

14-45

The Secretary of State presents his compliments to Their Excellencies and Messieurs and Mesdames the Chiefs of Mission and has the honor to inform all missions of the revised policies and procedures regarding exemption from real estate taxes for real property owned by foreign diplomatic and consular missions in the United States. This note supersedes the Department's circular diplomatic note No. 11-149, dated July 8, 2011.

Real estate taxes refer to taxes associated with the purchase, ownership, and disposition of real property, other than such as represent payment for specific services rendered, including, but not limited to, annual property tax, recordation tax, transfer tax, and the functional equivalent of deed registration charges and stamp duties.

To ensure that state and local tax authorities consistently extend real estate tax exemption privileges to foreign missions when authorized by the Department's Office of Foreign Missions (OFM), the Department has designated such exemption as a benefit under the Foreign Missions Act (codified at 22 U.S.C. §§ 4301-4316) on the basis of a property's authorized use for diplomatic or consular purposes. The Department has also determined that this exemption shall be provided on such

terms and conditions as may be established by OFM. A copy of the referenced Designation and Determination is enclosed.

Property Uses Eligible for Real Estate Tax Exemption

This Designation and Determination supplements the tax exemption privileges available under Article 23 of the Vienna Convention on Diplomatic Relations (VCDR), Articles 32 and 60 of the Vienna Convention on Consular Relations (VCCR), and other applicable treaties. Thus, in accordance with these authorities, and on the basis of reciprocity, exemption from real estate taxes on the basis of a property's authorized use for diplomatic or consular purposes is available to a foreign mission only with respect to property authorized by OFM for use as:

1. the premises of a bilateral diplomatic mission (i.e., chancery or chancery annex) or consular post (i.e., primary office and approved annexes), headed by a career consular officer, that is owned by the respective foreign government or the head of the mission or consular post;
2. the premises of a consular post, headed by an honorary consular officer, that is owned by the respective foreign government;

3. the primary residence of the head of a bilateral diplomatic mission or a career head of a consular post, that is owned by the respective foreign government or the head of the mission or consular post;
4. the primary residence of a member or members of the staff of a bilateral diplomatic mission or career consular post, that is owned by the respective foreign government;
5. a residence used for temporarily lodging representatives or employees of a government of a state recognized by the United States, who visit the United States for bilateral or multilateral diplomatic or consular purposes, that is owned by the respective foreign government; or
6. another category of property authorized by OFM.

Property that is owned by a foreign government for the purpose of constructing or renovating facilities and that OFM has authorized for use for any of the purposes described above is also eligible for an exemption from real estate taxes, provided that OFM authorized the acquisition of such property.

For these purposes, real estate taxes do not include those that represent charges for specific services rendered, such as water and sewer usage or trash collection services. Furthermore, property lessees are not entitled to an exemption of real estate taxes on such property because such taxes are payable under state and local law by the property owner. VCDR, Art. 23(2); VCCR, Art. 32(2).

Procedures for Requesting Real Estate Tax Exemption

The Chiefs of Mission are advised that state and local tax authorities are prohibited from extending to a foreign mission an exemption from real estate taxes associated with a property on the basis of the property's authorized use for diplomatic or consular purposes, except on the basis of written authorization from the Director of OFM's Office of Diplomatic Property, Tax, Services and Benefits (OFM/PTSB). Therefore, foreign missions are requested to comply with the following procedures to facilitate OFM's authorization of the exemption:

- The mission should submit requests to acquire or dispose of real property in the United States in a timely manner. When OFM approves a foreign mission's request, OFM/PTSB will deliver a letter to the relevant state and/or local tax authority to authorize an exemption from real estate taxes on the transaction (typically, transfer or recordation taxes). OFM/PTSB will also provide a copy of the letter to the embassy and, where applicable, the consular post.
- When the foreign mission is purchasing property, the mission must inform OFM of the date the property deed is signed. When OFM/PTSB receives this information, it will deliver a letter to the relevant local tax authority to authorize an exemption from annual property taxes. OFM/PTSB will also

provide a copy of the letter to the embassy and, where applicable, the consular post.

- In the case of a primary residence owned by the head of a bilateral diplomatic mission or career head of a consular post, missions must annually request in writing OFM's authorization of an exemption from annual property taxes. Upon receiving such request, OFM/PTSB will deliver a letter to the relevant local tax authority to authorize an exemption from annual property taxes for a period of 12 months.

Foreign missions are encouraged to contact OFM/PTSB with any questions at 202-895-3500, option 5, or OFMProperty@state.gov.

Department of State,

Washington, January 16, 2014.



building on such site which is used for such purposes constitute a “chancery” for purposes of section 206 of the Act (22 U.S.C. 4306).

This action supersedes the determinations under the Foreign Missions Act relating to permanent missions to the United Nations made by the Acting Secretary of State on December 7, 1982, and by the Secretary of State on June 6, 1983.

Dated: January 8, 2014.

Patrick F. Kennedy,

Under Secretary for Management.

[FR Doc. 2014–00623 Filed 1–15–14; 8:45 am]

BILLING CODE 4710–35–P

DEPARTMENT OF STATE

[Public Notice 8597; No. FMA–2014–1]

Designation and Determination Under the Foreign Missions Act

Pursuant to the authority vested in the Secretary of State by the laws of the United States, including the Foreign Missions Act (codified at 22 U.S.C. 4301–4316) (hereinafter “the Act”), and delegated by the Secretary to me as the Under Secretary of State for Management in Delegation of Authority No. 198, dated September 16, 1992, and after due consideration of the benefits, privileges, and immunities provided to missions of the United States abroad, as well as matters related to the protection of the interests of the United States, I hereby designate as a benefit for purposes of the Act: exemption from taxes associated with the purchase, ownership, and disposition of real property, other than such as represent payment for specific services rendered (hereinafter collectively referred to as “real estate taxes”)—including, but not limited to, annual property tax, recordation tax, transfer tax, and the functional equivalent of deed registration charges and stamp duties—by a foreign mission on the basis of the property’s authorized use for diplomatic or consular purposes or by an international organization on the basis of the property’s authorized use for the official business of the organization.

Exemption from real estate taxes on the basis of a property’s authorized use for diplomatic or consular purposes or for the official business of an international organization is available to a foreign mission or international organization only with respect to property authorized by the Department of State’s Office of Foreign Missions (OFM) for use as:

1. the premises of a bilateral diplomatic mission or consular post,

headed by a career consular officer, that is owned by the respective foreign government or the head of the mission or consular post;

2. the premises of a consular post, headed by an honorary consular officer, that is owned by the respective foreign government;

3. the primary residence of the head of a bilateral diplomatic mission or a career head of a consular post, that is owned by the respective foreign government or the head of the mission or consular post;

4. the primary residence of a member or members of the staff of a bilateral diplomatic mission or career consular post, that is owned by the respective foreign government;

5. the premises of the Organization of American States (OAS) or the United Nations (UN), that is owned by the respective organization;

6. the primary residence of the head (Secretary General) of the OAS Secretariat or the UN Secretariat, that is owned by the respective organization;

7. the primary residence of a member or members of the staff of the OAS or the UN, that is owned by the respective organization;

8. the premises of a permanent mission to the OAS or the UN, that is owned by the respective foreign government;

9. the primary residence of a principal representative or resident representative of a permanent mission to the OAS or the UN with a rank of ambassador or minister plenipotentiary, that is owned by the respective foreign government;

10. the primary residence of a member or members of the staff of a permanent mission to the OAS or the UN, that is owned by the respective foreign government;

11. the premises of an observer mission to the OAS or the UN of a state recognized by the United States, that is owned by the respective foreign government;

12. the primary residence of a principal representative or resident representative of an observer mission to the OAS or the UN of a state recognized by the United States with a rank of ambassador or minister plenipotentiary, that is owned by the respective foreign government;

13. the primary residence of a member or members of the staff of an observer mission to the OAS or the UN of a state recognized by the United States, that is owned by the respective foreign government;

14. the premises of an international organization designated under the International Organization Immunities Act (IOIA), other than the OAS or UN,

that is owned by the respective organization and is located in the District of Columbia;

15. the primary residence of the head of an international organization designated under the IOIA, other than the OAS or UN, that is owned by the respective organization and is located in the District of Columbia;

16. the primary residence of a member or members of the staff of an international organization designated under the IOIA, other than the OAS or UN, that is owned by the respective organization and is located in the District of Columbia;

17. a residence used for temporarily lodging representatives or employees of a government of a state recognized by the United States, who visit the United States for bilateral or multilateral diplomatic or consular purposes, that is owned by the respective foreign government; or

18. another category of property authorized by OFM.

Property that is owned by a foreign government or international organization for the purpose of constructing or renovating facilities and that OFM has authorized for use for any of the purposes described above is eligible for an exemption from real estate taxes, provided that OFM authorized the acquisition of such property.

I similarly designate as a benefit for purposes of the Act an exemption from real estate taxes on mission premises and residences described above that are in the custody or control of the United States pursuant to 22 U.S.C. 4305(c).

I determine that exemption from real estate taxes on the basis of a property’s authorized use for diplomatic or consular purposes or for the official business of an international organization shall be provided on such terms and conditions as OFM may approve. The manner in which such benefits shall be extended by states, counties, municipalities, and territories shall also be subject to such terms and conditions as OFM may approve.

Following are the current terms and conditions governing the provision of exemptions from real estate taxes to foreign missions and international organizations on the basis of a property’s authorized use for diplomatic or consular purposes or for the official business of an international organization:

- The determination of a foreign mission or international organization’s entitlement to an exemption from real estate taxes associated with a property of a type described above, on the basis of the property’s authorized use for

diplomatic or consular purposes, or for the official business of an international organization, is committed to the sole discretion of the Department of State. Such determinations are communicated by letter from OFM to the relevant state, county, municipal or territorial revenue authorities.

- All such letters will be signed by the Director of OFM's Office of Diplomatic Property, Tax, Services and Benefits (OFM/PTSB), or a successor office.
- Such letters serve as official notice to the relevant state, county, municipality, or territory that the described property or transaction is or is not entitled to an exemption from real estate taxes on the basis of the property's authorized use for diplomatic or consular purposes or for the official business of an international organization.
- States, counties, municipalities, and territories are prohibited from extending to a foreign mission or international organization an exemption from real estate taxes associated with a property on the basis of the property's authorized use for diplomatic or consular purposes or for the official business of the international organization, except on the basis of written authorization from OFM.
- Conversely, on the basis of a letter as described above, states, counties, municipalities, and territories are required to extend to a foreign mission or international organization an exemption from real estate taxes to which OFM determines a foreign mission or international organization is entitled. If a state, county, municipality or territory has concerns regarding the extension of such exemption benefits, it should raise the matter directly with OFM.
- Unless otherwise determined by OFM, the effective date of OFM's authorization of an exemption from real estate taxes is the date the property deed in question is signed or transferred.
- States, counties, municipalities, and territories may establish additional procedures to ensure the proper extension of such exemption benefits, provided that:
 - such procedures, including the establishment and use of any forms, serve only to facilitate the state, county, municipality, or territory's extension of exemption benefits to a foreign mission or international organization and not as a means to determine the foreign mission's or international organization's entitlement to the exemption benefit associated with a property on the basis of the property's authorized use for diplomatic or consular purposes or for

the official business of the international organization, which determination is committed to the sole discretion of the Department of State; and

- the state, county, municipality, or territory obtain written approval from the Director of OFM/PTSB confirming that the proposed procedural requirements do not violate or infringe on any benefits, privileges, or immunities enjoyed by foreign missions or international organizations.

Finally, I further determine that any state or local laws to the contrary are hereby preempted.

The exemption from real estate taxes provided by this designation and determination shall apply to taxes that have been or will be assessed against any foreign mission or international organization with respect to property subject to this determination and shall nullify any existing tax liens with respect to any covered property. This determination shall not require the refund of any taxes previously paid by any foreign mission or international organization regarding such property. These actions are not exclusive and are independent of alternative legal grounds that support the tax exemption afforded herein.

The actions taken in this Designation and Determination are necessary to facilitate relations between the United States and foreign states, protect the interests of the United States, adjust for costs and procedures of obtaining benefits for missions of the United States abroad, and carry out the policy set forth in 22 U.S.C. 4301(b).

This action supersedes the Designation and Determination under the Foreign Missions Act made by the Deputy Secretary of State for Management and Resources on June 23, 2009.

Dated: January 8, 2014.

Patrick F. Kennedy,

Under Secretary for Management.

[FR Doc. 2014-00735 Filed 1-15-14; 8:45 am]

BILLING CODE 4710-35-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Aviation Rulemaking Advisory Committee Meeting on Transport Airplane and Engine Issues

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of public meeting.

SUMMARY: This notice announces a public meeting via teleconference of the FAA's Aviation Rulemaking Advisory

Committee (ARAC) Transport Airplane and Engine (TAE) Subcommittee to discuss TAE issues.

DATES: The teleconference is scheduled for Monday, February 10, 2014, starting at 8:00 a.m. PST/11:00 a.m. EST. The public must make arrangements by February 5, 2014, to present oral statements at the meeting.

ADDRESSES: N/A.

FOR FURTHER INFORMATION CONTACT: Ralen Gao, Office of Rulemaking, ARM-209, FAA, 800 Independence Avenue SW., Washington, DC 20591, Telephone (202) 267-3168, FAX (202) 267-5075, or email at ralen.gao@faa.gov.

SUPPLEMENTARY INFORMATION: Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. app. 2), notice is given of an ARAC Subcommittee meeting via teleconference to be held February 10, 2014.

The agenda for the meeting is as follows:

- Flight Controls Working Group Report

Participation is open to the public, but will be limited to the availability of teleconference lines.

To participate, please contact the person listed in **FOR FURTHER INFORMATION CONTACT** by email or phone for the teleconference call-in number and passcode. Please provide the following information: Full legal name, country of citizenship, and name of your industry association, or applicable affiliation. If you are participating as a public citizen, please indicate so. Anyone calling from outside the Arlington, VA, metropolitan area will be responsible for paying long-distance charges.

The public must make arrangements by February 5, 2014, to present oral or written statements at the meeting. Written statements may be presented to the Subcommittee by providing a copy to the person listed in the **FOR FURTHER INFORMATION CONTACT** section. Copies of the documents to be presented to the Subcommittee may be made available by contacting the person listed in the **FOR FURTHER INFORMATION CONTACT** section.

If you need assistance or require a reasonable accommodation for the meeting or meeting documents, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section.

Issued in Washington, DC on January 10, 2014.

Lirio Liu,

Designated Federal Officer.

[FR Doc. 2014-00700 Filed 1-15-14; 8:45 am]

BILLING CODE 4910-13-P