

WHY ISN'T THE PBS COMMISSIONER POSITION A 10 YEAR APPOINTMENT?

By Ron Kendall

Mr. Kendall is a former staff director for the congressional subcommittee with direct oversight of the GSA Public Buildings Service, where, years earlier, he labored as a career civil servant for 26 years. Mr. Kendall currently serves as Executive Chairman of the National Federal Development Association (NFDA) and as Executive Vice President for Government Relations at Easterly Government Properties, Inc. The views expressed in this article are those of the author and do not represent the views of the NFDA or of Easterly Government Properties, Inc., its affiliates and/or its subsidiaries.

The Architect of the Capitol is a job filled by a term appointment of 10 years. The head of the Government Accountability Office, (the Comptroller General of the U.S.), is appointed for a term of 15 years. The FBI Director is appointed to a term of 10 years; the IRS Commissioner to a term of 5 years.

What these jobs have in common is that they are regarded as essentially apolitical positions in government that benefit from having professional managers in them: executives who can provide competent leadership for the intermediate to long-term. Congress, in its wisdom, clearly saw that the nation is best served if such general administrative organs of government as the IRS, the GAO, and the Architect of the Capitol, are steered, not by a succession of political appointees changed out at least once per new presidency, if not more often, but by strong, seasoned professionals who can provide continuity to administrative operations for extensive durations.

The Public Buildings Service (PBS) is certainly an analogous apolitical administrative organ of government, yet the Commissioner position is not accorded a similar long-term appointment. Since the beginning of the 21st century, there have been 7 Commissioners, if we include newly-appointed Nina Albert, an experienced, strong and qualified leader, who is just beginning her tenure. That equates to a term of about 3 years, on average, per Commissioner. (And, by the way, the 80's and 90's saw similar turnover in the Commissioner job.) And that tenure duration is *not* taking into account the times when there is a change in Administrations and a career civil servant in the Deputy Commissioner position acts in the Commissioner role, pending a new president's pick. For instance, in 2021, a career deputy acted for approximately 6 months; in 2017, the career deputy acted for 8 months. So, over the course of two decades, there are probably, in aggregate, another two full years when careerists are "acting" in the job in the interregnum.

The deleterious consequence of this frequent turn-over in the top PBS job was made manifest at the most recent NFDA annual National Conference, when the strategic direction espoused by the new commissioner ran directly counter to the direction articulated by the last commissioner. Here's how it unfolded: during the morning of the first day, Ms. Albert announced that it was a top "goal" of hers to secure a stable, adequate capital funding source so that PBS can maintain its owned inventory of approximately 185 million square feet. In the afternoon, her immediate predecessor, Dan Mathews, got up to say something entirely antithetical: that after 3 and ½ years in the job, he reached the conclusion that PBS perennially had not, and will not, get the capital it needs to maintain the current owned portfolio, and so, instead of seeking to secure additional appropriations to maintain the current inventory, PBS should learn to live within its means. Curiously, his conclusion matched the conclusion

which a cadre of PBS career managers (this author among them) had reached 20 years prior: that the Federal Buildings Fund created in 1972 to provide a reliable, steady stream of income to enable PBS to maintain owned assets and build or buy others, has never worked as intended (GAO has catalogued the reasons for this¹) and, instead of trying to persuade OMB and Congress to give PBS more money, a new approach is needed. That approach, the Portfolio Restructuring Strategy, established a set of asset diagnostic tests that sorted the inventory into Tiers, and then the managerial task was to direct the scarce capital that PBS could garner through the commercially equivalent rents it charges to tenant agencies, to the “core” portfolio: the roughly 20% of the assets that produce roughly 80% of the net revenue. But then comes the difficult part: sell or dispose of the balance of the owned inventory, and lease whatever space is still needed. An austere truth: PBS simply cannot “afford” the owned inventory it has.

Joe Moravec, Commissioner at the time the Portfolio Restructuring Strategy was first formulated in 2001, recognized the fundamental coherence of the portfolio restructuring approach, and endorsed it wholeheartedly. Five Commissioners later, it seems it was re-discovered anew by Dan Mathews. But now a new dawn has broken at PBS, and Nina Albert, three months into the commissioner job, is pledging to renew the fight to secure budgetary resources to maintain the aging owned inventory.

This dissonance underscores the problem with changing out the PBS top leadership so frequently: lessons once learned must be learned over and over (or perhaps they are not learned at all, and PBS stumbles once more), because among the cadre of ever-changing Commissioners, there is no institutional memory: few are there long enough in the Commissioner role (with the exception of Bob Peck, who served in the position during parts of both the Clinton and Obama administrations) to gain a nuanced understanding of the challenges of the Service. And no one certainly stays long enough to see through a long-range strategic vision to execution. Add in the time it takes to learn to trust the career civil servants, and for the careerists to learn to trust the new political management, it’s no wonder that becoming effective in the Commissioner position is not an instantaneous achievement, but rather a matter of steep learning in a complex regulatory and budgetary environment, not to mention all the execution challenges (e.g., ceilings on staffing numbers, salary caps, semi-autonomous regions, etc.)

And this is not to impugn either the character or intelligence of any past Commissioner; it is not personal. The problem is structural: it’s intrinsic to having the Commissioner job as a “plum book” appointment.

Now, in these polarized political times, it is hard to conceive of Congress agreeing to establish the Commissioner job at a term like that of the Architect of the Capitol (probably the closest analog) because whichever party does not currently hold the White House will likely never accede to enact into

¹Relevant GAO Studies/Reports: GSA’s Federal Buildings Fund Fails to Meet Primary Objectives (PLRD-82-18); <https://www.gao.gov/products/plrd-82-18>

Federal Buildings Fund Limitations (GGD-93-34R); <https://www.gao.gov/products/ggd-93-34r>

Capital Fund Proposal Upfront Funding Could Benefit Some Projects, but Other Potential Effects Not Clearly Identified (GAO-21-215); <https://www.gao.gov/products/gao-21-215>

law a statute that gives the current President the right to choose the next Commissioner who will sit for a 10 year term.

So, PBS is consigned to a purgatory of perpetual short-term turn-over in the key leadership job. As an investment banker remarked to me as the NFDA conference closed, "I'd never buy stock in a company that turned over its CEO 7 times in 21 years."