United States Department of State

Washington, D.C. 20520

September 11, 2003

Ms. Jerrily R. Kress
Director
Office of Zoning
One Judiciary Square
441 4th Street, N.W., 2nd Floor
Washington, D.C. 20001

2003 SEP 12 P 12:55

RE: BZA Application No.17051
Embassy of the Republic of Tajikistan
1005 New Hampshire Avenue, N.W.

Dear Ms. Kress:

The Department of State hereby provides its comments concerning the application submitted to the Foreign Missions Board of Zoning Adjustment ("FMBZA") by the Embassy of the Republic of Tajikistan on June 18, regarding the Embassy's desire to use the property located at 1005 New Hampshire Avenue, N.W. as its new chancery. The application was submitted pursuant to Section 206 of the Foreign Missions Act (22 U.S.C. §4306.) and D.C. Code 5-1206 and the case is scheduled to be heard September 30, 2003.

On behalf of the Secretary of State, and pursuant to the Foreign Missions Act, 22 U.S.C. §4301, *et seq.*, particularly sections 4303 and 4306, I hereby convey to the FMBZA the following comments and determinations concerning the subject application. These comments and determinations relate to the statutory criteria governing FMBZA determinations that lie within the purview of the Federal Government, namely 22 U.S.C. §4306(d)(1), (4), and (6), as well as the pertinent portion of (d)(3).

First, with respect to the criterion set forth in 22 U.S.C. §4306(d)(1), I have determined that favorable FMBZA action on the present application would fulfill the international obligation of the United States to facilitate the acquisition of adequate and secure premises by the Government of Tajikistan for its diplomatic mission in Washington.

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District of Columbia
CASE NO. 17051
EXHIBIT NO. 28

Second, after consultation with Federal agencies authorized to perform protective services, I have determined, pursuant to 22 U.S.C. §4306(d)(6), that there exist no special security requirements relating to parking requirements in this case. I have also, after similar consultation, and pursuant to 22 U.S.C. §4306(d)(4), determined that the subject site and area are capable of being adequately protected.

Third, pursuant to 22 U.S.C. §4306(d)(6), I have determined that a favorable decision on this application would serve the federal interest. The Government of Tajikistan has been very helpful and supportive of the United States in its endeavor to acquire adequate and secure diplomatic facilities in Dushanbe. In 2001 the United States and Tajikistan entered into a Bilateral Property Agreement that grants effective reciprocity in the acquisition of diplomatic property. As a result of this Agreement, the Embassy was permitted to purchase the subject property here and the United States acquired a plot of land on which we will soon commence construction of a new and secure chancery in Dushanbe. A favorable decision in the present case would assist the Department as we move forward with the construction of the new chancery.

For the above reasons, the Department of State supports the application of the Embassy of the Republic of Tajikistan and respectfully urges the FMBZA to act favorably on it.

Sincerely,

Joe D. Morton
Director