

outstanding work in the medical field of gastroenterology.

The son of Russian immigrants, Kirsner overcame adversity as a young man and graduated from Tufts University School of Medicine at the top of his class. He went on to earn his medical degree at the University of Chicago. While training in Chicago, he became an expert in gastroenterology and helped to make the University of Chicago the premier center for research and therapy of inflammatory bowel disease. His leadership and research led to unprecedented medical advances in the field of gastroenterology, enhancing the lives of people across the world.

Despite his devotion to his research, Kirsner was compelled to join the armed forces in World War earning a third Battle Star in the battle of the Philippines before serving under General Douglas MacArthur in Japan. Following the war, Kirsner became a full Professor of Medicine at the University of Chicago. During his time as a Professor, he published over 700 papers and 15 books, and gave over 25 named lectureships. He has served as a leader on a number of boards and foundations, such as the National Institutes of Health, the American Gastroenterological Association and the Chicago Medical Society. Despite all of his world-renowned successes, he continues to provide personal care to patients from across the country.

Dr. Kirsner, a World War II veteran and devoted civil servant to the field of medicine, has lived his life in service to others, deserving of national recognition for his honorable contribution to our country.

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#### PERSONAL EXPLANATION

### HON. STEPHANIE HERSETH SANDLIN

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 8, 2009*

Ms. HERSETH SANDLIN. Madam Speaker, I regret that I was unable to participate in two votes on the floor of the House of Representatives on January 7, 2009.

The first vote was H.R. 35, to amend chapter 22 of title 44, United States Code, popularly known as the Presidential Records Act, to establish procedures for the consideration of claims of constitutionally based privilege against disclosure of Presidential records. Had I been present, I would have voted yea on that question.

The second vote was H.R. 36, to amend title 44, United States Code, to require information on contributors to Presidential library fundraising organizations. Had I been present, I would have voted yea on that question.

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#### HONORING THE DISTINGUISHED SERVICE OF BOB WATERSTON

### HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 8, 2009*

Mr. COSTA. Madam Speaker, I rise today along with my colleagues from California Mr.

RADANOVICH and Mr. NUNES to pay tribute to the distinguished public service of Bob Waterston. After 8 years with the Fresno Board of Supervisors, including two as Chairman and Vice-Chairman, Mr. Waterston is retiring as Supervisor for the 5th District in Fresno County, California. We thank him for his hard work on behalf of the county.

Bob is a lifelong Fresno native. Prior to embarking on his distinguished career with Fresno County, Bob was a twenty-nine year veteran of the Fresno Fire Department serving 4 years as a firefighter, 8 years as a driver and 17 years as a fire captain. He also served on the Clovis City Council as an elected member and then as a Mayor Pro Tem. Bob has also been a State certified paramedic for 24 years. His professional career includes Board Certified Advanced Cardiac Life Support and Basic Life Support Affiliate Faculty for the American Heart Association. Most recently he became a California State licensed Contractor specializing in swimming pool construction and has maintained his commitment to the community as a County Supervisor all while managing his home business.

Bob Waterston's involvement in his community has been far-reaching, ranging from Chairman of the America Health Walk in 1998 to the Fandango Advisory Board Committee in 1999 and as Community Advisor for the Junior League of Fresno in 2000 and 2001. Bob served on Community Services for the California League of Cities, and he was an Executive Board Member of the Sequoia Council Boy Scouts of America in 2004. Bob has also given back to his fellow firefighters by serving as a past Chairperson for the CPR Committee with the Central Valley Fire Agencies, and he is a founder of the annual "Firefighters Creating Memories" program at the Fresno District Fair.

Throughout his distinguished career, Bob Waterston has served on numerous boards and has given back to his community. He served on the board of directors of the Fresno Business Council, the Economic Development Corporation of Fresno County and the Fresno Regional Foundation. He is also a member of the "Make a Wish" Foundation, the American Heart Association Board of Directors, and the Public Education Committee for the Fresno City Fire Department. He is also a past board member for the Fresno Firefighters Association Benefit Fund and the South San Joaquin Division Committee on California League of Cities.

Bob's accomplishments were recognized as early 1989, when he was awarded the first Fresno Fire Department Employee of the quarter. He was also honored by Governor George Deukmejian for "Recognition in Excelling in the Performance of Duty." In 1996 Bob was honored by the Veterans of Foreign Wars as Peace Officer of the Year, and he was honored by Exceptional Parents Unlimited for his efforts to "Silence the Violence."

I commend Bob for dedicating his life to his family and his community. His accomplishments have touched the lives of many, and his impact on our community will be long remembered. I extend my best wishes for his continued health, happiness, and service. Bob Waterston is a distinguished member of the community, and it is with great pleasure that I recognize him today.

#### INTRODUCTION OF THE PROTECTING CONSUMERS THROUGH PROPER FORBEARANCE PROCEDURES ACT

### HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 8, 2009*

Mr. DINGELL. Madam Speaker, today I am reintroducing the Protecting Consumers Through Proper Forbearance Procedures Act. This legislation, which I also introduced during the 110th Congress, is intended to correct persistent procedural problems created by two words in the Communications Act of 1934, as amended. I urge all my colleagues to join me in supporting this common sense legislation.

Section 10 of the Communications Act permits a telecommunications carrier to file a petition with the Federal Communications Commission (FCC) asking the FCC to forbear from applying certain statutory or regulatory requirements to it. In turn, the FCC may grant forbearances if it finds that doing so is in the public interest.

As I have stated in the past, the Congress certainly has the prerogative to create a statutory regime that permits a regulatory agency to forbear from applying a statutory requirement, so long as the agency finds that consumers will continue to be protected and well served. What is problematic about this circumstance is that the Communications Act states that the carrier's petition will be "deemed granted" if the FCC does not act within a prescribed timeframe. In simpler terms, if the FCC cannot agree on the merits of a petition, it is automatically granted.

We must act to correct this untenable situation for two reasons. First, in the case of a petition that is "deemed granted" without an accompanying written order, it is impossible for the Congress or the courts to ascertain the scope of relief granted or the legal rationale supporting the FCC's action. This makes it difficult for the Congress to conduct proper oversight of the implementation of the Communications Act, as well as oversight of the telecommunications industry.

Second, the "deemed granted" language leads to unsound decision-making at the FCC. When faced with contentious and complicated issues, which are often the subject of these petitions, the FCC now routinely waits until the last moment to make a decision. At the same time, the threat of an automatic grant of forbearance hovers over the proceedings. It is unlikely that such a disjointed process results in public policy that benefits consumers.

The Communications Act, as amended by this bill, would still permit carriers to seek forbearance, which the FCC may also still grant. However, by removing the "deemed granted" language from statute, we will vastly improve the ability of the Congress and the courts to conduct appropriate oversight, better protect consumers, and restore transparency to the decision-making process. I urge my colleagues to support this legislation.