



September 30, 2025

Eric Ueland
Acting Director
U.S. Office of Government Ethics
250 E Street, SW., Suite 750
Washington, DC 20024

Dear Acting Director Ueland:

Last week, Democracy Defenders Fund (DDF) sent a request to your office asking that you investigate whether Thomas “Tom” Douglas Homan, White House Border Czar, violated his obligations under the Ethics in Government Act (EIGA) by potentially failing to disclose \$50,000 he allegedly accepted from undercover FBI agents.¹ Since then, news reports have indicated that Mr. Homan has potentially been involved in contracting matters that concern his former clients.²

Mr. Homan’s participation in contracts with his former clients would undermine his ethical obligation under the Standards of Ethical Conduct for Employees of the Executive Branch, 5 C.F.R. part 2635 (Standards), to refrain from participating in government matters in which “a reasonable person with knowledge of the relevant facts [would] question the employee’s impartiality in the matter.”³ DDF therefore asks that you exercise your authority under title IV of the Ethics in Government Act to investigate Mr. Homan’s actions and to recommend, as appropriate, disciplinary and corrective action.⁴

Background

Prior to entering government service, Mr. Homan was the President of Homeland Strategic Consulting, LLC, a consulting firm that worked with clients in the immigration and prison industries.⁵ The website for his firm boasted of “working relations with DHS, DOJ, DOD,

¹ Letter from Norman Eisen, Executive Chair, Democracy Defenders Fund, to Shelley Finlayson, Chief of Staff and Program Counsel, U.S. Office of Government Ethics, and Kateland Jackson, Designated Agency Ethics Official, Department of Homeland Security (September 23, 2025), fb1cd5_337f144bda5a4bdfb851df3a156d3086.pdf.

² Fola Akinnibi et al., *Trump’s Border Czar Involved in Detention Contract Talks Despite Recusal*, BLOOMBERG (Sept. 24, 2025),

<https://www.bloomberg.com/news/features/2025-09-24/trump-s-border-czar-tom-homan-involved-in-detention-contract-talks>.

³ 5 C.F.R. § 2635.502(a)(1). If Mr. Homan had a financial interest in these matters, e.g., through an arrangement whereby he had agreed to take official action in exchange for private payments, his actions could also implicate 18 U.S.C. 201 or 208.

⁴ 5 U.S.C. §§ 13122(b)(9), (f)(2); 5 C.F.R. § 2638 subpart E.

⁵ Naomi LaChance, *Incoming Trump Border Czar’s Firm Brags About Helping Companies Get Contracts*, ROLLING STONE (Dec. 30, 2024),

<https://www.rollingstone.com/politics/politics-features/trump-border-tom-homan-firm-federal-contracts-1235219657/>.

and numerous foreign governments around the world.”⁶ As disclosed on his financial disclosure paperwork, Mr. Homan’s clients included USA Up Star, SE&M Solutions, and GEO Care (a division of the GEO Group, Inc.).⁷

Ethics experts raised concerns early on about Mr. Homan’s ability to act impartially as White House Border Czar given these relationships.⁸ As a result, Mr. Homan explained in December of last year that “[a]s the incoming border czar, I have recused myself from any involvement, discussion, input, or decision of any future government contracts that may be awarded by the government. Therefore, there is no conflict of interest.”⁹ A White House spokesperson recently reiterated this position, stating Mr. Homan “has not been involved with any contract award decisions.”¹⁰

Just this week, however, a *Bloomberg* article reported that Mr. Homan participated in meetings in June of this year with companies that were seeking defense contracts for immigration detention centers.¹¹ The article identifies that several of Homan’s former clients, including USA Up Star, have been selected to compete for those contracts.¹² In the past eight months, the government has awarded numerous lucrative contracts to Mr. Homan’s former clients, including over \$500 million to the GEO Group, Inc.¹³

Applicable Laws

The Standards of Ethical Conduct for Employees of the Executive Branch, 5 C.F.R. part 2635, establish the principle that employees must “act impartially and not give preferential treatment to any private organization or individual” and must “endeavor to avoid any actions creating the appearance that they are violating the law or the ethical standards.”¹⁴

These principles are amplified in 5 C.F.R. 2635.502, which provides that employees are obligated to remove themselves from “particular matters involving specific parties,”¹⁵ such as contracts, involving recent former employers and clients if a “reasonable person” would question the employee’s participation.¹⁶ According to the regulation, an employee has an affirmative duty to consider whether a reasonable person would question their participation in a contract

⁶ Matthew Chapman, *Ethics watchdogs warn Trump border czar could be exploiting new role to make profit*, RAW STORY (Dec. 30, 2024), <https://www.rawstory.com/tom-homan-consulting/>.

⁷ Thomas D. Homan, OGE Form 278e (Feb. 10, 2025), <https://www.whitehouse.gov/wp-content/uploads/2025/08/Homan-Thomas.pdf>.

⁸ Chapman, *supra* nt. 6.

⁹ *Id.*

¹⁰ Alanna Durkin Richer & Eric Tucker, *White House backs ‘border czar’ Tom Homan after reports he accepted cash during an undercover FBI probe last year*, PBS NEWS (Sep. 22, 2025), <https://www.pbs.org/newshour/politics/white-house-backs-border-czar-tom-homan-after-reports-he-accepted-cash-during-an-undercover-fbi-probe-last-year>.

¹¹ Akinnini, *supra* nt. 2.

¹² *Id.*

¹³ USASPENDING.GOV, GEO GROUP, INC. FEDERAL AWARD RECIPIENT PROFILE (last visited Sept. 27, 2025), <https://www.usaspending.gov/recipient/9b308edb-a62c-659b-704b-ef4e5cf3f795-C/latest>.

¹⁴ 5 C.F.R. 2635.101(b)(8), (14).

¹⁵ OGE DAEogram DO-06-029, at 4 (Oct. 4, 2006) (explaining that the term “typically involves a specific proceeding affecting the legal rights of the parties, or an isolatable transaction or related set of transactions between identified parties” including “contracts, grants, licenses, product approval applications, investigations, and litigation”).

¹⁶ 5 C.F.R. 2635.502(a)(1), (b)(1)(iv).

involving a recent employer or client, and if so, an affirmative duty to remove themselves from that matter.¹⁷

The Office of Government Ethics (OGE)'s regulations provides the following example of how this process works:

An engineer has just resigned from a position as vice president of an electronics company in order to accept employment with the Federal Aviation Administration (FAA) in a position involving procurement responsibilities. Although the employee did not receive a covered payment in connection with the resignation and has severed all financial ties with the firm, under the circumstances the employee would be correct in concluding that this former service as an officer of the company would be likely to cause a reasonable person to question their impartiality if they were to participate in the administration of an FAA contract for which the firm is a first-tier subcontractor.¹⁸

OGE's regulations also provide that an individual can receive a waiver of the obligation to recuse, but only if they have advised an agency designee and that person has determined that the "interest of the Government in the employee's participation outweighs the concern that a reasonable person may question the integrity of the agency's programs and operations."¹⁹

Discussion

Until President Trump took office, political appointees like Mr. Homan were *strictly prohibited* from working on any contracts involving their former clients for two years under a series of Executive Orders that had been in place since 2009.²⁰ Those restrictions were removed by President Trump on his first day in office this year.²¹

Notwithstanding the prior restrictions, OGE's longstanding regulations at 5 C.F.R. 2635.502 provide that federal officials may not participate in contracts when there is a serious risk that a reasonable person would question their participation, such as when the contract might implicate recent employers and clients.²² If the allegations found in the *Bloomberg* article are correct, Mr. Homan's actions would appear to clearly implicate his responsibilities under the Standards. First, "contracts constitute the quintessential particular matters involving specific parties" that are covered by the regulation.²³ Second, the regulation applies to any form of participation in a contract, regardless of whether it is personal and substantial or not.²⁴ Third, whether Mr. Homan was involved in the actual award or not is immaterial; the regulation covers

¹⁷ 5 C.F.R. 2635.502(a)(1), (e).

¹⁸ 5 C.F.R. 2635.502(b), example 4.

¹⁹ 5 C.F.R. § 2635.502(d).

²⁰ See Exec. Ord. 13989, § 1, 86 Fed. Reg. 7029 (Jan. 20, 2021); Exec. Ord. 13770, § 1, 82 Fed. Reg. 9333 (Jan. 28, 2017); Exec. Ord. 13490, § 1, 74 Fed. Reg. 4673 (Jan. 21, 2009).

²¹ Exec. Ord. 14148, § 2(e), 90 Fed. Reg. 8237 (Jan. 20, 2025).

²² 5 C.F.R. § 2635.502(a)(1). The restriction strictly applies for one year after the date on which the employee ends services. *Id.* § 2635.502(b)(1)(iv). Notwithstanding, employees should apply the same standard in any other situation in which an employee's former business relationships may raise questions of their impartiality. *Id.* § 2635.502(a)(2).

²³ OGE Inf. Adv. 05x6 (Sept. 19, 2005) (describing that contracts are particular matters involving specific parties for purposes of the post-employment provisions of 18 U.S.C. 207).

²⁴ OGE Inf. Adv. Op. 98 x 11 (July 17, 1998) (explaining that "in certain factual circumstances to which this subpart applies, any participation, whether or not personal and substantial, could create . . . an appearance of impropriety").

even preliminary and informal aspects of a contract.²⁵ As OGE has said “[a] contract does not have to have been entered into, or even the request for proposals formulated, for a particular matter involving specific parties to exist.”²⁶ As the Department of Justice has noted “much of the work with respect to a particular matter is accomplished before the matter reaches its final stage.”²⁷ Fourth, and most importantly, a reasonable person would certainly object to Mr. Homan’s participation in contractual matters that could involve his recent clients, as Mr. Homan himself seems to have acknowledged by offering to recuse from such matters.

The responsibility to avoid even the appearance of impropriety is all the more important for high-level officials. That is why OGE requires all nominees to presidentially appointed positions to agree to recuse themselves from *any* particular matter involving specific parties in which a recent employer or client is a party.²⁸ Although Mr. Homan is not a nominee whose position is subject to Senate review, the responsibilities and powers of his position are in many ways indistinguishable from those of individuals who are required to go through the nomination process. One would therefore expect Homan to operate with the same level of integrity and regard for the public trust.

For the above reasons, absent prior authorization, Mr. Homan would need to have been recused from any involvement at any point in any contracting process related to his recent former clients.²⁹ Given the White House’s statement that Mr. Homan “has not been involved with any contract award decisions,”³⁰ it seems unlikely that such an authorization was given.

Conclusion

As a high-level official, Mr. Homan has a responsibility to remove himself from any matter where there may be questions regarding his impartiality. If Mr. Homan was involved with immigration detention contracts concerning his former clients, there would be a serious risk that members of the public could lose faith in the integrity of the contracting process. As a result, DDF calls on your office to assess whether Mr. Homan participated during the contracting process in any contract matters involving his former clients, and if so, to exercise your authority under the EIGA to order corrective action against Mr. Homan.³¹ In the very least, and in the interest of government integrity, Mr. Homan must be directed to recuse from any future contracts or other particular matters involving specific parties that involve any of his former clients.

/s/

Ambassador Norman Eisen (ret.)
Executive Chair and Founder
Democracy Defenders Fund

²⁵ See OGE Inf. Adv. Letter 99 x 23 (Dec. 6, 1999).

²⁶ *Id.*

²⁷ *Former Officers and Employees—Conflict of Interest (18 U.S.C. § 207)—Contract—Disqualification Connected With Former Duties or Official Responsibilities*, 2 Op. O.L.C. 313 (1978).

²⁸ U.S. OFFICE OF GOVERNMENT ETHICS, ETHICS AGREEMENT GUIDE, CH. 5 (2025), [https://www.oge.gov/Web/OGE.nsf/0/3CE31096F4576AD585258BA800601103/\\$FILE/2024%20Guide%20to%20Drafting%20Nominee%20Ethics%20Agreements.docx](https://www.oge.gov/Web/OGE.nsf/0/3CE31096F4576AD585258BA800601103/$FILE/2024%20Guide%20to%20Drafting%20Nominee%20Ethics%20Agreements.docx).

²⁹ 5 C.F.R. § 2635.502(e).

³⁰ Richer, *supra* nt. 10.

³¹ 5 U.S.C. 13122(f)(2).

/s/

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/s/

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