

2010 Federal Legislative Agenda

By Richard Land and Barrett Duke - Feb 5, 2010

A year after Barack Obama was sworn in as the nation's 44th president, many of our legislative priorities and concerns remain the same. Generally, liberals were largely unable to advance many of their principal legislative goals. Southern Baptists were instrumental in stopping many of these.

We are encouraged by the response of Southern Baptists in this past year to our calls to action. As we look at 2010, 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 second session of the 111th Congress.

Sanctity of Human Life

As we expected, the pro-life agenda received several blows in the past year. Fortunately, the worst that could have happened has not occurred. The Freedom of Choice Act (FOCA), which would have invalidated all limits on abortion, was not advanced in Congress. However, we know that many liberals in Congress want to pass this bill, and President Obama has stated that he would sign it if sent to him, so we will remain focused on it and do all we can to prevent its passage should liberals try to move it.

In some ways, though, FOCA is being used as a distraction. While people are watching it, pro-abortion policymakers are busy advancing the abortion agenda incrementally. So, for example, liberals are attempting right now to increase taxpayer funding for Planned Parenthood. The group already receives more than \$300 million a year in taxpayer money, and pro-abortion liberals want to give it hundreds of millions more. The Obama Administration also nullified the Mexico City Policy, which prevented international family planning groups that receive U.S. taxpayer money from promoting or performing abortions. As a result, 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.

We also saw President Obama instruct the National Institutes of Health to provide federal funding for research on stem cells derived from newly-destroyed human embryos. The Bush Administration had allowed federal funding only on stem cells destroyed prior to the time of the president's 2001 policy announcement. But the Obama Administration has decided that federal funding can go to research on additional embryonic stem cells. The primary remaining restriction is that federal dollars cannot be used in the actual process of destroying the embryo. Once the stem cells are obtained, though, federal dollars can flow to research on them. We are disappointed the President has not given more emphasis to the emerging technology of Induced Pluripotent Stem (IPS) Cells, which gives every evidence of making the killing of unborn human embryos to obtain embryonic stem cells obsolete and unnecessary.

We will continue to monitor these developments and work with pro-life lawmakers to push back wherever we can. In addition, we will work to prevent further loss of pro-life protections. Areas that will require our constant attention include protection of the Kemp-Kasten Amendment, the Hyde Amendment, and the Helms Amendment.^{Footnote 1} We are especially concerned about the future of the Kemp-Kasten Amendment. The Administration's commitment to the pro-abortion agenda at the United Nations is likely going to mean that the president will simply refuse to exercise the right granted to him by the amendment to halt U.S. taxpayer funding of groups that promote or engage in coercive abortions. The recent health care battle also reveals the shaky ground on which pro-life protection rests. Liberals in Congress were nearly successful in their goal to create a federal entitlement to abortion on demand. We joined forces with many other pro-life groups to prevent this from happening, but it is clear that the pro-abortion supporters want to secure this policy. We will remain vigilant in our watch and our opposition to this agenda.

While we will continue to fight against pro-choice policies, we will also persist in our efforts to pass positive life-affirming legislation that will help the unborn, mothers, and families receive the support they need. The Pregnant Women Support Act (PWSA) is just that. This bill will provide various kinds of federal assistance to women who find themselves in challenging pregnancies so they have the kinds of health and

personal support they need to decide to give their babies life rather than aborting them. Once again, we will also have to fight a competing, counterfeit bill called the Preventing Unintended Pregnancies, Reducing the Need for Abortion, and Supporting Parents Act. This bill does very little to assist pregnant women compared to the PWSA. Yet it advances the pro-abortion agenda on a number of fronts. It is promoted as a compromise bill, but the only people giving up anything in the bill are pro-life supporters.

The Assault on Traditional Marriage and the Homosexual Agenda

Whenever the voters have been given the opportunity to decide the question of same-sex marriage in their states, they have opted to support traditional marriage. Nevertheless, the battle to protect marriage is far from over. Right now, the U.S. District Court for Northern California is reviewing *Perry v. Schwarzenegger*, in which proponents of same-sex marriage are trying to undo the vote of the people by judicial fiat. The ERLC submitted an amicus brief in that case, supporting the will of the majority of the people in California. In all probability, this is the case that will end up before the U. S. Supreme Court, and decide whether or not the federal judiciary will leave the issue of same-sex marriage to the will of the people or seek to dictate to the people as they have on the sanctity of human life. The ERLC will join the battle for traditional marriage all the way to the Supreme Court.

We are also heavily engaged in trying to prevent the D.C. City Council from imposing same-sex marriage on the District of Columbia. We support efforts in Congress to require a vote by the District's residents. We believe the majority of the District's residents do not want to be known as the same-sex marriage capital, but instead want to support traditional marriage as the only form of marriage.

We will also continue to resist efforts in Congress to advance other aspects of the homosexual special rights agenda. Unfortunately, liberals in Congress did manage to pass the Hate Crimes legislation that provides special federal protections for homosexuals that are not available to most other people who are victims of violence. The next goal of homosexual rights groups is passage of the Employment Non-discrimination Act, which will 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. This is certainly a free speech and religious freedom issue. Further, the President announced in his State of the Union address his intention to repeal existing law that bars active homosexuals from serving in the military. Liberals in Congress are fully supportive. We will continue to stand against this effort that would weaken troop morale and readiness for combat.

The Obama Administration has already ordered the federal government to extend spousal benefits to same-sex couples in its employment. It is likely that this is a first step toward repeal of the Federal Defense of Marriage Act, which the Administration has already declared it does not like. While we do not believe that will happen in the coming year, we stand ready to oppose any effort that will weaken our nation's resolve to maintain its commitment to traditional marriage.

Immigration Reform

It is possible that Congress will try to tackle this issue this year. 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.

Health Care Reform

Recent developments have likely stopped the advance of comprehensive health care reform in the form it was moving through Congress. This does not mean that health care reform is dead or unnecessary. The health care problem remains serious.

The proposed Senate and House bills, (known as ObamaCare), created far more serious problems than they solved. Nevertheless, too many people are uninsured, insurance premiums are too high, and multiple problems persist in the health care industry itself. We will continue to work with Congress and the Administration toward passage of appropriate reforms that will help to preserve the best of U.S. health care, while diminishing its worst aspects. Understanding that government-run health care is not the solution, our document “Fifteen Principles for Successful Health Care Reform”:<http://erlc.com/article/erlc-offers-fifteen-principles-for-successful-health-care-reform/> will serve as our guide to policy advocacy.

Terrorism, National Security, and Building a Just Peace

We are also deeply concerned about the government’s ability to protect Americans from acts of terrorism. It is certain that the shootings at Fort Hood were encouraged by radical Islamists who are determined to destroy this nation and the faith of the majority of its citizens. The nearly successful attempt to blow up a jet that was landing in Detroit reveals just how poor of a job the Administration has done in creating a seamless communication system between our various intelligence groups. The Administration’s recent 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 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 if needed.

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.

Freedom of Speech

The recent decision by the U.S. Supreme Court to overturn restrictions on campaign speech implemented by the McCain-Feingold legislation struck an important blow for freedom of speech in our nation. However, we recognize that this one win is overshadowed by the looming threats that exist. While the ridiculously named “Fairness Doctrine” will likely not be enacted, it is highly possible that Congress and the Administration will look for some kind of way to curb free speech on the nation’s 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 are also still expecting liberals in Congress to attempt to pass “Card Check” legislation. This legislation will remove workers’ rights to a secret ballot when it comes to the organization of their workplace. While most Americans agree that unions serve a useful purpose in defending workers’ rights, upwards of 80% of Americans (including former senator and presidential candidate George McGovern) believe that a secret ballot is an inviolable right that must be preserved to ensure workers’ rights in deciding whether or not it is in their best interest to have a unionized workplace. Labor unions should have nothing to fear from a secret ballot of the workers they seek to unionize. The ERLC will work to oppose the removal of a secret ballot from the workplace.

Human Rights and Religious Freedom

In the beginning of last year, we held great hope that the Obama Administration would work tirelessly to promote a broad human rights agenda. After a year, however, we have seen very little in the way of positive developments on this front. Rather, we have seen numerous instances of U.S. policy statements that have weakened our nation's commitment to human rights and that have emboldened some of the world's worst human rights violators. For example, Secretary of State Clinton's comment that human rights concerns would not interfere with U.S. negotiations with China on other issues created grave concerns about the future plight of marginalized groups in China. We were also deeply concerned about the Administration's obvious effort to equate human rights problems in Israel with the human rights abuses perpetrated by the Palestinian authorities.

The Administration's role in pressuring Honduras to restore to power a president who was obviously intent on subverting that nation's constitution is distressing to us, as is their apparent total lack of meaningful engagement on behalf of the people of Darfur. We are also deeply concerned about their apparent unwillingness to return Vietnam to the list of Countries of Particular Concern because of ongoing human rights and religious liberty abuses occurring in that country. In fact, after a year, the current Administration and Congress have failed to make measurable progress in most of the world's human rights hotspots. While it is difficult to find a significant human rights situation where we can commend the current Congress or Administration, we are pleased that portions of our bill dealing with improving conditions for prisoners and detainees in some of the world's worst prison environments were passed as part of the omnibus appropriations process last year. However, some of the key components that would have empowered the U.S. to coerce humanitarian changes were deliberately omitted, leaving the U.S. with little real guidance on how to promote change in these dreadful environments. Consequently, we will continue to work this year for passage of the entire International Prison Conditions Improvement Act. 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 have also been extremely disappointed in the Obama Administration's timid and tepid response to the democratic protests in Iran. These unfortunate and desperate people are protesting a vicious and tyrannical regime and are appealing with signs in English for our support. We should be doing everything we can to help them throw off the yoke of tyranny to obtain the freedom that is their birthright as human beings. 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

Congress made little progress in this area last year. We appreciate the efforts to continue to maintain a safety net for the nation's poor and unemployed during the extended 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 their lives. We will not support policies that increase dependence on government beyond those programs the poor need to give them a fair chance to work their way out of their impoverishment. This will include such issues as access to good health care, education, and security in their neighborhoods.

Creation Care and the Environment

House passage of the American Clean Energy and Security Act was a great concern to us. We worked hard alongside many others to prevent passage of this global warming bill, and were nearly successful. We do not believe the science on global warming is settled. Furthermore, the bill is certain to raise taxes and destroy jobs. What is more, it would do practically nothing to actually reduce the global emission of greenhouse gases. Fortunately, the Senate was not willing to pass the bill or to produce one of its own that could pass.

With the recent evidence of global cooling taking place around the world, and the numerous revelations of deliberate tampering with statistics and suppression of dissenting viewpoints by global warming researchers and policy advocates, the push to enact sweeping greenhouse gas reduction policies has had a major setback. Nevertheless, the Administration is determined to advance this agenda. It has turned over the effort to the EPA, which has now determined that it must find ways to curb greenhouse gas emissions for the wellbeing of the nation. We will continue our efforts to protect Southern Baptists and all Americans from the imposition of draconian EPA rules that will destroy jobs and weaken families in the process. 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

As we predicted, we spent most of last year resisting liberal efforts to undermine biblical values. Considering the daunting challenges we faced at the beginning of 2009, we believe traditional Judeo-Christian values won out in most cases. It is likely that we will be defending these values from liberal attacks in 2010 as well. However, 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. While it is likely going to be another very demanding year for the issues about which we care deeply, we know 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.

1. The Kemp-Kasten Amendment empowers the President to halt U.S. taxpayer funding of any group that promotes or engages in coercive abortions. The Hyde Amendment prevents elective abortion funding through the U.S. Department of Health and Human Services. The Helms Amendment prevents international aid from funding abortions.

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