



NEWS FROM

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Statement by the Honorable Bobby L. Rush, Chairman

Energy and Commerce Committee Subcommittee on
Commerce, Trade and Consumer Protection

Hearing: **The Bereaved Consumer's Bill of Right Act of 2010**

January 27, 2010

WASHINGTON — “In early July 2009, horrific allegations and disturbing media images shocked the nation as news about the unauthorized removal of hundreds of human bodies, and the reselling of grave plots, at Burr Oak Cemetery in Alsip, Illinois came to light. As Chair of this Subcommittee, and the U.S. Representative of the 1st Congressional District of Illinois, I wasted no time in convening a field hearing, in Chicago, on July 27, 2009.

“My primary purpose in holding the field hearing was to hear bereaved survivors share their feelings of intense loss and bewilderment upon learning of what happened at Burr Oak. I also wanted to learn more about their past dealings with Burr Oak staff and the “red flags” of gross neglect they had witnessed at the cemetery.

“Upon returning to Washington, any suspicions that Burr Oak was an aberration or a mere figment of society’s imagination quickly diminished. A little more than a month following our scheduled Chicago field hearing took place, fresh allegations of unlawful grave desecrations and the resale of grave plots at Eden Memorial Park, a Jewish cemetery in Mission Hills, CA, and the Mellwood Cemetery in DeKalb County Georgia, also came to light.

“Death ushers in a period of deep sorrow, grief, and loss for stunned survivors and the loved ones responsible for finalizing funeral arrangements and services. These very consumers then

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become easy selling targets for bundles of unnecessary goods and services that get slipped into funeral and burial packages. Consumers also fall prey to a host of misrepresentations, by managers and sales staffs, that range from bogus claims about what state laws actually require to patently false interpretations of their own written regulations.

“Deceiving bereaved consumers equals quick cash for unprincipled owners and managers of cemeteries and crematoria. Why? Because it is just too easy to prey on misinformed consumers. Lacking experience with the funeral and burial sectors, these consumers cannot be reasonably expected to effectively negotiate fair prices, choices, and contractual terms that apply to burial goods, contracts and leases for land on graveyard property.

“Planning for one’s own, or even a loved one’s death, is typically a “once-in-a-lifetime” experience. It is often compounded by unpredictability. But just because death all too often comes like a thief in the night, bereaved consumers should not be left wondering who, in fact, was the real thief...death or the cemetery salesperson?

“On September 25, 2009, I introduced the “Bereaved Consumer’s Bill of Rights.” Today, my Subcommittee is reviewing this draft bill at its first hearing of the new legislative session. To help us consider the measure, I am grateful to the accomplished panel of witnesses who have prepared testimony and saw fit to be here, today, to comment upon the merits and drawbacks of this important bill.

“Among H.R. 3655’s provisions, the bill would require the FTC to require ALL funeral goods and services providers, and not just “for profit” funeral homes, to do the following:

- (i) provide consumers with accurate, itemized price information for each specific funeral good or service offered for sale;
- (ii) prohibit these providers from misrepresenting what federal, state, and local laws require in protecting consumers;
- (iii) include disclosures in pre-paid contracts regarding fees or penalties to be assessed for cancellation or transfer, by the purchaser, of burial, cremation, or entombment rights to different facilities, and
- (iv) retain records of the date and location of each burial, cremation, and entombment as well as the corresponding rights of disposition (i.e., perpetual or term), and make those records available to federal, state, and local governments.

“In drafting this Bill of Rights, I have been earnest in respecting existing states’ laws. The bill would authorize both the FTC and the States Attorneys General, and other designated state entities, to enforce its requirements.

“What we have tried to accomplish through this bill is to establish a baseline of Federal minimums and standards. We would hope all states would have these minimums on their books, and in their own statutes, as a means to protect bereaved consumers.

“With that, it is my hope that we will critically review H.R. 3655, and the existing FTC rules that it would supplant, with the goal of improving the bill’s effectiveness and its relevance to modern times.

“In closing, I want to thank each of our witnesses for appearing here today. I look forward to hearing your testimony and to listening, and participating, in our discussion today about the Bereaved Consumer’s Bill of Rights. Thank you.”

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