



LEGISLATIVE AGENDA FOR 2011

The Ethics & Religious Liberty Commission Southern Baptist Convention

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The midterm election brought significant changes to Washington, D.C. More than 100 new congressmen and senators were sent to the nation's capital to do the people's business. As a result, the 112th Congress presents a different set of opportunities and challenges compared to the 111th Congress. Most significantly, the 112th Congress is split. The majority party in the House is predominantly conservative, while the majority party in the Senate is predominantly liberal. The ideological differences between the two chambers are certain to make passage of any legislation more difficult. While this means fewer liberal gains, it also means limited conservative gains. Furthermore, stalemate in Congress is likely to lead the president to seek to advance the liberal agenda through new regulations developed and enforced by the various government agencies run by the Executive Branch. On a more positive note, we anticipate that many of the issues we were concerned about in the 111th Congress will not be a concern for us in the 112th Congress due to the new conservative leadership in the House. Issues like the Freedom of Choice Act, Card Check, the overturning of the Defense of Marriage Act, loss of hiring rights protections for faith-based organizations, and global warming legislation are likely to be non-starters in Congress in 2011.

Regardless of the likely difficulty we will face in achieving passage of our priority items, we will endeavor to move forward in many areas. We are encouraged by the response of Southern Baptists in this past year to our calls to action. As we look at 2011, we know Southern Baptists must continue their diligent advocacy for biblical values in our nation's public policy. Below, we describe the principal policy areas on which we will focus our energy and call Southern Baptists and other conservatives to engage in the first session of the 112th Congress.

Sanctity of Human Life

The pro-life cause lost ground in 2010 in a number of areas. One area of great concern to us was the president's decision to overturn the Mexico City Policy. Because of this action, American tax dollars are now going to international organizations that perform abortions or refer people to abortion providers. Consequently, the United States is now actively engaged in promoting abortion around the world, even in nations that are

pro-life and resent our encouragement of abortion within their borders. In order to prevent this, we must see the Mexico City Policy reinstated.

Another area of great concern to us is the president's decision to allow taxpayer dollars to be used for research on stem cells which are derived through the destruction of human embryos. In 2001, the Bush administration restricted this type of research to stem cell lines derived from destroyed embryos that were already in existence at that time. Today, the only thing taxpayer dollars cannot be used for is the actual destruction of the embryo to obtain the stem cells. Once the stem cells are obtained, however, taxpayer dollars can flow freely to research that utilizes them. Tragically, this funding has already begun through the Department of Health and Human Services (HHS). While a judge has ruled that this practice violates the Dickey-Wicker Amendment, which is designed to prevent this kind of activity, he has refused to stop the use of taxpayer funds for this barbaric activity while the government, pro-abortion groups, and others appeal the decision.

This is not only grievous because the policy encourages the destruction of unborn human lives. It is also distressing because much of the cutting edge of the scientific community has moved on from research involving human embryonic stem cells. Many of the leading lights in this field now favor stem cell technologies that do not involve the destruction of human embryos. These other technologies are proving to be much easier to master and are already achieving many amazing cures and therapies in humans. Additionally, they do not involve the ethical and technological problems of human embryonic stem cells. We are especially encouraged by the progress being made with induced pluripotent stem (iPS) cells, in which human cells are actually reverted to an embryonic stem cell-like state. We will continue to press for additional funding for these types of technologies that respect the dignity of every human life, are already helping people overcome dreadful maladies, and promise to do even more without destroying a single innocent human life in the process.

In order to put an end to these destructive practices supported by the current administration, we will urge Congress to pass legislation dealing with them. This is especially necessary in the case of taxpayer funding of abortion overseas. We are committed to having the Mexico City Policy codified into law and no longer subject to presidential whims. We are also concerned about the future of the Dickey-Wicker Amendment. The amendment must be approved as a rider to the HHS budget every year. This means that any Congress could simply choose not to add it to the HHS budget and end its restrictions on taxpayer funding of embryo-destructive research. If this restriction can be passed as law, it will no longer be subject to such easy dismissal.

The Dickey-Wicker Amendment is only one so-called pro-life rider that must be enacted into law. We will press for codification of other essential pro-life riders as well. These include the Kemp-Kasten Amendment, which empowers the president to halt U.S. taxpayer funding of any group that promotes or engages in coercive abortions or forced sterilization, the Hyde Amendment, which prevents elective abortion funding through HHS, and the Helms Amendment, which prohibits international groups from using American taxpayer dollars to perform abortions. We will also work to end taxpayer funding for Planned Parenthood. This organization receives more than 300 million taxpayer dollars every year and performs more than 300,000 abortions annually.

We consider passage of the No Taxpayer Funding for Abortion Act one of the best solutions to the problem of taxpayer funding for abortion. This bill would establish a government-wide statutory prohibition on elective abortions. If passed, it will address many of our concerns about taxpayer funds being used for abortion.

Health Care

Despite our best efforts, the combined efforts of nearly every pro-life organization in the country, numerous other groups, and the majority of the American people, Congress passed and the president signed into law the Patient Protection and Affordable Care Act, also known as ObamaCare. We protested the passage of this law on numerous grounds. We insisted that the law would result in higher costs, poorer care, and reduced services for nearly all Americans. In addition, we said that the law would result in taxpayer funding for abortion. The initial analyses and results have confirmed our arguments. Health insurance companies are already raising rates in anticipation of the higher costs they will be forced to assume. Companies are already dropping people from coverage in order to save money. More trouble is on the horizon.

We agree that our nation's health care system is in need of serious reform. Among the problems of the current system, we note the way that it is subject to abuse, rife with inefficiencies, and unfair to people with pre-existing or demanding health conditions. In addition, the current system leaves too many people unable to obtain health care insurance. Regrettably, the Patient Protection and Affordable Care Act is so fraught with self-imposed problems, some of which are already becoming glaringly obvious, that it will make matters worse as it seeks to resolve the legitimate problems with our current health care system. We will work for the repeal of this poorly designed law and support replacing it with a realistic alternative. The components of what we believe constitute successful health care reform are contained in our document "Fifteen Principles for Successful Health Care Reform," which is available on the ERLC Web site. Should we fall short of complete repeal and replacement, we will back efforts to derail implementation of the law and efforts to replace as much of it as possible until it achieves true sustainable health care reform. In addition to repeal of the entire bill, we will focus on helping to address some of its most egregious sections. We will start this process by supporting the Protect Life Act, which will guarantee that no taxpayer funds can be used for elective abortion in the health insurance plans administered through the Patient Protection and Affordable Care Act.

Traditional Marriage

Events of the past year have demonstrated the extent of the threat to our nation's ability to preserve traditional marriage. Every state in which the citizens have had the opportunity to vote on a definition of marriage has upheld it as the union of one man and one woman. Yet some judges have shown their complete disdain for the will of the people and overturned their clear decisions. The battle for marriage continues in California, for example, where the federal judge for the U.S. District Court for Northern California has ruled that the citizens of California violated the Constitution in voting for traditional marriage. It is likely that this decision will end up before the U.S. Supreme Court. We have engaged and will continue to engage this case at every step, all the way to the Supreme Court. In other instances, state legislatures and governing bodies are refusing to allow the citizens the opportunity to vote on this crucial question.

We believe we have come to a crucial juncture and that the question of the definition of marriage must be settled. The only way to secure this foundational institution for future generations is to define it in our nation's Constitution. This would remove the issue from the courts once and for all. Since 30 states have already voted to define marriage as the union of one man and one woman, ratification of such an

amendment is within reach. We will press for passage of a federal Marriage Protection Amendment in this Congress.

The Homosexual Agenda

The radical homosexual agenda advanced on numerous fronts during the 111th Congress. Congress passed a hate crimes bill that provides special federal protections for homosexual victims of violence. We opposed this bill because it provides special protections for homosexuals that are not available for other American citizens, essentially creating a two-tiered level of protections favoring homosexuals. Congress also passed repeal of the “Don’t Ask, Don’t Tell” policy that prevented open homosexuals from serving in the U.S. military. We are convinced that this will result in a weaker military, consequently threatening our national security. It will also likely affect the ability of military chaplains to fulfill their duties without compromising their faith convictions about homosexuality. We will watch developments with these two laws very closely. In addition, we will resist any other efforts to advance the radical homosexual agenda. We will be especially attentive to any efforts by the president or liberals in Congress to follow through with their commitment to repeal the federal Defense of Marriage Act or to pass the Employment Non-discrimination Act, which would prevent businesses from considering sexual orientation in their hiring practices and make it more difficult for people who oppose aberrant sexual behavior to express their beliefs about it in the workplace without fear of reprisal.

Immigration Reform

Efforts in the 111th Congress to pass immigration reform were not well received. Given the political dynamics likely in the 112th Congress, it is likely that it will be difficult to get the current Congress to take up this issue as well. Yet, our nation cannot continue on its current path. With each house of Congress in different hands, it seems possible that bipartisan negotiations might be able to proceed. If so, the ERLC will be ready to engage. To date, none of the bills that have been introduced in Congress meet our requirements for just immigration reform. For such reform to be just, we believe that it must deal with the two issues of border security and legal status. While the border security issue is the highest concern to us, we recognize that the current political environment will not allow this to be addressed in isolation. Therefore, Congress will also have to grapple with a just approach to the millions of people who are in the U.S. illegally.

We will insist that Congress must include in its plan, at the very least, a path to citizenship or permanent legal residency only for illegal immigrants without criminal backgrounds who accept appropriate waiting periods and pay fines and back taxes. This legislation must include adequate penalties for employers who seek to exploit for profit those who are here illegally. We will also call for adequate immigration goals for highly skilled people to come to this country to help the U.S. remain a leader in the world’s economy.

Furthermore, legislation must require that all immigrants seeking permanent residency pass a test that demonstrates their ability to read, write, and speak the English language. This must be an ironclad, non-negotiable requirement for any people wishing to stay permanently in the United States. The elements that we believe must be included in a just immigration plan are contained in our article “Principles for Just Immigration Reform” at erlc.com.

Terrorism, National Security, and Building a Just Peace

We are gratified that our nation was spared from successful major terrorist attacks this past year. We recognize, however, that the enemies of freedom still have our nation and her citizens in their crosshairs. We will continue to challenge our government to maintain resolute diligence in keeping us safe from terrorist attacks. At the same time, we will watch closely the ways in which the government goes about protecting the people in order to help assure that Americans' right to privacy and their presumption of innocence is not compromised.

The administration's ongoing decision to continue to hold indefinitely some of the most dangerous people in Guantanamo is welcome news, but its determination to close Guantanamo and move those prisoners to U.S. soil and to try others in U.S. courts is certain to embolden our enemies, invite further terrorist attacks, and result in the public release of crucial state secrets. We will oppose such efforts. Along similar lines, we continue to support the U.S. mission in Afghanistan. While Afghanistan was under Taliban leadership, Al Qaeda acted with impunity and planned the attacks of September 11, 2001 against this nation. We will encourage the administration to commit to finish the job in Afghanistan in order to help ensure that it never again becomes a seedbed for future attacks against the United States.

We also remain deeply concerned with the administration's failure to apply sufficient pressure on Iran to give up its nuclear weapons development. We are pleased that the House and Senate have passed bills that seek to curtail the export of refined petroleum products to Iran in response to its determination to continue its nuclear weapons program. We actively supported this effort. We will call for more aggressive responses in this Congress.

The ratification of the new Strategic Arms Reduction Treaty (START) with Russia raises significant concerns for us as well. The treaty gave too much away in order to gain an agreement with Russia. It potentially leaves the United States less able to defend itself on multiple fronts should such a situation arise. We believe this agreement is part of a larger effort to rid the world of nuclear weapons, which while noble is certainly unrealistic. Given the world's inability to prevent Iran from developing a nuclear weapon, we hold no expectation that the world will have the fortitude to prevent a rogue state from deciding to build a nuclear weapon at some point in the future. Nor do we see any way to prevent some non-state actor from building a nuclear device and holding the world hostage at some point in the future.

We remain committed to the goals espoused by President Franklin Roosevelt: freedom of speech, freedom of worship, freedom from fear, and freedom from want. We will spend the next year looking for appropriate ways to help our nation secure these freedoms for all of our fellow citizens and for the world.

Financial and Energy Security

The recent increases in federal deficit spending and the growing entitlement obligations our nation has assumed threaten the financial wellbeing of future generations of Americans as well as America's future standing in the world. The runaway spending must be stopped. Currently, 40 cents of every dollar our government appropriates is borrowed money. Such irresponsible borrowing from our children's and grandchildren's futures is immoral and must be stopped.

It is not enough to simply call for a balanced budget. Congress and the administration can merely find new sources of revenue or overstate anticipated revenue in order to balance income against spending. We believe Congress and the

administration should be held to a set percentage of the nation's income for budgeting purposes. We will support a constitutional amendment requiring a balanced federal budget limited to 20% of the nation's GDP. This is the average federal spending in recent decades. Of course, there may be times when this must be exceeded, like in times of war, so we support an amendment that includes a provision to exceed the 20% threshold during time of war or other crisis situations as determined by a vote of two-thirds of the House and Senate.

Our country must also adopt an energy policy that will lead us to energy self-sufficiency. Currently, we are too dependent on foreign sources of oil, with much of that coming from countries that do not share our nation's values. Additionally, we recognize that fossil fuels are a limited resource. Our nation cannot wait until we have depleted our domestic supply of fossil fuels before we develop sustainable sources of energy. To assure our nation's current as well as future energy self-sufficiency, we support the creation of an "all-of-the-above" national energy policy that includes responsible use of domestic fossil fuels and much greater reliance on nuclear energy as well as the development of renewable fuel sources.

Administrative Overreach

Recent developments in Washington suggest that the president may turn to the federal agencies to enact policy preferences he is no longer able to advance through Congress. Some cases in point bear this out. The Environmental Protection Agency (EPA) recently proposed rules that would govern greenhouse gas emissions by some industries. It has also stated its intention to force Texas to comply with certain rules intended to limit greenhouse gas emissions.

Also, the Federal Communications Commission (FCC) has declared its intention to implement net neutrality rules that will regulate activity on the Internet and prevent companies from offering different levels of service to their subscribers. We believe the FCC may also begin to look for ways to affect programming on publicly accessible airwaves. Most likely, this will take the form of local boards that will be empowered to dictate what constitutes "fair" expression of ideas on local broadcasting media. We see these local boards as a direct threat to the freedoms assured Americans by the Constitution.

We anticipate that there will be many more administrative efforts like this as the liberal agenda stalls in Congress. We will be diligent to watch for these efforts and to expose them. We will also encourage House and Senate members to utilize the 1996 Congressional Review Act to exercise their prerogative to oversee the activities of the federal agencies. This law requires federal agencies to present to Congress for approval proposed regulations that will have significant impact on the nation. At that time, Congress has the power to vote down the regulations. The president can override this vote under certain circumstances, subject to a veto override by Congress.

Human Rights and Religious Freedom

The administration has continued to disappoint us with its tepid response to human rights and religious liberty violations. While its rhetoric has often sounded strong, we have not noticed any significant efforts to back up words with actions. The administration has been completely silent regarding the ongoing problems in Darfur. China continues to harass, imprison, and punish human rights advocates and disfavored religious groups, like house church Christians and Uighurs. Russia's growing crackdown on political dissenters has been largely ignored. North Korea continues to rattle its saber

and punish all dissenters, and the president does not appear to have made any efforts to restart talks with North Korea that would include human rights guarantees. The administration's failure after two years to even fill the office of Ambassador-at-Large for International Religious Freedom serves as clear evidence of the lack of priority the administration has placed on religious liberty concerns.

The administration has also spoken of its desire to make it possible for all the world's peoples to have access to the Internet without government censorship. Yet the State Department has failed to distribute tens of millions of dollars given to it by Congress to organizations capable of developing and implementing a dependable Internet firewall-breaching technology. One of the most powerful weapons dictators can use against their citizens is to prevent them from communicating with each other and from getting uncensored information. One of the greatest contributions we can make to helping people gain their freedom is to empower them in these very areas. We will continue to press the administration to empower the world's people to communicate freely and to access information over the Internet freely.

While we support advances in human rights protections around the world, we recognize that some efforts at the United Nations (U.N.) will set this effort back. In order to prevent the intrusion of inappropriate government authority in people's lives, we will work to prevent passage of dangerous treaties and policies proposed by the U.N. These will include opposition to the U.N. Convention on the Rights of the Child (UNCRC), the U.N. Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the U.N. Defamation of Religions resolution, and others.

In unfinished business, we will continue to press for passage of the Foreign Prison Conditions Improvement Act. This bill would empower the State Department to pressure governments receiving certain forms of U.S. assistance to improve conditions for prisoners and detainees in some of the world's worst prison environments. We are pleased that portions of our bill were passed as part of the omnibus appropriations process in 2009. However, some of the key components that would have given teeth to the bill were deliberately omitted, leaving the U.S. with little real guidance on how to promote change in these dreadful prison environments.

In addition, we will persist in our efforts to find ways to help bring attention to the plight of persecuted believers and other groups around the world and to bring them real relief. We are especially concerned about the growing persecution and violence against Christians in Iraq and other predominantly non-Christian nations and regions, like Nigeria, Egypt, and the Indian state of Orissa.

We will also continue to work for passage of the Workplace Religious Freedom Act. This bill will help protect the right of people of faith in our own nation to honor the requirements of their faith in the workplace. It includes some protections for pro-life people working in health-related fields from being forced to participate in abortion-related activities. Pro-abortion forces have blocked this bill for years, resulting in an erosion of important protections for pro-life employees. We consider this legislation crucial.

Poverty Reduction

We appreciate the efforts to continue to maintain a safety net for the nation's poor and unemployed during the continued economic downturn. However, real systemic changes must be pursued that will do more than simply maintain the status quo for these millions of beleaguered people. We will continue to work to encourage passage of legislation and implementation of policies that will provide safety nets for them as they work to improve or rebuild their lives. We will not support policies that increase dependence on government beyond those programs the poor and unemployed need to

give them a fair chance to work their way out of their impoverishment or rebuild their lives. This will include such issues as robust job creation, access to good health care, education, and security in their neighborhoods.

Creation Care and the Environment

The Senate chose wisely not to act on global warming legislation in the 111th Congress. In view of growing evidence that global warming models failed to consider significant variables in their calculations about climate change as well as clear evidence of efforts to suppress reputable scientific dissent about the role of CO₂ in global warming, it is obvious that any efforts to regulate CO₂ in order to prevent global warming are not arguable on scientific grounds. There is no scientific consensus about the role that CO₂ plays in measurable climate changes in the world. Until the actual contribution of CO₂ to global warming can be confirmed, there is no way to assess the actual impact curbing CO₂ emissions will have on the climate. Neither Congress nor the administration should propose sweeping regulations that will undoubtedly adversely affect every feature of life in this nation without knowing precisely what climate benefit will be achieved.

Of course, in keeping with our commitment to responsible stewardship of God's creation, we will continue to encourage Southern Baptists and everyone else to use our world's resources responsibly, as befits any people who acknowledge that the earth is the Lord's.

Our Commitment

The past year was very similar to 2009. As we predicted, we spent most of our time resisting liberal efforts to undermine biblical values. Regrettably, we could not stop them all. Some of those losses were significant. Yet we remain encouraged. Many of the efforts to undermine biblical values failed. Southern Baptists stepped up when called on. Millions of Christians prayed.

We will now be working with a more conservative Congress. We look forward to the opportunity to regain lost ground, stop any further erosion, and make new advances for biblical values. We will continue to look for ways to move responsible, God-honoring measures forward. As always, we encourage interested Southern Baptists to contact us about other moral and cultural issues of concern to them as well.

We commit to bring the teachings of Scripture and the expressed convictions of Southern Baptists to bear on every issue in order to assure that we apply the salt and light of the Christian witness to as many issues as our Lord directs, Southern Baptists have concerns, and our means enable. We face this next year confidently, knowing that God is still on His throne and Southern Baptists are still praying and working "to bring industry, government, and society as a whole under the sway of the principles of righteousness, truth, and brotherly love" (*The Baptist Faith and Message*, art. 15). We remain committed to this task.