



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, DC 20530

The Honorable JD Vance
President
United States Senate
Washington, DC 20510

Dear President Vance:

On behalf of the Department of Justice, we are pleased to present for the consideration of the Congress a legislative proposal to restore an enforceable death penalty in the United States and protect the public from the gravest crimes, the proposed “Death Penalty Act of 2026.”

The Executive Order on Restoring the Death Penalty and Protecting Public Safety,¹ notes the essential role of capital punishment in addressing the most atrocious offenses and the impediments that exist to its effective use:

Capital punishment is an essential tool for deterring and punishing those who would commit the most heinous crimes and acts of lethal violence against American citizens [O]nly capital punishment can bring justice and restore order in response to such evil Yet for too long, politicians and judges who oppose capital punishment have defied and subverted the laws of our country These efforts to subvert and undermine capital punishment defy the laws of our nation, make a mockery of justice, and insult the victims of these horrible crimes.²

The Executive Order directs a range of remedial measures in response – remedial measures whose implementation is severely constrained by deficiencies in existing law. The proposed Death Penalty Act of 2026 provides the legislative changes needed to correct these deficiencies. Its reforms are organized into five titles:

¹ Exec. Order No. 14164, 90 Fed. Reg. 8463 § 1 (Jan. 20, 2025).

² *Id.*

TITLE I – CAPITAL PUNISHMENT AUTHORIZATION: Reforms to correct deficiencies in the authorization of capital punishment for the most heinous crimes, including murders of law enforcement officers; murders by aliens illegally in the United States; hate crime, stalking, domestic violence, terrorism, involuntary servitude, and sextortion murders; and child rape.

TITLE II – CAPITAL SENTENCING PROCEDURES: Reforms to establish sound federal capital sentencing procedures by amending existing provisions that are overtly biased against the imposition of capital sentences. The reforms provide evenhanded procedures in capital sentencing, affecting notice of aggravating and mitigating factors, jury unanimity, hung juries, and determination of the sentence.

TITLE III – EXECUTION PROCEDURES: Reforms to remedy unjustified impediments to the execution of capital sentences by (i) authorizing the Attorney General to prescribe the manner and location of federal executions, (ii) affording confidentiality to the suppliers of lethal injection drugs and others assisting federal executions, and (iii) exempting drugs used in executions from the Federal Food, Drug, and Cosmetic Act.

TITLE IV – DELAY IN THE EXECUTION OF CAPITAL SENTENCES: Reforms to make the expedited postconviction review procedures of chapter 154 of title 28, United States Code, available in all state capital cases, and to extend the availability of these expedited review procedures to federal capital cases.

TITLE V – FINALITY OF STATE JUDGMENTS: Reforms to limit federal court review of state court judgments and sentences to the U.S. Supreme Court. This restores the writ of habeas corpus to its constitutional scope by eliminating its misuse as a quasi-appellate jurisdiction of the lower federal courts over state criminal judgments and sentences.

Thank you for the opportunity to present our proposal. The Office of Management and Budget has advised us that from the perspective of the Administration's program, there is no objection to the submission of this proposal to Congress. We appreciate your consideration of this proposal and would welcome the opportunity to address your questions and provide technical assistance on any language you might consider.

Sincerely,

**PATRICK
DAVIS**

Patrick D. Davis
Assistant Attorney General

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Enclosure