



ATTORNEY GENERAL OF MISSOURI
ANDREW BAILEY

February 05, 2024

Mr. Paul Rosen,
Assistant Secretary for Investment Security
Office of International Affairs
U.S. Department of Treasury
1500 Pennsylvania Avenue NW
Washington, DC 20220

Ms. Meena Sharma,
Deputy Director of Investment Security Policy
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U.S. Department of the Treasury
1500 Pennsylvania Avenue NW,
Washington, DC 20220

**RE: PETITION FOR RULEMAKING: Provisions Pertaining to
Certain Transactions by Foreign Persons Involving Real Estate in the
United States**

Dear Assistant Secretary Rosen:

The United States Department of the Treasury (“Treasury Department”) recently added eight military installations to a list of protected facilities around which foreign enemies of the United States are restricted in their efforts to buy land. These installations were provided additional protections “based upon an evaluation of national security considerations” along with assurances that the “Department of Defense will continue on an ongoing basis to assess its military installations and the geographic scope set under the rules to ensure appropriate application in light of national security considerations.”¹

We applaud the efforts of the Treasury Department to take action in response to the growing threat by America’s enemies—especially the threat posed by the

¹ 88 Fed. Reg. 29003 (May 5, 2023) (amending 31 C.F.R. 802),
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Chinese Communist Party and the People's Republic of China. Yet, we are concerned that your efforts do not go far enough. In February of 2023, the people of Missouri watched in disgust as a spy balloon launched by Beijing was allowed to float over our homes. This spy craft was clearly visible in the sky as it overflowed our State Capitol in Jefferson City. Aside from the offense to the people of our state of watching our enemies mock us with this provocative incursion into our airspace, it was alarming to consider the real world harm this overflight caused to our national security.

Publicly available sources tracked the trajectory of the spy balloon across the heart of central Missouri near one of our nation's most important military installations—Whiteman Air Force base. This was no accident. Whiteman is the home to the 509th Bomb Wing and its fleet of B-2 Spirit stealth bombers. These bombers are capable of deploying to forward operating installations across the globe, yet their only permanent base is here in Missouri. Such is the capability of this powerful heavy stealth bomber that they have routinely flown around the globe, resupplied by air-to-air refueling, and have returned to Whiteman without the need to touch down on foreign soil.

The current National Defense Strategy focuses on “deterrence by denial” particularly focusing on areas “where potential adversaries could act to rapidly seize territory.” This incredible weapons platform and its capabilities are key to Global Strike Command's strategic deterrence efforts. Ensuring potential adversaries are limited from occupying territory around its permanent home-station should be a key priority.

The awesome capability of this unique weapons platform is not lost on our enemies. As our world grows more chaotic and Beijing grows more provocative by the day, routinely threatening our allies in Taiwan, the deterrent created by the B-2 Spirit bomber and the talented men and women of the 509th Bomb Wing who keep the fleet ready to respond to foreign threats at a moment's notice, is hard to overstate.

In recognition of this clear and present threat to our nation's security, Missouri's governor, Mike Parson, recently issued an order addressing the issue. Executive Order 24-01 restricts the sale of Missouri land to aliens and foreign businesses if that land is within ten (10) miles of a military installation. We stand by our governor's efforts, and now call on you to take further action.

It is imperative that the Treasury Department add Whiteman Air Force base to the current list of protected military facilities. This may be achieved by amending part 802 to title 31 of the Code of Federal Regulations (section 802.227(m)) by specifically including Air Force bases located within the State of Missouri or amending section 802.227(c) to include Air Force bases that are home to

strategic heavy bombing capabilities such as the 509th Bomb Wing, and further amending the Appendix A of part 802 to include Whiteman Air Force base.

Inclusion in this list would ensure that foreign interests could not own “covered real estate” or make “covered real estate transactions” absent Treasury approval within the 99 mile protective boundary of the base.²

This Petition for Rulemaking is filed pursuant to 5 U.S.C. § 553(e) which states that “Each agency shall give an interested person the right to petition for the issuance, amendment, or repeal of a rule.”

I look forward to your prompt attention to this matter.

Sincerely,



ANDREW BAILEY
Missouri Attorney General

² See 31 C.F.R. § 802.211 (2020) (covered real estate); 31 C.F.R. § 802.212 (2020) (covered real estate transaction); and 31 C.F.R. § 802.217 (2020) (extended range).