



August 19, 2024

U.S. Department of Treasury  
Office of Investment Security  
Attn: Meena Sharma, Director, Office of Investment Security Policy & International Relations  
1500 Pennsylvania Avenue, NW  
Washington, D.C. 20220

Submitted via Regulations.gov

RE: Proposed Rule Modifying the Definition of Military Installation and The List of Military Installations in the Regulations Pertaining to Certain Transactions by Foreign Persons Involving Real Estate in the United States  
Document ID: TREAS-DO-2024-0010-0001; RIN: 1505-AC88

Dear Director Sharma:

On behalf of the 1.5 million members of the National Association of REALTORS® (NAR), we submit this comment in response to the U.S. Department of Treasury's Notice of Proposed Rulemaking (NPRM) to expand the Committee on Foreign Investment in the United States' (CFIUS) jurisdiction to review real estate transactions and purchases involving foreign persons; to expand the range of CFIUS's jurisdiction to add 59 additional military installations and to expansion of the range of CFIUS's transaction review from one mile to one hundred miles of various military installations across 30 states. NAR appreciates the Treasury Department's work in assessing and addressing national security risks, especially real estate transactions that require heightened alerts and further investigation.

NAR believes that the federal government is best positioned to manage and to lead on national security matters. NAR values national security and believes that CFIUS should expand its jurisdiction in a risk-based and pragmatic manner. Expansion of CFIUS's jurisdiction should also be tailored in a manner to directly address security risks and threats that exists while also considering other key interests at stake, including economic implications and property rights. CFIUS's jurisdiction and scope is imperative, given recent state efforts to regulate national security matters involving certain types of real estate transactions and buyers at the state level.

It is within CFIUS's jurisdiction to assess national security risks involving real estate transactions that involve foreign buyers and investors. While this is within CFIUS's scope of jurisdiction, it is imperative that the Treasury Department also consider civil rights and fair housing laws that are also relevant. It is important that the Treasury

Department remains vigilant and aware of discrimination based upon national origin, and narrowly tailor its regulations address specific, credible security risks.

NAR is concerned about state-level restrictions on foreign land purchases that exclude entire classes of persons from owning real property based on their national origin. The federal Fair Housing Act prohibits discrimination on the basis of national origin in the purchase or sale of real property. When real estate professionals are put in a position to enforce state laws that exclude classes of persons based on national origin, real estate agents risk violating the Fair Housing Act. More broadly, state level restrictions on real property ownership based on national origin risk undermining the Fair Housing Act's purpose, to provide for fair housing throughout the United States. By taking action to regulate national security risks at the federal level where they properly belong, the Treasury Department can also help prevent the increased proliferation of a patchwork of state laws, causing confusion for property owners, buyers, and real estate professionals. The Treasury Department can also help prevent the increased risk of national origin discrimination that overly-broad state laws may engender.

NAR defers to the Treasury Department regarding the scope of CFIUS's expansion given national security priorities and considerations; however, the proposed regulation may impact real estate transactions located between one mile and up to one hundred miles of various military installations across 30 states. The broad scope and coverage area for this proposed regulation is vast, and if finalized and implemented as written, will impact many property owners, businesses, real estate professionals and other stakeholders. It is imperative that the Treasury Department considers all parties and interests that may be affected and impacted.


NAR recommends that the Treasury Department continue to work collaboratively with the U.S. Department of Defense (DoD), other federal law enforcement agencies, the U.S. Department of Justice Civil Rights Division, Congress, real estate professionals and stakeholders to fully understand the impact of this regulation. NAR remains committed to national security and supporting the federal government's efforts. We welcome the opportunity to meet with the Treasury Department to further discuss the impact of this proposed regulation. If you have any additional questions, please feel free to contact me or Nia Duggins, Sr. Policy Representative at [nduggins@nar.realtor](mailto:nduggins@nar.realtor) or 202-383-1085.

Sincerely,



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2024 President, National Association of REALTORS®

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