

FRANK PALLONE, JR., NEW JERSEY  
CHAIRMAN

GREG WALDEN, OREGON  
RANKING MEMBER

ONE HUNDRED SIXTEENTH CONGRESS  
**Congress of the United States**  
**House of Representatives**  
COMMITTEE ON ENERGY AND COMMERCE  
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October 8, 2019

Mr. John R. Modlin  
Acting Deputy Chief  
Law Enforcement Operational Programs  
Law Enforcement Operations Directorate  
U.S. Border Patrol  
U.S. Customs and Border Protection  
U.S. Department of Homeland Security  
1300 Pennsylvania Avenue NW  
Washington, DC 20229

Dear Chief Modlin:

Thank you for appearing before the Subcommittee on Oversight and Investigations on Thursday, September 19, 2019, at the hearing entitled "Protecting Unaccompanied Children: The Ongoing Impacts of the Trump Administration's Cruel Policies." We appreciate the time and effort you gave as a witness before the Subcommittee on Oversight and Investigations.

Pursuant to Rule 3 of the Committee on Energy and Commerce, members are permitted to submit additional questions to the witnesses for their responses, which will be included in the hearing record. Attached are questions directed to you from members of the Committee. In preparing your answers to these questions, please address your responses to the member who has submitted the questions using the Word document provided with this letter.

To facilitate the publication of the hearing record, please submit your responses to these questions by no later than the close of business on Wednesday, October 23, 2019. As previously noted, this transmittal letter and your responses, as well as the responses from the other witnesses appearing at the hearing, will all be included in the hearing record. Your responses should be transmitted by email in the Word document provided with this letter to Jourdan Lewis with the Committee staff ([jourdan.lewis@mail.house.gov](mailto:jourdan.lewis@mail.house.gov)). A paper copy of your responses is not required. Using the Word document provided for submitting your responses will also help maintain the proper format for incorporating your answers into the hearing record.

Mr. John R. Modlin  
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Thank you for your prompt attention to this request. If you need additional information or have other questions, please contact Ms. Lewis at (202) 225-2927.

Sincerely,



Frank Pallone, Jr.  
Chairman

Attachment

cc: Hon. Greg Walden, Ranking Member, Committee on Energy and Commerce  
Hon. Diana DeGette, Chair, Subcommittee on Oversight and Investigations  
Hon. Brett Guthrie, Ranking Member, Subcommittee on Oversight and Investigations

**Committee on Energy and Commerce  
Subcommittee on Oversight and Investigations**

**Hearing on  
“Protecting Unaccompanied Children: The Ongoing Impacts of the Trump  
Administration’s Cruel Policies”**

**September 19, 2019**

**Mr. John R. Modlin, Acting Deputy Chief  
Law Enforcement Operational Programs, Law Enforcement Operations Directorate, U.S.  
Border Patrol, U.S. Customs and Border Protection  
of the U.S. Department of Homeland Security**

**The Honorable Brett Guthrie (R-KY)**

1. Under the TVPRA, except in exceptional circumstances, unaccompanied children must be transferred to ORR within 72 hours of determining a child is an unaccompanied child. CBP and ORR appear to have a difference of opinion regarding when the clock starts on the 72-hour limit. What is CBP’s view is on when that 72-hour clock starts?
  - a. Does Congress need to more clearly define how much time each agency has for their respective role in the process? If so, what is CBP’s suggestion on what those allotted times should be for each agency?
2. Is there a need to examine, and possibly amend, the TVPRA with respect to the definition of a UAC so that in addition to parents and legal guardians, children are not separated by DHS from other family members, such as a grandparent or adult sibling?
  - a. Does DHS have any concerns or possible unintended consequences of amending that definition?
  - b. Is there a need to further specify when a child can or cannot be separated for cause? For example, specifying what past criminal convictions pose a danger to the child and/or what communicable diseases would warrant a temporary separation?