



U.S. Department of Justice

Office of Legal Policy

Washington, D.C. 20530

March 27, 2026

The Honorable Jonathan Skrmetti
Attorney General and Reporter
State of Tennessee
P.O. Box 20207
Nashville, TN 37202-4015

Re: Request for Chapter 154 Certification

Dear Attorney General Skrmetti,

I am writing regarding your request that the Attorney General certify your state's post-conviction counsel mechanism under chapter 154, Title 28, U.S. Code.

The effective execution of capital sentences is a priority for the Department of Justice. On the first day of this Administration, President Trump issued an Executive Order reestablishing the federal government's commitment to this priority. Exec. Order No. 14164, *Restoring the Death Penalty and Protecting Public Safety*, 90 Fed. Reg. 8463 (Jan. 20, 2025). Attorney General Bondi likewise issued a memorandum to implement this objective within the Department of Justice. Memo from Att'y Gen. Pamela Bondi to Dep't of Justice Employees, *Reviving the Federal Death Penalty and Lifting the Moratorium on Federal Executions* (Feb. 5, 2025).

Among other things, the Attorney General's memorandum directed my office, the Office of Legal Policy (OLP), to promptly address pending requests for chapter 154 certification. Unfortunately, a confluence of factors has prevented OLP from acting swiftly. Nonetheless, since my confirmation in February I have prioritized chapter 154 certifications, and I want to update you on the current state of affairs.

First, we recently published a notice of proposed rulemaking (NPRM) related to chapter 154. *See* 91 Fed. Reg. 12525 (Mar. 16, 2025). As discussed in the NPRM's overview, the Attorney General was concerned that the current chapter 154 regulations departed from the statute's plain language and unnecessarily made state executions more difficult. I encourage you to review that NPRM (and submit comments if so inclined).

Second, while that rulemaking is ongoing we intend to complete review of your application under the preexisting regulations at 28 C.F.R. §§ 26.20–.23 (2024). Consistent with *id.* § 26.23(b), your certification request has been published in the Federal Register and we hope to have a decision within the next 60 days. However, if you would prefer to wait and have your request evaluated under any new rules resulting from the NPRM, please let us know.

OLP shares this Administration's commitment to justice. That includes the carrying out of lawful death sentences at the state level. I appreciate your understanding and look forward to working with you.

Sincerely,

A handwritten signature in black ink, appearing to read 'D. Burrows', with a large circular flourish at the end.

Daniel E. Burrows
Assistant Attorney General