

That includes most of the 5.7 million businesses under NLRB jurisdiction in America—because most businesses contract for some service.

Consider a local bicycle shop that contracts out its cleaning service under a cost plus provision, in which the cleaner is paid for all of its expenses to a certain limit, plus a profit. If this arrangement is interpreted to create “indirect control” or have “unexercised potential” over working conditions—they could trigger joint employer obligations. Same thing with a local restaurant that outsources all of its baked goods under a contract that includes penalties for being late or delivering substandard goods—it could be considered a joint employer of the bakery employees.

What does it mean to be a joint employer? First, you are required to engage in collective bargaining, and are on the hook for all of the agreements made in collective bargaining, such as salaries, healthcare coverage, and pension obligations. It often takes weeks or months of an employer’s time and hefty legal costs to negotiate agreements.

Being considered a joint employer also eliminates protection from what are called “secondary boycotts.” Current law does not allow a union to boycott companies that do business with their employer in an attempt to apply to pressure to their employer. If the secondary company is instead deemed a joint employer, the union will be able to picket and boycott.

Imagine being an employer and having these legal, financial and time burdens placed upon you by a union representing employees you have no real control over.

Let me give another example—we have several large auto manufacturing plants in my home state of Tennessee. Let’s say one of those plants has a few thousand employees, but thousands of other workers come in and out of the plant’s gates every day to provide goods and services the facility needs to operate.

These workers are employed and directly controlled by subcontractors that provide security, supply auto parts, and staff the company lunch room. If the NLRB goes down this road, the plant owner could be forced to sit at dozens of different collective bargaining tables—and be responsible for another employer’s obligations.

So the manufacturer would likely take as much “in house” as it can—and if that move comes at the cost of efficiency and innovation the plant could be relocated elsewhere. This example is especially concerning to me because more than 100,000 Tennesseans are employed in the auto manufacturing industry.

As for the subcontractors, they would be losing huge clients, which would in turn jeopardize more jobs and threaten these businesses’ futures.

Most business owners are people who wanted to run their own business, be their own boss, and live their dream of providing a much-needed service in their community.

This pending decision would ruin that dream for many.

WEST JEFFERSON, NORTH CAROLINA

Mr. BURR. Mr. President, I wish to pay tribute to the town of West Jefferson, NC. Today, February 9 is the 100th anniversary of the charter of this historical town that has become a vibrant community attracting tourists, artists, entrepreneurs, retirees and young families.

Development of rural farmland into a town resulted from extending a rail-

road line into it. Construction of roadbeds and trestles for the steel rails took place in 1914, and depots were created as loading spots. When people of this area learned that the railroad was coming, speculators made investments in villages that would be affected. A new village was also created. The West Jefferson Land Company mapped a farming area in a valley between two mountains and sold lots for commercial and residential uses. Developers and their purchasers were ready when the first train arrived. The West Jefferson depot was central and most prominent. As part of its official recognition by the State Legislature in 1915, the town acquired for its governance a mayor and aldermen.

Passenger service was added by the railroad company and enjoyed by many. Then, as the years went by, personal automobiles, paved roads, freight trucks and passenger buses created new transportation options. There were no more large tracts of virgin timber to be harvested. Railroad operation declined in profitability and the end came in 1977. The rails were taken up and trains became a romantic memory for the people of West Jefferson. Trains remain today as images which we see in the local history museum diorama and in some of the beautiful murals on downtown buildings. Murals, galleries, studios and dynamic programs now identify West Jefferson as an arts community, enhancing its image as a desirable place in which to live.

The town of West Jefferson has received many accolades for its business and family-friendly environment, low cost of living, lively rebirth of its downtown district, and many other aspects. I join the fine people of West Jefferson as its citizens and leaders celebrate this historic 100th anniversary.

ADDITIONAL STATEMENTS

TRIBUTE TO GENE BESS

• Mr. BLUNT. Mr. President, I wish to honor Coach Gene Bess of Three Rivers College in Poplar Bluff, MO. As a coach for Three Rivers College, Gene has had an amazing career that has spanned four decades. During that time, he has maintained a winning percentage of 78 percent with an average of 27 wins per year. He has not had a losing season since becoming Three Rivers College’s head coach in 1971.

Coach Bess has led the Three Rivers College Raiders to 17 tournament appearances in the National Junior College Athletic Association, NJCAA tournament, where his career record is 41–19. The Raiders have reached the Final Four of the NJCAA tournament nine times, while winning national championships in 1979 and 1992.

Gene has been recognized as the NJCAA Coach of the Year twice, the Regional Coach of the Year on 18 occasions, and the Midwest Community College Athletic Conference Coach of

the Year 19 times. He is a member of the Poplar Bluff Sports Hall of Fame, the Missouri Sports Hall of Fame, and the NJCAA Hall of Fame.

Coach Bess is one of the best basketball coaches to ever blow a whistle in college basketball, and this month, he became the first college basketball coach ever to reach 1,200 victories. This is a tremendous feat for a coach in any sport, at any level.

Prior to his record-setting career at Three Rivers College, Coach Bess had a very successful record at the high school level when coaching at Lesterville, Anniston, and Oran. Over a 12-year period, these Bess-era teams won over 250 games, ending in appropriate fashion with his Oran team playing for the Missouri Class M State Championship. Oran lost that game 76–74, yet the Bess legacy was only beginning.

The leadership and dedication that Gene Bess demonstrates as a basketball coach, does not stop on the court. Instead, it translates into his personal and public life. He has been married for nearly 54 years and is a deacon at the First Baptist Church of Poplar Bluff. He and his wife Nelda have two children, Janell Hartmann and Brian, one of the Raiders’ assistant coaches, and four grandchildren. Faith and family always come before his work, and this is just one secret to his success.

I ask that all of my colleagues join me in congratulating Coach Bess and the Three Rivers Raiders on this rare milestone of 1,200 victories, a record that is unsurpassed at any level.●

TRIBUTE TO HELENE GALEN

• Mrs. BOXER. Mr. President, I wish to take this opportunity to recognize my great friend and an extraordinary philanthropist in my State, Helene Galen, who was honored over the weekend with the Desert AIDS Project’s “100 Women Award.” Helene’s immense contributions throughout California—especially in her beloved Coachella Valley—have left a legacy that will benefit the people of our State for decades to come.

She has worked tirelessly to fight child abuse through the Barbara Sinatra Children’s Center for almost 30 years. Her strong support for Jewish Family Service of the Desert has provided critical social services to seniors, children and families throughout the area. A devoted advocate for people living with HIV and AIDS, she has been a leader of the Desert AIDS Project’s “100 Women” program, which supports women and children affected by HIV and AIDS with food, housing and life-saving health care.

Whenever Helene sees an unmet need, she doesn’t wait for someone else to step up. She jumps in with all her heart and all her passion. She led the effort to build a new performing arts center and theater at Rancho Mirage High School, which will ensure that generations of young people can pursue