

Testimony
of Deputy Assistant Secretary and Assistant Director for Countermeasures
Gentry O. Smith
Nominee to be Director of the Office of Foreign Missions
Wednesday, June 11, 2014

Mr. Chairman and distinguished Members of the Committee, I am honored to appear before you today as President Obama's nominee to be the next Director of the Office of Foreign Missions (OFM). I am profoundly grateful for the confidence the President and Secretary Kerry have demonstrated in nominating me for this unique and important position.

My entire professional life has been dedicated to public service. Beginning with my first career as a police officer in Raleigh, North Carolina, to my assignments as a Regional Security Officer at our embassies in Tokyo, Rangoon, and Cairo, and to my current role as the Deputy Assistant Secretary and Assistant Director for Countermeasures in the Bureau of Diplomatic Security, I have strived to improve the overall conditions in which my colleagues, and those of us with families, live and work. I believe my dedication and commitment in this regard will serve me well if given the opportunity to lead the Office of Foreign Missions, an organization whose primary goals are:

- Using reciprocity to ensure equitable treatment for United States diplomatic and consular missions abroad and their personnel;
- regulating the activities of foreign missions in the United States to protect our foreign policy and national security interests;
- protecting the U.S. public from abuses of privileges and immunities by members of the foreign missions; and
- providing service and assistance to the foreign mission community in the United States on a reciprocal basis.

As you are aware, OFM was established in 1982 as a requirement of the Foreign Missions Act. In passing the Act, Congress made it clear that the operations of foreign missions and international organizations in the United States, including the permissible scope of their activities and the location and size of their facilities, is a proper subject for the exercise of Federal jurisdiction.

The Act provides the Department of State with broad authority to determine the treatment to be accorded to a foreign mission in the United States.

OFM vigorously pursues its mandate under the Act that, “consistent with our obligations under the Vienna Conventions, the treatment afforded a foreign mission in the United States shall be determined after due consideration of the benefits, privileges, and immunities provided to missions of the United States in the country represented by that foreign mission.” With this very mandate, OFM leads the Department’s engagement in a process in which it either develops an approach or exploits leverage to achieve a specific end. OFM’s approach to issues is a very realistic one. OFM knows that for every action there is a reaction, and so it works daily with a number of stakeholders, both within the Department and the broader community of Federal agencies, to carefully craft and implement responses to a wide range of actions that impact the proper or efficient operation of our diplomatic and consular operations abroad.

For more than 30 years, the Act has guided the Department’s management and extension to foreign missions in the United States, privileges and benefits associated with the acquisition and use of real property, motor vehicle and driving services, tax exemptions, customs clearances, and domestic travel courtesies and restrictions. In recent years, OFM’s role and its use of the Act’s broad authorities has allowed it to expand into new areas including the provision of assistance with the establishment and availability of financial services for foreign missions and to the development of the proposed Foreign Missions Center at the former Walter Reed Army Medical Center for the purpose of creating a second dedicated “embassy neighborhood” here in our Nation’s Capital.

The Act is also the reason I am before you today, in that it requires the Director of OFM to be appointed by the President, with the advice and consent of the Senate.

In my estimation, the Foreign Missions Act is a landmark piece of legislation which has positively influenced and conditioned the environment in which U.S. diplomatic and consular missions abroad operate. I appreciate the fascinating history associated with the Act’s origins, and its role in achieving a number of major, and often unsung, improvements to the operations of many of our embassies and consulates abroad. For example, in the past 11 years, OFM’s leadership of the Department’s Diplomatic Tax- Relief Initiative has resulted in the establishment of close to 100 bilateral and reciprocal construction tax-relief arrangements; this has resulted in an estimated savings to the Department of nearly \$280 million in foreign taxes associated with our efforts to construct new embassy and consular compounds.

I am eager to lead OFM's efforts in using the tools Congress provided the Department in realizing improvements to the many challenges, both new and old, that face so many of our posts abroad and my colleagues and their families who dutifully execute the diplomatic and consular relations of the United States.

The prospect of improving the conditions of my colleagues and their families abroad is of significant personal importance to me. Our personnel, many with accompanying and un-accompanying family members, face pressures and challenges each day that did not exist when I first joined the Department of State. Without question, the life of the Foreign Service has dramatically changed. The daily pressures on our personnel are significant, and I will work every day to use the tools Congress provided OFM to help improve, in both small and big ways, the daily lives of the brave men and women who are assigned to our embassies and consulates around the world.

This Committee is well aware of the Department's on-going efforts to ensure that our personnel abroad work in facilities that are safe, secure, and functional. I can authoritatively attest that the relocation of an American Embassy is a complex, costly, and difficult task. To accomplish this job, the United States must have the interest and support of the host government. In many countries, such support and assistance is there for the asking. In countries where support is lacking, I, as a member of Diplomatic Security, along with colleagues in Overseas Buildings Operations and other parts of the Department, have come to realize and respect the critical role that OFM quietly plays in assisting with the resolution of impasses we sometimes face with foreign governments during our attempts to acquire real property in their countries for the relocation and construction of our facilities.

When a country has an interest in improving or relocating one of its missions in the United States, OFM uses its ability to regulate the acquisition and use of real property by foreign missions as leverage to achieve the Department's own property-related needs in that country. Without OFM and the authorities it has under the Foreign Missions Act, the Department might not have been able to speak today of having a new U.S. Embassy in Beijing, as well as a new annex building under construction there as well. This and more was achieved as a result of reciprocity and the Foreign Missions Act.

If I am confirmed and with your support, I will further use OFM's authorities as a means to support and realize the goal shared by both Congress and the President of ensuring that our personnel work in safe and secure facilities abroad.

In closing, Mr. Chairman, I am honored to have the opportunity to address you and the esteemed Members of the Committee. If confirmed, I will do all that I can to further the important objectives Congress set out in the Foreign Missions Act, and I look forward to continuing to work with you to ensure proper treatment of our Foreign Service personnel abroad, and that foreign missions are good neighbors here at home.

Thank you for this opportunity and your consideration of my nomination. I respectfully request that my full statement be entered into the record, and I will be happy to answer your questions.