

Homeland Security Department

3009.108-7002

SOURCE: 75 FR 41099, July 15, 2010, unless otherwise note.

Subpart 3007.1—Acquisition Plans

3007.106 Additional Requirements for Major Systems.

3007.106-70 Limitations on Lead System Integrators.

See (HSAR) 48 CFR 3009.570 for policy applicable to acquisition strategies that consider the use of lead system integrators.

PART 3008—REQUIRED SOURCES OF SUPPLIES AND SERVICES [RESERVED]

PART 3009—CONTRACTOR QUALIFICATIONS

Subpart 3009.1—Responsible Prospective Contractors

Sec.

- 3009.108-70 Prohibition on contracts with corporate expatriates.
- 3009.108-7001 General.
- 3009.108-7002 Definitions.
- 3009.108-7003 Special rules.
- 3009.108-7004 Waivers.
- 3009.108-7005 Clause.
- 3009.171 Prohibition on Federal Protective Service guard services contracts with business concerns owned, controlled, or operated by an individual convicted of a felony.

Subpart 3009.4—Debarment, Suspension, and Ineligibility

- 3009.470 Reserve Officer Training Corps and military recruiting on campus.
- 3009.470-1 Definition.
- 3009.470-2 Policy.
- 3009.470-3 Procedures.
- 3009.470-4 Contract clause.

Subpart 3009.5—Organizational and Consultant Conflicts of Interest

- 3009.507 Solicitation provision and contract clause. [Reserved]
- 3009.507-1 Solicitation provision.
- 3009.507-2 Contract clause.
- 3009.570 Limitations on contractors acting as lead system integrators.
- 3009.570-1 Definitions.
- 3009.570-2 Policy.
- 3009.570-3 Procedures.
- 3009.570-4 Solicitation provision and contract clause.

AUTHORITY: 5 U.S.C. 301-302, 41 U.S.C. 1707(a) and (b), 41 U.S.C. 1702, 48 CFR part 1, subpart 1.3, and DHS Delegation Number 0700.

SOURCE: 68 FR 67871, Dec. 4, 2003, unless otherwise note.

Subpart 3009.1—Responsible Prospective Contractors

3009.108-70 Prohibition on contracts with corporate expatriates.

3009.108-7001 General.

Except as provided in (HSAR) 48 CFR 3009.108-7004, DHS may not enter into any contract with a foreign incorporated entity which is treated as an inverted domestic corporation under subsection (b) of section 835 of the Homeland Security Act, 6 U.S.C. 395(b), or any subsidiary of such an entity.

[76 FR 70661, Nov. 15, 2011]

3009.108-7002 Definitions.

As used in this subpart—

Expanded Affiliated Group means an affiliated group as defined in section 1504(a) of the Internal Revenue Code of 1986 (without regard to section 1504(b) of such Code), except that section 1504 of such Code shall be applied by substituting 'more than 50 percent' for 'at least 80 percent' each place it appears.

Foreign Incorporated Entity means any entity which is, or but for section 835(b) of the Homeland Security Act, 6 U.S.C. 395(b), would be, treated as a foreign corporation for purposes of the Internal Revenue Code of 1986.

Inverted Domestic Corporation. A foreign incorporated entity shall be treated as an inverted domestic corporation if, pursuant to a plan (or a series of related transactions)—

(1) The entity completes the direct or indirect acquisition of substantially all of the properties held directly or indirectly by a domestic corporation or substantially all of the properties constituting a trade or business of a domestic partnership;

(2) After the acquisition at least 80 percent of the stock (by vote or value) of the entity is held—

(i) In the case of an acquisition with respect to a domestic corporation, by former shareholders of the domestic