



THE ETHICS & RELIGIOUS
LIBERTY COMMISSION
OF THE SOUTHERN BAPTIST CONVENTION



- 2020 -

LEGISLATIVE AGENDA

By Russell Moore & Travis Wussow

The second session of the 116th Congress is now underway, and the ERLC is active with the work of speaking from our Southern Baptist churches into the legislative process.

Over the next year the ERLC will continue to work to make progress on core areas of our agenda, such as pro-life and religious liberty legislation. The ERLC will also work to advance targeted pieces of legislation with broad, bipartisan support on the federal level.

Further, the ERLC will continue to advance its agenda through regulatory activity before federal agencies such as the Department of Health and Human Services, the State Department, and the Department of Justice. We expect the Trump Administration to continue to issue a number of regulations that uphold human dignity and religious liberty, and we will support those regulatory actions. We will also continue our advocacy before the federal judiciary,



2020 LEGISLATIVE AGENDA

including submitting amicus briefs at the Supreme Court on foundational cases to the issues Southern Baptist care about.

The ERLC will also extend its work on the state level in the next year. As opportunities arise, the ERLC engages with state conventions, pastors and leaders, and policy councils on public policy issues. With gridlock in Washington, state-level legislation provides an additional space where the ERLC can work to advance issues that Southern Baptists support.

The following agenda lays out the ERLC's core legislative priorities for the coming year to serve Southern Baptists and all of our neighbors. While this agenda is ambitious and broad, many of these items are long-term initiatives we have engaged for several years. We will continue to advance this work, supported by Southern Baptists, this year.

Sanctity of Human Life

Scripture teaches that every person is an image bearer of God (Gen. 1:26-27). Moreover, the Word of our Lord is clear that the womb is God's domain, and that his knowledge of each unborn child even precedes the creative act of conception (Jer. 1:5; Ps. 139:13). An average of 2,400 abortions were performed each day in 2017 in the United States. While this rate is thankfully at its lowest since abortion was legalized in 1973, the number remains excruciatingly high. These are precious human lives denied personhood by an on-demand abortion culture. This year, we continue our fight on behalf of the most vulnerable among us, which began with our annual Evangelicals For Life event in Washington, D.C. the week of the March for Life. We will continue to work on the following pro-life legislative initiatives:

- **Protecting the Hyde Amendment:** For over forty years, the Hyde Amendment has protected American consciences and recognized to do as much by each Congress as they passed it into law through the appropriations process. However, the abortion lobby is working to remove any Hyde protections. This began in 2016 when the Democratic platform declared that "they would continue to oppose, and seek to overturn, federal and state laws and policies that impede a woman's access to abortion, including by repealing the Hyde Amendment." This drumbeat continues in the 2020 Democratic primary process with every candidate stating their opposition to Hyde protections. The ERLC will continue to advocate for the protection of the Hyde Amendment.
- **No Taxpayer Funding for Abortion Act:** In the aftermath of *Roe v. Wade*, the Hyde Amendment was introduced to prevent taxpayer dollars from being allocated for abortion. Americans are divided over the issue of abortion, and many Americans strongly object to

2020 LEGISLATIVE AGENDA

their tax dollars being used for what they believe to be a great moral wrong. In 1976, the Congress recognized this reality and every legislature since then has voted to protect the consciences of pro-life Americans. Since its enactment in 1976, Congress has passed the amendment as a temporary rider which expires each year. The No Taxpayer Funding for Abortion Act would codify the Hyde Amendment into law, by prohibiting federal funds from being expended for abortion or health coverage that includes coverage for elective abortion.

- **The Born Alive Abortion Survivors Protection Act:** Federal law does not adequately protect a born child who survives a failed abortion. In that moment, such children deserve all the medical care possible. The Born Alive Abortion Survivors Protection Act would amend the federal criminal code to require any health care practitioner present when a child is born alive following an abortion or attempted abortion to, first, exercise the same degree of care as reasonably provided to any other child born alive at the same gestational age, and, second, ensure the child is immediately admitted to a hospital.
- **Pain Capable Unborn Child Protection Act:** Currently, the U.S. is one of only seven nations in the world that allows elective abortions after 20 weeks post-fertilization. The Pain Capable Unborn Child Protection Act would prohibit the performing (or attempted performance) of abortions on babies at 20 weeks or greater gestation, except in cases of rape, incest, or to save the life of the mother. In the 115th Congress, the bill passed the House of Representatives. The Senate, however, failed to reach the 60 vote threshold needed to pass the bill, and the measure was withdrawn. We will continue to advocate for this just and bipartisan legislation.
- **Conscience Protection Act:** No healthcare worker should have to compromise their deeply-held beliefs in order to administer care. Healthcare workers should not be forced to participate in medical procedures that conflict with their religiously-informed consciences. In 2018, the Department of Health and Human Services published two rules that provide conscience protections for Americans with religious or moral objections to health insurance that covers contraception methods. We believe rules such as these are critical to curb conscience abuses across the country. Yet policy as important as the defense of conscience must be protected in the most permanent way as possible, not left to the discretion of executive regulation alone. The ERLC will continue to advocate for Congress to pass the Conscience Protection Act, federal legislation that will finally codify the Hyde and Weldon amendments and provide a legal right of action for professionals who face undue burden of conscience in the healthcare field.
- **Defund Planned Parenthood:** While the abortion rate nationally is in decline, Planned Parenthood's responsibility for this national tragedy is increasing. According to its own report at the beginning of this year, Planned Parenthood performed more abortions from October

2020 LEGISLATIVE AGENDA

2017 to October 2018 than in any year prior and received more federal taxpayer dollars than ever before, making up more than a third of its operating revenue. While the increase of pro-life rhetoric and executive regulations from government officials in Washington is important, this devastating data of the abortion industry's success at the expense of federal money must not be overlooked. The ERLC will continue its efforts to find opportunities to defund Planned Parenthood in order to ensure that American taxpayer dollars do not support the country's lead abortion provider.

- **Physician-assisted Suicide:** Physician-assisted suicide is currently legal in six states, and the District of Columbia, as well as Montana by court decision. This is a practice in clear conflict with ethical principles from both the Hippocratic tradition and a Biblical worldview. Physician-assisted suicide is not healthcare. Pain (physical, medical) and suffering (emotional, psychological, spiritual) are each treatable given proper diagnosis and care (Matt. 25:35; Luke 4:18-21; James 1:27; 2:8). Treatable pain and care ought not be cause for death. Hospice and palliative care options provide compassionate and ethical treatment that recognize human dignity. The effort now on Capitol Hill for the ERLC is largely one of education, even among members and staff who we otherwise would expect to already share our convictions about assisted suicide.

Religious Liberty

The Bible teaches that governments and rulers have authority because that authority is granted by God. But that authority is limited; God alone is Lord of the conscience. Recognizing this reality means recognizing God's ultimate authority but also that man's authority is never justly exercised in a way that exceeds the parameters set by God. The American Founders had this idea in mind when crafting Article Six and the First Amendment of the U.S. Constitution, which provides religious freedom for American citizens by limiting the power of government. Since the Founding, Baptists have stood at the forefront of those advocating in the public square for religious freedom for all. The ERLC will continue this legacy to defend the free exercise for people of all faiths or none. These are a few issues we expect to focus on in the coming year:

- **Child Welfare Provider Inclusion Act:** Across the country, child welfare and child protection systems are overcrowded and under significant strain. It is in this context that some states and cities are working to close those child welfare providers who operate in a manner consistent with their religious convictions. This leads to fewer families available for foster care and adoption. The *Child Welfare Provider Inclusion Act* would prohibit government

2020 LEGISLATIVE AGENDA

discrimination against child welfare agencies on the basis of their beliefs, and ultimately protect children in the foster system and children waiting for adoption by ensuring that a wide range of child welfare providers are available to serve them. In January of 2019, Rep. Mike Kelly (R-PA) and Sen. Mike Enzi (R-WY) reintroduced the bill in their respective chambers. Although the legislation has yet to become law, the ERLC was pleased to see the Department of Health and Human Services issue a new regulation in November of 2019 requiring its grant programs to adhere to Supreme Court decisions and congressional laws, thus ensuring that religious freedom is not infringed upon by the federal government.

- **Support HHS Conscience Protection Rules & Conscience and Religious Freedom Division:** The ERLC supports the new rules from HHS aimed at protecting life and conscience rights, titled, “Protecting Statutory Conscience Rights in Health Care.” These proposed rules in addition to the founding of a new HHS Conscience and Religious Freedom Division are important to maintain the core American freedom for citizens to live and act in accordance with their own deeply held beliefs. These administrative actions are needed because it is unconscionable when pro-life healthcare workers are forced to participate in abortions and other medical procedures which conflict with their religiously informed conscience. While we work to end the practice of abortion-on-demand, we will make sure our current conscience rights are properly enforced. These rules have been enjoined in the courts, and the ERLC will continue to advocate that they be upheld by the courts and finalized.
- **Protect religious freedom for military chaplains and medical professionals:** As the country continues to grapple with the changing ideologies of our time, conflicts develop for those who hold to God’s design for human sexuality. The ERLC will continue to advocate for the religious freedom of chaplains and medical professionals who—in good conscience—cannot adapt their professional lives to the ongoing sexual revolution.
- **Civil Rights Uniformity Act:** One legislative response to unfounded interpretations of the words “sex” and “gender” by federal agencies is the Civil Rights Uniformity Act. This act would require the approval of Congress before “gender identity” is treated as a protected class in federal law or policy, thus preventing such policies from being fabricated by Executive Branch bureaucracies. This bill would provide a legislative solution to the Title VII employment discrimination cases on the basis of sexual orientation and gender identity that will be heard by the Supreme Court this term.
- **H.R. 5, The Equality Act:** In May of 2019, the House passed *The Equality Act*—a bill that would amend the 1964 Civil Rights Act to add “sexual orientation” and “gender identity” as protected classes under federal civil rights law. Though aimed at protecting individuals

2020 LEGISLATIVE AGENDA

who identify as LGBTQ, the bill would curtail religious freedom protections, hinder the work of healthcare professionals and faith-based hospitals, undermine civil rights protections for women and girls, and ultimately steamroll the consciences of millions of Americans. The ERLC believes this bill represents the most significant threat to religious liberty ever considered in the United States Congress. In light of this development, some of our allies in the advocacy space have rallied around an alternative to *The Equality Act*, legislation known as the *Fairness for All Act* that was introduced in the House in December of 2019. Though well-intentioned, the ERLC does not believe this proposed alternative adequately addresses the aforementioned issues related to *The Equality Act*. We will continue to advocate for a public square that protects and upholds the dignity of all people and the rights of all to live and act according to their deeply held convictions.

The ERLC will continue to advocate for religious freedom for all people of all faiths, a conviction distinctive in the Baptist tradition.

Family and Marriage

Marriage is a gift from God. It serves as the basic human social structure (Gen. 2:18-25), provides stability for raising children (Prov. 1:8), and, most importantly, illustrates the relationship between Christ and his Church (Eph. 5:22-33). Family and marriage are essential, foundational institutions for life and human flourishing. We will work in the coming year to defend the integrity of families and uphold God's design for marriage amidst related policy items. Here are a few of particular interest:

- **Adoption and Foster Care-related policies:** Children's issues are woven into a wide variety of policies, from religious liberty concerns involved in adoption to the effect the opioid crisis has on foster care as parents struggle with addiction. In addition to the Child Welfare Provider Inclusion Act discussed above, we are exploring several policies aimed at promoting and supporting adoption and foster care in the United States.
- **Adoptee Citizenship Act:** Prior to the Child Citizenship Act of 2000, the administrative steps required of families adopting internationally were unnecessarily burdensome. The process included applying for and moving through a lengthy naturalization process for their children, in addition to the lengthy and costly adoption process. The Child Citizenship Act of 2000 granted automatic citizenship to all foreign-born children brought to the United States, who had at least one parent who was a U.S. Citizen. Unfortunately, that Act only applied

2020 LEGISLATIVE AGENDA

to adoptees under the age of 18 when the bill was enacted, leaving an entire population of adopted children without full U.S. citizenship. The Adoptee Citizenship Act closes the loophole to provide immediate citizenship to these children already adopted by U.S. citizens yet left out of the previous bill.

- **Strengthening low-income families:** If the family is the most foundational unit of society, it is crucial that all aspects of federal policy provide a platform for families to thrive and flourish. The ERLC will be exploring and developing policy to aid low-income families, uplift the families that compose them, and create opportunities for upward mobility.
- **Responding to the opioid crisis:** According to estimates by the Department of Health and Human Services, over 130 people died every day of 2016 and 2017 from opioid-related drug overdoses. The drivers for the epidemic are complex but the effects are simply tragic. Thankfully, the United States government took action. The 115th Congress passed the largest bill in American history to address a single drug crisis – The SUPPORT for Patients and Community Act (H.R.6). We will continue to engage with Congressional leadership and the Department of Health and Human Services on implementation of the SUPPORT Act and a range of efforts including poverty and welfare programs and training for the faith community. Along the bill’s path to passage, the ERLC engaged with members of Congress and the White House, as well as Sheriffs’ associations, medical professionals, and the faith community.
- **Women in combat and the draft:** The increasing number of female service members put at risk in combat situations is disconcerting. Further, rhetoric during the 2016 election cycle included disagreements wherein otherwise socially conservative policy makers inexplicably affirmed forcing our teenage daughters to be registered in the Selective Service. Such policies are both a logical outworking of the sexual revolution and in direct conflict with biblical manhood and womanhood. The ERLC will continue to discourage such policies.
- **Revive obscenity prosecution:** The Obama administration’s Department of Justice terminated the Obscenity Prosecution Task Force (OPTF). Though the Department continued to prosecute cases involving children (which is essential), they ignored virtually all other violations of existing federal law which makes production and distribution of hardcore pornography illegal. The ERLC will monitor Department of Justice activity on this issue to see if there is a measurable difference in the Trump administration.

Justice

Scripture unequivocally teaches that God is just (Deut. 32:4). And as Christians we rightly bear the call to reflect the justice of God as we seek to be faithful followers of the Lord Jesus Christ.

2020 LEGISLATIVE AGENDA

That mandate can be seen most clearly in the words of the prophet Micah: “He has told you, O man, what is good; and what does the Lord require of you but to do justice, and to love kindness, and to walk humbly with your God?” (6:8) In our advocacy for fair and impartial judgment, and equitable treatment of the unjustly oppressed and marginalized, we bear witness to a God who is ultimately the just Judge, and a gospel that saves indiscriminately and without partiality. Here are some of the issues the ERLC will seek justice on in this Congress:

- **Permanent Solution for Dreamers:** In September 2017, the Trump administration announced it would be rescinding the Deferred Action for Childhood Arrivals (DACA) program. Enacted in 2012 by President Obama, DACA sought to protect undocumented immigrants who entered the U.S. as minors—known as Dreamers—from deportation. In the days and months following the administration’s announcement, multiple lawsuits challenging the effort to terminate the program were filed. Two U.S. District Courts issued nationwide injunctions requiring USCIS to continue processing and renewing DACA applications. Litigation is yet ongoing. The ERLC believes Dreamers who came forward in good faith should not be punished with deportation for an act that was no fault of their own. Now young adults, these Dreamers—many of whom have families of their own with children who are U.S. citizens—are workers, students, and positive contributors to their communities. We will continue to work closely with Congress and the White House to deliver a permanent legislative solution for Dreamers.
- **Criminal Justice Reform:** Following on the heels of the historic First Step Act which was passed at the end of 2018, the ERLC will continue to advocate for reforms that focus on transformation and rehabilitation. One such bill is the *Recognizing Education, Employment, New Skills, and Treatment to Enable Reintegration—or, RE-ENTER—Act*. Introduced with broad bipartisan support in November of 2019, this bill allows eligible individuals with federal convictions to apply for a certificate of rehabilitation from a district court, attesting to a law-abiding future and a commitment to successful reintegration into society. Several states already issue such certificates, which have been proven successful in aiding recipients with employment and housing—two important factors necessary for successful reintegration. We will continue to advocate for the passage of this bill.
- **Payday Lending:** In November 2019 a bill entitled the *Veterans and Consumers Fair Credit Act* was introduced in both the House and the Senate. The bill would extend the payday and car title 36% interest rate cap protections currently established under the *Military Lending Act* to all consumers, including veterans and their families. We believe that

2020 LEGISLATIVE AGENDA

all Americans deserve such protection. In ongoing cooperation with the Faith for Just Lending Coalition, the ERLC will advocate for the passage of this bill and the regulation of an industry that has resulted in a devastatingly endless cycle of debt and despair for millions of Americans.

- **Robust Refugee Resettlement Program:** In 2019, the Trump Administration lowered the refugee resettlement program ceiling from 45,000 to 30,000. Successive and dramatic cuts to refugee admissions have had devastating effects for people who have been persecuted globally for their faith, particularly Christians. Many of the nations that most regularly violate religious freedom also produce some of the largest refugee populations. Religious persecution causes people to flee their homes, communities, and nations. We will continue to urge the administration to maintain a robust refugee resettlement program and consider increasing the refugee ceiling so America can continue to be a welcoming country for the world's most vulnerable people.
- **Human Trafficking:** In April 2018, the *Allow States and Victims to Fight Online Sex Trafficking Act* was passed into law. The law grants states and victims the power to sue websites that support and facilitate human trafficking. In December of that year, *The Trafficking Victims Protection Act* was reauthorized as the *Frederick Douglass Trafficking Victims Prevention and Protection Reauthorization Act*, and appropriated \$430 million over four years for a comprehensive, whole-of-government effort to combat human trafficking at home and abroad. We will continue to advocate for anti-human trafficking legislation in the new congress—particularly legislation aimed at supporting trafficking victims.

International Engagement

Just as the ERLC is focused on advocating for human dignity, religious liberty, the family, and justice issues in the United States, we advance the same agenda internationally. In so doing, we respond to the call of the Scriptures to “Open your mouth for the mute, for the rights of all who are destitute” (Prov. 31:8). The ERLC's international work is focused on the most vulnerable, such as persecuted people, religious minorities, orphans and vulnerable children and victims of human trafficking.

- **China International Religious Freedom Initiative:** Over the past several years, the Chinese government has severely escalated its persecution of religious minorities, including Christians, by destroying religious symbols on houses of worship, burning Bibles, confiscating religious materials, closing houses of worship, and detaining individuals

2020 LEGISLATIVE AGENDA

holding divergent views. Since April 2017, China has systematically detained more than one million Uyghur Muslims and placed them into “re-education camps”. In these internment camps, Uyghurs are prevented from engaging in their religious practices and forcibly “re-educated” to the Communist Party’s ideological standard of “Xi Jinping Thought on Socialism with Chinese Characteristics for a New Era”. They are also subjected to physiological and oftentimes physical persecution, and their cultural heritage and practices are being erased. The Chinese people are facing threats to manifesting their religious beliefs in public, private, and in community. We have grave concerns about the trajectory of China’s approach to Christians and other religious minorities and is committed to working with other nongovernmental organizations to direct both U.S. and international pressure towards alleviating their persecution.

- **International Pro-Life Engagement:** The international abortion lobby is active and entrenched at the United Nations and also working to pressure countries around the world to legalize abortion. For decades, this lobby has been working to create an “international right to abortion.” The ERLC will continue to work against this lobby at the United Nations, ensuring that international law is not expanded to include such a right. In addition, the ERLC is exploring opportunities to support countries seeking to exercise their right to protect life within their borders.
- **North Korea International Religious Freedom Initiative:** It is undeniable that the right to freedom of religion is not respected in the Democratic People’s Republic of Korea (DPRK). The Pyongyang regime persecutes Christians and other religious minorities in a particularly brutal fashion. Prayer, worship, congregating, and possessing sacred texts are severely penalized by torture and imprisonment. The ERLC worked with a broad, multi-faith coalition of organizations through the United Nations Universal Periodic Review process to urge North Korea to cease all restrictions on the right to freedom of opinion and expression, and ensure that the right to manifest one’s religious in private or in public is fully protected and realized. ERLC continues to urge the international community to prioritize the opposition of the egregious religious freedom violations carried out by the DPRK.
- **Advocating for the elimination of blasphemy and apostasy laws:** The tragic case of Pakistani Christian Asia Bibi and many others in the past years have illuminated the severe and unjust nature of blasphemy and apostasy laws. Dozens of countries still enforce these laws—often through the death penalty—prohibiting one from converting to another religion or speaking or acting in any way that is deemed offensive to the god of their particular religion. This is even enforced, such as in Pakistan, against adherents of other faiths. We are

2020 LEGISLATIVE AGENDA

committed to working to repeal these laws and ensure that all peoples have the right to worship freely without fear of persecution or penalization.

- **Aid for Victims of Genocide:** The ERLC was deeply involved in the passage of H.R. 390, the *Iraq and Syria Genocide Emergency Relief and Accountability Act*. This is an important step forward in protecting victims of genocide—Christians, Yazidis, Shia Muslims, and other religious minorities—in Iraq and Syria by Islamic State. This important piece of legislation supports efforts to bring those who perpetrated genocide to justice and provide aid to genocide survivors and their families. Building off of the passage of this bill, ERLC continues to work to ensure that aid is delivered to victims of genocide. We support USAID Administrator Green’s efforts to deliver aid to these vulnerable people and will continue to support administration policies that ensure religious minorities and victims of genocide are cared for, supported, and allowed to return home.
- **Fighting global anti-Semitism:** There is an alarming rise of anti-Semitic incidents in Europe, and the United States. Anti-Semitic speech has also increased around the world, particularly in the Middle East. The so-called Alt-Right movement in the United States has contributed to the rise of anti-Semitism in America. Through collaborative action with like minded organizations, we will work against such action at the United Nations, and the ERLC will continue its work defending victims of anti-Semitic incidents in Europe and anti-Semitic speech wherever it happens.
- **Humanitarian crisis in Syria:** The Syrian Civil War displaced more than half of the country’s population. Jesus calls us to serve the “least of these,” (Matt. 25:45) and we will work with this administration to find ways to provide relief to refugees and internally displaced persons within Syria who lost their homes and way of life due to the civil war.

The ERLC remains engaged internationally in other ways as well, such as directly advocating for victims of religious persecution, working with the State Department and the Ambassador-at-large for International Religious Freedom Sam Brownback to apply pressure on foreign governments, and raising awareness about injustice and persecution around the world.

Conclusion

In the midst of a challenging political environment, the ERLC will continue to defend existing protections for life and religious liberty while seeking opportunities to advance the issues Southern Baptists care about in Washington, DC. At the same time, we will bring our advocacy to the state level, working with state leaders and pastors. We will also take our advocacy to the

2020 LEGISLATIVE AGENDA

international stage, bearing witness before the United Nations, where few other similar organizations are working consistently.

We know the task before us is immense and beyond what any human organization or institution can accomplish. Yet we serve a God who possesses all of the power in the universe and who is actively building His Kingdom. And so, we invite Southern Baptists to join us in prayer and action as we seek together to be used by God for His purposes on earth.