



## U.S. Department of Justice

Washington, DC

The Honorable Greg Abbott  
Attorney General  
State of Texas  
PO Box 12548  
Austin, TX 78711-2548

JUN 14 2013

Dear Attorney General Abbott:

This responds to your letter to the Attorney General dated March 11, 2013, requesting certification of the State of Texas under 28 U.S.C. § 2265. The Department is in receipt of the materials submitted in connection with your letter, namely, the 16-page document entitled "State of Texas's Application for Certification under 28 U.S.C. § 2265," supported by seven accompanying attachments.

The Department has been and remains engaged in a rulemaking process in connection with the requirements of Section 2265. See Certification Process for State Capital Counsel System, 76 Fed. Reg. 11705 (Notice of Proposed Rulemaking); Certification Process for State Capital Counsel System, 77 Fed. Reg. 7559 (Supplemental Notice of Proposed Rulemaking). In formulating the final rule, the Department has given careful consideration to the comments submitted by interested parties, including the State of Texas, and we expect to issue the final rule in the near future. (The Department recently submitted the final rule for review under Executive Order 12866). Although the issuance of the final rule will precede a determination by the Attorney General of your State's request for certification, the Department will begin reviewing now the materials you have submitted on the expectation that it may help speed the ultimate determination of Texas's certification request. We accordingly are unable to provide at this time a precise date by which a decision on that request will be made, but the Department will proceed without any undue delay.

We hope you find this information helpful. Please do not hesitate to contact this office if we can be of further assistance in this or any other matter.

Sincerely,

A handwritten signature in black ink that reads "Alexa Chappell".

Alexa Chappell  
Intergovernmental Liaison