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GSA AND FEDERAL COURTHOUSES: MANAGEMENT, RENOVATION AND CONSTRUCTION ISSUES

FIELD HEARING

BEFORE THE

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS UNITED STATES SENATE

ONE HUNDRED TWELFTH CONGRESS

FIRST SESSION

APRIL 28, 2011

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FIRST SESSION

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GSA AND FEDERAL COURTHOUSES: MANAGEMENT, RENOVATION AND CONSTRUCTION ISSUES

THURSDAY, APRIL 28, 2011

U.S. SENATE,
COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS,
Baltimore, MD.

The committee met, pursuant to notice, at 2:01 p.m. in Courtroom 1–A, Edward A. Garmatz U.S. Courthouse, Baltimore, MD, Hon. Benjamin L. Cardin, presiding.

Present: Senator Cardin.

OPENING STATEMENT OF HON. BENJAMIN L. CARDIN, U.S. SENATOR FROM THE STATE OF MARYLAND

Senator CARDIN. Good afternoon, everyone, and welcome to the Federal courthouse here in Baltimore. This will be the opening of the Environment and Public Works Committee hearing and I want to thank Senator Boxer and Senator Inhofe, the chairperson and ranking member of the Environment and Public Works Committee, for allowing me to conduct this field hearing for the Environment and Public Works Committee dealing with our construction, renovation, and maintenance of our Federal courthouses.

I want to acknowledge the staff from the Environment and Public Works Committee that are here, Alyson Cooke, Kathy Dedrick, William Henneberg, and Steve Chapman, representing the Environment and Public Works Committee, and Josh Klein of my staff, who is present. Today's hearing will be used by the Environment and Public Works Committee in our responsibility to oversight Federal courthouse construction, renovation, and maintenance.

I want to thank our witnesses for being here, from the Federal agencies as well as those from Baltimore, including our Mayor, Stephanie Rawlings-Blake. It's a pleasure to have Your Honor here, and thank you for your participation today.

In a May 2010 GAO report, the Government Accounting Office noted that in the 33 new courthouses that were constructed at the Federal level since 2000, 3.56 million square feet of unauthorized extra space was actually put in service. These facilities were both—the report was both critical of the General Services Administration as well as the Administrative Office of the U.S. Courts in the manner in which this additional space was put into service.

It was based, according to the GAO report, on faulty assumptions. The assumptions were, quite frankly, that all of the vacancies in the Federal judiciary would be filled and the space would

be needed. Now, I can tell you, serving in the U.S. Senate, that's not necessarily realistic assumptions, knowing that there are intentionally times where court positions are held unfilled.

The cost of this unauthorized extra space amounted to $135 million of knowledge increase and construction cost and $51 million to operate and to maintain.

So, starting in 2004, the Administrative Office of the Courts initiated some reforms in order to try to deal with some of these cost issues. At that time, they put the priority on the space needs more so than on the security or condition of the building. I'm going to come back to that point, because the two points I want to make from the beginning on dealing with the 2004—dealing with the May 2010 GAO report is: first, that it was expensive. Taxpayers money was spent that could have been spent in a more cost—efficient way. Second, it added to I think the wrong conclusion, the wrong conclusion being that we should put space needs ahead of adequate needs for our Federal bench. We're going to need to have to deal with that.

I want to thank all of those who are at the Edward M. Garmatz Federal Building and Courthouse for allowing us to use this site for this field hearing. I particularly want to acknowledge Felicia Cannon, who's worked very closely with us in regards to the use of this courthouse.

This courthouse was constructed in 1976 and it has the dubious distinction of being the cheapest square foot facility constructed of its type. I say that without much pride because as you travel through this building you'll see the deficiencies in this building. From day one there have been legitimate criticisms as to the adequacy of the Federal courthouse here in Baltimore.

It has a poor relationship to the city itself. By that I mean is that when you design a building that's in an urban center it should be part of the city. Instead, this building was designed sort of as an island to itself and not incorporated well into the plans of Baltimore city.

Second, from day one there was poor acoustics, poor lighting, awkward courthouse layouts, electrical system failures; the location of the holding cells is not where it should be; the location of the galleries is not where it should be. It's an environmental nightmare when you take a look at its energy consumptions. Since 1998 there have been 11 published reports of problems dealing with the HVAC, plumbing, and the electrical system.

The safety of the building's design has also been called into question. It's similar to the Federal building that was constructed in Oklahoma City that was the subject of so much devastation as a result of an explosion. There is concern about blast concerns, if you get a blast, whether this building could in fact deal with those type of issues.

The GSA report in 2003—and I'm going to quote from it—said that: "Our first impression report that describes the appearance of the Baltimore Federal courthouse as 'anonymous and unrelenting,' with no identification of interior functions, not benefiting"—"befitting the dignity of a courthouse"—all helped to elevate the Baltimore courthouse to the No. 1 spot on the Administrative Office of the Courts 5-year courthouse plan for replacement.

That 5-year plan, which was done in the early, around 2006, listed Baltimore for construction by 2008. The reason Baltimore was listed No. 1 is for these reasons. There were security issues as to whether the building was designed in a way that would provide the safety, not just of the judges and the staff, but the public who visit and use the Federal courthouse. There was also a concern as to whether the rooms were organized in an efficient way for the purposes of a Federal courthouse.

But once Baltimore reached the top of the list, the rules changed. First, there was not enough money to start knowledge, so there was nothing being built during those years and there was a moratorium on new construction. So Baltimore stayed No. 1 for a few years, but there was no activity at all done.

Then the criteria used for what courthouses should be built was changed. As I noted earlier, there was a change in focus from dealing with having adequate space from the point of view of safety and design to whether there was sufficient space in square footage. When that was done, the Baltimore courthouse lost its preferred position and went from No. 1 to not being on the list at all for new construction.

But Baltimore was in the worst possible position. During those years where it was felt that we were going to get a new courthouse here in Baltimore, the maintenance work was not done, the improvements were not done. Why put money into a building that was going to be replaced? So the conditions that existed here became even worse and no money was spent to really keep the building up to where it should have been.

So Baltimore lost its position to get a new courthouse and Baltimore's courthouse became even in worse condition. It was clear that Baltimore—it's clear to me that Baltimore deserves a courthouse befitting the dignity of the Federal judiciary.

Now, we have—I don't know if Josh has been showing you the pictures behind me. Maybe it would be a good time to show some of these, some of these photographs, that will show you the condition of some of the courtrooms here in the Baltimore courthouse. For those who are familiar with Federal courthouses, these are not the type of rooms that I think most Federal judges would consider to be adequate.

We've also had significant water damage because of problems with pipe leakage here, that has caused some of the rooms not to be able to be used. The most recent was just a few months ago, which caused a major problem. It's my understanding now that there's a requirement to check all the lavatories before you leave to make sure they're set on the right setting or another flood in fact could occur.

So there's a problem here. There's courtrooms that can't be used because of their design failure. There is heating and air conditioning issues. There is flooding issues, and there is just the concern of safety in the way that this building was designed and the need to either upgrade it through blast protection improvements, which would be very expensive, or to consider a new courthouse.

Now, I think that safety issues should come first, not last. I think dignified space should be a requirement for a Federal bench.

I believe we need a new courthouse here in Baltimore and I have strongly stated that in every forum that I can.

But we cannot continue to allow this courthouse to remain in its current condition. That needs to be addressed. I hope our witnesses will be able to help us understand how we got to where we are today here in Baltimore and, more importantly, around the Nation and what we can do to make sure that the public has adequate courthouse space in order for the Federal judiciary to be able to perform its critical function for our government.

One last point I want to point out as far as the courthouse is concerned. The Environment and Public Works Committee is also concerned, obviously, about our environment, about our energy policies. President Obama said in an executive order dated October 5, 2009, that "To create a clean energy economy that will increase our Nation's prosperity, promote energy system, protect the interests of taxpayers, and safeguard the health of our environment, the Federal Government must lead by example." I'd be curious to get GSA's approach as to how this courthouse is leading by example, when we know the condition of its heating system. It's certainly not the type of energy efficiency that we would expect from a premier building dealing with our Federal courts.

So for all these reasons, we look forward to the testimony of our witnesses. I really do want to thank our first panel for being here that represent the General Services Administration and the Federal bench. I want to thank both of you for your service to our country. I know both of you devote a lot of time to these issues, and sometimes it's difficult with the resources that are made available and the political needs around the Nation. So we very much appreciate you being here today.

So our first panel consists of Hon. Susan Brita, is the Deputy Administrator of the U.S. General Services Administration (GSA). President Barack Obama named her Deputy Administrator of the U.S. GSA on February 2, 2010. As Deputy Administrator, Ms. Brita works closely with the members of the GSA leadership team to provide guidance to GSA employees, devise policy, and promote services to other Federal agencies, enabling them to best achieve their mission of service to the American people.

A particular pleasure to have Hon. Michael Ponsor here, District Judge of the Massachusetts District of the United States, a judge appointed by President Bill Clinton in November 1993 and confirmed by the Senate in February 1994. From 1984 to 1994 he served as U.S. magistrate for the U.S. District of Massachusetts, and he's Chairman of the Judicial Conference of the United States Committee on Space and Facilities, which I take it makes you one of the least popular Federal judges in our system.

[Laughter.]

Senator CARDIN. We'll start with Ms. Brita.

STATEMENT OF SUSAN BRITA, DEPUTY ADMINISTRATOR, U.S. GENERAL SERVICES ADMINISTRATION

Ms. BRITA. Good afternoon, Senator Cardin, and thank you very much for inviting me to participate in today's hearing. I am here to discuss the U.S. General Services Administration's management, renovation, and construction of U.S. courthouses. The Federal

courts play a critical role in the constitutional framework of American democracy. Courthouses are traditional landmarks that date back to the founding of the Nation and GSA is very proud to construct and modernize courthouses worthy of that role. We help the Judiciary carry out its mission by constructing courthouses that are economical, sound, and prestigious.

The Edward A Garmatz Federal Building and United States Courthouse is a long-term core asset in GSA's inventory, but requires reinvestment to ensure continued efficient use and operation. GSA is developing a plan that balances this modernization need with investment needs of other buildings and courthouses in our inventory.

As the Federal Government's landlord, GSA helps Federal agencies achieve their mission by constructing and renovating facilities that help them carry out their missions productively and efficiently. GSA has developed a strong partnership with the Administrative Office of the Courts by assisting them in achieving their mission of ensuring fair and impartial administration of justice by providing welcoming, safe, and functioning courthouses.

GSA delivers high-quality buildings and courthouses that support the courts' unique needs while enhancing the buildings' surroundings. GSA selects construction and modernization projects by considering a variety of critical asset management factors. Particularly in this budget climate, GSA must carefully evaluate and select projects most in need of Federal funds. In selecting courthouse construction projects, GSA works closely with the courts and relies on its 5-year construction plan to prioritize new courthouse projects. This plan considers projected space needs, projected growth in judgeships, and security concerns.

As funding permits, GSA incorporates the courthouse projects on this plan into our capital investment and leasing program for congressional authorization and appropriation. While the courts prioritize new construction projects, GSA determines which courthouses are priorities for repair and alteration, repair and alteration needs, by weighing our portfolio-wide reinvestment needs and existing opportunities.

In selecting modernization projects, we consider a variety of components, including customer needs, building condition, energy efficiency, asset utilization, lease avoidance, and historic significance. If GSA determines a building is in need of a major modernization, the project will be included in a future GSA capital investment and leasing program. Until then, GSA will continue to perform minor repair and alteration projects so that our buildings remain safe and functional.

The Garmatz Courthouse is a long-term core asset of GSA's inventory. In the last 5 years, GSA spent $5 million in building improvements, including repairing the mechanical systems, roof, facade, and interior spaces. Although the building is classified as a performing asset, further capital investment is still needed to ensure its operation and functions—it operates and functions efficiently.

Although the construction of a new Baltimore courthouse is not on the courts' 5-year construction plan, GSA has identified the Garmatz Courthouse as needing modernization due to the building's

current condition and reinvestment needs. The renovation, however, is dependent upon available funding and must be considered against the needs of GSA's other aging facilities.

This concludes my opening statement, Senator Cardin, I am prepared to answer any questions you might have.

[The prepared statement of Ms. Brita follows:]

U.S. General Services Administration

Susan F. Brita
U.S. General Services Administration

Committee on Environment and Public Works
United States Senate
GSA and Federal Courthouses:
Management, Renovation, and Construction Issues
April 28, 2011

Good afternoon Chairman Boxer, Ranking Member Inhofe, and Members of the Committee. My name is Susan Brita, and I am the Deputy Administrator at the U.S. General Services Administration (GSA). I appreciate being invited here today to discuss GSA's capital investment and management of U.S. Courthouses. The Federal courts play a critical role in the constitutional framework of American democracy. Local, state and Federal courthouses are traditional landmarks that date back to the founding of the Nation. GSA is proud to construct and modernize courthouses worthy of that role.

We help the Judiciary carry out its mission by constructing courthouses that allow the Courts to adjudicate cases expediently and impartially on behalf of the American people. GSA constructs courthouses that are economic, sound, and prestigious, worthy of the American people they represent for years to come. As the Government's real property expert, GSA develops asset strategies to manage our building portfolio effectively.

The Edward A. Garmatz Federal Building and U.S. Courthouse in Baltimore, Maryland, is a long-term, core asset, but requires future capital reinvestment and modernization to ensure continued efficient use and operation. GSA is developing a plan that balances this modernization need with the investment needs of other Federal buildings and courthouses across the Federal inventory.

GSA: The Federal Government's Asset Manager

As the steward of more than 1,500 federally owned buildings and the Federal Government's landlord, GSA helps more than 100 Federal agencies achieve their missions by constructing and renovating facilities that help them carry out their missions productively and efficiently.

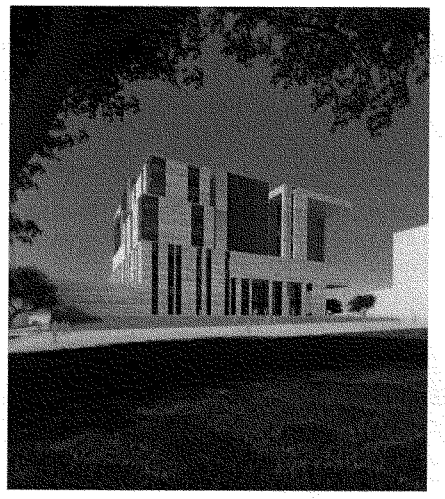
GSA has developed a strong partnership with the Federal Judiciary by assisting them in achieving their mission of ensuring fair and impartial administration of justice by providing welcoming, safe, and functioning courthouses. Since Congress began funding a nationwide courthouse construction program approximately 20 years ago, GSA has delivered high quality buildings and courthouses that support the Courts' unique needs while enhancing the buildings' surroundings. Since the program's inception, GSA has completed construction on 68 new courthouses or annexes. In total, Congress has authorized and appropriated approximately $7.6 billion for this new construction program.

GSA constructs and modernizes facilities for projects authorized and appropriated by Congress. GSA prioritizes these projects by considering a variety of critical asset management factors, such as asset condition, customer need, utilization, and return on

investment. Particularly in this budget climate, GSA must carefully evaluate and select projects most in need of Federal funds.

Constructing New Courthouses

Federal courthouses comprise close to 25% of GSA's federally owned portfolio. In selecting courthouse construction projects, GSA works closely with the Federal Judiciary to develop requirements to meet their needs. Since 1996, the Judiciary has used a 5-year plan to prioritize new courthouse construction projects.



New U.S. Courthouse in Austin, Texas

The Court's 5-year plan considers projected needs for space, projected growth in judgeships, and security concerns. GSA relies on this plan in developing its priorities for portfolio management and incorporates projects into GSA's Capital Investment and Leasing Program for Congressional authorization and appropriation.

GSA continually works to improve the design and construction of our Federal buildings and courthouses. We have taken a strong leadership role to improve the efficiency and sustainability of our inventory, including our courthouses, and recently announced that all of our new construction projects designed after October 2010 will achieve Leadership in Energy and Environmental Design (LEED) Gold ratings.

Improving the design and construction of our Federal buildings and courthouses also requires close coordination with tenant agencies. GSA is committed to working with our customers to reduce their environmental footprint and their energy costs, which require us to, among other things, minimize total square footage and optimize their utilization of space.

Courthouse Repair and Alterations

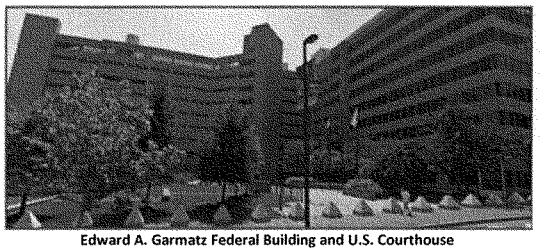
While the Courts prioritize new courthouse construction, GSA determines which courthouses are priorities for repair and alteration needs. GSA weighs the

reinvestment needs and existing opportunities within its portfolio when selecting modernization projects. These criteria consist of many components, including customer need, physical condition of the building, energy efficiency, timing of project schedule and delivery, asset utilization, lease avoidance, historic significance, and the project's return on investment.

If GSA determines a courthouse is in need of a major modernization, and the Courts have not determined it to be a candidate for new construction, it is prioritized within our full inventory, including courthouses, Federal buildings, and Land Ports of Entry. The project will then be considered in a future GSA Capital Investment and Leasing Program. GSA will continue to perform a wide variety of minor repair and alteration projects so that our building inventory remains safe and functional.

Given the recent budget limitations, GSA and the Judiciary have prioritized courthouse projects where existing courtroom space is insufficient to meet the needs of the courts. This fiscal year, GSA received little funding for major repair and alteration projects. Our major and basic repair and alteration program was cut by approximately 60% from the President's FY 11 request. Therefore, GSA must be even more diligent in evaluating and selecting projects for our Capital Investment and Leasing Program. Without additional funding, projects not on this priority list will move to future fiscal years.

Edward A. Garmatz Federal Building and U.S. Courthouse



Edward A. Garmatz Federal Building and U.S. Courthouse

The Edward A. Garmatz Federal Building and U.S. Courthouse in Baltimore, Maryland was completed in 1976 and totals 514,607 gross square feet. The building's primary tenants are the U.S. District Court, the U.S. Bankruptcy Court, and the U.S. Court of Appeals, which together comprise 77% of the rentable square feet. The remaining tenants are the U.S. Attorneys, the U.S. Marshals, the U.S. Trustees, and GSA.

The Garmatz Courthouse is a long-term, core asset in GSA's inventory. This means that it is a building satisfying a long-term Federal need and that it is a facility we intend to retain for 15 years or longer within the inventory. The Garmatz Courthouse is classified as a performing asset. In this case, that means that the courthouse generates more

revenue than operating expenses, but its reinvestment needs are greater than 10 percent of its replacement value. So future capital reinvestment is necessary to ensure it continues to operate and function efficiently. In the last 5 years, GSA has spent nearly $5 million in building improvements, including repairing the mechanical systems, roof, façade, and interior spaces.

According to the Judiciary, the Garmatz Courthouse has sufficient courtroom space and security features, including secure circulation that separates judges and prisoners and a vehicle sally-port. Although GSA recognizes a future need to modernize the Garmatz Courthouse, we are unable to do so until other priorities within our portfolio are addressed and funding is available.

Although the construction of a new Baltimore courthouse is not on the Courts' 5-year construction plan, GSA has identified the Garmatz Courthouse as needing modernization due to the building's current condition and reinvestment needs and future renovation is dependent upon available funding. This future renovation need must be considered against the needs of GSA's other aging facilities.

Conclusion

Thank you for inviting me to appear before you today. I appreciate the opportunity to discuss GSA's management of the Federal courthouse construction and modernization program and I welcome your questions.

Senator CARDIN. Thank you very much.

Judge Ponsor.

STATEMENT OF HON. MICHAEL A. PONSOR, DISTRICT JUDGE, U.S. DISTRICT COURT, DISTRICT OF MASSACHUSETTS, ON BEHALF OF THE JUDICIAL CONFERENCE OF THE UNITED STATES

Judge PONSOR. Yes. I want to again thank you, Senator, for having me here, and I would like to thank Mayor Rawlings-Blake. It's a special treat for me to be back here in Baltimore. My mother grew up in Baltimore and I have a soft place in my heart for Baltimore.

I do come from the District of Massachusetts and I'd like to start with the disclaimer that the things that I said about Baltimore yesterday evening in the bottom half of the eighth inning were entirely off the record and in the privacy of my own home. It was bad enough that you broke our five-game winning streak the day before yesterday, but to stick it to us as badly as you did last night was especially painful.

I have four quick points that I want to make. Point No. 1, Senator, you did make reference to the GAO report, which was very critical of the Judiciary. I just have to note for the record that I did appear twice before House subcommittees to testify about that report and the Judiciary very strongly contests the conclusions that were drawn in the GAO report about the waste of money. I think the report was badly done. I think it was grossly exaggerated and quite unfair to the Judiciary, but I don't want to spend too much time parsing that report, which I have done at length on other occasions. I just want to note we don't accept the GAO's findings on that.

Point No. 2, I have to say a word of thanks to my friend Ms. Brita and to the GSA. They are in many ways a beleaguered administrative agency. They stand at an awkward crossroads between the Legislative, Judicial, and Executive Branches and have a difficult time keeping their balance with the sometimes inconsistent pressures that they face. They also are in a position of having to repeat the miracle of the loaves and fishes day after day as they try to distribute very limited resources among masses of demands, and they do that, it seems to me, sometimes with amazing poise. That's not to say that there aren't frustrations and I haven't had my own times when we've had to work hard to find our balance.

Point No. 3, I think if there is anything that I could do today to clarify the background of this case, it would be to try to throw some light on the apparent heartbreak of being the No. 1 project for court construction and then finding yourself off the list. It is true that in fiscal year 2006, back in what has quickly become the ancient history of our courthouse programs, the Baltimore courthouse was No. 1. But that was our 5-year plan covering a period from 2005 to 2009.

Although Baltimore was the first project for 2006 at that time, there were projects ahead of Baltimore in line at that time in Los Angeles, El Paso, San Diego, Las Cruces, Savannah, San Jose, Buffalo, Fort Pierce, Jackson, Mobile, Norfolk, Salt Lake City, Rock-

ford, Fort Lauderdale, Greensboro, Benton, Cedar Rapids, Nashville, and Sioux Falls. All those projects as of that 5-year plan were in fact in line ahead of the Baltimore courthouse, and that was as far up the line as a practical matter as Baltimore ever got on our 5-year plan.

I should add that, of the courthouses that I've just named, a number of them dropped off the list during our subsequent planning phase. A few of them have been constructed and some of them are still to this very day awaiting funds and have not commenced construction or even broken ground, even though they were ahead of Baltimore at that time in our 2005 to 2009 5-year plan.

So I certainly understand and respect the frustration that people from this district would feel about that, but Baltimore never got, as a matter of fact, quite as close as they might appear to have gotten.

As you know from my written submission, we did entirely overhaul our assessment program for determining when new courthouses should be built, beginning in 2004. There was a 12-year moratorium during which there was no new construction initiative while we took a look at how we were going to sequence the building of our courthouses.

I have to say, when you said I was one of the most unpopular judges, it isn't quite that bad, but it certainly is true. I get phone calls almost every week. I get phone calls from Detroit, I get phone calls from Mobile, I get phone calls from Savannah. I get phone calls from all over the country saying: Judge Ponsor, can't you do something to help us get our courthouse construction program going? And it is heartbreaking sometimes.

The security problems that other courthouses face truly make your blood run cold. I just collected a few examples of other courthouses which are ahead of Baltimore. The Macon courthouse in Georgia, there's no sally port, no secure sally port, as there is here. There is no independent circulation for judges, prisoners, and the public, as there is here. The judges and prisoners have to use a freight elevator together in that courthouse. The magistrate judge's chambers is located outside the courthouse and all the chambers are accessed by public corridors.

The same problems exist in others: Huntsville, AL; Columbus, GA; Detroit, MI. All around the country there is a crying need for upgrades in security and it does put the Judiciary and the GSA in a very awkward position in trying to address these needs.

We have evolved in our planning process and we are confident that we do it better now than we did before in handling these difficult challenges.

That concludes my oral remarks and I'm happy to take questions.

[The prepared statement of Judge Ponsor follows:]

JUDICIAL CONFERENCE OF THE UNITED STATES

STATEMENT OF

MICHAEL A. PONSOR
U.S. DISTRICT JUDGE, DISTRICT OF MASSACHUSETTS
CHAIRMAN, COMMITTEE ON SPACE AND FACILITIES

BEFORE

THE SENATE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

UNITED STATES SENATE

ON

"GSA AND FEDERAL COURTHOUSES: MANAGEMENT, RENOVATION AND CONSTRUCTION ISSUES"

APRIL 28, 2011

(Hearing held at the Edward A. Garmatz U.S. Courthouse, Baltimore, Maryland)

Introduction

Good afternoon, Senator Cardin. I want to thank you for holding this hearing. (*I also appreciate the participation of other members of the Maryland delegation here today.*) I am Michael A. Ponsor, a District Judge of the United States District Court in Massachusetts, and Chair of the Judicial Conference's Committee on Space and Facilities. I appreciate the opportunity to appear before the Committee today to discuss with you how the Judiciary prioritizes its long-range facilities needs, and in particular, the status of the Baltimore courthouse Before addressing these issues, I also want to convey the Judiciary's gratitude for the Committee's work in support of the federal courts and the authorization of new courthouses in the past.

The Courthouse Construction Program

The courthouse construction program was created to ensure that federal courthouses facilitate the effective administration of our judicial system. For the last 20 years, the Judiciary has been working with the General Services Administration (GSA) to replace aging courthouses. Most of these older courthouses lacked sufficient space to house the judges and judicial operations assigned to them, and many needed significant physical upgrades and security improvements.

The courthouses most urgently in need of replacement are listed on the *Five-Year Courthouse Project Plan*, which is a prioritized list of the Judiciary's courthouse construction needs. I have attached to this statement the current *Five-Year Courthouse Project Plan for FYs 2012-2016* that was approved by the Judicial Conference in September 2010. The courthouses on this list are there as a result of the application of the Judiciary's long-range facilities planning

policies. These policies employ objective criteria to determine which courthouses have the most serious space, operational, and security deficiencies. The sites on this list have been waiting for many years for the facilities they need to ensure an adequate, appropriate, safe, and secure courthouse in which to dispense justice.

Reducing Courthouse Construction Costs

The Judiciary has recognized its responsibility to be a good steward of public funds, and began a major cost-containment initiative in 2004, long before the current budget crisis. At the outset, the Judicial Conference placed a two-year moratorium on all new courthouse construction projects, with the exception of four projects that had been declared space emergencies. During the moratorium and shortly thereafter, the *U.S. Courts Design Guide* was revised, and a nationwide annual budget cap was imposed for rent paid to GSA. The Conference also adopted courtroom sharing policies for senior district judges and magistrate judges. Finally, the moratorium presented an opportunity to take a second look at 33 courthouse projects that were proposed on that last plan (FY 2005-2009), but that had not yet begun, because they had not yet received any congressional funding. The Baltimore, Maryland project was one of those unfunded projects subject to this review.

A new long-range planning methodology to conduct this review was developed by the Space and Facilities Committee and adopted by the Judicial Conference in March 2008. This new methodology, called asset management planning (AMP), identifies the most cost-effective strategies for meeting a court's operational needs, including alternatives to building new courthouses. It is a comprehensive approach to facility planning with the objective to help the Judiciary achieve the best value in both the short and long term. The end product, a long-range

plan for each district, identifies housing strategies to meet both current and future operational needs.

The long-range plan is then used to prioritize the locations that have the most urgent space needs. Due to financial constraints, the Judicial Conference has directed that the *quantity* of space needed at a particular location must be the primary consideration in determining urgency, and that the *quality* of the space be a secondary consideration. The assessment of the quantity of space needed includes considering the need for chambers and courtrooms based on courtroom sharing policies. The assessment of the quality of the space includes the condition of the space (plumbing, heating); space adjacencies (how well the space functions); how the space comports with the Judiciary's *U.S. Courts Design Guide*; and security issues in the building.

Baltimore, Maryland Federal Courthouse

The Edward A. Garmatz U.S. Courthouse was constructed in 1976 and reflects the architectural style of the period. The layout, including courtrooms and chambers, adjacencies, and separate circulation patterns generally conforms to current Judicial Conference space standards. There is currently no shortage of chambers and courtrooms, nor is there expected to be within the planning window.

Based on the planning process in place at the time, and before the current AMP methodology was adopted, a proposed new courthouse for Baltimore first appeared on the Judiciary's prioritized Five-Year Courthouse Project Plan for FYs 2000-2004. On that plan it was scheduled for site and design funding (the first phase of a project) in FY 2003. Congress did not appropriate any funding for courthouse projects in FY 2000, however, and in most subsequent years, Congress appropriated far less funding than the amount requested. The result

was that courthouse projects were pushed into future years and a large project backlog was created.

Baltimore's last appearance on a prioritized courthouse plan was immediately before the moratorium – on the *Five-Year Courthouse Project Plan for FYs 2005-2009*. At that time, Baltimore was the first project on the list for a future year – FY 2006. Because of the backlog, however, the list for FY 2005 included 4 judicial space emergency projects, 2 projects scheduled in previous years that had not yet been funded, and 13 projects that would have been ready for contract award. These 19 projects totaled $1.62 billion. Considering the funding levels Congress was approving for courthouses at that time, the courthouses on the FY 2005 list alone constituted at least four years-worth of projects. In reality, therefore, the proposed Baltimore project would not have been considered for funding for several more years. Moreover, Baltimore, together with 32 other projects on the list that had never been funded, was subject to the Judicial Conference's two-year construction moratorium and re-evaluation described above. That re-evaluation, using the current long-range planning methodology, resulted in Baltimore not being included on subsequent five-year plans.

The results of the long-range facilities plan (Plan) dated June 2008 prepared for the District of Maryland show that the space needs of the Baltimore courthouse can be met without building a new courthouse. In terms of security, judges have a separate, restricted elevator and secure parking, the public has separate circulation, and the U.S. Marshals Service has prisoner elevators and a sallyport for prisoner movement. The Plan does, however, recommend a renovation strategy through 2020 for the Baltimore courthouse. It includes GSA's upgrading the electrical system, replacing water line/piping, replacing air handling units and relocating the main

entrance to Pratt Street. Some courtroom renovations are also needed.

Conclusion

Thank you again for the opportunity to discuss these issues with you. The Judiciary and GSA will continue to work collaboratively with each other and with the Congress as we address the facilities needs of the federal courts both nationally and here in Baltimore.

Senator CARDIN. Well, thank both of you for your testimony.

Judge Ponsor, I think you may have made my point. The point that I was trying to make is that we should be paying attention to your existing inventory of space to make sure it's adequate before we're constructing new space. It seems to me that the judicial conference has taken a different view, that is construct new space before making sure that the existing space is adequate.

I do want to point out for the record that Baltimore was ranked No. 1 in 2005 of the planning money which should have been in Fiscal Year 2006 as the No. 1 priority in the Nation for $30 million, and it was then ranked No. 1 for Fiscal Year 2008 for $142 million for construction. I believe that was what the record shows.

Judge PONSOR. Correct.

Senator CARDIN. So that of the entire construction budget for Fiscal Year 2008, Baltimore had the largest single project in dollar amount, as well as being No. 1.

Judge PONSOR. That is correct.

Senator CARDIN. That's also, it looks like, for planning. We were also the largest single project in 2006, fiscal year 2006, at $30 million for strictly the design. Austin, TX, was ranked eighth, but they were more money, but it also included construction.

Then a lot of these projects were taken off the list because of the change in standard to go toward space rather than to the adequacy of the space.

Judge PONSOR. That is correct, although I have to refine that a little bit. The No. 1 problem that we needed to address and that we continue to need to address in what is frankly now a completely stalled construction process—all of our projects for 2011—there is no money in the 2011 budget for new construction, zero. There is no money for new construction. All of our 2011 projects are now 2012 projects, and that is part of a trend that has been continuing to some extent for many years. Many projects are just moving along from one Fiscal Year to the other in exactly the same sequence.

We have to take into consideration situations where there is simply not enough room in the building for the judges to do their work. It's like having an egg carton hat holds 12 eggs and you've suddenly got 15 eggs to put in the carton. There isn't enough room for the judges to actually sit down and hold court. Although there are other factors that are very important, when you've got that kind of a situation that has to be prioritized to some extent.

Now, we never disregard security. We never disregard systems functioning. All those are factors that are considered. I know it's hard to say this, and one of the most difficult things about my position is to say to people, your security is good enough, knowing in the back of my head that any morning when I wake up I could be reading in the newspaper about some terrible tragedy. We lost a court security officer in Las Vegas just in this last year and a very brave deputy marshal was badly wounded. The security problems are very difficult.

But when I have no secure sally port, when I have no independent corridors, when I have judges' chambers that are right off public corridors, when I have no lockups, and buildings where the people are riding elevators with the families and fellow gang mem-

bers of people that they've just sentenced, those are situations that really concern us and are really a problem in many, many courthouses around the country.

So we do consider security. We do consider systems functioning. But a high priority—and I have to be clear about this and I can't back away from it—is the question, is there enough space in the building to hold the people that have to work there.

Senator CARDIN. That's a fair question. But let me tell you the dilemma you're putting me in as a member of the U.S. Senate. Every year the Judicial Conference comes to us with requests for more judges. I am not going to support new judges unless I think there's adequate space for the existing judges. I think that's a fair position for a Senator to take.

So if you can't answer the problems of Baltimore and other cities like Baltimore so that we have adequate space for our judges, then don't expect support from Maryland Senators for additional judgeships in other areas.

Judge PONSOR. I understand that. All I can say, I think, in response is that I recognize the chicken and egg problem we have there. We would love to build you a new courthouse in Baltimore. I love Baltimore. I would love to give you a new courthouse in Baltimore. Give me the money. I feel like, show me the money.

Senator CARDIN. Well, we might be able to do that. I understand the problem. I understand the problem with the Federal budget. Believe me, I do. I serve also on the Senate Finance Committee and the Senate Budget Committee, so I know the problems we're going to be confronting. We have a debt ceiling limit crisis that's looming in the next 2 months. So I understand that.

So we've got to find creative ways. That's why we have a second panel here today, because there are interest groups here in Baltimore that would like to do something about that. So we might be able to find partners. But it will require the Federal Government and the Administrative Office of the Courts perhaps to use some different standards if we're going to be able to find creative ways to move forward.

Judge PONSOR. I would be very happy to enter into any type of conversation along those lines to try to solve that problem, because that's really a problem that we share.

Ms. Brita's written remarks indicated that the GSA is trying to handle their upgrades and building maintenance challenges with a budget that's been cut by 80 percent. I'm sure that—I don't want to speak for the GSA, but they would love to come in here and take this building and just turn it upside down and make it into the sort of facility that the city deserves, that the people that come to the building deserve to work in.

But again, it's a problem of the need is there, but often the cupboard is bare and there are other challenges that we have to balance out in that environment.

Senator CARDIN. Ms. Brita, the reason I started with the GAO report—and I understand you take exception to the GAO report. You wouldn't be the first Federal Agency that took exception to the Government Accounting Office findings. But it says that GSA lacked sufficient oversight and control to ensure that courthouses

were planned and built according to authorized size. That's a pretty strong statement in the report.

We are talking about extremely difficult resources today. If GSA is right—I mean, if GAO is right and there is close to a trillion dollars spent that could have been used—a billion dollars spent that could have been used for other purposes, we could have found some money perhaps for Baltimore and other courthouses to renovate.

During the recovery, when we had a trillion dollars, I think, was made available to our Federal courts, Baltimore didn't get—was it a billion dollars? A billion dollars made available, excuse me; $1.5 billion. $1.5 billion made available for the Federal courts. It's my understanding Baltimore didn't get any of that money.

So we've had some money available, but it hasn't been made available to Baltimore. Can you help me understand this a little bit better?

Ms. BRITA. Let me address the GAO report first, Senator Cardin. We did, the agency, GSA, did take great exception to many of the findings in the report. But we do take very seriously a charge that we did not have proper management or oversight over the program. There have been changes or modifications that we have put into the program to make sure that there is a double level of review now to address what GAO characterized as overbuilding.

On the issue of the recovery money, Senator Cardin, when we got the recovery money—and we fought very hard to get recovery money for the built environment, to make sure that GSA did get some money to address its backlog—we set up a series, along with Congress, of criteria on how to use the money. We worked with the House Transportation Committee and the Senate Environment and Public Works Committee.

The first criteria was to make sure that the money that was spent went toward projects that could be high performance green building projects. The second criteria was to make sure we could get the money obligated and into—as you remember, this was a jobs bill—to get the money obligated into the economy within 2 years. Then the third criteria was to make sure that we weren't entering into any very risky projects.

The Garmatz Building did receive a teeny, tiny bit of money, I think it was a couple of million dollars, to do I think some lighting improvements in the building. But as far as the major criteria was concerned, the building just did not rise, in comparison to the other needs that we had and the amount of money that we had, it didn't make the final cut. We have a list that we can certainly share with your staff if they don't already have it, about the buildings that we did invest money in.

As I say, the major component was making sure they were high performance green building projects, then we could get it done in time, and then that they weren't risky, we weren't entering into something that we couldn't complete or we would end up getting sued over.

So the Garmatz Building relative to other buildings and other needs that we had didn't rise to the occasion.

Senator CARDIN. Well, I will take a look at those figures. What it seems to me again, Baltimore's being penalized. The fact that the building is so energy—inefficient, that it would take a significant

amount of investment and you're not going to get—I mean, it's going to take a lot to put into this building to make it anywhere near where it should be on energy issues, I can see the cost-benefit returns not being as high as other buildings.

But there comes a point where you have to make some decisions, whether you're going to either fix this building or demolish it. It seems to me you then tell me, well, we don't have any money to do it. But we had a pot of money, but you let that train go by, where we could have had some money to deal with the courthouse.

You've got to have a plan for Baltimore here, one way or the other. It seems to me that you can't just keep on saying you don't have resources when we give you significant resources and then none of them are used.

Ms. BRITA. Well, Senator Cardin, we do—we do consider the Garmatz Building as a long-term core asset of the GSA inventory. So we are committed to the building. We have to match that commitment with, as the Judge has said, very limited resources.

We have put money into the building. We do have a plan, if we get resources, to invest in the building, and we match those resources with other competing needs. But we have not—we have not foregone or forgotten the Garmatz Building. As I said, it is a long-term core asset. It's one of the major assets in our inventory and we consider it that. We will invest in the building.

Senator CARDIN. Help me to understand your rating system on the conditions of the building. Do you put any interest in whether the building is structurally sound when you talk about the exterior envelope and structure? When you rate a building as far as its exterior envelope and structure, do you put any weight on the integrity of the building to withstand a blast?

Ms. BRITA. Yes. When we do a building engineering report, we take into account all aspects of the building.

Senator CARDIN. Blast protection is certainly an issue as relates to a Federal courthouse?

Ms. BRITA. Absolutely.

Senator CARDIN. This building is not set back, as you would have a building built today, correct?

Ms. BRITA. Correct. It was built in 1977, before the standards were put in place, before the design excellence program was established. Yes, it was built prior to all of that.

Senator CARDIN. It doesn't have blast windows, as I understand it?

Ms. BRITA. It does not.

Senator CARDIN. So is this building adequate from the point of view of blast protection?

Ms. BRITA. Against new construction, it is not. But for buildings that are existing buildings and built in 1977, it meets the safety standards for that. If we had money, that certainly would be one of the items that would be on our list that we would consider for the building, the progressive collapse.

Senator CARDIN. Let me just point out, the world has changed since 1976.

Ms. BRITA. I know.

Senator CARDIN. The threat issues are a lot different today. Embassies that were safe in 1976 are closed today because they rep-

resent threats. You have a building that is structurally designed in a way that's different than you would a Federal courthouse today because of, as I understand it, the pancaking problem.

Now, you can retrofit the building. All it takes is, what, $20 million, $30 million, $40 million, $50 million? Is that what we're going to do in Baltimore?

Ms. BRITA. If we get resources, certainly the issue of the blast-resistant windows and progressive collapse would be the top of the list, the very top of the list of where we would be looking to modernize the building. But it all depends on the amount of resources that we get. Senator Cardin, our repair and alteration budget this year was cut by 80 percent, and we have no idea of what we're going to get next year.

Senator CARDIN. Well, where I take exception for you, it seems to me what you're saying when you say that the condition of the exterior envelope and structure is good, you're basing it on 1976 construction.

Ms. BRITA. For buildings that were built in 1976, it met the standard for that. If we were doing new construction today, we would do it—you're right, we would do it differently.

Senator CARDIN. Why do you rank the building condition good?

Ms. BRITA. Because, compared to——

Senator CARDIN. What would be poor?

Ms. BRITA. Not this building. I would have to find a building that—I'd have to go into the inventory and find a building that would be rated poor. But we don't rate—the rating is not just contingent on the exterior envelope.

There are many, many, many criteria that we use to put our buildings in the various tiers that we put them in: functionality, return on investment, location, historic significance. There are many, many criteria that we use to put our buildings in category 1, 2, 3, or 4.

Senator CARDIN. The building engineer report determined the building to be in fair condition, based upon the continuing deterioration of the domestic water branch piping system and the age of the building's electrical and HVAC systems, none of which have been upgraded since the building construction in 1976.

Now, could you tell—are you familiar with the flooding problems that have taken place in this courthouse?

Ms. BRITA. I've heard about the several water leaks they've had, yes.

Senator CARDIN. I'm just wondering what a poor construction building would look, a poor condition building would look like, if Baltimore doesn't make the "poor" category or deficient. There's rooms that can't be used. I just am curious as to your rating system, whether you really are in fact using a realistic—we depend upon you to give us realistic evaluations. I understand it's my responsibility to appropriate the money. You can't spend the money if you don't get it from Congress. That's our responsibility, and you're not getting enough resources. I understand that.

But if you don't give us help as to what you need, then I think you're culpable for the problems we're having, for not advising us what you need.

Ms. BRITA. Senator Cardin, on the security issue—could I go back there for a second? On the security issue, on courthouses we work very closely with the courts, as Judge Ponsor said, to look at overall security issues for the courts. The courts are very concerned about, obviously, security in Federal courts. Interior circulation is a huge issue for them, as well as the sally port.

In that regard, on those two criteria alone, this building meets the standard. It has a secure sally port and it has three interior circulation patterns. So for interior—for the purposes of the courts, we have met the security criteria for the courts, because when we construct for them that——

Senator CARDIN. Your security issue is only concerning with defendants?

Ms. BRITA. No, I'm talking about the interior. For the tenants' point of view, from the tenants' point of view, we have met their security criteria. Then we add onto that things that you consider——

Senator CARDIN. I'm a little confused. The two issues you raise deal, as I understand it, deal with prisoners?

Ms. BRITA. Every court, every Federal courthouse, should have three interior circulation patterns, one for prisoners, one for the public, and one for the judges. In the case of the Garmatz Building, that is the case. There are three interior circulation patterns in this building.

Senator CARDIN. That's your security concern?

Ms. BRITA. No, I'm saying that's what the courts want to have. When we build a building for them, that is one of their requirements.

Senator CARDIN. So there's not a concern about terrorists or blasts?

Ms. BRITA. No, there is. I'm just talking about, as we build into it, this is how we build into it. So we try to build a building that meets their needs for the three interior circulation patterns. Then we have the U.S. Marshals, of course, want to have a secure sally port. So that's built into the plan, too. Then on top of that we add the issues that you're talking about, the progressive collapse, the blast-proof windows, because that's a government-wide requirement. Those are the things if we were building today we would incorporate into an overall building plan.

But from the tenants' point of view, we start with them: What do you really need in the building? This is standard throughout all Federal courthouses: three circulation patterns at a minimum, the secure sally port at a minimum. Then we add to that things like blast-proof, setbacks, progressive collapse.

Senator CARDIN. Also point out, functioning toilets that don't overflow might be an issue. We've had lots of riots at our baseball stadiums when the toilets don't operate. I can see the same situation. I don't mean to make fun of this, but to me it's outrageous that we have to have people check the toilets at the end of the day to make sure they're set right.

Judge PONSOR. Perhaps I could just chime in for a second. I was just looking at our list, of course, that we've done our asset management planning for. Just to give you a snapshot of the inventory that we're looking at, the Macon, GA, building was built in 1905.

The Marquette, MI, building was built in 1936. The Benton, IL, building was built in 1959. The Paducah, KY, building was built in 1938. The Bob Casey Courthouse in Houston was built in 1962. The Columbus, GA, Robert Elliott Building was built in 1934. The Lexington, KY, building was built in 1934. The New Haven courthouse was built in 1919. The Port Huron, MI, building was built in 1877. The Everett Dirksen Building in Chicago was built in 1964.

I've just gone down a list, almost every single courthouse, for none of which right now I have new courthouses in line, were all built before 1976 and hardly any of them would qualify security-wise in terms of progressive collapse or any of the things that you're concerned about. That's what we're wrestling with.

Senator CARDIN. Judge, sight unseen I would take a building built 100 years ago or 75 years ago or 60 years ago, other than one built in the 1970s.

Judge PONSOR. Fair enough. Fair enough.

[Laughter.]

Senator CARDIN. At what point do you come to the conclusion that you just are throwing good money after bad, that it just doesn't pay to try to fix a building, but to replace it? Do you ever come to those conclusions?

Judge PONSOR. It's hard. Let me just give you an example. We were building a new courthouse in Springfield. We were having budget problems. We designed a green system for our HVAC. We ran into budget problems, and I can tell you—might not happen now because the rules have changed, but they hadn't changed at that time—the first thing that went out the window was the green building, the green HVAC system, because it demanded an immediate up-front investment of several million dollars, that would be earned back over the next 20 years.

That's the kind of balance that we're having to strike all the time. I had the pleasure of reading Judge Motz's written comments and he talks about penny wise and pound foolish. You'll be hearing from him about that. I think his point is exactly correct. But when you don't have pounds and you can only spend pennies, these kinds of tradeoffs happen, unfortunately. They shouldn't happen, and we should do everything we can to prevent them from happening. But unfortunately, sometimes they're inevitable, and that's the difficulty.

Senator CARDIN. I agree with your comments. I just point out there was money available from the recovery funds, and to me that was a missed opportunity.

Judge PONSOR. I can't unweave that one.

Senator CARDIN. Let me thank both of you very much for your testimony.

Judge PONSOR. Thank you, Senator.

Senator CARDIN. I thank you both for your service. I know that, working at GSA, you have an outstanding reputation and I very much appreciate trying to do what Congress wants you to do when there's such a different view around the Nation; I appreciate it very much, Ms. Brita.

As I said to you, Judge Ponsor, it's a tough job to be a judge, but then taking on this responsibility in addition to it, God bless you. Thank you very much.

Judge PONSOR. It has good sides to it.

I'd like to be excused perhaps to leave a little bit early before the hearing's over so I can get back to the airport.

Senator CARDIN. Absolutely.

Judge PONSOR. I'll be here for a while, but you might see me slip away.

Senator CARDIN. Absolutely. Thank you very much.

Judge PONSOR. Thank you, sir.

Senator CARDIN. We'll now turn to our second panel, which will consist of Baltimore Mayor Stephanie Rawlings-Blake, who was sworn in as Baltimore's 49th Mayor on February 4, 2010. She had served as City Council president since November 2007. Mayor Rawlings-Blake was first elected to the Baltimore City Council in 1995 at the age of 25 as the youngest person ever elected to the City Council. She's aged ever since being Mayor, and she does an outstanding job as the Mayor of Baltimore. We're very proud of her leadership and her vision for Baltimore.

We also have Hon. J. Frederick Motz, who is a U.S. District Court Judge for the District of Maryland. Judge Motz has served on the Baltimore bench since 1985, when he was nominated by President Ronald Reagan. Judge Motz served as the Maryland District's chief judge from 1994 to 2001.

Kirby Fowler is the president of the Baltimore Downtown Partnership and executive director of the Downtown Management Authority. Prior to joining the Downtown Partnership, he served as special assistant for Economic and Neighborhood Development under Mayor Martin O'Malley. In that position he worked on such projects as the Brown Center at the Maryland Institute College of Art and the renaissance of Belvedere Square, where I had one of my first offices as a Member of Congress.

Charles O. Monk II is the board chairman of the Greater Baltimore Committee and a managing partner at Saul Ewing in Baltimore. He concentrates his practice in significant litigation matters, including business disputes, intellectual property, insolvency, antitrust and security litigation. For more than 5 decades, the Greater Baltimore Committee has focused the resources of its board membership on the key issues relating to the business climate and quality of life in the greater Baltimore region.

We welcome all four of you to the committee. Your full statements will be made part of the record and you may proceed as you wish. Start with Mayor Rawlings-Blake.

STATEMENT OF HON. STEPHANIE RAWLINGS–BLAKE, MAYOR, CITY OF BALTIMORE

Mayor RAWLINGS-BLAKE. Thank you very much, Senator Cardin, first for inviting me to testify before the committee. As Mayor, I welcome, not you, but the staff that is here with the committee to Baltimore. I was pleased to hear Judge Ponsor's Baltimore connection. Maybe that will loosen the purse strings a little and find that money for his dear mother's sake.

So this is the second time in the past month that I've had the pleasure to testify before a congressional committee here in Baltimore, and I think it's very beneficial to have these hearings, these field hearings, so you can see and hear what's happening on the ground outside of the confines of Washington, DC.

I'm here today to talk about Baltimore's Federal courthouse, specifically the great need for a new building, as well as the role it would be playing or it should be playing in Baltimore's economic development plans. This courthouse was built decades before any modern safety and security design standards for Federal buildings were established, and we just talked about that. Lessons learned from Oklahoma City, from 9–11, need to be incorporated in the building design and function, including structural engineering that allows for progressive collapse, as you mentioned, sufficient security setbacks from neighboring streets, courthouse design that keeps the defendants separate from juries, witnesses, and attorneys.

Infrastructure in the present courthouse is failing, as your pictures illustrated. Judges, marshals, lawyers, and support staff are forced to work in precarious environments with frequent plumbing mishaps, electrical failures, and lack of access to technological improvements.

Baltimore deserves and wants a first-class Federal courthouse. It is my understanding that Baltimore City, as you mentioned, has been on the list before and no action has been taken by the GSA. Plans for construction of a new courthouse are no further along than when we first made the list. Major improvements are needed for safety, security, energy savings, and infrastructure. They need to be made. You've already expressed very eloquently how we are in a very poor position because the repairs weren't done in anticipation of a new building and it really put us behind the eightball.

This courthouse is the center of Baltimore's prominent legal community and the city where both the State's law schools are located. It's important that we have a significant courthouse in Baltimore City. The Federal judiciary in Baltimore has a long tradition in U.S. admiralty law stemming from the Port of Baltimore's centuries-old role and international impact and export hub for the Nation. In recent years, the Baltimore courthouse has hosted important mutual fund investment litigation, high-profile gang trials, in 2002 the famous proceedings in the Microsoft antitrust case, and in 2010 more than 2700 civil and criminal cases were placed on the docket at the Baltimore courthouse.

Furthermore, for the last several years I've lauded the U.S. Attorney's work on Project Exile prosecutions right here. This is a great program and I have a vested interest in making sure that the infrastructure is present to get the most violent offenders off of our streets.

Federal courthouses also define the status of the towns and cities where they're located. Millions of commuters, residents and tourists walk past this building every year. What they walk past now is a building that's unwelcoming and anonymous, with its Pratt Street facade. Most passers-by will hardly notice the entry-less back of the building facing Pratt Street, one of the city's busiest streets. Nor will they wonder who owns the building, what work goes on inside,

and what purpose it serves. The awkward alignment of the building makes it easy to overlook the solitary statue on Pratt Street lawn that honors Baltimore's native son and one of our Nation's greatest legal minds, Supreme Court Justice Thurgood Marshall.

By contrast, the previous Federal courthouse, built in 1932, has been recycled, first as Baltimore's central post office and now as part of the State circuit court system. The structure was renovated by the State in 1990 and remains part of downtown's landscape and its legal community. We are realizing the ancillary benefits of that structure, but not of this current courthouse.

I convened the Downtown Task Force and just recently issued a report that outlines strategies for strengthening Baltimore's downtown. That vision includes, that the task force laid out, includes business, a diverse population of residents, hotels, thriving retail and restaurants, and expanding anchor institutions. There would be no greater anchor institution than a new Federal courthouse.

Where we sit now is a gateway to the west side redevelopment. A development project known as the "Superblock" is planned just a few blocks from here. I'm committed to seeing the revitalization of the west side and the Superblock and all of the benefits that it will offer to our city. A new courthouse in this vicinity would be a hub for the west side and for Baltimore City as a whole. This means jobs, construction, commerce, as well as a host of other economic and social benefits that will permeate as a result of this development.

My motto has been "Better Schools, Safer Streets, and Stronger Neighborhoods," and I believe that a Federal courthouse can help promote all of those things. I urge the GSA and the Administrative Office of the U.S. Courts to consider plans to build a new Federal courthouse in downtown Baltimore. My office, the legal community, and downtown business leaders stand ready to work with the GSA to move forward with plans to improve the Baltimore Federal courthouse.

Again, Senator, I thank you for the opportunity to testify.

[The prepared statement of Mayor Rawlings-Blake follows:]

STEPHANIE RAWLINGS-BLAKE
Mayor
250 City Hall
Baltimore, Maryland 21202

To: The Honorable Members of the U.S. Senate Committee on Environment & Public Works
From: Stephanie Rawlings-Blake, Mayor, Baltimore City
Date: April 28, 2011
Re: Baltimore City Federal Courthouse: Management, Renovation and Construction Issues

Senator Cardin and Members of the Committee:

Thank you for inviting me to testify today before the U.S. Senate Environment and Public Works Committee. I am grateful to have the opportunity to speak about the City's need for a new federal courthouse building as well as the role that the courthouse plays in Baltimore's economic development plans. This is the second time in the past month that I have had the pleasure of testifying before a Congressional Committee here in Baltimore. These field hearings are extremely beneficial so that you can see and hear what is happening on the ground, outside the confines of Washington.

The Garmatz Courthouse was built decades before any of the modern safety and security design standards for federal buildings were established. Lessons learned from the Oklahoma City bombing and 9/11 need to be incorporated in the building design and function, including: structural engineering that allows for a "progressive collapse" in the event of a bombing; sufficient security setbacks from neighboring streets; and courtroom design that keeps defendants separated from juries, witnesses and attorneys. Additionally, infrastructure in the present courthouse is failing. Judges, marshals, lawyers and support staff are forced to work in a precarious environment with frequent plumbing mishaps, electrical failures and a lack of access to technological improvements.

Baltimore wants and deserves a first-class federal courthouse. It is my understanding that Baltimore City has been on the list for a new courthouse for over a decade, but no action has been taken by the General Services Administration (GSA). Plans for construction of a new courthouse are no further along than when the building made GSA's list and major improvements needed for safety, security, energy savings and infrastructure have been neither executed nor planned.

The Courthouse is the center of Baltimore's prominent legal community and the City where both the State's law schools are located. The federal judiciary in Baltimore has a long tradition in U.S. Admiralty Law stemming from the Port of Baltimore's centuries old role as an international import and export hub for the nation. In recent years, the Baltimore Courthouse has hosted:

- Important mutual funds investment litigation
- High-profile gang trials
- Proceedings in the Microsoft anti-trust case, and
- In 2010, more than 2,700 civil and criminal cases

Furthermore, for the last several years I have lauded our U.S. Attorney's work with Project Exile prosecutions. This is a great program and I have a vested interest to make sure that the infrastructure is present to aid our goal of getting the most violent offenders off of our streets.

Federal courthouses define the status of the towns and cities where they are located. Millions of commuters, residents and tourists walk past this building every year. What they walk past now is this building's unwelcoming and anonymous Pratt Street façade. Most people passing by will hardly notice the entry-less "back" of the building facing Pratt Street, one of the City's busiest streets. Nor will they wonder who owns the building, what work goes on inside and what purpose it serves. The awkward alignment of the building makes it easy to overlook the solitary statue on the Pratt Street lawn that honors Baltimore's native son and one of our nation's greatest legal minds, Supreme Court Justice Thurgood Marshall.

By contrast, the previous federal courthouse built in 1932, has been re-cycled, first as Baltimore's central post office and now as a part of the State's Circuit Court system. The structure was renovated by the State in 1990, and remains part of the downtown landscape and legal community. We are realizing the ancillary benefits of that structure but not of the current courthouse.

I had convened the "Downtown Task Force" and just recently issued a report that outlines strategies to strengthen Baltimore's downtown. That vision that the task force laid out was for Downtown to become an ever-evolving mixed use neighborhood, which includes: business, a diverse population of residents, hotels, thriving retail and restaurants, and expanding anchor institutions. There would be no greater anchor institution than a new federal courthouse.

Where we sit now is a gateway to the West side redevelopment and a development project known as the "Superblock" is planned just a few blocks from here. I am committed to see the realization of the Westside and the "Superblock" and all of the benefits that it will offer our City. A new courthouse in this vicinity would be a hub for the Westside and Baltimore City as a whole. This means jobs, construction, commerce as well as a host of other economic and social benefits that will permeate as a result. My motto is "Better Schools, Safer Streets, Stronger Neighborhoods." I believe a new federal courthouse can help promote all of those things.

Therefore, I urge the GSA and the Administrative Office of the U.S. Courts to consider plans to build a new federal courthouse in downtown Baltimore. My office, the legal community and downtown business leaders stand ready to work with GSA and our Congressional delegation to move forward with plans to improve the Baltimore Federal Courthouse. I hope that you keep these issues in mind as you move forward with any future plans.

I thank Senator Cardin for inviting me to testify today and look forward to answering any questions you may have.

Senator CARDIN. Thank you very much, Madam Mayor.
Judge Motz.

STATEMENT OF HON. J. FREDERICK MOTZ, SENIOR JUDGE, U.S. DISTRICT COURT FOR THE DISTRICT OF MARYLAND

Judge MOTZ. Yes, thank you, Senator. As you've mentioned, I've been a judge since 1985 and I was the chief judge and that's the reason I'm here today. Chief Judge Chasanow and my colleagues thought that I know pretty much the most about the building of anybody here.

I will outline in a moment—as I will outline, we in Baltimore are actually grateful to GSA and the Space and Facilities Division of the Administrative Office for helping us to make improved improvements to the courthouse. That said, I am well aware that GSA has shortcomings. I'd be the first to say that efficiency does not always seem to be its goal.

Further, government agencies are immune from the disciplining effect of market forces. For example, as has been mentioned several times, we have experienced some very bad floods caused by faulty plumbing in recent years, and if we were in a private building we could withhold our rent or at least threaten to withhold our rent until the building was made habitable. That option is not now open to us. It is therefore quite important that public hearings such as this be held to provide the accountability that the market would otherwise enforce.

But I'm not here today to vent our frustration at the obstacles that sometimes have been placed in our way, but to address an issue of vital public importance: assuring that this courthouse either is replaced or that capital improvements are made to it so that it remains economically viable for the next 25, 30, 50 years.

Senator Cardin my colleagues are extremely grateful for the efforts you have made and continue to make to have a new Federal courthouse constructed. However, I, like you, have serious doubts that this goal can be accomplished in the foreseeable future. Judicial Conference priorities aside, about which you heard, three conditions would have to be fulfilled before a new Federal courthouse could be built here in Baltimore.

First, sound urban planning requires that a site for the new courthouse in the downtown area would have to be found to maintain the vitality of the downtown district. Second, in order to prevent disruption of the administration of justice in the Federal courts, the new courthouse would have to be completed before the present courthouse is vacated, sort of like a baseball stadium or a football stadium. Third, funding would have to be found to assure that the land on which the present courthouse now sits is put to good use. It is highly questionable in my judgment whether the first two of these conditions can be met.

Moreover, I must say from an aesthetic standpoint the present courthouse is entirely adequate. Of course, when the courthouse was first built it was not well received by my predecessors. The Sugarman sculpture, which particularly aggravated the judges, was located immediately in front of the office wing of the building. It made the courthouse look like a playground, and it became a metaphor for the judges' discontent. On the inside of the building, the

courtrooms, which were initially only on the fifth and seventh floors, were objectionable. Their light wood, wavy ceilings, and ultra-modern furniture did not convey the sense of dignity that the public rightly expects a forum for judicial proceedings to have. This courtroom itself had all of the dignity of a tennis barn.

When the court grew larger in the early 1980s, four new courtrooms and chambers were added on the third floor. Although the wood that was used was darker, the construction was quite cheap, as even an unskilled observer could see. Thus the courthouse remained for a decade or so.

In the 1990s, however, things dramatically changed. The exterior of the building was refinished, the landscaping near the entrance was added, the statue of Justice Thurgood Marshall on Pratt Street, which the Mayor just mentioned, was remounted. Numerous courtrooms, including this one, and chambers were reconstructed in an appropriate style with advanced electronic technology. A conference room on the first floor was renovated. The space on the second floor was reconfigured and rebuilt, and a new conference room and attorney's lounge were constructed.

The Sugarman statue itself was temporarily removed to be repainted. When it was returned, it was placed, not next to the courthouse, but at the corner of Lombard and Hanover Streets, where it is now located. There it adds in my judgment much-needed color to what has become a vehicular thoroughfare, and what I consider to be its essential message—the bringing of the chaos of life into the constraints of ordered liberty—is far better expressed when it is near, but apart from, the courthouse.

Additional improvements have been made in recent years. Two courtrooms on the seventh floor have been renovated. Just last week, a truly magnificent exhibit about admiralty law was established in the public corridor on the third floor of this courthouse, and I hope that after this hearing some of you will come to take a look at it. It is the first of what we anticipate will be a series of historical exhibits on various themes that are woven into the tapestry of Federal law, including civil rights and civil disobedience, the Civil War, professional sports, and the Chesapeake Bay.

This brings me to my main point. All of the fine aesthetic improvements that have been made in recent years will have been for naught unless substantial capital improvements are made to the courthouse. It can be replaced; that's fine. But if not, we need substantial capital improvements.

The courthouse is over 30 years old. Even if it had been well constructed, the infrastructure would now have to be replaced. But as engineering studies commissioned by GSA itself attest, this building was not well constructed. There are serious security concerns presented by the design of the building and it would be totally irresponsible in my judgment, particularly after today when public attention has been brought upon these deficiencies, it would be totally irresponsible not to take the steps necessary to address these concerns immediately.

Further, the floods that we have experienced and that have caused substantial disruption to the court's work and significant expense to repair, demonstrate beyond dispute that piping and electrical and plumbing fixtures—excuse me—that piping and

plumbing fixtures must be replaced. The building's heating and air conditioning and electrical units now operate by ingenious jerry-rigging that cannot provide a long-term solution. Likewise, the ductwork that was originally installed was inadequate in many respects. Indeed, there were places where, because of construction designs—excuse me—design failures or construction shortcuts, ducts come to an abrupt end, instead of of continuing to provide heat and air to places where they should be providing it.

On top of all of this, in the near future we will need more space. I have outlined that in my written testimony and won't say anything more about it now.

Now, my plea today is that GSA and the Administrative Office find or the Congress specifically authorize sufficient funding in the next budget year to undertake the very important, but very costly, projects that need to be undertaken to maintain this courthouse. These projects include a complete revamping of the plumbing and HVAC systems and the electrical system, curing the security issues, and providing full funding for the construction of additional chambers and one new magistrate judge courtroom. If the cost is not prohibitive, the greening of the courthouse by adding gardens, and perhaps an area for receptions, on the roof would be desirable.

As a citizen of Baltimore, I also hope that funding can be found for what has become known as the "First Impressions" project, which was approved by GSA some years ago. This project would make the entrance to the courthouse face on Pratt rather than on Lombard Street. The reason this is important is exactly as was expressed by the Mayor. If we don't get a new courthouse, it is important that as people walk up and down the streets from the stadiums to the Inner Harbor that this building be much more welcoming to them.

I might note that an incidental but important benefit of completion of that project would be that the statue of Justice Marshall would be standing in the front and not in the rear of the courthouse. While symbolic, that change would be of monumental significance.

I have heard suggestions that the various needed improvements—and I have heard this from time to time—be done piecemeal over time. I respectfully suggest that—that's where I use the term that it would be penny wise but pound foolish. It makes no sense to do these things seriatim over time. Can you imagine a responsible private property owner tearing out walls and flooring in one year to replace pipes, knowing that the following year all that money spent on the tearing-out process would need to be completed again to replace air conditioning the following year? It makes absolutely no sense.

Now, the perspective I bring is that of the persons most affected by whatever decisions are made. Perhaps it sounds political to even say the words "spending" and "investments" in the present political environment, but any sound economist or responsible businessperson knows that there is a difference between the two, and that capital improvements in the Baltimore courthouse constitute an investment. That investment is absolutely necessary and in the long run it will generate untold dividends.

Thank you again, Senator, for listening to me today, and particularly for your commitment to assuring that Baltimore has the wonderful courthouse it deserves.

[The prepared statement of Judge Motz follows:]

TESTIMONY AT A FIELD HEARING OF THE SENATE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS HELD AT THE BALTIMORE COURTHOUSE ON APRIL 28, 2011

My name is Fred Motz. I have been a United States District Judge since 1985. I served as chief judge from 1994 to 2001. Because I have had more personal experience with the Baltimore courthouse than any other judge, Chief Judge Deborah Chasanow and my colleagues asked that I testify before you today.

As I will outline in a moment, the federal judges in Baltimore are grateful to GSA and the Space and Facilities Division of the Administrative Office of the Courts for helping us make substantial improvements to the Baltimore Courthouse. That said, I am well aware that GSA has shortcomings. Efficiency does not always seem to be its goal, and some GSA employees cannot be accurately characterized as effective. Further, government agencies are immune from the disciplining effect of market forces. For example, we have experienced a rash of floods caused by faulty plumbing in recent years. Were we a tenant in a privately owned office building, we could withhold our rent(or at least threaten to withhold our rent) until our space was made habitable. That option is not now open to us. It is therefore important that public hearings, such

as the one being held here today, be conducted to provide the accountability that the market would otherwise enforce.

My purpose today however, is not to vent frustration at the obstacles that sometimes have been placed in our way but to address an issue of vital public importance: assuring that this courthouse either be replaced or that capital improvements are made to it so that it remains economically viable at least for another 25 or 30 years. Senator Cardin, my colleagues are grateful for the efforts you have made to have a new federal courthouse constructed in the city. However, I – like you – have serious doubts that this goal can be accomplished in the foreseeable future. Judicial Conference priorities aside, three conditions would have to be fulfilled for a new federal courthouse to be built in Baltimore. First, sound urban planning requires that a site for the new courthouse in the downtown area would have to be found to maintain the vitality of the city's important service district. Second, in order to prevent disruption of the administration of justice in the federal courts, the new courthouse would have to be completed before the present courthouse is vacated. Third, funding would have to be found to assure that the land on which the present courthouse sits is put to good use. It is highly questionable whether the first two of these conditions can be met.

Moreover, from an aesthetic standpoint, the present courthouse is entirely acceptable. Of course, when the courthouse was first built, it was not well received by my predecessors. The Sugarman sculpture, which particularly aggravated the judges, was located immediately in front of the office wing of the building. It made the courthouse look like a playground, and it became a metaphor for the judges' discontent. On the inside of the building, the courtrooms – which initially only were on the fifth and sixth floors – were objectionable. Their light wood, wavy ceilings, and ultra-modern furniture did not convey the sense of dignity that the public rightly expects the forum for judicial proceedings to have. This courtroom itself then had all of the dignity of a tennis barn.

When the court grew larger in the early 1980s, four new courtrooms and chambers were added on the third floor. Although the wood that was used was darker, the construction was quite cheap, as even an unskilled observer could see. Thus, the courthouse remained for a decade or so. In the 1990s, however, things dramatically changed. The exterior of the building was refinished, the landscaping near the entrance was added, the statue of Justice Thurgood Marshall on Pratt Street was remounted, numerous courtrooms (including this one) and chambers

were reconstructed in an appropriate style with advanced electronic technology, a conference room on the first floor was renovated, the space on the second floor was reconfigured and rebuilt, and a new conference room and attorney's lounge were constructed. The Sugarman sculpture itself was temporarily removed to be repainted , and when it was returned, it was placed not next to the courthouse, but at the corner of Lombard and Hanover Streets, where it is now located. There, it adds much needed color to what has become a vehicular thoroughfare, and what I consider to be its essential message – the bringing of the chaos of life into the constraints of ordered liberty – is far better expressed when it stands near, but apart from, the courthouse.

Additional improvements have been made in recent years. Just last week a truly magnificent exhibit about admiralty law was installed in the public corridor on the third floor. I hope that after this hearing, some of you will have time to look at it. It is the first of what we anticipate will be a series of historical exhibits on various themes that are woven into the tapestry of federal law, including civil rights and civil disobedience, the Civil War, professional sports, and the Migratory Bird Treaty Act. The concept behind these exhibits is that legal history should not be confined to a dusty room or alcove but should surround the court, just as law derives its meaning from the society and culture of which it is a part.

This brings me my main point. All of the fine aesthetic improvements that have been made in recent years will have been for naught unless substantial capital improvements are made to the courthouse. The courthouse is over 30 years old. Even if it had been well constructed, its infrastructure would now have to be replaced. But, as engineering studies commissioned by GSA attest, it was not well constructed. There are serious security concerns presented by the design of the building, and it would be totally irresponsible not to take the steps required to address these concerns immediately. Further, the floods that we have experienced in recent years - that have caused severe disruption to the court's work and significant expense to repair - demonstrate beyond dispute that piping and plumbing fixtures must be replaced. The building's heating and air conditioning units now operate by ingenious jury rigging that cannot provide a long-term solution. Likewise, the ductwork that was originally installed was inadequate in many respects. Indeed, there are places where, because of construction shortcuts or design failures, ducts come to an abrupt end instead of continuing on into places where they should be providing heat or cold air.

On top of all of this, in the near future we will need numerous tenant improvements because we will outgrow our space. By 2015 four district judges in Baltimore will become

eligible for senior status. I anticipate that while one of these judges may retire, three will take senior status when they become eligible and continue (as I have) to carry a heavy docket. This means that new chambers will have to be built out for them or their successors. There also may be a need to build out space for Fourth Circuit judges because two of the Fourth Circuit judges in Baltimore are now, or soon will be, also eligible for senior status. Further, we have need for an additional magistrate judge courtroom on the second floor, the construction of which has been delayed for several years.

My plea today is that GSA and the Administrative Office find, or that Congress specifically authorize, sufficient funding in the 2012 budget year to undertake the very important, but very costly, projects that need to be undertaken to maintain the Baltimore courthouse. These projects include a complete revamping of the plumbing and HVAC systems, curing any security issues that may exist, and providing full funding for the construction of additional chambers and one new magistrate judge courtroom. If the cost is not prohibitive, the "greening" of the courthouse by adding gardens - and perhaps an area for receptions - on the roof would likewise be desirable.

As a citizen of Baltimore, I also hope that funding can be found for what has become known as the "First Impressions" project, This project would make the entrance to the courthouse face on Pratt rather than Lombard Street. The reason this is important to the City of Baltimore is that while, as I indicated before, Lombard Street has become a vehicular thoroughfare, Pratt Street has become a busy pedestrian walkway. City residents and tourists routinely amble between the stadiums and the Inner Harbor before and after Orioles and Ravens games, and other events. From an urban planning perspective, it would be far more friendly and inviting for pedestrians to pass by a building whose entrance faces them instead of being confronted with what obviously is the building's back. I might note that an incidental, but important, benefit of the First Impressions project would be that Justice Marshall would be standing in the front, not the rear, of the courthouse. While symbolic, that change would be of monumental significance.

I have heard suggestions that the various needed improvements I have described be achieved piecemeal, over time, because they cannot all be afforded at once. I respectfully suggest that to follow that suggestion would be "penny wise and pound foolish." The capital

improvements and the additional tenant improvements are needed now, and it would substantially add to the cost of the projects to do them seriatim. Can you imagine a responsible private property owner tearing out walls and flooring in one year to replace pipes, knowing that the following year all the money spent on the tearing-out process needs to be spent again to replace air-conditioning and heating ductwork? Could your imagination even begin to extend to having all the tearing-out and installation work be nullified by the construction of new offices as soon as the work has been done? And what about the tenant's operations? How can a court function if every year a substantial number of courtrooms and chambers cannot be used because construction work, that should have been done at the same time, needs to be replicated?

The perspective I bring today is that of the persons most affected by whatever decisions are made. We ask you to make all the necessary improvements now, and to make them at the same time. If criteria that have been established by GSA, the Administrative Office of the Courts, and the Judicial Conference need to be reworked to accomplish this goal, please rework the criteria. Perhaps it sounds political to even say the words "spending " and "investments" in the present political environment. But any sound economist or responsible business person

knows that there is a difference between the two, and that capital improvements to the Baltimore courthouse constitute an investment. That investment is absolutely necessary, and in the long run it will generate untold dividends.

Thank you, Senator Cardin, for listening to me, and particularly for your commitment to assuring that Baltimore has the federal courthouse it deserves.

Senator CARDIN. Thank you very much, Judge Motz.
Mr. Fowler.

STATEMENT OF KIRBY FOWLER, PRESIDENT, DOWNTOWN PARTNERSHIP OF BALTIMORE, INC.

Mr. FOWLER. Good afternoon. It is my pleasure to be here before this Senate committee today. I'd like to thank Senator Cardin for this privilege. We've been very grateful for the extraordinary support that you've shown downtown Baltimore throughout your distinguished career. Thank you very much.

On a personal note, I'd like to advise the group here that the reason I came to Baltimore 20 years ago is to work in this very building. I came to work for Chief Judge Walter E. Black, Jr., and it was two of the best years of my life. I have very fond memories of that experience, but very few fond memories of this building. I think Baltimore deserves better.

To reiterate, my name is Kirby Fowler, president of the Downtown Partnership of Baltimore, an independent nonprofit organization charged with continuing the renaissance of downtown Baltimore. From our daily work tracking the growth of downtown, we know that the Federal courthouse is one of our most critical assets.

The U.S. Government has long recognized the importance of Federal facilities within the community, and in particular has invested in modernizing or replacing courthouses across the country. In cities such as San Francisco, Boston, Denver, and Syracuse, new and redesigned Federal properties are dynamic, multi-use destinations that include libraries, public event space, gardens, and even cafes and public markets. These improved properties are cornerstones of their communities.

The Federal courthouse in downtown Baltimore is incredibly important to the downtown economy. A substantial number of law firms, government agencies, and court-related businesses are located in the heart of downtown in large part due to the location of this Federal courthouse. On a daily basis, people have business in the Federal courthouse, which spills over into additional revenue for restaurants, retailers, even parking garage operators.

Downtown Baltimore is a tremendous location for the court. We rank fifteenth in the country for employment density and last year, even as the effects of the recession lingered, downtown Baltimore added 6,700 jobs, the sixth best rate of increase in the country. This growth has occurred throughout downtown, from the west side to city center, from the Inner Harbor to Harbor East. Downtown also ranks eighth in the country for population density, with some of the best-educated residents in the Nation. Downtown is also the most transit-connected district in the region.

For all its positive attributes, the Federal courthouse suffers from a fortress-like, single-use design that minimizes its relevance to the employees and residents who work and live downtown. Millions of people pass this building every year, but the nondescript architecture does little to communicate the important judicial business happening here on a daily basis. Despite the many people who use the courthouse each day, its design seals it off from the street and creates a dead zone in the middle of a vital part of our city. I share Senator Cardin's belief that this does not have to be the

case. The Federal courthouse in Baltimore can become an even more important asset.

The Downtown Partnership is charged with creating an economic vitality in the heart of our city. Earlier this month we were joined by Governor O'Malley and Baltimore Mayor Stephanie Rawlings-Blake to release a strategic plan for downtown Baltimore, a major component of which is a detailed open space improvement plan. Under the plan, our goal for every property in downtown is to create multi-use destinations that add visual as well as economic vitality.

Locations exist within mere blocks of the current courthouse that could accommodate a new Federal courthouse. For example, Baltimore is in the early stages of planning a new arena building. The site of the current arena would make an ideal location for a new courthouse, in conjunction with a large new green space to be enjoyed by employees, visitors, and residents. We would encourage the Federal Government to consider a signature tall building to allow for much-needed open space and perhaps do that in conjunction with a private sector partner.

If renovations to the existing courthouse are preferable, the opportunity is here to completely re-envision how the building interacts with the surrounding neighborhood. Changes continue to come to Pratt Street, our city's grand boulevard, as a result of our Pratt Street master plan, which was adopted by the city in 2008. A redesigned and reoriented courthouse could serve as a linchpin for greater improvements to the street.

Downtown Partnership has worked closely with Federal agencies, such as the General Services Administration, in programming events, cleaning and maintaining the areas around Federal buildings and improving the way downtown looks and feels for everyone doing business with Federal agencies. I sincerely hope that we may continue to work in partnership with the Federal Government to help improve its facilities in downtown Baltimore, and I thank you for your time and consideration and your leadership on this issue.

[The prepared statement of Mr. Fowler follows:]

Testimony of J. Kirby Fowler, Jr.
President of the Downtown Partnership of Baltimore, Inc.

Before the United States Senate Committee on Environment and Public Works

Field Hearing – "GSA and Federal Courthouses:
Management, Renovation and Construction Issues"

(April 28, 2011 – Baltimore, Maryland)

Good afternoon. It is my distinct pleasure to be invited to speak before this Senate Committee on the subject of our federal courthouse. I would like to thank Senator Cardin for this privilege, as well as Chairwoman Boxer and Ranking Member Inhofe. We are very grateful for the extraordinary support that Senator Cardin has shown Downtown Baltimore throughout his distinguished career.

My name is Kirby Fowler, President of the Downtown Partnership of Baltimore, an independent nonprofit organization charged with continuing the renaissance of Downtown Baltimore. For more than 25 years, our programs have led to increased investment, improved quality of life, retention of key employers, solutions to transportation challenges, improved parks and green space, and workforce development opportunities. From our daily work tracking the growth of Downtown, we know that the federal courthouse is one of our most critical assets.

The United States government has long recognized the importance of federal facilities within a community and, in particular, has invested in modernizing or replacing courthouses across the country. In cities such as Portland, Oregon, San Francisco, Boston, Tacoma, Denver, and Syracuse, new or redesigned federal properties are dynamic, multi-use destinations that include libraries, public event space, art, gardens, and even cafes and open-air markets. These improved properties are cornerstones of their communities. Their landscaping, environmentally-friendly design, and signature architecture increase the attractiveness of the area around these facilities, improves public perception of the important work that takes place within, and boosts employee attraction, retention, and productivity.

The Federal Courthouse in Downtown Baltimore is incredibly important to the Downtown economy. A substantial number of law firms, government agencies, and court-related businesses are located in the heart of Downtown in large part due to the location of this Federal Courthouse. On a daily basis, people have business in the Federal Courthouse, which spills over into additional revenue for restaurants, retailers, and even parking garages.

Downtown Baltimore is a tremendous location for the court. We rank fifteenth in the country for employment density and, last year, even as the effects of the recession lingered, Downtown Baltimore added 6,700 jobs – the sixth best rate of increase in the country. This growth has occurred throughout Downtown, from the Westside to City Center, from the Inner Harbor to Harbor East. Downtown also ranks eighth in the country for population density, with some of the best educated residents in the nation. In addition to our strong workforce and deep network of businesses that support the courthouse, Downtown is also the most transit-connected district in the region.

For all its positive attributes, the Federal Courthouse suffers from a fortress-like, single use design that minimizes its relevance to the more than 113,000 daytime employees and 41,000 residents that work and live within one mile of the facility. Millions of people pass this building every year, but the nondescript architecture does little to communicate the important judicial business happening here on a daily basis. Despite the many people who work in and use the courthouse each day, its design seals it off from the street and creates a dead zone in the middle of a vital part of our city. I share Senator Cardin's belief that this does not have to be the case. The Federal Courthouse in Baltimore can become an even more important asset.

The Downtown Partnership is charged with creating economic vitality in the heart of our city. We are regularly involved in urban planning and land use issues, capital improvement projects, and business attraction and retention. Earlier this month, we were joined by Maryland Governor Martin O'Malley and Baltimore Mayor Stephanie Rawlings-Blake to release a Strategic Plan for Downtown Baltimore, a major component of which is a detailed Open Space Improvement Plan. Under the plan, our goal for every property in Downtown is to create multi-use destinations that add visual as well as economic vitality.

Locations exist within mere blocks of the current courthouse that could accommodate a new federal courthouse. For example, Baltimore is in the early stages of planning a new arena building. The site of the current arena would make an ideal location for a new courthouse, in conjunction with new green space to be enjoyed by employees, visitors, and residents.

If renovations to the existing courthouse are preferable, the opportunity is there to completely re-envision how the building interacts with the surrounding neighborhood. Changes continue to come to Pratt Street, our City's grand boulevard, as a result of our Pratt Street Master Plan, adopted by the City in 2008. A redesigned and re-oriented courthouse could serve as a linchpin for greater improvements to the street. And incorporating the latest in green construction would demonstrate Federal leadership and show private property owners the importance of energy-efficient, people-friendly design.

Downtown Partnership has worked closely with Federal agencies, such as the General Services Administration, in programming events, cleaning and maintaining the areas around Federal buildings, and improving the way Downtown looks and feels for everyone doing business with Federal agencies. I sincerely hope that we may continue to work in partnership with the Federal government to help improve its facilities in Downtown Baltimore, and I thank you for your time and consideration.

Senator CARDIN. Thank you, Mr. Fowler.
Mr. Monk.

STATEMENT OF CHARLES O. MONK II, ESQ., CHAIR, BOARD OF DIRECTORS, GREATER BALTIMORE COMMITTEE

Mr. MONK. Good afternoon, Senator. I guess I want to begin by saying that, since I am a lawyer and I practice law in this courthouse, I don't think there is anyone that does practice law in this courthouse that doesn't have a story as Mr. Fowler related about this courthouse and about its experiences with the difficulties of this courthouse.

But I'm here today as the Chairman of the Greater Baltimore Committee, and it's my privilege to speak on behalf of this regional business organization that has been serving Baltimore and central Maryland for more than 50 years. We have a long tradition of working with government to find solutions to problems that affect our region's competitiveness and economic vitality.

Let me respectfully suggest that it is long past time for Baltimore to have a new Federal courthouse. The existing structure is not only plagued with the security problems that you've heard about and frequent general maintenance issues, such as the fact that this very ceremonial courtroom was closed because of water intrusion, but, more importantly, it does not adequately represent the role of the Federal Judiciary as the third branch of our government.

Candidly, the building has all the charm of an uninspiring, poorly designed, class B office building. Its entrance is turned away from Baltimore's premier business thoroughfare, which is Pratt Street. It has a breezeway which must be closed off for security reasons, that has been a nuisance since the building was constructed. More importantly, the construction of this building raises serious security concerns because it's similar to the ill—fated Alfred P. Murrah Courthouse in Oklahoma City.

From an economic development perspective, there are several opportunities to replace this courthouse in the heart of the west side of Baltimore, which will not only provide the United States District Court with the dignified building that it deserves, but at the same time create a significant opportunity for economic development and the creation of jobs and growth in Baltimore.

In that regard, I disagree with Judge Motz, and I do so with some trepidation. I have learned long ago not to disagree with His Honor. We understand the importance of controlling costs in these economic times. But at the same time, the Greater Baltimore Committee would encourage this committee in its priority-setting role to recognize the significant security risks and other deficiencies presented by this courthouse that compel consideration of relocation.

In recent months, the GBC has been working with State and city leaders, and we particularly appreciate the support of Mayor Rawlings-Blake in this regard, to relocate the existing Baltimore Arena to the site of the existing Baltimore City Convention Center. The project would not only bring a state-of-the-art arena to our downtown, but would redevelop and expand the convention center and establish a new, larger convention center hotel.

We are not here to discuss that exciting new project, but rather to suggest that that project creates a unique opportunity. The development of the arena-convention center project would create a unique space in downtown to establish a new Federal courthouse on the existing arena property, which is a large, double-lot, double-block tract which is owned by the city. It would serve appropriately as a Federal courthouse and create the necessary space for security that is a GSA requirement.

We would be pleased to work in a public-private partnership to develop a new Federal courthouse at that location. We are aware that there are developers who are interested in participating in such a project. We believe this could be done in a manner consistent with the objectives of the Downtown Partnership, which recently released its excellent strategic plan for downtown Baltimore.

Thank you for your attention and I would be happy to answer any questions that you may have.

[The prepared statement of Mr. Monk follows:]

GREATER BALTIMORE gbc COMMITTEE

Regional business leaders creating a better tomorrow... today.

TESTIMONY OF CHARLES O. MONK, II
CHAIR, BOARD OF DIRECTORS
THE GREATER BALTIMORE COMMITTEE
BEFORE THE UNITED STATES SENATE
COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

"GSA and Federal Courthouses:
Management, Renovation, and Construction Issues"

April 28, 2011

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Madame Chair, and members of the Committee, my name is Charles O. Monk, II. It is my privilege to appear before the Senate Committee on Environment and Public Works today to testify on behalf of the Greater Baltimore Committee on the question of "GSA and Federal Courthouses: Management, Renovation, and Construction Issues."

I appear before you today in two capacities. First, as the Chair of the Board of Directors of the Greater Baltimore Committee (GBC), a regional business organization focused on economic growth in Baltimore City and the five adjoining Maryland counties. The Greater Baltimore Committee is the State of Maryland's leading business organization serving Baltimore City and Anne Arundel, Baltimore, Carroll, Harford, and Howard counties, a region with a population of approximately 2.6 million residents. The GBC is a 56-year-old private sector membership organization with a rich legacy of working in collaboration with government to find solutions to problems that negatively affect our competitiveness and viability as a region. It is an organization that prides itself on advocating for changes in public policy that strengthen the business climate and improve the competitive environment of the Greater Baltimore region.

In addition to my role as Chair of the Board of the GBC, I also serve as the Managing Partner of the Baltimore Office of the Saul Ewing law firm. As such, I am a practicing attorney, who specializes in commercial litigation. My practice brings me to the United States District Court in downtown Baltimore on innumerable occasions, as well as federal courthouses in the major cities in our country. As a private sector attorney, I am personally familiar and have experienced the inadequate and somewhat deplorable conditions in our federal courthouse.

Wearing both these hats, I am here today to impress upon you that the Baltimore federal courthouse is sorely in need of replacement.

As you may have noticed upon your arrival here at the courthouse, there are a high number of deficiencies, both internal and external, that highlight the inadequacies of this federal courthouse structure.

Constructed in 1976 for a total cost of $23 million, the federal courthouse building is an anonymous and dreary edifice. Upon its completion, it was hailed as the least expensive courthouse in terms of dollars per square foot of any courthouse in the nation. Although I recognize the importance of cost savings and acknowledge that it is something of which government should be proud, cost savings should not be achieved at the expense of efficiency and practicality.

An excerpt from A Bicentennial History of the United States District Court for the District of Maryland, 1790-1990, written by H.H. Walker Lewis and James F. Schneider, states:

> Unquestionably, the interior decoration in the new building lacks the refinement and dignity of the old one. All of the walls are white plaster, and even the rippled ceiling in some of the courtrooms which appear to be carved wood are actually plaster covered with a thin wood veneer. Bright orange and green furniture and carpeting in the halls and courtrooms reminded...of a day care center.

As a result of the Oklahoma City bombing of the Alfred P. Murrah Federal Building on April 19, 1995, a 1996 Baltimore Sun article noted that a federal team of filmmakers had recorded a video designed to demonstrate how to avoid the mistakes that were made in the construction of the Garmatz federal court building – "mistakes that have cost taxpayers millions, mistakes that make this building hardly a secure structure." The article further described the courthouse as "one of the worst designed, most horribly constructed halls of justice in the country."

In 1998, then Chief Judge Motz noted in his annual address on the State of the Court that the exterior looks like a second rate office building, and on the inside most of its courtrooms are undersized and unsightly. Most importantly, Judge Motz emphasized the security risk presented by the similarity in design of our federal courthouse to the ill-fated Murrah building in Oklahoma City.

So great were the needs presented that Judge Motz reported the Administrative Office of the U.S. Courts (AO) advised him at that time that it would probably be recommending the construction of a new courthouse in Baltimore to be completed within ten to twelve years. This was the beginning of the federal government's interest in constructing a new federal courthouse in Baltimore.

By January 1999, the Baltimore federal courthouse was listed on the FY 2000-2004 Five Year Courthouse Construction Plan. Over the years the courthouse received varying scores for site selection and design but in December 2001 the Baltimore Courthouse project moved to number one on the FY 2003-2007 five-Year Courthouse Construction Plan and was slated for site and design work in FY 2005.

Thereafter, the courthouse remained number one on the FY 2005-2009 Five-Year Courthouse Construction Plan, but site selection and design was pushed back to FY 2006. However, in October 2004, the Administrative Office of Courts announced a moratorium on new courthouse construction projects including projects listed on the Five-Year Courthouse Construction Plan.

Following the moratorium on court construction for all federal courts, in May 2005, the Administrative Office of Courts announced the development of a new process for evaluating district-wide long-range space needs including the courts based in both the Baltimore and Greenbelt courthouses.

In October 2005, an Administrative Office of Courts memorandum advised that only four courthouses were slated for construction in 2007 – Baltimore, the number one project less than two years earlier, was effectively dropped from the list of projects to be undertaken.

It appears that a policy change occurred at the Administrative Office of Courts placing a higher emphasis not on security but focusing almost entirely on space needs. How this policy change came about or whether the policy was officially adopted or approved is beyond our knowledge. Nevertheless, Baltimore appears to have been left with the longstanding plans to reconstruct the Baltimore Courthouse effectively shelved but apparently without taking into due consideration the issues of (i) structural engineering that could induce a progressive collapse in the event of a bombing, (ii) security setbacks from neighboring streets, and (iii) the inadequacy of courtroom design that does not separate defendants from juries, witnesses, and attorneys.

In addition to the host of practical problems, the courthouse is simply not an edifice worthy of the federal judiciary. As former Chief District Judge Benson E. Legg has noted "This courthouse is ugly. It provides no foot traffic, synergy, or life to downtown. It resembles a post-World War II Soviet-bloc parking garage, and it's sitting on a prime piece of downtown real estate."

It turns out that there are very clear needs and significant public support for the construction of a new federal courthouse.

A federal courthouse does not simply serve as a bastion for dispensing justice, when planned appropriately it represents an important symbol of authority and dignity for the federal judiciary. Moreover, it can become an integral part of a downtown's business community, architectural design and economic development objectives.

The presence of a federal courthouse provides a catalyst for economic activity in the immediate area as ancillary functions are needed to serve the courthouse constituency (i.e. – restaurants, office space, parking garages, service businesses related to the legal system). These operations provide jobs not directly related to the activities inside the walls of the courthouse but indirectly serve the courthouse "customers' and would not be located in that segment of the city "but for" the courthouse.

In Baltimore, the current courthouse structure has failed to attract those indirect economic opportunities because of its location and appearance. The inefficiencies, the poor quality of the courtrooms and judges chambers, the security challenges, and the unimposing appearance, all call for a new Baltimore federal courthouse.

The Greater Baltimore Committee is currently pursuing a public private partnership to construct a new arena, hotel, and expanded convention center on the properties bordering Charles and Conway streets. The successful completion of this project would result in the current arena site bordered by Baltimore Street on the north, Lombard Street on the south, Howard Street on the west, and Sharp Street on the east, to be available for a new federal courthouse facility. The construction of a new federal courthouse at the current arena site could serve as a significant anchor to the City of Baltimore's current plan to redevelop its Westside.

The Greater Baltimore Committee, recognizing the fiscal constraints at all levels of government, strongly suggests exploring a Public Private Partnership, or P3, for the purpose of designing and constructing a new federal courthouse located on the current site of the 1st Mariner Arena. The utilization of a public private partnership may be a novel approach to these forms of public use projects, but we are convinced that the potential exists for a private sector developer to design and construct the federal courthouse and enter into a long term lease back with the GSA. Although this type of a P3 may be a new concept to the AO and the GSA for the construction of federal courthouses, this may very well be the perfect time to begin exploring what the private sector can bring to our public building needs in this country. The Greater Baltimore Committee stands ready to assist you in this innovative approach.

Thank you for your time and I will be pleased to respond to any questions you may have.

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Senator CARDIN. Thank you very much, Mr. Monk, and thank you all, all four of you, for your testimony.

Judge Motz, first of all I want to go over the numbers here, because I think they're kind of telling. We have an estimate from GSA dated July 14 of last year for the cost of just two of the problems confronting the courthouse here, the Garmatz Courthouse: one dealing with the heating and air conditioning, plumbing, which they estimate at $18 million; and the other dealing with the construction issues of the blast windows and structural security improvements, that they estimate is $56 million.

That's $74 million for just those two modifications. It doesn't deal with the entrance change that you were talking about on Pratt Street, doesn't deal with new courtrooms in the building, doesn't deal with renovating any of the existing courtrooms that are in the building. If you start adding all that up, you see that you're going to be easily within $100 million, if not more.

A new courthouse, we hear different costs. A lot depends on land and things like that. But when it was on the books in the mid, around 2005, 2006, they estimated construction costs for 2008 to be $143 million.

So I'm just getting to the dollars here. It seems to me you reach a point that the economics tells you that you can't fix this building in an economic way. I couldn't agree with you more. Are we going to get in this budget climate $200 million set aside for a courthouse in Baltimore? The answer is no. That's clear in this current economic environment.

But are we going to get $100 million set aside for the type of improvements you're talking about? The answer today right now is now. So I think we've got to look for a better way of trying to figure out how we can finance an adequate courthouse here in Baltimore.

I listened very carefully to all four of your testimonies and I think we have agreement here, and I strongly support it, that if there is a replacement courthouse, it needs to be located in downtown Baltimore. We're in agreement on that?

I see everybody nodding on that.

Mayor RAWLINGS-BLAKE. Yes.

Judge MOTZ. Yes.

Mr. FOWLER. Yes.

Mr. MONK. Yes.

Senator CARDIN. It's interesting that you all deal with the issue of the courthouse being compatible to the development of Baltimore. Mayor Rawlings-Blake, I agree with you, it would be far preferable to have the entrance located on Pratt Street. Here's the challenge of doing that. I'm not sure that you're going to get support on the appropriate use of Federal funds at this time to change an entrance to the courthouse. It's very important to us that a building be integrated into the city, but I'm not so sure that the Federal Judiciary looks at it as a priority area when they're dealing with renovation funds. If it was new construction, that would be one thing. But when they're looking at renovation funds, whether they would use the millions of dollars necessary to refocus the entrance or use that to fix the HVAC. That's the challenge I think we confront with trying to renovate this building.

But you're absolutely right. I don't know how many people know about the Thurgood Marshall statue or why it's there or what its relevancy is.

So it seems like our best hope is what Mr. Fowler and Mr. Monk and you have been talking about, and that is to try to find a creative way that there is something special about the funding of a Baltimore courthouse that may get the attention of the Administrative Office of the Courts and then the Congress because of land swaps or other arrangements. I take it from your testimony you would be supportive of a creative opportunity in that regard?

Mayor RAWLINGS-BLAKE. Absolutely.

Senator CARDIN. Mr. Monk and Mr. Fowler, you both have talked about this in somewhat general terms as it relates to some of the redevelopment in downtown Baltimore. Neither one of you, though, has talked about what this land itself, if the courthouse were removed, what would be the likely or the possible attraction for a private developer to be able to be involved if this land became available?

Mr. MONK. This is—from the development perspective in Baltimore, this particular lot on Pratt Street, especially with the redeveloped arena and convention center across the street, will be a very special, unique opportunity for any developer. Literally, this morning it was announced that Constellation Energy and Exelon are thinking about a merger, and one of the things that was announced as part of that, that they are looking for a place to develop a new LEAD-certified platinum wonderful new building for downtown Baltimore as a corporate headquarters. It would be an ideal location for such a building.

So I think this location, properly fronted on Pratt Street, is a terrific opportunity for development of downtown Baltimore. It would give us yet another step on redevelopment of the entire west side.

Mr. FOWLER. I remember 3 years ago when I used to be on Pratt Street, when conventioneers would leave the convention they would go straight to the Inner Harbor, but now they go to the Hilton, they go throughout all of Pratt Street. It's become a much more attractive street over the past several years.

Just to give you a sense of the amount that some of these lots are being sold at, during the heyday a few years ago the McCormick Spice lot at Conway and Light sold for $25 million. During auction recently it sold for 11, so that's just a sign of the economy. But that's a similar sized site. So there could be substantial, perhaps tens of millions of dollars, that could come just from the sale of this site.

Before the recession hit, there was a lot of interest in doing buildout of retail along Pratt Street. We're starting to get glimmers of that interest again as the economy seems to be waking up a little bit. So this is a valuable site for private use.

Senator CARDIN. Judge Motz, looking at the numbers again, looking at GSA's numbers, lit seems to me that—well, let me ask you. What are your highest priorities if GSA said there was a limited amount of funds, they can't do it the way you want to do it, they can't do it all at one time?

Judge MOTZ. Well, after today my highest priority is to fix the security problems, because I think I don't see how after a public

hearing and problems of progressive collapse are going to be in the newspapers—as far as I'm concerned, GSA better fix that problem tomorrow. That's my highest priority.

In terms of other priorities, you've got to fix the infrastructure. There have been—regardless of what these gentlemen say, this courthouse now internally is an attractive spot. I don't know whether they've opened their eyes recently. But you've got to fix the infrastructure, and that is very costly.

If somebody wants to get us new money to build a new courthouse, that's fine. I must say that when people were talking about moving the courthouse 10 years ago, it wasn't to downtown. It was to Inner Harbor, it was the Harbor East, which to me—I was against it because of the very reason that there is now consensus on, that that area was going to develop by itself and you were betraying the downtown office district, because no law firm was going to stay down here when you weren't in walking distance of the courthouse.

So if you get a courthouse down here, you get the arena, you can make it attractive, that's fine. But I still think realistically $100 million is less than $200 million and I really think a new courthouse would cost $250 million. I think there's more chance to get $100 million than $250 million, and it's got to be done.

I'm telling you as somebody who looks at things pretty conservatively, it makes no sense. Either you raze the building and go somewhere else, which is fine, or else you've got to fix the infrastructure and the security problems. That is the two highest priorities, and one of those two things in my judgment has to be done.

Senator CARDIN. Security you rank first. There's been at least three other issues that have been raised. That is the air conditioning, the plumbing, the electrical.

Judge MOTZ. All of that has to be done. It has to be—there is no question, if you look at GSA studies about the ductwork and you see about—right now, the plumbing, the air conditioning, and the electricity need to be fixed and they should all be fixed at the same time. There were proposals that GSA wouldn't be able to fund this all at once, so you'd tear up the building 1 year and then 3 years later you'd come out and tear it up again. That makes no sense.

So if you're going to fix the building, you've got to come up with the money to fix it right. This building was not built correctly originally, as you well know. I thought your remark that you'd much rather have a building from the beginning of the century than from 1976 is absolutely right. This was not a well-constructed building, and it has got to be fixed. If not, and with all respect, the Mitchell Courthouse is beautiful, but it has lost—the infrastructure there needs to be fixed and there wasn't money to fix it.

Anybody—anybody's going to tell you that either you raze it, which is fine—that's OK—and build a new one, but you've got to have the new courthouse built before you leave this one, that's for sure, or else you've got to put the money in to fix this building up, or else it's really going to deteriorate and then you're going to be in very, very bad shape.

Senator CARDIN. I agree with you. Just reality tells me, though, if GSA and the Administrative Office of the Courts were not willing to make the $74 million investment when they had $1.5 billion

available to be spent—these studies have been done for a long time; they're ready to go; this was ready-to-go construction; they could have gotten people there immediately working on this work. If they weren't willing to invest that, why do we think we have a good chance of getting this money now?

Judge MOTZ. I would hope you—you would hope Congress would give us this money. I can't get the money. I'm the tenant in the building. I have absolutely no power to get the money.

But what we have done is to try to make this courthouse as good as it can be, and I think we've done a pretty good job limping along. But the fact of the matter is if money—realistically, if money is going to be put into here for infrastructure work or for a new courthouse, whichever it is, Congress is going to have to come up with the money. There's going to have to be a special appropriation that says that, because of the problems with the building, because of the needs of the city, because urban areas are important, because of the way this building is located, because it's on valuable land and as valuable as the arena would be, this might be more valuable, that this is an opportunity for political intervention and for Congress to fund things appropriately and specifically. That's where the money's going to come from.

Otherwise, as far as I'm concerned—we work with the AO and GSA every day to try to get more money, and we haven't been able to do it. Felicia is over there nodding her head. I would hope, I would hope that somebody would start thinking new construction is not the only way to go. Sometimes it is that if they're not going to give us new money, give us money to fix this courthouse and make it so it opens up on the pedestrian thoroughfare. That is good investment of public dollars.

But I have, frankly, I have no hope.

Senator CARDIN. I'm not disagreeing. In fact, it seems to me that you made that point for the last 2 or 3 or 4 or 5 years about let's get on with the major improvements that need to be made, and there was an opportunity for GSA to do that and they said no. That's how I see it.

So my point is this. You said that if you were a tenant in a commercial building you'd withhold your rents, and I agree with you you could withhold your rents. These are serious enough issues. You don't have that luxury because of the way the Federal Government is organized. We like to say that we don't want to exempt ourselves from private sector rules, but we do, and it's wrong.

One of the reasons we're holding this hearing is to put a spotlight on this. That's intentional, because Baltimore's not the only place in the Nation that has a similar problem. There is other problems in other parts of the country. I just think a mistake was made when the decision was made by the Administrative Office of the Courts that they were going to fund space needs rather than renovation of buildings and making them safe for the people that are in there.

I'm very serious about at least this Senator's vote on new judgeships until we have adequate space for our existing judges. I think that needs to be put into the equation. My concern is that unless we put a spotlight on the issues that we have that we could go another 10 or 15 or 20 years and then someone—and I'm not talking

about terrorist attacks, but someone's going to get hurt because of the conditions of the building, and then all of a sudden we try to do things to fix it.

Let's fix it now. I'm not opposed to $100 million being put into this Baltimore courthouse to make it look right and have it face on Pratt Street. My gut tells me that you're not going to get the private sector working with us on that. That's going to be solely a Federal Government issue. Here it seems to me that we have an opportunity, because of the interest of the private sector, that we might be able to put together a creative plan, with the Mayor's interest, that will allow us to move forward with a new courthouse for Baltimore in a way that would be even more economical than trying to patch up this existing courthouse, giving the Federal Government a better facility and giving downtown Baltimore a Federal courthouse that complements the city as well as another valuable piece of land that could be used for economic growth for Baltimore's future. That seems to me to make the most sense in this situation.

But if we're able to get the renovation moneys necessary for this courthouse—I'm going to fight, I know Senator Mikulski's going to fight, and our congressional delegation is going to fight to make sure this courthouse is safe. So we're going to continue to seek the attention of the Administrative Office of the Courts.

We took politics out of this in a way. You have this rating system within the Administrative Office of the Courts to determine priority of buildings and Congress follows that priority list. So in a way this is a fight. We have to get the Administrative Office of the Courts and GSA and then Congress needs to fund it, so we all have responsibilities.

What I'm going to do is take the information that's been made available at this hearing and share it, obviously, with my colleagues on the Environment and Public Works Committee, but with my colleagues in the U.S. Senate. I am certain, as has been pointed out in this hearing, that there are other cities that have similar types of problems, and maybe we'll be able to figure out a way that we can move forward with the type of space for our Judiciary which is appropriate to the important role that they play.

With that, let me again thank our four witnesses for your testimony. I think you added greatly to this hearing. With that, the committee will stand adjourned.

[Whereupon, at 3:30 p.m., the hearing was adjourned.]

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