



November 2, 2017

Dear Representative,

On behalf of the Susan B. Anthony List and the over 600,000 Americans we represent, we write to express our support for section 1202(e) of H.R. 1, the “Tax Cuts and Jobs Act” allowing families to open 529 educational savings accounts for their unborn child, and our opposition to sections 1102(b) and 1406 repealing the adoption tax credit and exclusion for adoption assistance programs.

### **Opening Educational Savings Accounts for Unborn Children**

Section 1202(e) will expand economic opportunity for families with children by giving them the option to open 529 educational savings accounts for children before birth. By this simple measure, more families will start accruing the benefits of a 529 account earlier in the child’s life.

Every time someone asks an expectant mom or dad when their baby is due, or if it’s a boy or a girl, they recognize the fundamental humanity and reality of the child in the womb. This fact – obvious in everyday life as parents talk about their child and make plans for their future – reflects a trend across the spectrum of American law and public policy to affirm the significance and value of the human being growing in the womb.

While section 1202(e) is new to the federal tax code, it is in line with precedents Congress has previously established on a bipartisan basis in other areas of the law. It recognizes the basic truth that the unborn child is no less a member of the family than born children and benefits no less from provisions of law that promote individual child well-being. With enactment of this provision, families won’t have to wait for their child’s birth to begin saving for his or her education any more than they wait until birth to paint a room or purchase a bassinet.

The definition of unborn child found in H.R. 1 is identical to the definition used in the “Unborn Victims of Violence Act,” also known as “Laci and Conner’s Law,” which was passed with a bipartisan majority in both the House and Senate in 2004. Once the bill was signed into law by President George W. Bush, the U.S. Criminal Code recognized unborn children as victims when they are injured or killed during the commission of a federal crime. Section 1202(e) is consonant with that approach and represents a welcome expansion of 529 plans to help families meet foreseeable needs for all their children.

We strongly urge you to support this effort to recognize unborn children by giving their parents an opportunity to plan for their future at the earliest stages of development.

## **Elimination of Adoption Tax Credit and Adoption Exclusion**

We are deeply disappointed by the elimination of the Adoption Tax Credit (section 1102(b)) and the exclusion for adoption assistance programs (section 1406). Over the years, the Adoption Tax Credit has proved to be an effective, simple way to encourage adoption and help make it financially possible for parents hoping to bring an adopted child into their family.

It is shocking that Congress would move to eliminate this life-affirming effort to make adoption a possibility for middle income American families -- particularly since the annual cost of the Adoption Tax Credit is less than the amount of taxpayer money doled out to Planned Parenthood in a given year.

According to the Congressional Research Service<sup>i</sup> the Adoption Tax Credit has a cost of \$355 million per year. Those dollars make adoption a reality for families who even with the adoption tax credit often make a significant financial sacrifice to pay the costs associated with adoption.

In addition to improving lives by providing a permanent and stable home for a child in a distressed situation, adoption also has a fiscal element. The Adoption Tax Credit helps avert the public expense due to the social costs associated with raising children under less than ideal conditions.

The Adoption Tax Credit is a commonsense credit that eases the difficulty of good-hearted parents seeking to expand their families through adoption. Sections 1102(b) and 1406 should be eliminated from H.R. 1.

Sincerely,

A handwritten signature in blue ink that reads "Marjorie Dannenfelser". The signature is written in a cursive, flowing style.

Marjorie Dannenfelser  
President  
Susan B. Anthony List

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<sup>i</sup> <https://fas.org/sgp/crs/misc/R44745.pdf>