

	NEWS FROM		
	<b>Congressman Bobby L. Rush</b>		
PROUDLY REPRESENTING THE PEOPLE OF THE FIRST CONGRESSIONAL DISTRICT OF ILLINOIS			
700-706 E. 79th Street Chicago, IL 60619 phone: 773-224-6500 fax: 773-224-9624	3235 W. 147 <sup>th</sup> Street Midlothian, IL 60445 phone: 708-224-6500 fax: 708-385-3860 <a href="http://www.house.gov/rush/">www.house.gov/rush/</a>	2416 Rayburn HOB Washington, DC 20515 phone: 202-225-4372 fax: 202-226-0333	

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**CONTACT:** Sharon Jenkins

(202) 225-4372 ofc.; (202) 431-8191 mobile  
[Sharon.Jenkins@mail.house.gov](mailto:Sharon.Jenkins@mail.house.gov)

- or -

Stephanie Gadlin

(773) 224-6500 ofc.; (202) 286-9829 mobile  
[Stephanie.Gadlin@mail.house.gov](mailto:Stephanie.Gadlin@mail.house.gov)

## **Rush Statement at Energy and Commerce Committee Markup**

in support of

### **H.R. 3655, Bereaved Consumer's Bill of Rights Act and H.R. 3993, the Calling Card Consumer Protection Act**

May 5, 2010

**WASHINGTON** — “Good morning everyone, I am elated to be here today and thank you Chairman Waxman.

“On March 24, my subcommittee moved favorably on the two bills that are before us at today’s full committee markup. I am proud to be bringing both of these bills to the full committee for its consideration.

“H.R. 3655 and H.R. 3993 recognize that special classes of consumers are particularly vulnerable to deceitful and misleading scams and cons.

“In the case of H.R. 3655, these special consumers are bereaved and grieving survivors of the deceased.

“Mr. Chairman, I will focus the limited time I have to deliver an opening statement on H.R. 3655; however, I also urge passage of H.R. 3993, the Calling Card Consumer Protection Act.

“In July 2009, my home state of Illinois, and my Congressional district, were shaken and disturbed beyond words, by the news of grave desecrations and grossly fraudulent sales activities at Burr Oak Cemetery in Alsip, IL. I introduced H.R. 3655 on September 25, 2009, in direct response to that horrible incident.

— more —

“The Bereaved Consumer’s Bill of Rights Act directs the Federal Trade Commission (FTC) to promulgate rules requiring *all* cemetery, crematoria, and mausoleum owners to provide clear and conspicuous disclosures and pricing information about their products and services, including costly pre-need contracts, memorials, burial rights, grave liners and vaults. These owners would also be required to produce and retain existing records pertaining to the location, date, and rights associated with each internment, inurnment, or entombment of human remains.

“H.R. 3655 makes both the misrepresentation of Federal, state, and local requirements *and* the improper tying of goods and services out to be violations of the FTC Act regarding unfair or deceptive acts or practices. H.R. 3655 *does not* preempt state laws or actions. It would enable state attorneys general to bring civil actions on behalf of state residents in federal District Court for compliance enforcement and for monetary damages and restitution as deemed appropriate by the Court.

“This bill will not be excessively costly in its implementation or its enforcement given the FTC’s existing capacity to promulgate rules and enforce them under its Funeral Rule.

“This is a good bill that establishes federal minimums to protect vulnerable consumers from being taken advantage of and levels the playing field between discrete segments of the funeral goods and services industry.

“Fellow Members, it is my urgent desire that what took place at Burr Oak *never happens again*—not in my state and, certainly, not in your states or districts.

“Therefore, I respectfully urge my colleagues to support the Bereaved Consumer’s Bill of Rights Act.

“With that, I yield back the balance of my time.”

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