



CHRISTIAN EMPLOYERS ALLIANCE  
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On March 27, 2025, CEA filed an [amicus brief](#) with the assistance of our legal partners, Alliance Defending Freedom, on behalf of Braidwood Management, Inc. This U.S. Supreme Court (SCOTUS) case is about whether certain health insurance plan requirements set by the Affordable Care Act (aka Obamacare) can be made by entities at the U.S. Department of Health and Human Services (HHS) who have not been confirmed as officers by the Senate. Our argument is that those type of decisions are too important to be made by individuals without Senate confirmation.

**[Kennedy v. Braidwood Management, Inc.:](#)**

This case will be heard at SCOTUS on April 21, 2025. At issue, whether the U.S. Court of Appeals for the 5th Circuit erred in holding that the structure of the U.S. Preventive Services Task Force violates the Constitution's appointments clause and in declining to sever the statutory provision that it found to unduly insulate the Task Force from the HHS Secretary's supervision.

**CEA interest in filing an amicus brief:**

This case is about whether members of the U.S. Preventive Service Task Force are principal or inferior officers. Bottomline, this case is about power. It is about whether officers of the United States, principal or inferior alike, can wield executive power independent from the President and so from the American people. CEA and its members have felt firsthand agencies wielding executive power without political accountability. Twice in two years, CEA has sued the Equal Employment Opportunity Commission (EEOC) for unilaterally trying to broaden federal statutes. In one case, [CEA successfully challenged the EEOC's expansion of Title VII](#) to require employers to provide healthcare coverage for gender transitions. In the other, [CEA is challenging the EEOC's application of Title VII and the Pregnant Workers Fairness Act \(PWFA\)](#). This time, the EEOC forced employers to use employees' self-selected pronouns and to allow males in female-only private spaces. In addition, it required employers to facilitate employees' abortions and to stop speaking their pro-life beliefs. As those lawsuits show, the EEOC has wielded executive power to make monumental policy decisions on hotly contested issues. Gender transitions, pronoun use, female-only restrooms, abortion—the list goes on. And as a so-called



independent agency, the EEOC has done so without political accountability to the President or the American people. That's a problem.

It violates the separation of powers and Article II's vesting of all executive power in the President. Indeed, that is one of CEA's claims in its ongoing case against the EEOC. CEA has an interest here in SCOTUS clarifying that independent agencies wielding executive power are unconstitutional. It has an interest in SCOTUS saying that Task Force members—whether principal or inferior officers—cannot be independent. They cannot exercise executive power without direct or indirect supervision from the President. They must be accountable to him who in turn is accountable to the American people. That is our system. For executive power, the buck stops with the President.

**Conclusion:**

Officers wielding executive power are accountable to the President, and he in turn is accountable to the American people, not with an unelected or unconfirmed group of bureaucrats. We pray that SCOTUS will rule that Agencies cannot wield executive power independent of the President and deem the U.S. Preventive Service Task Force powerless.

*Established in 2016, Christian Employers Alliance is a national 501(c)(3) non-profit organization. We serve as the voice for America's top Christian CEOs, spanning from Wall Street to Main Street. Our mission is to advocate for biblical values in business and to promote these principles, values, and virtues within the workplace.*

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