AMERICAN OVERSIGHT

July 10, 2025

VIA ONLINE PORTAL

Department of Homeland Security
Privacy Office, Mail Stop 0655
2707 Martin Luther King Jr. Ave. SE
Washington, DC 20528
Via Online Portal

Re: Freedom of Information Act Request

Dear FOIA Officer:

Pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. § 552, and the implementing regulations of your agency, 6 C.F.R. Part 5, American Oversight makes the following request for records.

Recent reporting from *The Washington Post* said that Thomas "Tom" Homan's ethics statement released by the Department of Homeland Security recorded his title as "Border Czar, Department of Homeland Security."[1] This is in contrast to prior reporting on his involvement in the government, which he described as "reporting directly to the president."[2] Accordingly, American Oversight seeks records with the potential to clarify Mr. Homan's position and involvement with DHS.

Requested Records

American Oversight requests that the DHS Privacy Office produce the following records within twenty business days:

1. Records reflecting any ethics waivers, conflict-of-interest waivers, disclosures related to any potential conflicts of interest, and/or financial disclosures, whether formal or informal, proposed or completed by or for Thomas "Tom" Homan.

2. Records reflecting any recusal determination made or issued for Thomas "Tom" Homan.

3. Copies of any SF-50 and SF-52 forms for Thomas "Tom" Homan reflecting any change in position or title, including when Mr. Homan enters or leaves a

[1] *See* Douglas MacMillan & Aaron Schaffer, *Trump's Border Czar Earned Consulting Fees From Immigrant Detention Firm*, Wash. Post, May 27, 2025, https://www.washingtonpost.com/business/2025/05/27/border-czar-ethics-consulting-fees/.
[2] *Id.*

position. We have no objection to the redaction of home addresses, telephone numbers, or social security numbers from the SF-50s and SF-52s.

For all parts of this request, please provide all responsive records created or issued from January 20, 2025, through March 20, 2025.

Fee Waiver Request

In accordance with 5 U.S.C. § 552(a)(4)(A)(iii) and your agency's regulations, American Oversight requests a waiver of fees associated with processing this request for records. The subject of this request concerns the operations of the federal government, and the disclosures will likely contribute to a better understanding of relevant government procedures by the general public in a significant way. Moreover, the request is for non-commercial purposes.

American Oversight requests a waiver of fees because disclosure of the requested information is "in the public interest because it is likely to contribute significantly to public understanding of operations or activities of the government."[3] The public has a significant interest Tom Homan's role in the federal government, given his influence over U.S. immigration policy.[4] Records with the potential to shed light on this question would contribute significantly to public understanding of operations of the federal government, including whether Tom Homan is working directly for DHS as suggested by his ethics paperwork, the nature of his onboarding and role, and his official activities at DHS. American Oversight is committed to transparency and makes the responses agencies provide to FOIA requests publicly available, and the public's understanding of the government's activities would be enhanced through American Oversight's analysis and publication of these records.

This request "is not primarily in the commercial interest of the requester."[5] In fact, as a 501(c)(3) nonprofit, American Oversight does not have a commercial purpose, and the release of the information requested is not in American Oversight's commercial interest. American Oversight's mission is to promote transparency in government, to educate the public about government activities, and to ensure the accountability of government officials. American Oversight uses the information gathered, and its analysis of it, to educate the public through reports, press releases, or other media. American Oversight also makes materials it gathers available on its public website and promotes their availability on social media platforms, such as Facebook and X (formerly Twitter).[6]

[3] 5 U.S.C. § 552(a)(4)(A)(iii).
[4] *See supra*, note 1.
[5] 5 U.S.C. § 552(a)(4)(A)(iii).
[6] American Oversight currently has approximately 16,000 followers on Facebook and 94,500 followers on X (formerly Twitter). American Oversight, Facebook, https://www.facebook.com/weareoversight/ (last visited July 9, 2025); American Oversight (@weareoversight), X (formerly Twitter), https://x.com/weareoversight (last visited July 9, 2025).

American Oversight has also demonstrated its commitment to the public disclosure of documents and creation of editorial content through regular substantive analyses posted to its website.[7] Examples reflecting this commitment include the posting of records related to the first Trump Administration's contacts with Ukraine and analyses of those contacts;[8] posting records and editorial content about the federal government's response to the COVID-19 pandemic;[9] posting records received as part of American Oversight's "Audit the Wall" project to gather and analyze information related to the first Trump administration's proposed construction of a barrier along the U.S.-Mexico border, and analyses of what those records reveal;[10] the posting of records related to an ethics waiver received by a senior Department of Justice attorney and an analysis of what those records demonstrated regarding the Department's process for issuing such waivers;[11] and posting records and analysis of federal officials' use of taxpayer dollars to charter private aircraft or use government planes for unofficial business.[12]

Accordingly, American Oversight qualifies for a fee waiver.

Guidance Regarding the Search & Processing of Requested Records

In connection with its request for records, American Oversight provides the following guidance regarding the scope of the records sought and the search and processing of records:

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[7] *See generally Our Latest*, American Oversight, https://www.americanoversight.org/blog.
[8] *The Trump Administration's Contacts with Ukraine*, American Oversight, https://www.americanoversight.org/investigation/the-trump-administrations-contacts-with-ukraine.
[9] *See generally The Trump Administration's Response to Coronavirus*, American Oversight, https://www.americanoversight.org/investigation/the-trump-administrations-response-to-coronavirus; *see, e.g.*, *CDC Calendars from 2018 and 2019: Pandemic-Related Briefings and Meetings*, American Oversight, https://www.americanoversight.org/cdc-calendars-from-2018-and-2019-pandemic-related-briefings-and-meetings.
[10] *See generally Audit the Wall*, American Oversight, https://www.americanoversight.org/investigation/audit-the-wall; *see, e.g.*, *Audit the Wall: No Plans, No Funding, No Timeline, No Wall*, American Oversight, https://americanoversight.org/audit-the-wall-no-plans-funding-or-timeline-and-no-wall/.
[11] *DOJ Records Relating to Solicitor General Noel Francisco's Recusal*, American Oversight, https://www.documentcloud.org/documents/25544090-doj-records-relating-to-solicitor-general-noel-franciscos-recusal-american-oversight; *Francisco & the Travel Ban: What We Learned from the DOJ Documents*, American Oversight, https://www.americanoversight.org/francisco-the-travel-ban-what-we-learned-from-the-doj-documents.
[12] *See generally Swamp Airlines: Chartered Jets at Taxpayer Expense*, American Oversight, https://www.americanoversight.org/investigation/swamp-airlines-private-jets-taxpayer-expense; *see, e.g.*, *New Information on Pompeo's 2017 Trips to His Home State*, American Oversight, https://www.americanoversight.org/new-information-on-pompeos-2017-trips-to-his-home-state.

- Please search all locations and systems likely to have responsive records, regardless of format, medium, or physical characteristics.

- In conducting your search, please understand the terms "record," "document," and "information" in their broadest sense, to include any written, typed, recorded, graphic, printed, or audio material of any kind.

- Our request for records includes any attachments to those records or other materials enclosed with those records when they were previously transmitted. To the extent that an email is responsive to our request, our request includes all prior messages sent or received in that email chain, as well as any attachments to the email.

- Please search all relevant records or systems containing records regarding agency business. Do not exclude records regarding agency business contained in files, email accounts, or devices in the personal custody of your officials, such as personal email accounts or text messages. Records of official business conducted using unofficial systems or stored outside of official files are subject to the Federal Records Act and FOIA.[13] It is not adequate to rely on policies and procedures that require officials to move such information to official systems within a certain period of time; American Oversight has a right to records contained in those files even if material has not yet been moved to official systems or if officials have, by intent or through negligence, failed to meet their obligations.[14]

- Please use all tools available to your agency to conduct a complete and efficient search for potentially responsive records. Agencies are subject to government-wide requirements to manage agency information electronically,[15] and many agencies have adopted the National Archives and Records Administration (NARA) Capstone program, or similar policies. These systems provide options for searching emails and other electronic records in a manner that is reasonably likely to be more complete than just searching individual custodian files. For example, a custodian may have deleted a responsive email from his or her email program, but your agency's archiving tools may capture that email under Capstone. At the same time, custodian searches are still necessary; agencies may

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[13] *See Competitive Enter. Inst. v. Office of Sci. & Tech. Policy*, 827 F.3d 145, 149–50 (D.C. Cir. 2016); *cf. Judicial Watch, Inc. v. Kerry*, 844 F.3d 952, 955–56 (D.C. Cir. 2016).
[14] *See Competitive Enter. Inst. v. Office of Sci. & Tech. Policy*, No. 14-cv-765, slip op. at 8 (D.D.C. Dec. 12, 2016).
[15] Presidential Memorandum—Managing Government Records, 76 Fed. Reg. 75,423 (Nov. 28, 2011), https://obamawhitehouse.archives.gov/the-press-office/2011/11/28/presidential-memorandum-managing-government-records; Office of Mgmt. & Budget, Exec. Office of the President, Memorandum for the Heads of Executive Departments & Independent Agencies, "Managing Government Records Directive," M-12-18 (Aug. 24, 2012), https://www.archives.gov/files/records-mgmt/m-12-18.pdf.

not have direct access to files stored in .PST files, outside of network drives, in paper format, or in personal email accounts.

- In the event some portions of the requested records are properly exempt from disclosure, please disclose any reasonably segregable non-exempt portions of the requested records. If a request is denied in whole, please state specifically why it is not reasonable to segregate portions of the record for release.

- Please take appropriate steps to ensure that records responsive to this request are not deleted by the agency before the completion of processing for this request. If records potentially responsive to this request are likely to be located on systems where they are subject to potential deletion, including on a scheduled basis, please take steps to prevent that deletion, including, as appropriate, by instituting a litigation hold on those records.

Conclusion

If you have any questions regarding how to construe this request for records or believe that further discussions regarding search and processing would facilitate a more efficient production of records of interest to American Oversight, please do not hesitate to contact American Oversight. American Oversight welcomes an opportunity to discuss its request with you before you undertake your search or incur search or duplication costs. By working together at the outset, American Oversight and your agency can decrease the likelihood of costly and time-consuming litigation in the future.

Where possible, please provide responsive material in an electronic format by email. Alternatively, please provide responsive material in native format or in PDF format on a USB drive. Please send any responsive material being sent by mail to American Oversight, 1030 15th Street NW, Suite B255, Washington, DC 20005. If it will accelerate release of responsive records to American Oversight, please also provide responsive material on a rolling basis.

We share a common mission to promote transparency in government. American Oversight looks forward to working with your agency on this request. If you do not understand any part of this request, please contact Jessica Jensen at foia@americanoversight.org or (276) 293-9853 ext. 1033. Also, if American Oversight's request for a fee waiver is not granted in full, please contact us immediately upon making such a determination.

Sincerely,

/s/ Jessica Jensen
Jessica Jensen
on behalf of
American Oversight

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Supplemental Information

Whose ethics documents are available to request from OGE?

Approximately 26,000 executive branch employees file public financial disclosure reports. OGE is responsible for making the disclosures and related ethics documents available for about 1,000 of these individuals who occupy particularly sensitive positions.

You can request ethics documents from OGE for individuals who are:

(1) Presidentially appointed and Senate-confirmed;
(2) a Presidential or Vice Presidential candidate;
(3) a senior official at the White House;
(4) a Designated Agency Ethics Official.

You can also request copies of certificates of divestiture issued to anyone in the executive branch.

Whose ethics documents are available to request from executive branch departments and agencies?

If you are looking for the ethics documents of an individual who is NOT (1) Presidentially appointed and Senate-confirmed, (2) a Presidential or Vice Presidential candidate, (3) a senior official at the White House, or (4) a Designated Agency Ethics Official, you must submit a request to the agency that employs the individual.

To make a request for ethics documents to the individual's employing agency, submit this Form to the agency using the contact information on this **page**.

What documents can be requested?

You can use this Form to request copies of the financial disclosure reports and other records, as specified in the table below, of certain executive branch officials. These records are available under the Ethics in Government Act of 1978 ("the Act"), the Stop Trading on Congressional Knowledge Act of 2012 (STOCK Act), and OGE's implementing regulations. Copies of public financial disclosure reports (278e) and periodic transaction reports (278T) are available by request 30 days after the individual files the report.

Should I use the online system or fill out the PDF Form?

If you are requesting ethics documents from OGE, you should use the online system whenever possible. If you are unable to use the online system for your request, e-mail the PDF Form to 201forms@oge.gov or mail the PDF Form to:

U.S. Office of Government Ethics
250 E Street, SW., Suite 710
Washington DC 20024-3249

(Note: Currently OGE is unable to fill any request using the PDF Form that does not provide an email address for the requestor.)

If you are requesting ethics documents from another agency, you may fill out the PDF Form and submit it to the relevant agency using the contact information on this **page**. (Agencies may use other systems or forms to accept requests.)

You may also use the PDF Form to request certain other records from OGE, as specified in this table.

ETHICS DOCUMENTS	DESCRIPTION
Public Financial Disclosure Report (OGE Form 278e) – Candidate	Details the personal financial interests of the filer, the filer's spouse, and any dependent children. These reports are filed by candidates for the office of the President and Vice President.*
Public Financial Disclosure Report (OGE Form 278e) – New Entrant	Details the personal financial interests of the filer, the filer's spouse, and any dependent children. These reports are filed within 30 days of taking office.*
Public Financial Disclosure Report (OGE Form 278e) - Nominee	Details the personal financial interests of the filer, the filer's spouse, and any dependent children. These reports are filed at the time of nomination for Senate-confirmed positions.
Public Financial Disclosure Report (OGE Form 278e) - Annual	Details the personal financial interests of the filer, the filer's spouse, and any dependent children. These reports are filed by all public filers on May 15th of each year.*
Public Financial Disclosure Report (OGE Form 278e) – Termination	Details the personal financial interests of the filer, the filer's spouse, and any dependent children. These reports are filed by all public filers within 30 days of leaving a public filing position.*
Periodic Transaction Reports (OGE Form 278-T)	Provides information about the purchase, sale, or exchange of securities and similar assets throughout the year.*
Certificates of Divestiture	Allows an eligible person to defer paying capital gains on property sold to comply with conflict of interest requirements.
18 U.S.C. § 208(b)(1) & (b)(3) waivers	Waivers are available after deletion of any material withholdable pursuant to the Freedom of Information Act, 5 U.S.C. § 552 (see 18 U.S.C. § 208(d)(1)).
Cover Letters	There are two types of cover letters available: 1. Cover letters for approved public reporting waiver requests for certain special government employees who work less than 130 days in a calendar year. 2. Cover letters for approved gifts reporting waiver requests.
Ethics in Government Act qualified blind trust and qualified diversified trust instruments	Qualified blind trust and qualified diversified trust instruments (other than those provisions which relate to the testamentary disposition of the trust assets), the list of assets transferred to such trusts (and of assets sold in the case of a qualified blind trust), as well as, in the case of trust dissolution, the report thereon and the list of trust assets at that time, and the certificates of independence and compliance with respect to qualified trusts.
Other OGE Form 201 requests for access	Includes the name and required information provided by previous OGE Form 201 applicants.

* An agency may grant an extension of the filing deadline for "good cause shown," provided such extensions do not exceed 90 days (180 days for a filer serving in a combat zone).

OGE Form 201

Request an Individual's Ethics Documents

To Supplemental Information

I. Application

1. Your name (required): Jessica Jensen

1a. Your mailing address or email address (required):	1b. Your telephone number (required):
foia@americanoversight.org	(276) 293-9853 ext. 1033
	2. Your occupation (required): Counsel

3. Is this application for or on behalf of any other person or organization (required)? (•) Yes ( ) No

3a. If yes, provide the name and address of the person or organization (required):

Jessica Jensen, American Oversight, 1030 15th Street NW, Suite B255, Washington, DC 20005

4.Type of applicant: ( ) News media ( ) Member of the public (•) Public interest group ( ) Private organization ( ) Government ( ) Other

5. Name of individual(s) whose documents are requested (use the continuation page if needed):

Tom Homan	

Go to Continuation Page

5a. A copy of the most recent OGE 278e will be provided unless you specify below which documents (with time period) that you are requesting. *(e.g. Nominee report and 20XX annual report filed by the above individual; 18 U.S.C. § 208(b)(1) waivers issued to the above individual(s) from 1/1/20XX-present; All 278T reports filed by the listed individual(s) during February 20XX)*

All OGE Forms 278e and OGE Forms 278-T for all of the above individuals since January 20, 2025

6. Indicate how you wish to receive your response: ( ) By email (at the email address listed above)

( ) By mail (at the address listed above)

I am aware that in completing this official government form that any intentionally false or misleading statement, certification, or response provided in this form is a violation of law punishable by a fine or imprisonment, or both, under 18 U.S.C. § 1001. Pursuant to section 105(d) of the Ethics in Government Act of 1978, as amended, and 5 C.F.R. § 2634.603(f) of the implementing OGE regulation, it is unlawful for any person to obtain or use a report:

(1) for any unlawful purpose;
(2) for any commercial purpose, other than by news and communications media for dissemination to the general public;
(3) for determining or establishing the credit rating of any individual; or
(4) for use, directly or indirectly, in the solicitation of money for any political, charitable, or other purpose.

The U.S. Attorney General may bring a civil action against any person who obtains or uses a report for any such prohibited purpose as set forth above. The court may assess against such a person a penalty in any amount not to exceed $23,727. Such remedy shall be in addition to any other remedy available under statutory or common law.

7. Applicant's Signature: **Date:**

II. Notice of Action

☐ Your request does not comply with the requirements of the statute. Please complete Part I of this Form and return so we may complete your request.

☐ Your request requires you to pay a fee in the following amount before it will be processed:

(When fees are required, make out a check payable to the U.S. Treasury and send it to the executive branch agency processing this request Form.)

Agency Use Only (Optional)

◉ Filled ○ Not Filled

Date Received:

Additional Notes:

A. Privacy Act Statement

Sections 105 and 402(b)(1) of the Ethics in Government Act, as amended (5 U.S.C. §§ 13107 and 13122(b)(1)) and 5 C.F.R. § 2634.603 authorize the solicitation of the information requested in this form. The primary use of the information on this form is to permit officials of the recipient agency to consider and process requests for inspection or receipt of copies of the OGE Form 278e Executive Branch Personnel Public Financial Disclosure Report and OGE Form 278-T Periodic Transaction Report, or other covered records to which you seek access. Furnishing the requested information is voluntary. However, failure to furnish this information will result in the recipient agency's inability to allow access to, or to provide a copy/copies of, the financial disclosure report(s) or other record(s) requested. Information on the form itself may be publicly disclosed pursuant to a proper request under section 105(b) of the Ethics in Government Act (5 U.S.C. § 13107(b)) or as otherwise authorized by law. Additional disclosures of the information on this form may be made pursuant to the routine uses set forth in the OGE/GOVT-1 Privacy Act system of records:

(1) to any requesting person, subject to the limitation contained in section 208(d)(1) of title 18, any determination granting an exemption pursuant to sections 208(b)(1) and 208(b)(3) of title 18;

(2) to a Federal, State, or local law enforcement agency if the disclosing agency becomes aware of violations or potential violations of law or regulation;

(3) to a source when necessary to obtain information relevant to a conflict of interest investigation or determination;

(4) to the National Archives and Records Administration or the General Services Administration in records management inspections;

(5) to the Office of Management and Budget during legislative coordination on private relieflegislation;

(6) when the disclosing agency determines that the records are arguably relevant to a proceeding before a court, grand jury, or administrative or adjudicative body; or in a proceeding before an administrative or adjudicative body when the adjudicator determines the records to be relevant to the proceeding;

(7) to reviewing officials in a new office, department or agency when an employee transfers or is detailed from one covered position to another;

(8) to a Member of Congress or a congressional office in response to an inquiry made on behalf of, and at the request of, an individual who is the subject of the record;

(9) to contractors and other non-Government employees working on a contract, service, or assignment for the Federal Government when necessary to accomplish a function related to this OGE Governmentwide system of records;

(10) on the OGE Website and to any person, department or agency, any written ethics agreements filed with OGE by an individual nominated by the President to a position requiring Senate confirmation;

(11) on the OGE website and to otherwise disclose to any person, including other departments and agencies, any certificate of divestiture issued by the Office of Government Ethics, pursuant to 26 U.S.C. 1043;

(12) on the OGE website and to otherwise disclose to any person, including other departments and agencies, any waiver issued by the President or the President's designee of the restrictions contained in Executive Order 13770 "Ethics Commitments by Executive Branch Appointees" (January 28, 2017) or any superseding Executive order;

(13) to appropriate agencies, entities, and persons when: (1) the agency maintaining the records suspects or has confirmed that there has been a breach of the system of records; (2) the agency maintaining the records has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, the agency (including its information systems, programs, and operations), the Federal Government, or national security; and (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the agency's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm; and

(14) to another Federal agency or Federal entity, when the agency maintaining the record determines that information from this system of records is reasonably necessary to assist the recipient agency or entity in (1) responding to a suspected or confirmed breach or (2) preventing, minimizing, or remedying the risk of harm to individuals, the recipient agency or entity (including its information systems, programs, and operations), the Federal Government, or national security, resulting from a suspected or confirmed breach.

See also OGE/GOVT-1 Executive Branch Personnel Public Financial Disclosure Reports and Other Name-Retrieved Ethics Program Records.

B. Public Burden Information

Public burden reporting for this collection of information is estimated to take approximately ten minutes per response, including time for reviewing instructions, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Program Counsel, U.S. Office of Government Ethics, Suite 750, 250 E Street, SW., Washington DC 20024-3249. **Do not** file this form with this official; rather, file it with the appropriate office of the executive branch department or agency from which you are seeking access to a financial disclosure report or other covered records.

Pursuant to the Paperwork Reduction Act, as amended, an agency may not conduct or sponsor, and no person is required to respond to, a collection of information unless it displays a currently valid OMB control number (that number, 3209-0002, is displayed here and in the upper right-hand corner of the front page of this OGE Form 201).

Print Clear

Continuation Page

Name of individual(s) whose documents are requested (continued)

A copy of the most recent OGE 278e will be provided unless you specify below which documents (with time period) that you are requesting. *(e.g. Nominee report and 20XX annual report filed by the above individual; 18 U.S.C. § 208(b)(1) waivers issued to the above individual(s) from 1/1/20XX-present; All 278T reports filed by the listed individual(s) during February 20XX)*