



2018 LEGISLATIVE AGENDA



THE ETHICS & RELIGIOUS
LIBERTY COMMISSION
OF THE SOUTHERN BAPTIST CONVENTION

by **Russell Moore & Travis Wussow**

In Washington, we are in the second session of the 115th Congress. This is an election year, which means the window for legislative activity is shorter than usual and tensions will heighten when voting on difficult issues. While 2017 was a year of many surprises and political uncertainty, we remained focused on our priorities and were able to secure several victories in advancing our priorities.

The following lays out the legislative and policy initiatives we will engage this year. Some issues are new for 2018, but much of this agenda consists of continuing and completing the work we started in the first session of the 115th Congress. A good example is the work done in the context of appropriations and spending. We worked hard to ensure many of our priorities were included as riders in the appropriations bills passed by the House of Representatives last year. We will now continue working with the Senate and the White House to ensure these priorities remain in the final legislation when Congress takes up an omnibus appropriations bill this spring.

Though not exhaustive, the following agenda provides insight into the range of issues the ERLC will focus on this year to serve Southern Baptists and the common good. This is an ambitious agenda and that many of these items are long-term initiatives that will require incremental progress and a sustained commitment over time. Above all, we believe that rigorous integrity produces the most fruitful political engagement. We will continue to work to that end for Southern Baptists in Washington, D.C. this year.

Sanctity of Human Life

Scripture teaches that every person is an image bearer of God (Gen. 1:26-27). Moreover, Scripture is clear that the womb is God's domain, and that his knowledge of the unborn even precedes the creative act of conception (Jer. 1:5; Ps. 139:13). It is estimated that over 3,000 abortions take place in the United States every day. These are precious human lives denied both personhood and protection by an on-demand abortion culture. This year, we continue our fight on behalf of the most vulnerable among us, beginning with our annual Evangelicals For Life conference in Washington, D.C. Additionally, with the current congressional makeup, we are hopeful regarding a number of key pro-life legislative initiatives:

- **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 abortions or other medical procedures that conflict with their religiously-informed consciences. Therefore, we were very pleased to see the establishment of a new Conscience and Religious Freedom Division in the Department of Health and Human Services Office of Civil Rights at the beginning of this year. We believe this new initiative will help curb the abuses of healthcare consciences across the country. At the same time, the ERLC will continue to advocate for 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.
- **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 previous congress, the bill passed the House of Representatives. The Senate, however, failed to reach the 60 vote threshold needed to move forward, and the measure was withdrawn. We will continue to advocate for this just and bipartisan bill until it is ultimately codified into law.



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- **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.
- **Defund Planned Parenthood:** The ERLC is committed to seeing the nation's largest abortion provider, Planned Parenthood Federation of America, deprived of federal taxpayer dollars. A defund effort was pursued in the previous congress only to see the president veto the bill once it reached his desk.
- **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. 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 by prohibiting federal funds from being expended for abortion or health coverage that includes coverage for elective abortion.
- **Physician-assisted Suicide:** In 2017, the District of Columbia joined Oregon, Montana, Washington, and Vermont in legalizing physician-assisted suicide, 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

We learn from Romans 13:1-7 that governments and rulers have authority because that authority is given by God. God alone is the Creator of the universe and Lord of the conscience, and recognizing God's authority also means recognizing man's authority is never all-encompassing but limited and to be exercised within the parameters set by God. The American Founders understood this basic reality when crafting Article Six and the First Amendment of the U.S.



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Constitution, which provides religious freedom for American citizens by limiting the power of government. Baptists have always stood at the forefront, both among Christians insisting on religious freedom as a biblical teaching and in the public square contending for religious freedom for all. The ERLC will continue our work to defend the free exercise of faith for all believers. These are a few issues we expect to work on in the coming year:

- **Child Welfare Provider Inclusion Act (CWPIA):** Sluggish adoption rates and rapidly escalating foster care rosters call for encouraging more adoption, not less. Yet, laws in several states are actually decreasing the quantity and diversity of child welfare providers by requiring all providers in their state to facilitate adoptions under circumstances that often conflict with the sincerely held religious beliefs or moral convictions of some providers. Birth mothers and adopting families find it increasingly difficult to locate adoption and foster care providers who share their own beliefs and convictions. The CWPI Act would prohibit the federal government and any state receiving certain federal funding from discriminating against service providers on the grounds that the provider declines to participate in a child welfare social service in ways or under circumstances which conflict with their sincerely held beliefs.
- **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.
- **First Amendment Defense Act (FADA):** FADA prevents the federal government from punishing an individual or faith-based business because they believe that marriage is an institution between a man and a woman. If FADA-like protections are not enacted in the wake of the Supreme Court’s decision in *Obergefell v. Hodges*, the ramifications for those who hold to a biblical view of marriage are likely to be dramatic. Casualties could include a host of businesses, adoption and foster care agencies, government contractors and grant recipients, and religious institutions—including institutions of higher educational, along with students seeking federal aid to attend them.



- **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. Same-sex marriage and transgenderism have created conflicts of conscience and religious freedom in virtually every sphere of society, including the military. 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.
- **Restoration of Russell Amendment protections:** Due to an executive order by President Obama, all federal contractors and subcontractors are required to positively affirm “sexual orientation” and “gender identity” or else forfeit eligibility for federal contracts. Rep. Steve Russell (R-Okla.) and Rep. Hartzler (R-Mo.), respectively, each sought in previous sessions to protect the religious freedom of government contractors, chaplains, and service members. Sadly, those amendments were abandoned by lawmakers in both parties. Until religious exemptions are fully restored—either by an act of Congress or rescission of Executive Order 13672—the religious freedom of military personnel and federal contractors is at risk.

The ERLC will continue to advocate for religious freedom for all people of all faiths, a conviction which remains a 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). Marriage is an essential, foundational institution for human life and flourishing. We will work in the coming year to defend God’s design for marriage amidst related policy items. Here are a few of particular interest:

- **Responding to the opioid crisis:** For the second year in a row, life expectancy in the United States has decreased—a direct result of the opioid epidemic ravaging the United States. The drivers for the epidemic are complex, and we are engaging with House leadership and the Department of Health and Human Services on a range of responses including poverty and welfare programs, engagement and training for the faith community, and drug prescription practices and regulation.
- **Adoption-related policies:** In addition to the Child Welfare Provider Inclusion Act discussed above, we are exploring several policies aimed at promoting and supporting adoption in the United States. This is an extension of our work on the adoption tax credit during the tax reform debate in 2017.



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- **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.
- **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. 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?” (Micah 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:

- **Deferred Action for Childhood Arrivals:** In September 2017, the Trump administration rescinded 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. Notwithstanding debate over the constitutionality of the DACA program, 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



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own with children who are U.S. citizens—are workers, students, and positive contributors to their communities. We are working closely with Congress and the White House to deliver a permanent legislative solution for Dreamers.

- **Criminal Justice Reform:** In a show of true bipartisanship this past Congress, both Democrats and Republicans came together to work on a package to reform the American criminal justice system. The ERLC will once again push for the consideration of the Sentencing Reform and Corrections Act. The bill takes a targeted, nuanced approach at reducing certain mandatory minimums while also directing the Department of Justice to expand recidivism reduction programming in partnership with nonprofit and faith-based organizations.
- **Reauthorization of the Trafficking Victims Protection Act (TVPA):** The cornerstone of U.S. efforts to combat international human trafficking, the TVPA needs to be reauthorized by Congress this year. The bill creates several federal crimes for human trafficking and establishes the Office to Monitor and Combat Trafficking in Persons within the State Department. We will work to ensure the TVPA is reauthorized in 2018.
- **Poverty:** Poverty has many causes. The ERLC will work to ensure just measures and systems are in place for relief and development for the poor. Specifically, the ERLC will continue to engage with Speaker Ryan’s poverty task force which has outlined a number of goals and policy reforms.
- **Payday Lending:** In 2017, The Consumer Financial Protection Bureau issued a rule mandating, among other things, a “full payment test” whereby a payday loan borrower’s ability to pay back the short-term loan is assessed prior to issuance. Such provisions make sense in a world where the continued growth of the payday lending industry means a devastatingly endless cycle of debt and despair for millions of Americans—many of whom sit among us in our pews on any given Sunday. Congress has already enacted a 36 percent annual interest rate cap on loans to members of the military. We believe all Americans deserve such protection. In ongoing cooperation with the Faith for Just Lending Coalition, the ERLC will continue to advocate for federal legislation that imposes a lending and interest rate cap on these organizations.

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



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who are destitute” (Prov. 31:8). The ERLC’s international work is focused on the most vulnerable, such as religious minorities and victims of human trafficking.

- **Implementation of the Frank Wolf International Religious Freedom Act of 2016:** The Frank Wolf IRF Act provided a needed modernization to the U.S. government’s capacity to advance religious freedom and protecting religious minorities around the world. A 1998 mandate from Congress created two bodies responsible for the task, the Office of International Religious Freedom (IRF) within the U.S. Department of State, headed by the Ambassador, and the independent U.S. Commission on IRF (USCIRF). A year-long vacancy of the Ambassador position means the full implementation of the 2016 Frank Wolf IRF Act has not been fully realized. In January 2018 the Senate finally confirmed former Kansas Governor Sam Brownback as the Ambassador-at-large for International Religious Freedom, opening the door for further implementation of the Act, particularly related to State Department responsibilities. The ERLC will work to ensure relevant government offices implement Congress’ instructions.
- **Iraq and Syria Genocide Emergency Relief and Accountability Act:** After years of silence—and in response to advocacy from the ERLC and other organizations—the Obama Administration in 2016 formally declared that the so-called Islamic State committed genocide against Christians, Yezidis, Shia Muslims, and other religious minorities in Iraq and Syria. This important piece of legislation supports efforts to bring those who perpetrated genocide to justice and provide aid to genocide survivors and their families. The Act passed the House of Representatives, and we will continue to work to ensure the bill is passed by the Senate.
- **Working for religious freedom in Malaysia:** For many years, Malaysia served as a model of religious freedom and pluralism in Southeast Asia. Unfortunately, religious conflicts are growing and the outlook for religious freedom is grim. The ERLC is working with a broad, multi-faith coalition of organizations through the United Nations Universal Periodic Review process to urge Malaysia to reject proposals that would expand the role of sharia law in Malaysian law and to guarantee broad freedoms for Malaysians of all ethnic and religious backgrounds.
- **Fighting global anti-Semitism:** There is an alarming rise of anti-Semitic incidents in Europe and anti-Semitic speech around the world, particularly in the Middle East. But with the rise of the so-called Alt-Right movement in the United States, anti-Semitism is on the rise here as well. Through collaborative action with like minded organizations, we will work against such action at the United Nations, and the ERLC will continue its work



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defending victims of anti-Semitic incidents in Europe and anti-Semitic speech wherever it happens.

- **Humanitarian crisis in Syria:** The Syrian Civil War, which will soon be in its seventh year, has already displaced more than half of the population of Syria. 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 will remain engaged internationally in other ways as well, such as directly advocating for victims of religious persecution, working with the State Department to apply pressure on foreign governments, and raising awareness about injustice and persecution around the world.

Conclusion

Washington, D.C. remains deeply divided along partisan lines, but in 2017 there were glimmers of bipartisanship on a number of issues. We will continue to foster cooperation and decrease partisan tensions while working on and engaging our issues. We do this through the kinds of relationships we develop and maintain but also by the way we advocate and talk about our issues.

We know God has his own agenda, and our objective is to align ourselves with the ways God is moving in Washington to the benefit of the United States and the world as a whole. We ask that our brothers and sisters join us in prayer and action as we seek together to be used by God for his purposes on earth.

