



Rep. Franklin's (R-FL) CRA RE: DOL's Unconstitutional H-2A Anti-Farmer Rule

Rep. Franklin, a Member of the Agriculture Appropriations Subcommittee, is seeking cosponsors for his introduced CRA on DOL's finalized [Improving Protections for Workers in Temporary Agricultural Employment in the United States Rule](#).

This rule, finalized on April 29th and going into effect June 28th, would allow employees to invite labor and legal organizations to employer-provided housing. This DOL rule goes against a June 2021 U.S. Supreme Court decision ([Cedar Point, et al, v. Haddid](#)) that ruled a regulation providing union activists' access to farms and ranches was unconstitutional. DOL claims in this new rule that unionization of H-2A employees is not preempted by the laws passed by Congress and contradicts exclusions of agricultural laborers under the National Labor Relations Act of 1935.

When the rule was first posted, American Farm Bureau Federation President Zippy Duvall stated "Farmers appreciate the men and women who work on their farms, and we don't take lightly the responsibility to ensure their safety and protection. We wholeheartedly support clamping down on labor abuses, but this rule instead assumes all farmers are guilty until proven innocent, and that's not right."

This rule maintains that DOL has chosen to treat agricultural employers as malicious actors, rather than supporting the farmers and ranchers who consistently supply Americans (and the world) with food. Additionally, DOL's proposed rule becomes the third new regulation tied to the H-2A program in the last year alone and comes on top of numerous regulations from other agencies. This trend of aggressive administrative rulemaking is exhausting the limited resources of U.S. growers and threatening the sustainability of an industry that helps feed, clothe and fuel the nation.

Endorsing Organizations: Florida Fruit and Vegetable Association

Top 5 H-2A Employing States for FY23:

1. Florida – 51,987
2. California – 40,758
3. Georgia – 37,356
4. Washington – 35,680
5. North Carolina – 26,146
6. Michigan – 15,094
7. Louisiana – 13,167
8. Texas – 12,076
9. Arizona – 11,301
10. New York – 9,919

Rep. Franklin, as a member of Appropriations, has corresponded with LHHS Approps and they have confirmed they plan on including language stripping funding in FY25 for the rule per his request.