

## A Closer Look At Some Of The Potential DHS Chief Nominees

By **Allissa Wickham**

*Law360, New York (August 1, 2017, 11:08 PM EDT)* -- President Trump has yet to nominate a new Homeland Security chief in the wake of John Kelly's move to the White House, but a few familiar names have circulated in the media as potential choices, including Rep. Michael McCaul, R-Texas, and the current Immigration and Customs Enforcement chief.

With Kelly now in the White House as the new chief of staff, speculation is brewing over who President Donald Trump will nominate to replace him as Homeland Security secretary. The White House has been tight-lipped so far, with White House spokesperson Lindsay Walters telling Law360 on Tuesday that the administration has "no announcement at this time."

However, the lack of a quick nominee decision from Trump hasn't stopped media speculation about who could replace Kelly, with Politico name-checking McCaul, Acting U.S. Immigration and Customs Enforcement Director Thomas Homan and Kansas Secretary of State Kris Kobach as possible picks. Here's a rundown of who could be tapped for the role, and their chances of winning Senate approval.

### **Rep. Michael McCaul**

McCaul, who chairs the House Homeland Security Committee, originally emerged as a leading candidate to helm DHS back in December, before Kelly got the job. Now, his name has cropped up again as a possible DHS secretary nominee, and former Homeland Security officials told Law360 he's a safe choice, with a strong shot at getting confirmed.

"I think if McCaul wants the job, I think he can have the job," said Seth Stodder, a former assistant secretary for border, immigration and trade policy at DHS. "I think he's a very safe pick. He's certainly a conservative Republican, no question about it, but you can't think of anybody who knows the department more than McCaul, given his role as the chair of the House Homeland Security Committee."



Rep. Michael McCaul

But while McCaul might succeed in the Senate, he could cost Trump points with immigration hard-liners, who have taken to Twitter with the hashtag #NeverMcCaul.

### **Tom Homan, Acting ICE Chief**

Another possible pick for DHS Secretary could be Tom Homan, the acting director of ICE, to whom Trump has taken a shine. The president praised Homan during his recent speech in Long Island, saying he “has done an incredible job in just a short period of time.”

One former Barack Obama administration DHS official said he expected that, as a baseline, Republicans would stand with Homan, noting that’s all that’s needed to get confirmed. He might also pick up some Democrats from red states, too, the former official said.

Of course, that doesn’t mean Homan would be guaranteed a breezy confirmation process. Even if he were to get confirmed, he’d likely get an earful from the Senate Democrats along the way, given that he’s currently tasked with carrying out the president’s broad deportation agenda.



Tom Homan

### **Elaine Duke, Acting DHS Secretary**

Elaine Duke, who has now stepped into the role of Acting DHS Secretary, may also be someone to keep an eye on. A longtime public servant who’s worked at DHS under three presidents, Duke enjoys support from lawmakers on both sides of the aisle, having received a bipartisan vote of 85-14 in April for her previous deputy DHS position.

“She has broad expertise,” said Lisa Pino of Mayer Brown LLP, who previously served as a senior counselor to the secretary at the DHS under Obama. “That could be favorable to understanding how management works not just on immigration, but how to manage the broad rubric that encompasses DHS.”



Elaine Duke

### **Other Possible Picks: Kobach, Sessions or a Wild Card**

Among the other choices that have cropped up is Kansas Secretary of State Kobach, but the well-known immigration hawk may face a tough road to confirmation.

“I think he would be very, very difficult to confirm as secretary,” said Stodder, who cited Kobach’s restrictionist views.

Attorney General Jeff Sessions’ name also came up during an earlier round of speculation on Kelly’s replacement, but White House Press Secretary Sarah Huckabee Sanders appeared to reject that notion

during a press briefing on Monday, saying, “There are no conversations about any cabinet members moving in any capacity,” according to a transcript.

And there are still plenty of other possibilities, as Trump could opt with someone with more of a defense background, as he did with Kelly, a retired general. But given that the Senate will soon head into August recess, it’s looking increasingly unlikely that there will be a new permanent DHS chief before the Fall.

--Editing by Pamela Wilkinson and Breda Lund.

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