 Design Guide, GSA effectively excluded the judiciary space cost increases in the 2021 Design Guide (e.g., the added restricted circulation space for court personnel to move between courtrooms, jury spaces, and court offices).

In commenting on the completed modeling analysis that we requested, GSA officials told us the exercise revealed several ways to improve the budget-estimating process for future courthouse projects. In general, according to GSA officials, the modeling analyses revealed that budget effects for new courthouses are influenced not only by the judiciary's space requirement updates but also by the size of the courthouse. As a result, GSA officials plan to update their approach to preparing budget estimates for future small, medium, and large courthouse projects.

¹⁸While the amount of circulation space increased within judiciary spaces, individual space standards for defined spaces, such as courtrooms or offices, generally did not change.

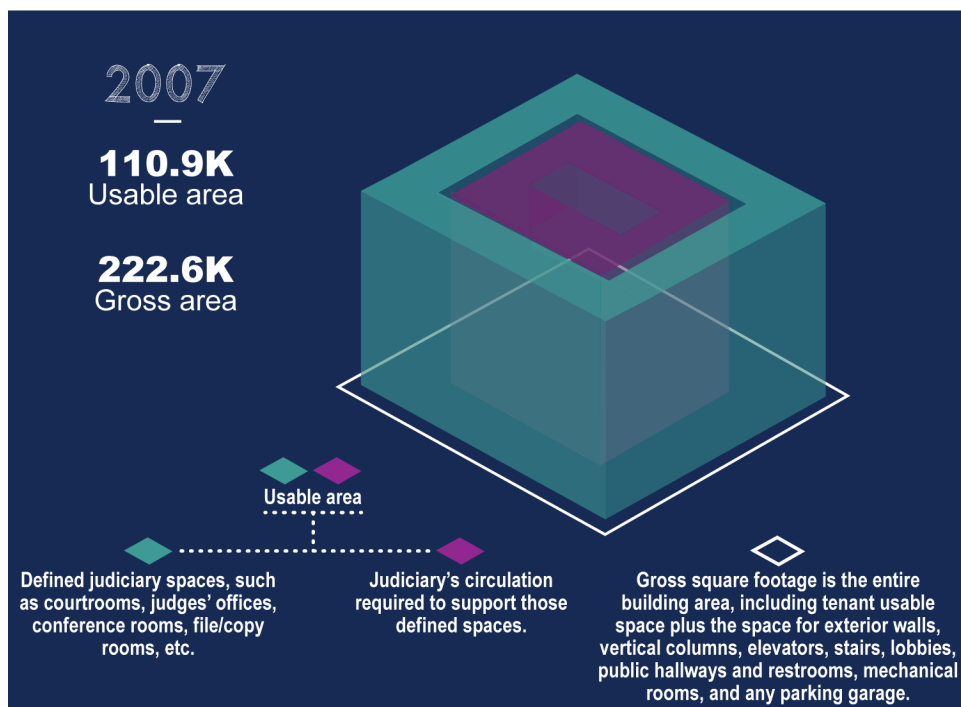
¹⁹GSA reported that the cost data in the fiscal year 2019 and fiscal year 2022 Cost Benchmark Tool for the quality of finishes in courtrooms and chambers were the same. In the fiscal year 2022 Cost Benchmark Tool, GSA made minor updates related to finishes for office spaces and included additional data for new spaces, such as additional private bathrooms for judiciary personnel. GSA reported that the U.S. Marshals Service's reduction in office space requirements required GSA to increase its planning budget cost assumption about the ratio of secure space construction, as compared with typical office-type construction, from 45 percent to 50 percent.

Appendix II: Results of Modeling of Selected Courthouses

Further, as new courthouses of different sizes are completed using the new 2021 Design Guide, GSA plans to update the Cost Benchmark Tool, as it routinely does, using actual cost data for the courthouses of various sizes. GSA said this approach will further improve the accuracy of future courthouse budgets.

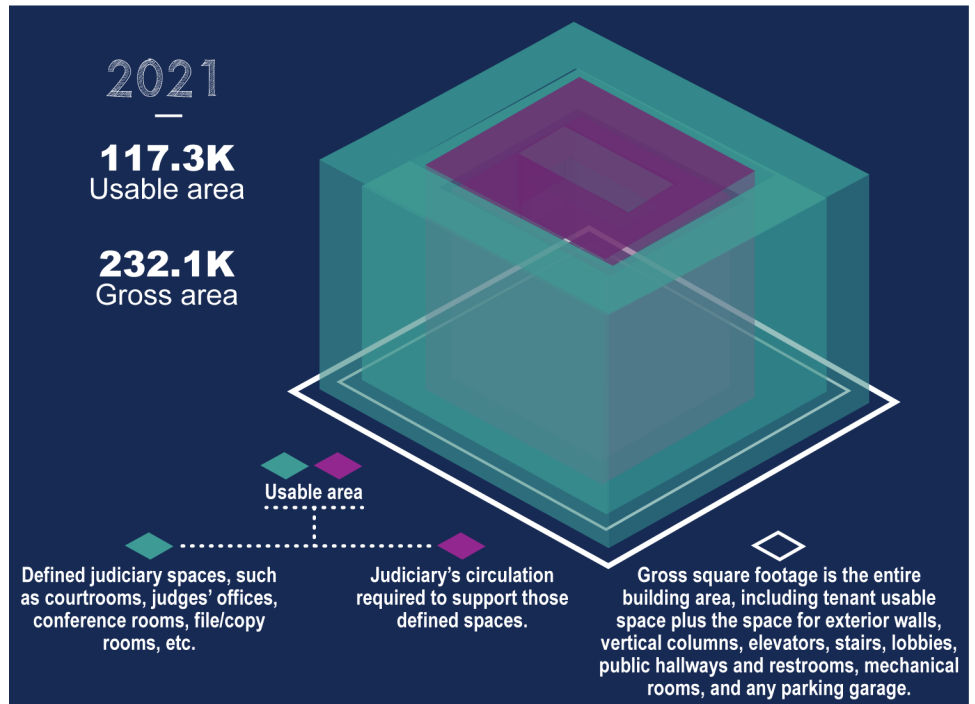
Appendix III: Printable Versions of Interactive Figure 5

Figure 6: Printable Version of Interactive Figure 5 – 2007 Design Guide



Sources: GAO (illustration and analysis); U.S. Courts Design Guide. | GAO-25-106724

Figure 7: Printable Version of Interactive Figure 5 – 2021 Design Guide



Sources: GAO (illustration and analysis); U.S. Courts Design Guide. | GAO-25-106724

Appendix IV: Comments from the Judiciary



ADMINISTRATIVE OFFICE OF THE
UNITED STATES COURTS

HONORABLE ROBERT J. CONRAD, JR.
Director

WASHINGTON, D.C. 20544

September 13, 2024

Mr. David Marroni
Director, Physical Infrastructure
U.S. Government Accountability Office
441 G. Street, N.W.
Washington, DC 20548

Dear Mr. Marroni:

The Administrative Office of the U.S. Courts (AO) has received and reviewed the Government Accountability Office's (GAO) draft report *Federal Courthouse Construction: New Design Standards Will Result in Significant Size and Cost Increases* (GAO-24-106724) and appreciates its recommendations. The AO will evaluate the findings in greater detail and will work with the Judicial Conference of the United States (Judicial Conference) and its Committee on Space and Facilities to ensure full consideration of the recommendations. The AO also will confer with Executive Branch agency stakeholders, including the General Services Administration (GSA), the U.S. Marshals Service (USMS), and the Federal Protective Service (FPS), as appropriate, during this process.

Set forth below is the Judiciary's response to the report and its initial responses to the three recommendations.

Development of the 2021 U.S. Courts Design Guide

Federal courthouses play a pivotal role in the Judiciary as the physical structures where federal judges preside over hearings and trials; where litigants appear in courtrooms to present their cases to judges and juries; and where the public can observe the administration of justice. Many courthouses are historic buildings and are intended to inspire in the public a respect for the tradition and purpose of the American judicial process. Courthouse design must balance the need for secure and restricted spaces with public access and must address the courts' present needs while accounting for projected growth. Recognizing the importance of courthouses to the functioning of the Judiciary, and to ensure that the funding Congress appropriates for these projects is used prudently, the Judiciary dedicates substantial time and resources to managing its courthouse

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construction program and developing, updating, and applying the *U.S. Courts Design Guide*.

The development of the 2021 *Design Guide* reflects the careful and deliberate approach the Judiciary undertakes to establish requirements for the design, construction, and renovation of court facilities.

The effort to develop the 2021 *Design Guide* was an intensive, multi-year process that encapsulated a broad range of technical and practical expertise. Upon the recommendation of its Space and Facilities Committee in 2017, the Judicial Conference approved the undertaking of a comprehensive review and revision of the 2007 *Design Guide*. To carry out this effort, the AO established a working group comprised of 16 members, including judges and various court unit representatives from across the country, who were selected based on their experience with the design and construction of new courthouses and other tenant alteration or space reduction projects.

The working group developed a comprehensive strategy for revising the *Design Guide* that involved soliciting feedback from colleagues and stakeholders within the Judiciary, including courts that had recently completed or begun a new courthouse construction project, as well as external partners such as GSA and the USMS. Throughout this process, the working group addressed numerous complex technical issues and discussed various substantive policy issues that arose during review.

The working group's recommendations on the policy issues were carefully considered by the Space and Facilities Committee and the Committee's decisions on those issues were reported to the Judicial Conference and incorporated into the draft 2021 *Design Guide*. At its March 2021 session, the Judicial Conference considered and approved the 2021 *Design Guide* for publication.¹

Identifying and Managing Design Guide Exceptions

In its report, GAO concludes that the 2021 *Design Guide* does not clearly communicate some key information, including the criteria for determining which project variations require more stringent review and notification of Congress. GAO reports that GSA officials have difficulty finding information in the 2021 *Design Guide* about which

¹ GAO notes that most of the 15 federal courthouse projects funded from fiscal years 2016 – 2024 are located in the South and Southeast regions of the country and indicates that these locations were selected because of insufficient spaces to meet operational needs. In fact, these locations were selected for new courthouses because the Judiciary's Asset Management Planning Program, a rigorous planning and assessment tool, showed that these locations had the most pressing space needs over the planning time horizon. This process is overseen by the Judicial Conference and its Committee on Space and Facilities to ensure that the project selection process is impartial.

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changes constitute exceptions and that this indicates a lack of clear guidance in the *Design Guide*. As GAO notes, the Judiciary previously maintained an *Exceptions Appendix* in the *Design Guide*, which listed specific exceptions to the standards and planning assumptions that was agreed to by both the Judiciary and GSA.

During its comprehensive review of the *Design Guide*, the Judiciary determined that, rather than elucidating what qualifies as an exception, the *Exceptions Appendix* actually created confusion about which requests would qualify as an exception and the level of approval that was necessary. Therefore, in 2017, the Judicial Conference approved eliminating the *Exceptions Appendix* and reported that with this elimination, any item not identified in the program of requirements in the *Design Guide* would, by default, be an exception and require a certain level of approval depending on the nature of the exception. Consistent with this approach, Chapter 1 of the 2021 *Design Guide* includes a detailed section on exceptions and explains that “[a]ny significant departure from these standards is considered an exception and must be approved by the respective authority as outlined below.”² The section then explains the role and authority of circuit judicial councils, the Space and Facilities Committee, and the Judicial Conference with respect to approving certain types of exceptions.

From the Judiciary’s perspective, this approach to identifying exceptions has proved workable and until GAO provided its report, the Judiciary was unaware of the challenges GSA encountered in determining whether a change qualifies as an exception and the relevant level of review and approval. Historically, the Judiciary and GSA cooperatively resolved any questions about an exception, the level of approval required, or whether the National Courthouse Change Management Board (NCCMB) needed to review the change. The process for identifying exceptions and resolving issues has not changed. Nevertheless, as noted below in response to Recommendation 1, based on the feedback GAO has provided in its report, the Judiciary will evaluate options to clarify the definition of an exception and will consider whether specific examples should be provided.

As GAO notes, the Judiciary approved 214 variations, or changes, from the 2007 *Design Guide* standards in connection with the seven projects that GAO reviewed. Of the 214 variations:

- 151 variations (71 percent) were minor or routine (e.g., material finishes, location of outlets);
- 56 variations (26 percent) were non-routine with potential to increase the size or cost of a project; and

² The 2021 *Design Guide* does not substantively change what constitutes an exception or the process by which it is reviewed by project stakeholders and approved by the Judicial Conference.

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- 7 variations (3 percent) were exceptions³ to the 2007 *Design Guide* requiring approval by the Judicial Conference and notification to Congress by GSA.

The 214 variations across 7 projects results in an average of 30 variations per project. In the context of complex and large-scale construction projects where each costs hundreds of millions of dollars, this is a relatively minor number. In addition, some design flexibility is required for projects of this magnitude to allow facilities to meet the functional needs of the court in an efficient and cost-effective manner. In recognition of this need, the preface to the 2021 *Design Guide* states:

“Since every district has its own set of unique opportunities and challenges, this *Design Guide* update emphasizes the need for flexibility in the design and construction process. Project stakeholders are encouraged to collaborate and think creatively about their spatial needs to uphold the integrity and accomplish the mission of the federal court system.”

The Judiciary maintains that the process of reviewing and approving the variations was efficient and accomplished its purpose of providing oversight and vetting of deviations from the 2007 *Design Guide*. The 2021 update will not change this process.

Notably, all 214 changes were subject to review by the Judiciary and GSA (and the Judicial Conference with respect to the seven exceptions). All responsibly bid construction projects include a contingency fund to cover unexpected costs; the size of the contingency can vary by project. As GAO noted, the combined cost of routine and non-routine variations in the seven projects analyzed totaled approximately \$39 million. This represents 5.3 percent of the total cost of these projects – a percentage well below the amount often spent to manage project changes. Moreover, the ability to fund these changes was explicitly stated in all GSA courthouse project prospectuses submitted to Congress. (See, e.g., [Cong. Rec., Vol. 162, No. 85, p. H3323 \(House – May 25, 2016\)](#) (Prospectus for Greenville courthouse); [Cong. Rec., Vol. 162, No. 85, p. H331 \(House – May 27, 2016\)](#) (Prospectus for Charlotte courthouse) (both stating “tenant agencies may fund additional amount for alterations above the standard normally provided by GSA.”)).

Additionally, the AO disagrees with the statement in the report that project stakeholders were advised not to pursue exceptions due to the time and effort required for review. The AO explained that the process for review of exceptions as detailed in the *Design Guide* could result in additional costs and time. Further, approved exceptions would be identified in GSA’s prospectus documents submitted to Congress. This

³ Two of the seven projects GAO analyzed did not have any exceptions.

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information was provided to ensure courts understood the required level of review so that courts could make informed decisions about whether to pursue any exceptions to the *Design Guide*.

Stakeholder Collaboration During the Development of the 2021 Design Guide

As detailed above, the Judiciary sought input from GSA and USMS during the *Design Guide* review process and communicated with relevant congressional committees when making changes to the *Design Guide*.⁴ In its report, however, GAO concludes that the Judiciary did not fully collaborate with partner agencies—specifically, GSA and FPS—when updating the 2021 *Design Guide* and, as a result, missed opportunities to obtain quality information on issues related to the costs and security of courthouses. The Judiciary disagrees with this characterization. During the revision process, the Judiciary sought broad input from GSA in April 2018, and again in November 2019, in response to a draft of the updated *Design Guide*. GSA provided 560 comments in response—all of which the Judiciary reviewed and addressed, including comments about *Design Guide* exceptions and circulation requirements.

The Judiciary maintains that good faith efforts were made to solicit, consider, and incorporate (as appropriate) comments from GSA. However, the Judiciary concedes that more could have been done to improve follow-up communications, including documentation of informal staff-to-staff communications and the manner in which comments were addressed. As GAO describes in its report, the informal exchanges between the Judiciary and GSA led to the Judiciary revising language in the 2021 *Design Guide* to indicate that the circulation requirements applied only to judge space accessible from restricted or secured corridors. GAO also notes that the Judiciary solicited comments from the USMS and that it collaboratively worked with USMS to address those comments. Again, although the Judiciary took an informal, staff-to-staff approach when communicating with USMS about the revisions, it was effective for purposes of the *Design Guide* review.

GAO also states that the Judiciary should have solicited input from the FPS during the review process. As GAO notes, however, FPS acknowledged that the *Design Guide* does not involve FPS and it did not have concerns with the 2007 *Design Guide* or subsequent revisions. Nevertheless, the Judiciary will confer with FPS on the extent to which it will be involved in future *Design Guide* revisions.

⁴ In its report, GAO summarizes the role that federal agencies play in the planning, design, and construction of courthouses and how agency design standards contribute to the cost of these construction projects. The report, however, does not detail the role that GSA's Design Excellence Program plays in driving the cost of new projects. While the *Design Guide* speaks to the sizes of court spaces and the recommended finishes, the resulting costs should also be viewed through the GSA Program's objective to create "high-quality, sustainable facilities."

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The Impact of the 2021 Design Guide Revisions on Courthouse Size and Cost

In its report, GAO states that the Judiciary did not fully address GSA’s concerns about courthouse size and cost increases nor the information the Judiciary relied upon when deciding to increase the circulation requirements. GAO concludes that the increase in circulation requirements affects construction costs for future courthouses and increases the rent and operations and maintenance costs the Judiciary and other tenant agencies must pay.

The Judiciary updated the *Design Guide* to address concerns regarding the need for additional space that accommodates different types of circulation required in new courthouses. In planning for new courthouse construction, circulation factors were replaced by circulation multipliers⁵ to align space measurement methods with GSA and industry standards. These multipliers were increased to make spaces more functional and to reflect the unique needs of courthouse space. In reaching this decision, the Judiciary carefully considered GSA’s comments as well as recommendations from subject matter experts on this issue.

The Judiciary disagrees with GAO’s assertion that the Judiciary did not fully address GSA’s concerns about the increase in circulation requirements and that the Judiciary failed to consider quality information or relevant data from reliable sources. While GSA may disagree with the information that Judiciary experts cited in support of its recommendation to increase circulation multipliers, the Judiciary considered feedback from all stakeholders (e.g. GSA, USMS, and local court representatives) during its comprehensive review.

GAO also concludes that the Judiciary did not properly consider how the circulation requirements incorporated into the 2021 *Design Guide* will impact the cost and size of future courthouse projects. The Judiciary disagrees with this assertion. Applying the circulation requirements in the 2021 *Design Guide* to the seven selected courthouse projects, GAO estimates that the changes to the circulation requirements will:

- add 8 percent to the Judiciary space needs in future projects;
- increase the overall size of future courthouse projects by approximately 6 percent; and
- increase the estimated construction costs by approximately 12 percent – of which GAO characterizes as “significant.”

⁵ Circulation multipliers are values that are applied (i.e., multiplied) to the net square footage to determine the square footage needed to move within and between spaces.

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As GAO notes in its report, the Judiciary considered how changes to the circulation factors would impact space and project costs and weighed these against the benefits of “right-sizing” federal courthouses. 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.

Initial Responses to GAO’s Recommendations

Based on its findings and conclusions, GAO sets forth three recommendations in its report. The Judiciary will review and evaluate GAO’s recommendations in detail and will report on follow-up actions, as required by statute. At this stage, the Judiciary offers the following initial responses.

Recommendation 1: *The Director of the AO should clearly define or provide specific examples of variations from the Design Guide that constitute an exception subject to additional oversight.*

The Judicial Conference’s Space and Facilities Committee will consider options to clarify how the *Design Guide* defines an exception, including whether specific examples should be provided and whether the *Exceptions Appendix*, which the Judicial Conference approved eliminating from the *Design Guide* in March 2017, should be revived.

Recommendation 2: *The Director of the AO should 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.*

The Judiciary will evaluate how to improve its two-way communication with stakeholders to ensure that input from all necessary stakeholders is solicited, documented, and properly considered, including establishing a system for notifying stakeholders of actions taken in response to input received. The Judiciary will also evaluate how to appropriately archive these communications for future reference.

Recommendation 3: *The Director of the AO, in collaboration with GSA, should reassess the need for increased circulation requirements in the 2021 Design Guide using relevant information. Such an assessment should consider space and cost modeling of recently constructed courthouses discussed in [the] report, the perspectives of project stakeholders and building occupants in these courthouses, and 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.*

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The Judiciary will reevaluate the need for the circulation multipliers incorporated into the 2021 *Design Guide*, including potential impacts on safety and security concerns as well as future courthouse cost and size. The Judiciary will confer with GSA and other stakeholders and building occupants, as appropriate, during this process and will report back to GAO on its findings.

Conclusion

Throughout the review and revision of its *Design Guide*, the Judiciary strove to carefully evaluate the need for and impact of potential revisions; solicit and review both expert and stakeholder input; and draft an updated *Design Guide* that meets the users' needs from both a technical and practical standpoint. As with any project of this scale, competing interests must be weighed and difficult decisions must be made that will not always reflect every stakeholder's position or perspective. Fundamentally, the *Design Guide* is a Judiciary document reflecting an assessment of space requirements for courthouses and court-occupied facilities and the Judiciary must be afforded sufficient deference to determine its own standards and guidelines for its courthouse facilities. The Judiciary is confident that the 2021 *Design Guide* sets forth modern and cost-effective design requirements for federal courthouses that meet the Judiciary's unique needs. The Judiciary appreciates the recommendations GAO has provided and will consider them as it continues to refine the *Design Guide*.

Sincerely,



Robert J. Conrad, Jr.
Director

Appendix V: Comments from the General Services Administration

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The Administrator

September 4, 2024

The Honorable Gene L. Dodaro
Comptroller General of the
United States
U.S. Government Accountability Office
Washington, DC 20548

Dear Comptroller General Dodaro:

The U.S. General Services Administration (GSA) appreciates the opportunity to review and comment on the U.S. Government Accountability Office's (GAO) draft report, *Federal Courthouse Construction: New Design Standards Will Result in Significant Size and Cost Increases* (GAO-24-106724).

GAO made three recommendations to the Administrative Office of the U.S. Courts (AOUSC); one of which is in collaboration with GSA:

The Director of the AOUSC, in collaboration with GSA, should reassess the need for increased circulation requirements in the 2021 Design Guide using relevant information. Such an assessment should consider space and cost modeling of recently constructed courthouses discussed in this report, the perspectives of project stakeholders and building occupants in these courthouses, and cost implications for future rent obligations paid to GSA, and operations and maintenance costs of judiciary space and overall building space in future courthouses. (Recommendation 3)

Since 2007, GSA has successfully designed and constructed 14 new courthouses that have met the needs of the Judiciary. GSA looks forward to continued collaboration with the Judiciary to deliver the courthouse program.

If you have any questions or concerns, please contact me or Kusai Merchant, Acting Associate Administrator, Office of Congressional and Intergovernmental Affairs, at (202) 501-0563.

Sincerely,

A handwritten signature in blue ink that reads "Robin Carnahan".

Robin Carnahan
Administrator

cc: Mr. David Marroni, Director, Physical Infrastructure Issues, GAO

U.S. General Services Administration
1800 F Street NW
Washington DC 20405-0002
www.gsa.gov

Appendix VI: GAO Contacts and Staff Acknowledgments

GAO Contacts

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Brian Bothwell, (202) 512-6888 or bothwellb@gao.gov

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In addition to the contacts named above, the following individuals made key contributions to this report: Matt Cook (Assistant Director), Mike Armes (Assistant Director), Maria Mercado (Analyst in Charge), John Bauckman, Jenny Chanley, Melanie Diemel, Adrienne Fernandes Alcantara, Geoffrey Hamilton, Terence Lam, Susan Murphy, Kathleen Padulchick, Tiffany Shao, John Stambaugh, Sarah Veale, Laurel Voloder, and Alicia Wilson.

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