SECRETARY OF LABOR
WASHINGTON, D.C. 20210

September 24, 2026

Honorable Chuck Grassley
Chairman, Committee on the Judiciary
United States Senate
135 Hart Senate Office Building
Washington, D.C. 20510

Honorable Dick Durbin
Ranking Member, Committee on the Judiciary
United States Senate
711 Hart Senate Office Building
Washington, D.C. 20510

Dear Chairman Grassley and Ranking Member Durbin:

I write in strong support of the nomination of Bradford J. Kelley to serve as a United States District Judge for the Eastern District of Louisiana based on years of working closely with him.

I currently serve as the Acting Secretary of Labor, and over the course of my government service, I came to know Brad exceptionally well as a lawyer, counselor, colleague, legal scholar, and friend. He served as my Chief Counsel while I was a Commissioner of the U.S. Equal Employment Opportunity Commission ("EEOC"), and previously as a Senior Policy Advisor during my tenure as Acting Administrator of the U.S. Department of Labor's Wage and Hour Division ("WHD"). In those roles, I entrusted Brad with some of the most difficult and consequential legal matters that came before me, and I repeatedly observed his exceptional legal judgment, intellectual rigor, independence, integrity, and respect for the rule of law. I have had the unique opportunity to evaluate Brad's abilities and character across many different professional settings. My observations concerning his nomination therefore come not from reputation or limited acquaintance, but from years of firsthand experience working alongside him on difficult legal questions and matters of substantial public importance.

At the EEOC, Brad served as my principal legal advisor on a broad range of significant and often complex matters arising under the federal employment discrimination laws. He reviewed and analyzed hundreds of litigation recommendations, proposed amicus participation, federal-sector cases, subpoenas, regulations, and agency guidance. His work required him to evaluate competing legal arguments, scrutinize extensive factual records, and provide candid advice on matters with significant consequences for employers, employees, and the Commission. He approached that responsibility with intellectual rigor and a commitment to reaching conclusions grounded in the governing statutes, regulations, and precedent.

Brad was particularly skilled at identifying difficult jurisdictional and procedural issues that could determine the outcome of a matter before reaching its merits. I recall, for example, his careful analysis of venue issues in significant matters before the Commission. Brad was willing to question prevailing assumptions when he believed the law required a different result, and his conclusions

proved correct. That combination of independence, careful legal analysis, and willingness to follow the law where it led was emblematic of his work for me.

Brad also played an important role in the EEOC's development and consideration of significant agency guidance. Among other matters, he worked on issues involving the interaction between the Uniformed Services Employment and Reemployment Rights Act and the Americans with Disabilities Act, as well as the Commission's guidance concerning religious discrimination and accommodation. The latter was particularly significant because the Commission's prior guidance had not been comprehensively updated in many years. These matters required Brad to work through complicated statutory and regulatory questions while accounting for judicial precedent and the practical consequences of agency action.

His experience at both the Department of Labor and the EEOC also gave him an unusually practical understanding of administrative law and the operation of federal agencies. At WHD, Brad advised agency leadership concerning the administration, interpretation, and enforcement of federal wage-and-hour laws. At the EEOC, he subsequently encountered administrative-law questions from a different institutional perspective. In my experience, he understands not simply the substance of federal labor and employment law, but also the important distinction between the role of an agency in administering a statute and the role of a court in interpreting and applying the law.

We also co-authored several scholarly articles examining important questions of labor, employment, administrative, and technology law. Our work together resulted in articles published in the *Missouri Law Review*, the *University of Miami Law Review*, and the *North Carolina Journal of Law & Technology*. Those projects gave me another opportunity to observe Brad's approach to legal scholarship. He was meticulous in his research, serious about confronting contrary authorities and competing arguments, and committed to ensuring that our conclusions were supported by the law. Brad did not approach difficult legal questions with a predetermined answer; he worked through the authorities carefully and expected the same rigor from everyone working with him.

Brad has also developed substantial expertise at the intersection of artificial intelligence ("AI"), employment law, and the workplace—an area that is increasingly important to courts, agencies, employers, and employees alike. Long before many of the legal questions surrounding workplace AI became the subject of widespread attention, Brad examined how existing civil rights and employment laws apply to emerging technologies and the difficult questions created by algorithmic decision-making. His scholarship in this area includes our co-authored work addressing AI and employment discrimination, including articles published in the *University of Miami Law Review* and the *North Carolina Journal of Law & Technology*. Brad has brought the same careful approach to these emerging issues that I observed throughout his government service: he begins with the governing statutory text and precedent, takes technological developments seriously without losing sight of established legal principles, and considers competing perspectives before reaching a conclusion. His work on AI reflects intellectual curiosity, an ability to master complex and rapidly developing subjects, and a willingness to engage seriously with legal questions before they become commonplace. Those qualities have made Brad a respected voice in the developing field of AI and employment law.

Brad also demonstrated the qualities of temperament and professionalism that I believe are important for the Committee to consider. As Chief Counsel, he worked effectively with senior government officials, career employees, attorneys, and staff across the agency. He was respected by colleagues at every level of the organization. Just as importantly, he devoted substantial time to mentoring junior attorneys and interns in our office. He treated everyone professionally and with respect regardless of title or seniority and was willing to invest his own time in helping younger lawyers improve their legal research, writing, and judgment.

Throughout the years I worked with Brad, I found him to be thoughtful, diligent, independent-minded, and fair. We dealt together with matters on which reasonable lawyers could disagree, and Brad understood that the responsibility of a government lawyer is not simply to reach a preferred result, but to analyze the law faithfully and provide objective legal advice. When he believed the law pointed in a particular direction, he said so—even when doing so was not the easiest or most convenient course.

Brad has the judgment, integrity, and commitment to the rule of law that the federal bench demands, and I support his nomination without reservation. I respectfully urge the Committee to report his nomination favorably and the Senate to confirm him.

Respectfully submitted,

Keith E. Sonderling
Acting Secretary of Labor