

what we call a hero's welcome? Is this how our Nation shows its gratitude? Closing this gap must be at the top of our 2012 calendar.

There has been some progress. For example, in November, Congress passed and the President signed the Vow to Hire Heroes Act, which provides tax credits to employers who hire veterans. But, Mr. Speaker, we need to do much, much more because unless we take bold action, this problem is going to get much worse before it gets any better as the war in Iraq and, hopefully, the war in Afghanistan winds down and even more returning troops flood the jobs market.

We know what to do. There's no question. We need more job training. We need more technical assistance so that these skilled young people can find the work they need. We need more career counseling and job fairs. We need to increase our investment in veterans' housing initiatives. How about helping veterans become entrepreneurs by starting their own businesses? And basically, we need more jobs in this country.

We must not pinch pennies on veterans. We must not pinch pennies on their health care, and we must make sure that wounded veterans aren't victimized by job discrimination.

So let's get creative here. Let's put our money where our mouth is. If we can spend billions of dollars every month on wars, then certainly we can spend a fraction of that to help the Americans who fought those wars. When they come home they should have a seamless transition back to civilian life.

These wars have already taken too much from all of us, from our country. We can't let them also destroy the job prospects and the successful futures of the people who served so bravely on the front lines. It's time to bring our troops home and, at the same time, provide them with the jobs they need to support their families.

WHAT WE HAVE LEARNED ABOUT THE CONSTITUTION FROM THE EXECUTIVE BRANCH, PART I

The SPEAKER pro tempore. The Chair recognizes the gentleman from Texas (Mr. POE) for 5 minutes.

Mr. POE of Texas. Mr. Speaker, the United States Constitution is the law of the land. It must be followed in the spirit and in the letter of the law.

Article II, in section 2, gives the Executive authority to appoint certain public ministers with advice and consent of the U.S. Senate. When the Senate is in recess, the Executive can make temporary appointments until the end of that legislative session.

See, the Constitution envisions cooperation by the Executive with the Senate over naming persons to offices that rule over the people of America. Both the Executive and the Senate must agree prior to an official appointment.

The Senate, within their legal prerogative, has been blocking three NLRB appointments and the appointment of the head of the new Consumer Financial Protection Bureau.

However, ignoring the Senate, the Executive appointed these people anyway. He declared the Senate was in recess when he made such appointments. But was it?

Well, constitutional experts disagree. The Senate was in a pro forma session. One reason they were in pro forma session was to prevent recess appointments by the executive branch. During pro forma sessions, the Senate can do business and meet another constitutional requirement to not be in recess without permission of the House of Representatives.

More from the Constitution. Article I, section 5 says no Chamber, the House or the Senate, can recess for more than 3 days without the approval of the other Chamber. The House did not and even could not agree to a recess of the Senate because the Senate was in session, not in a recess.

The Executive's claim that the Senate was in a recess is flawed because the House did not consent to any Senate recess. Thus, the Senate legally had to still be in session until the House agreed to a recess under our Constitution.

Furthermore, Congress determines when it's in recess, not the executive branch.

There is more evidence the Senate was in session. The Executive says the pro forma session was not a real session but a recess, so, thus, the recess appointments. However, during this pro forma session, the Senate passed legislation. The controversial payroll tax extension law became law signed by the Executive.

If the Senate was in recess, as the Executive claims, then it seems the payroll extension law is null and void. Why? Because Congress cannot pass legislation unless it's actually in session.

However, the opposite is true. Since the payroll tax law was passed during this pro forma session, and the appointments were made during this pro forma session, the appointments are null and void. They violate the letter and spirit of the Constitution. They were made without confirmation of the Senate. These were not recess appointments because the Senate was in session.

The Executive cannot have it both ways. The Executive cannot use linguistic gimmicks to redefine the words "recess" and "session" to his own liking, just so he can have it his way. The letter and spirit of the Constitution have been bruised and violated by his actions.

The Constitution must be followed, whether one agrees with what it says or not. Even if the Executive wins his argument, which is legally and logically flawed, he has ignored the framework of the Constitution, which is

built on Executive cooperation with Congress.

The Executive went his own way. And that's just the way it is.

CELEBRATING THE 70TH BIRTHDAY OF MUHAMMAD ALI

The SPEAKER pro tempore. The Chair recognizes the gentleman from Illinois (Mr. DAVIS) for 5 minutes.

Mr. DAVIS of Illinois. Mr. Speaker, yesterday, January 17, Muhammad Ali became 70 years old, so I rise to salute the champ and to wish him a happy birthday.

Ali has taken a lot of hard licks during his lifetime, but has always gotten up and has always maintained his dignity. Ali lived in and spent a great deal of time in Chicago. He attended events, went to meetings, and was part of community life. Therefore, I got to know him quite well.

A few years ago, after he had become ill with Parkinson's Syndrome, I sat next to Ali at a community banquet, and he was having difficulty holding on to his food and eating. The person on the other side of him was trying to help. Ali was becoming more and more irritated and finally, in a polite but firm manner, said, Thanks, but please leave me alone, I can do this, and he did. And I think that's characteristic of his life.

Born Cassius Clay, Ali converted to Islam, became a Muslim, and changed his name. Ali took hits from individuals and fans who disagreed with this position.

□ 1100

Initially categorized as not qualified to serve in the military because of poor performance on a Selective Service exam, Ali is then reclassified. But in April of 1967, he refused induction into the Army. He is tagged a draft dodger and stripped of his championship and barred from boxing. He is ultimately permitted to return.

As he worked his way toward the title shot at Sonny Liston, there are rumors that the fight might be canceled because of his emerging relationship with Malcolm X and the Nation of Islam. However, the fight does take place. Cassius Clay wins, and a month later, the honorable Elijah Muhammad gives Clay a new name: Muhammad Ali.

Ernie Terrell, a friend of mine, who graduated from high school with my wife and was a heavyweight champion, refused to address Ali by his new name, and Ali whipped him soundly and taunted him by asking him continuously, "What's my name? What's my name?"

Muhammad Ali is known as "The Greatest" to most people for his electrifying style in the boxing ring. But others might call him "The Greatest" for his continued humanitarian efforts outside the world of boxing. Since his retirement in 1981, he has gone on to do great things to help out the less fortunate and disenfranchised people throughout the world.

In 1991, he traveled to Iraq during the Gulf War and met with Saddam Hussein in an effort to negotiate the release of American hostages. On January 8, 2005, Muhammad Ali was presented with the Presidential Citizens Medal by President George W. Bush. He has received the Spirit of America Award calling him the most recognized American in the world. He has also been to Afghanistan as a U.N. Messenger of Peace.

One of his most recent accomplishments has been the creation of the \$60 million nonprofit Muhammad Ali Center opened in downtown Louisville. This center was opened to reflect Mr. Ali's core values of peace, social responsibility, respect, and personal growth. These are the values that have made Muhammad Ali the great man he is today, and it's those values that should not be forgotten. Instead, they should be passed down to future generations.

So I say: Happy birthday, Mr. Champ, and thanks for what you have meant and continue to mean to millions of people throughout the world.

NO BUDGET

The SPEAKER pro tempore. The Chair recognizes the gentleman from California (Mr. DENHAM) for 5 minutes.

Mr. DENHAM. This month is the 35th consecutive month under this administration's economic policies where we're over 8 percent unemployment. If you look at an area like mine in California's central valley, we have been double that for that same time period.

Sixteen to 20 percent unemployment is unacceptable. We need to be pushing policies that will change this, not only for the central valley but across the entire Nation.

Now, I'm a small business owner, and I will tell you from my perspective, the trillion dollar stimulus package, the government takeover of health care, the Dodd-Frank bill, are all things that have created uncertainty in my business.

But in the central valley, I'm also a farmer. And as a farmer, regulations like the dust act that creates uncertainties where we're not allowed to have dust in a farming scenario, I can't shake the almonds off my almond trees. I can't even grow almonds in the central valley. I can't put a plow into the ground because tilling the dirt will create dust. The regulations of uncertainty keep jobs from being created in the central valley.

As well as water. Without water, we cannot grow the crops that we need to feed the rest of the Nation or the rest of the world. The water and the regulations that prohibit the water from getting to our farms create the uncertainty year in and year out.

But looking long term, we need to have the policies that allow us to have off-stream storage that will have greater water storage, greater certainty so that we know we're going to have a

consistent flow of water throughout California's central valley year in and year out.

Once again, we would call on the President. It's fine to come to our great State and visit L.A. and San Francisco, even visit a coastline in San Diego, but California's central valley—the bread basket of the world—where we're creating greater agricultural commodities than many other regions not only in the United States but across the world, we would ask the President to come and understand the uniqueness of the central valley and some of the battles that we face.

This also comes at a time where next week we're going to see the 1,000th day since we've had a budget, the most fundamental responsibility of the Federal Government, of the President, of Congress, without a budget. This is going to be a President that fails to have a budget in his entire first term. A thousand days is coming quickly. And that same type of uncertainty, whether it's a business that is forced to have a budget every year or a family that is forced to have a budget, our Federal Government needs to have a budget as well.

I think that we need to look at the bottom line of getting both Houses of Congress to work together. Whether it's job creation or actually having a budget, it's incumbent on both Houses to work together and find solutions.

Now, I'm one Member that is providing a solution dealing with our Civilian Property Realignment Act, selling the things that we just don't need, utilizing properties like the post office right down the street here that costs us \$6½ million every year to maintain yet sits vacant for well over a decade. We have many people who want to redevelop it; 150 jobs just in redeveloping that one site, another 150 jobs ongoing once that site is redeveloped. Now, isn't that a bipartisan solution that not only solves a problem with bringing in revenue but also getting rid of the cost of something that just is not needed, a cost that we don't need to bear the expense of?

At the same time, if you want new tax revenue, let's put it back on the tax rolls or find a bipartisan solution where we can come together, get Republicans and Democrats, the House and the Senate to agree on something that will create jobs, that will cut the cost of doing business and bring in new revenues.

It is time that the Senate works with the House. We have 27 bills sitting over there that deal with job creation, all aspects, whether it's the credit and financial markets or making sure that we're cutting regulations to end some of the challenges that we're facing in the central valley, but we have to get both Houses to work together.

We would call on the President. Visit California's central valley. Prepare a budget that can be passed by both Houses. This country is hurting right now, and we need real leadership that will bridge that gap.

CONGRATULATIONS, ALABAMA

The SPEAKER pro tempore. The Chair recognizes the gentleman from Louisiana (Mr. CASSIDY) for 5 minutes.

Mr. CASSIDY. In the challenge that we have in creating jobs, every now and then we have a lighthearted moment. Congresswoman SEWELL, who represents Tuscaloosa, and I made a challenge to each other over the BCS championship game. I'm here to pay off my end of the challenge.

First, let me congratulate LSU. They had a tremendous season. They played nine ranked teams. Four of those games were against those that were in the top three in the polls. Coach Les Miles was Coach of the Year. There were four positions on the All-America Team held by LSU Tigers, two on the second team. It was a tremendous season for the fans as well.

That said, I also congratulate Alabama. They similarly had a great year. They are to be congratulated. They came back from their earlier defeat where LSU beat them at Bryant-Denny Stadium and stayed focused and got revenge on LSU in the BCS.

I would also say to Congresswoman SEWELL, she was incredibly gracious in paying off our arrangement then. I enjoyed those Tuscaloosa ribs. I also will thank Congressman PAUL BROWN, who, when LSU beat Georgia, was similarly gracious.

Now I hope to be as gracious as they and pay off my arrangement with Congresswoman SEWELL before we return to this serious business of Congress, and that is to say on the floor of the House of Representatives, Roll Tide.

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REPEALING SECTION 1021 OF THE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2012

The SPEAKER pro tempore. The Chair recognizes the gentleman from Texas (Mr. PAUL) for 5 minutes.

Mr. PAUL. Mr. Speaker, I rise today to introduce a very simple piece of legislation: to repeal the infamous section 1021 of the National Defense Authorization Act, which was quietly signed into law by the President on New Year's Day. What a way to usher in the new year.

Section 1021 essentially codifies into law the very dubious claim of Presidential authority under the 2001 authorization for the use of military force to indefinitely detain American citizens without access to legal representation or due process of law. Section 1021 provides for the possibility of the U.S. military acting as a kind of police force on U.S. soil, apprehending terror suspects, including Americans, and whisking them off to an undisclosed location indefinitely.

No right to attorney.

No right to trial.

No day in court.

This is precisely the kind of egregious distortion of justice that Americans have always ridiculed in so many