



Broward **FLI**

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Affordable Care Act Oral Arguments before the Supreme Court

Early last week, the U.S. Supreme Court heard oral arguments by those states challenging the constitutionality of the Patient Protection and Affordable Care Act (ACA) which was signed into law in March 2010.

Much of the 3-day debate centered around two legal questions: whether a mandate that requires individuals to purchase health insurance, which is seen as a regulation of economic inactivity, is constitutional under the commerce clause and; whether the mandate portion is “severable” allowing the rest of the ACA to stand as law if the mandate is found unconstitutional.

Challengers argued that the mandate unconstitutionally compels commerce as opposed to regulating commerce. They contend that the Clause has never been used this way. The Government argued that the mandate is a valid exercise of congressional regulatory authority because all Americans will eventually participate in the health-care market. With respect to the severability issue, some experts contend that standard principle is to presume that other provisions are severable but that can be rebutted by demonstrating that Congress would not have passed the legislation without rejected portion. The court’s decision is due in June.

JOBS ACT Passes House of Representatives with Bi-Partisan Support

Last week the US House of Representatives approved the Jumpstart Our Business Startups Act, or JOBS ACT. The measure, designed to help growing companies attract investors while complying with complex securities laws, passed the House 380-41. The legislation will remove some Securities and Exchange Commission (SEC) limitations on advertisements soliciting new investors and allow “crowdfunding” so that startups can acquire capital from a larger spectrum of smaller investors. Opponents to the bill voiced concerns over reducing reporting and disclosure requirements as it could promote fraud and investor abuse. The JOBS ACT had previously passed the Senate and has been sent to the White House for the President’s approval.

House Budget Committee Chairman Ryan Releases 2013 Budget Proposal

Last week House Budget Committee Chairman Paul Ryan released his 2012 budget proposal entitled “Path to Prosperity: A Blueprint for American Renewal.” Under the Congressional Budget Act of 1974, the Senate and House Budget Committee Chairs are obligated to introduce a budget resolution to their respective chambers by May 15th. The House voted up the proposal 228-191 on March 29.

Chairman Ryan’s budget purports to reduce government spending from 24% of the economy to under 20% by 2015; thereby lowering the federal deficit nearly \$3 trillion in the next 10 years while bringing the deficit down \$800 billion in FY 2013. Projected cuts of \$5.3 trillion over the next 10 years are at the heart of the Ryan’s proposal. The Chairman proposes significant reforms to Medicaid, Medicare and Supplemental Nutrition Assistance Programs (SNAP) while repealing the Affordable Care Act (ACA) to achieve the proposed reductions.

Medicaid

According to the proposal, “Medicaid spending grows, on average, 9 percent a year – faster than the growth of the overall economy.” To tackle this problem, the House budget would eliminate the existing matching-grant financing structure of Medicaid and would convert the federal share of Medicaid spending into a block grant that considers inflation and population growth. The Chairman believes this will promote innovation and flexibility for states to tailor Medicaid programs to fit the needs of their unique populations. Opponents to this conversion argue that this would shift the burden of Medicaid’s growing costs to the states. According to the Congressional Budget Office (CBO), states would be forced to make cutbacks that “involve reduced eligibility for Medicaid and CHIP, coverage of fewer services, lower payments to providers, or increased cost sharing by beneficiaries—all of which would reduce access to care.” Over the next 10 years, issuance of these grants would reduce federal Medicaid spending by \$810 billion. Some reports indicate that states could reduce enrollment by more than 14 million people or almost 20 percent in that period.

Medicare

The House budget proposal operates on the premise that the current subsidy nature of Medicare is a fundamentally broken system. The Chairman points to a CBO report that indicates the Medicaid trust fund will run out of money in just ten years’ time. Beginning in 2023, Medicare would move to a premium support payment program in which seniors would be given a choice of private plans competing alongside the traditional fee-for-service option in a new Medicare Exchange. Medicare would provide a premium support payment to either pay for or offset some of the premium. In addition, the Medicare retirement age would increase by two months each year until it hits 67. The proposal promises seniors would be guaranteed coverage that is “equal in value” to the traditional fee-for-service Medicare system. Opponents are quick to point out that capping Medicare’s contributions and leaving the country’s most fragile to the mercy of the healthcare industry will result in significant out of pocket expenses for seniors.

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Supplemental Nutrition Assistance Programs (SNAP)

The plan for SNAP mirrors the Chairman's approach to reforming Medicaid. "Path to Prosperity" calls for the SNAP to be converted into another block grant with flexibility being afforded to each state the justification. The ability to tailor a food assistance program to the unique needs of each state is a reasonable initiative but critics contend that this would leave most programs on the state level well underfunded in the face of increasing demand. Slumping economic conditions have contributed to a significant increase in SNAP enrollment in recent years and some believe limiting the federal government's involvement to block grant will not help address this disconcerting trend.

Affordable Care Act (ACA)

The house proposal repeals several key portions of the ACA. It repeals the personal responsibility clause requiring the purchase of health insurance, the creation of state health insurance exchanges, the creation of subsidies for low income Americans, the expansion of the Medicaid program, and tax credits for small businesses that purchase coverage for employees. There are reports that more than 30 million Americans would lose coverage under this proposal.

Broward Receives Increased Ryan White Funding

This month, Broward County learned it had been awarded \$15,390,658 from the Ryan White HIV/AIDS Program. This is an increase of \$384,397 from the previous fiscal year. Part A of the Ryan White HIV/AIDS Treatment Extension Act of 2009 provides assistance to metropolitan areas that are most severely affected by the HIV/AIDS epidemic. These funds are dedicated to providing a continuum of care through medical and support services for people living with HIV disease. This funding is vital as the HIV/AIDS epidemic has severely impacted Broward County. Through September 2011, 28,033 HIV+ Broward residents were reported, including 358 children and youth.

Broward County among Healthiest Florida Counties

The Robert Wood Johnson Foundation in collaboration with the University of Wisconsin Population Health Institute recently released the County Health Rankings & Roadmaps report. Broward County was recognized as the 12th healthiest in terms of Health Outcomes and 11th in terms of Health Factors of Florida's 67 counties. The report ranks the health of counties considering a broad range of health factors including health behaviors, clinical care, social and economic, and physical environment factors while also assessing traditional health outcomes. Health outcomes in the report indicate the health of a county with respect to two traditional health outcomes: mortality (how long people live) and morbidity (how healthy people feel while alive).

The goal of the County Health Rankings & Roadmaps project is to mobilize "local communities, national partners and leaders across all sectors to improve health." The Roadmaps project includes grants to local coalitions and partnerships among policymakers, business, education, public health, health care, and community organizations; grants to national organizations working to improve health; recognition of communities whose promising efforts have led to better health; and customized technical assistance on strategies to improve health.

March Lobbying Madness

As college basketball teams played for the right to be called “NCAA National Champions”, county commissioners and staff engaged in their own brand of March Madness traveling to Washington, D.C., to lobby Congressional members, staff and Executive Branch agency officials on critical federal issues.

Prior to the NACo conference, Commissioner Lieberman traveled to Washington a day early to meet with congressional staff on a variety of issues. Commissioner Lieberman met with representatives from the offices of Senators Orrin Hatch and Michael Enzi, and staff from the Senate Banking Committee, Senate Finance Committee, Senate Appropriations Committee, House Economic Development, Public Buildings and Emergency Management Subcommittee, House Transportation, Housing and Urban Development Subcommittee, and the House Transportation and Infrastructure Committee. Discussions focused on affordable housing; increased funding for the CDBG and HOME programs; affordable drug coverage for transplant recipients, including support for H.R. 2755/S. 1454 – The Comprehensive Immunosuppressive Drug Coverage for Kidney Transplant Patients Act; and the status of a federal courthouse for Broward County.

Commissioner Lieberman and IA staff attended NACo’s Legislative Conference, which provides an opportunity for county officials and staff to collaborate on a myriad of federal legislative issues which impact counties. The conference also offers a glimpse into issues that will consume county leaders when they gather at the Annual Conference in Pittsburgh this summer to adopt resolutions and amend the American County Platform.

On March 7th, Vice Mayor Jacobs traveled to Washington to meet with Congressman Deutch, Congressman Blumenauer, Sarah Gonzalez-Rothi, Legislative Counsel to Senator Bill Nelson and FTA Administrator Peter Rogoff. Topics discussed included transportation reauthorization, preservation of dedicated transit funding at the federal level, Tri-Rail funding, beach nourishment funding, federal support for adaptation action area program language, expediting federal processes, and funding support for Port Everglades’ expansion projects.

On March 21-22, new Port Director, Steve Cernak, traveled to the capitol city to meet with Army Corps of Engineers’ Headquarters staff to stress the importance of finalizing the ongoing 15-year feasibility study to deepen and widen Port Everglades’ channel in time to get the project authorized in Water Resources Development Act (WRDA) legislation that may be considered by the 113th Congress. Mr. Cernak also met with Congressman Deutch, Congressman West, and staff representatives for the offices of Senators Nelson and Rubio, Congresswoman Wasserman Shultz and Congressman Hastings to discuss the Corps’ feasibility study, expansion projects at Port Everglades, customs and border patrol staffing concerns, and the proposed elimination of NOAA’s navigation response teams in the President’s FY 2013 budget.

On March 22nd, Mr. Cernak joined Aviation Director Kent George and Doug Webster, Director of Administration and Strategic Planning, along with representatives from Spirit Airlines and JetBlue, to attend meetings with U.S. Customs and Border Patrol (CBP) officials to discuss staffing levels at Port Everglades and Fort Lauderdale-Hollywood International Airport. Meetings to discuss CBP staffing concerns were also held with Congressman West and staff representatives for the congressional

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offices of Congresswoman Wasserman Shultz, Congressman Hastings, and Congressman Deutch.

The March lobbying madness was capped off on March 30th, when TFG and IA staff held the annual Congressional staff event. The meeting is held each year immediately after the Board approves federal legislative package to inform Congressional offices of the County's appropriations requests, legislative proposals, and gain support for important projects identified in the Board's program. This year's event was well-attended with representatives from the offices of Senator Nelson, Congresswoman Wasserman Schultz, Congressman Diaz Balart, Congressman Hastings, Congressman Deutch and Congressman West attending.

Several staff, on behalf of their members, indicated their office would take lead on some County projects, including: The Wave project – Congresswoman Wasserman Schultz; Port Everglades' Radiation Portal Monitors associated with the ICTF – Congressman West; and Customs and Border Patrol staffing – Senator Nelson, Congressman Hastings, and Congressman West. All staff agreed to assist the County in providing support letters for County grant applications. TFG and IA staff will be following up with each office to solidify the lead commitments and obtain others for the County's remaining appropriations and policy proposals.

Waters of the United States Bill Introduced

On March 28, Sen. Barrasso of Wyoming (joined by 32 cosponsors, including Sen. Rubio) introduced S. 2245, a bill to preserve existing rights and responsibilities with respect to waters of the United States. A reaction to the draft guidance released by the Environmental Protection Agency (EPA) and U.S. Army Corps of Engineers (USACE) in May 2011, the bill would prevent those entities from issuing the Final Guidance on Identifying Waters Protected by the Clean Water Act (CWA), which was submitted to the White House Office of Management and Budget for review in February.

The guidance, on which DEP and USACE received approximately 230,000 comments during the public comment period last year, would increase the number of federally protected waters by affirming that wetlands having a "significant nexus" to traditional navigable waters fall under CWA jurisdiction. In evaluating whether a significant nexus exists, a factfinder must consider the biological, physical, or chemical impacts the waterbody in question has on downstream traditional navigable waters. A determination that a significant nexus exists does not require that there is an actual surface connection between the waterbody in question and downstream waters. Additionally, the guidance clarifies that all tidal ditches fall under CWA jurisdiction. Non-tidal ditches are deemed jurisdictional if they have a bed, bank, and ordinary high water mark, connect directly or indirectly to traditional navigable water or interstate water, and meet one of five characteristics set forth in the guidance.

National Association of Counties' policy states that local streets, gutters and human made ditches must be excluded from the definition of "waters of the United States." NACo supports S. 2245 out of concern that the EPA and USACE will use the guidance to claim jurisdiction over county ditches, subjecting these waters to regulation under the CWA Section 404 wetlands permitting program.

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The Board's 2012 Federal Legislative Program, as adopted on March 27th, supports legislation clarifying CWA jurisdiction, in light of the U.S. Supreme Court's decisions in *SWANCC* and *Rapanos*, that:

- Clarifies the basis and scope of CWA jurisdiction, including a more descriptive definition of the jurisdictional waters included within the term ["waters of the United States."]
- Maintains Congress' policy and CWA provisions that recognize, preserve, and protect the primary responsibilities and rights of states to prevent, reduce, and eliminate pollution and to plan for the development and use (including restoration, preservation, and enhancement) of land and water resources.
- Establishes specific standards that protect wetlands having significant ecological functions or hydrological connections to navigable waters.
- Clarifies that CWA jurisdiction does not include isolated, intrastate, non-navigable waters such as isolated ponds, ditches, and other channels containing intermittent or ephemeral water flows occurring during less than three months of the year as "navigable waters" or "waters of the United States."
- Relies upon CWA jurisdiction under Congress' commerce power to accomplish the objectives of the CWA and does not add the phrase "activities affecting such waters" to the definition of "navigable waters" or "waters of the United States."

Senate Passes Two-Year Transportation Bill; Approves House 90-day Extension

The U.S. Senate, on March 14th, passed a bi-partisan transportation authorization bill by a vote of 74-22. S. 1813, Moving Ahead for Progress in the 21st Century Act (MAP-21), is a \$109 billion bill that reauthorizes the nation's highway, transit and safety programs for two years. The bill's funding represents current funding levels plus inflation.

The nation's highway program is funded at \$39.1 billion in FY2012 and \$39.8 billion in FY2013, with funds distributed to the states by a formula based on each state's "share of apportionment and allocations received between FY2005-FY2009." MAP-21 reduces and consolidates many of the existing highway, bridge and bike/pedestrian programs from 90 to 30, and restructures these various programs into five "core" programs:

- National Highway Performance Program which focuses on the national highway system – i.e., interstates and major roadways.
- Transportation Mobility Program which includes the Surface Transportation Program, and provides assistance to states and local governments for improving the condition and performance of federal-aid highways and bridges. Assistance under this program is not available for roads that are classified as local or rural minor collectors.
- National Freight Program is a new core program that will provide funding for projects to improve goods movement. Up to 10% of the program's funding may be used for freight rail projects, including projects meeting national criteria encouraging projects which reduce bottlenecks, environmental and local impacts.
- Highway Safety Improvement Program is kept largely intact, but directs the Secretary of Transportation to establish requirements for regular

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updates and approval of state strategic highway safety plans. The Secretary must also issue guidance to the states for developing performance measures and targets for state highway safety improvement programs.

- Congestion Mitigation and Air Quality (CMAQ) Improvement Program is also left intact and bike/pedestrian programs have been consolidated into this program. Although the legislation maintains the 90% set-aside of state funds for transportation enhancements, recreational trails and safe routes to schools programs, states are also allowed to use these funds for planning, designing or constructing boulevards and other roadways.

Public transit is level-funded at \$10.458 billion for FY2012 and FY2013, with 50% of the funds apportioned to areas based on population, and transit's dedicated share of gas tax revenues is maintained. A new State of Good Repair Program is established for projects addressing backlog maintenance needs. The bill streamlines the process for transit construction under the New Starts Program to accelerate projects. A transit asset management system is reestablished. Federal transit funds recipients will be required to develop transit asset management plans and provide reports to the Secretary of Transportation as to the system's condition and attainment of performance targets.

Section 1533 of the bill expresses the "Sense of the Senate" that the Administration should "request full use of the Harbor Maintenance Trust Fund for operating and maintaining the navigation channels of the United States." Congress created the HMTF in 1986 to provide funds for operating and maintaining the nation's navigational channels (e.g., maintenance dredging). At present, there is over \$6 billion in the HMTF and the trust fund is expected to grow to over \$7 billion in FY2013. The trust fund is fed through a 0.125% excise tax on the value of imported and domestic waterborne cargo, as well as cruise ship passenger tickets.

The HMTF language expresses an ongoing frustration on Capitol Hill with the USACE and the Administration's accumulation of taxes in the HMTF, and the insufficient level of expenditures necessary to address the maintenance dredging needs of ports. Similar language is also contained in the House's transportation reauthorization bill, H.R. 7 (§10001). Funding for maintenance dredging is a major priority for the Board and Port Everglades. The President's FY2013 budget include \$3.084 million to round out the approximately \$9 million needed by the USACE to dredge Port Everglades Harbor to its authorized depths.

MAP-21 also:

- Eliminates earmarks within the highway and transit programs.
- Expands the Transportation Infrastructure Finance and Innovation Act (TIFIA) funding from \$122 million to \$1 billion annually. TIFIA is a financing program that uses federal funding to leverage local and private investments to fund transportation projects.
- Eliminates various formulas relating to individual funding programs and requires states and MPOs to establish targets based on federal performance measures.
- Expands the use of alternative financing schemes and private-sector investments to enhance highway grant funding.
- Accelerates project delivery by streamlining the environmental (NEPA) review process.
- Increases MPO population threshold to 200,000 and provides for the

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designation of MPOs as Tier I (MPOs with populations over 1 million) or Tier II (MPOs with populations between 200,000 and 1 million). The bill also creates a “Non-MPO” designation for those small urbanized areas that were designated as MPOs prior to the enactment of MAP-21 and which do not meet the population thresholds for Tier I or Tier II.

- Extends the Secretary’s authority to include appropriating funds for the installation of electric charging stations in publicly-owned parking facilities.
- Imposes spending controls on obligations from the Highway Trust Fund (HTF) to ensure the funds solvency, including granting the Secretary the power to rescind obligation when there is a danger the HTF may fall below \$2 billion in FY2012 or \$1 billion in FY2013.
- Directs the Secretary to develop and implement a surface transportation and freight strategic plan within two years after MAP-21’s passage.
- Requires the secretary to develop a national rail plan and regional rail plans for each region except the Northeast corridor to facilitate the development of high-speed, commuter and freight rail while promoting economic development. States may create their own rail plans, but such plans must be consistent with the national plan.
- Establishes a program to develop and promote Intelligent Transportation Systems (ITS) and allows the Secretary to create incentives and use funds to promote ITS. The Secretary is also authorized to initiate a competitive grant program to fast-track ITS deployment.

The House of Representatives has yet to act on the Senate’s bill as it continues to pursue longer term legislation. The House Transportation and Infrastructure Committee has approved H.R. 7, “The American Energy and Infrastructure Jobs Act” a five-year, \$260 billion transportation reauthorization bill. However, House leaders have not been able to muster the votes needed for passage of the House measure as it includes financing the bill through expanded offshore oil drilling, more drilling in the Arctic National Wildlife Refuge, and cuts to federal employee pensions.

As a result, on March 29th the House passed 266 to 158 H.R. 4281, which extends through June 30, 2012 existing HTF taxes, spending authority, and transportation program funding for the nation’s highway and transit programs. The Senate followed suit, approving the bill by unanimous consent later that same day. Despite this 90-day extension, however, there remains considerable doubt as to whether a surface transportation bill will receive congressional approval this year.

FAA Reauthorization Becomes Law

Five years and 23 funding extensions later, Congress, in February, finally passed FAA reauthorization legislation. The House approved H.R. 658, the FAA Modernization and Reform Act of 2012, on February 3rd on a 248-169 vote with the Senate approving the measure February 6th on a 75-20 vote. President Obama signed the H.R. 658 into law on February 14, 2012.

The FAA Modernization and Reform Act of 2012 authorizes \$63.4 billion for the FAA’s safety programs, airport development grants, and operations during FY2012 through FY2015. This amount represents level-funding over the previous year. Of the total, \$13.4 billion is provided for the Airport Improvement Program (\$3.35 billion annually), \$38.3 billion for FAA operations, 10.9 billion for the FAA’s facilities and equipment account, and \$672 million for research, engineering and

development activities.

The act provides funding and policy direction for the FAA to implement the Next Generation Air Transportation System (NextGen), including accelerating the deployment of NextGen technologies and new flight procedures, streamlining or exempting certain flight paths/procedures from environmental reviews, and authorizing airports to pay for the preparation of environmental review documentation. The FAA Administrator must appoint a Chief NextGen Officer who will be responsible for implementing all NextGen programs of the U.S. DOT. The bill mandates development of “precision navigational procedures at the nation’s top 35 airports by 2015” to significantly reduce congestion, delay, fuel consumption and air carrier costs.

While the act does not increase passenger facility charges (PFCs) from their current \$4.50 level, H.R. 658 redefines PFCs as “charges” rather than fees. The bill also makes permanent a pilot program which allows the collection of PFCs at non-hub airports.

The act provides consumer protections associated with long, on-board tarmac delays. Air carriers and airport operators must submit for the U.S. Transportation Secretary’s approval a contingency plan relating to long tarmac delays. Carriers must also provide passengers with adequate food, water, restrooms, ventilation, and medical services on grounded aircraft that have been delayed on the tarmac, and a time-frame for deplaning after the aircraft has been delayed after three hours.

An airport operator’s plan must describe how passengers will be deplaned after a long tarmac delay and how the airport’s facilities will be shared and gates made available to other aircraft that experience similar delays. The Secretary may assess air carriers and airport operators that fail to submit a plan, receive plan approval, or fail to comply with their contingency plan a civil penalty and a consumer hotline must be established to receive complaint from the air traveling public. Air carriers are required to publish monthly and update a list of chronically-delayed or canceled flights on its website and to share such information with its booking agents. Additionally, the Secretary must create an advisory committee for aviation consumer protection.

The FAA Modernization and Reform Act also:

- Increases from 90% to 95% the federal cost share for certain AIP project grants made in FY 2008, FY2009, FY2010 and FY2011.
- Excludes the construction of bicycle storage facilities from eligibility as “airport-related projects.”
- Directs the FAA administrator to conduct research programs to reduce aircraft gas and particulate emissions.
- Directs the FAA administrator to establish an airport sustainability working group to develop best-practices and metrics for the sustainable planning, design, construction and operation of airports.
- Requires the FAA administrator arrange the assessment unmanned aircraft systems and establish development and testing work sites for integrating unmanned aircraft into the National Airspace System.
- Requires the FAA to study air quality in aircraft cabins.
- Requires the FAA to begin studying in-flight use of cell phones in countries where the practiced is permitted and to publish a report for public comment.

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- Makes permanent the requirement that large and medium-hub airports file with the Secretary of Transportation competitive access reports before receiving approval for an AIP grant.
- Directs the Secretary to develop a training program for airport owners and operators about certifying small business airport concessions as socially and economically disadvantaged enterprises.
- Requires the Secretary to grant air carriers an additional 24 slot exemptions from certain requirements and prohibitions for nonstop flights between Reagan National Airport and an airport beyond the Perimeter Rule limits. Ten slots must be provided to limited incumbent air carriers or new entrant carriers and the remaining 14 to other incumbent air carriers. Air carriers using these exemptions may not engage in certain actions specified in the act. The Secretary is required to study the effect of these additional exemptions, and if the additional exemptions have not had a negative effect on Washington, D.C.-area airports, the Secretary may grant up to 8 additional slot exemptions.

The act also amends the IRS Code to repeal a provision in the Affordable Care Act that requires non-tax exempt corporations to report payments of \$600 or more to persons engaged in a trade or business.

Carbon Pollution Standard Proposed by EPA

On March 27th, the U.S. Environmental Protection Agency (EPA) proposed a Carbon Pollution Standard for New Power Plants, marking the first time that the federal government has acted to limit carbon dioxide (CO₂) emissions since the Supreme Court determined, first in 2007 and reaffirmed last year, that CO₂ is an air pollutant. Pursuant to the Clean Air Act, the federal government, through the EPA, is authorized to set limits on air pollutants that endanger public health. Applying only to new fossil fuel power plants, the standard would be set at 1000 pounds of CO₂ output per megawatt hour. Power plants currently in operation and newly permitted plants being constructed within the next twelve months would not be affected by the new standard, if adopted. According to the EPA, the majority of natural gas power plants built in recent years already comply with the proposed standard; therefore, newly constructed natural gas power would likely not need to incorporate additional emissions-reducing technologies. Conversely, based on emissions rates for existing coal power plants operating, newly constructed coal plants would have to integrate new technologies in order to reduce CO₂ emissions to the 1000 pound per megawatt hour standard. Once the proposed standard is published in the Federal Register, there will be a 60 day public comment period.

Mismatched Socks/Hose Craze Hits Capitol¹

Whether it's a sign of stress, forgetfulness, or simply election year hysteria is unknown, but a new trend has recently hit Washington, D.C. – wearing mismatched socks and stockings. The new trend has snared young and old, elected members of Congress, Congressional staff and officials of the federal government. In fact, the phenomenon has risen to the highest levels of the government.

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¹ This article is offered for amusement purposes in celebration of April Fool's Day. The idea was sparked by a comment FTA Administrator Peter Rogoff made to Commissioner Jacobs and TFG staff during their meeting in Washington on March 7th, as captured in TFG's meeting notes. Mr. Rogoff mentioned a new trend among teenagers – wearing mismatched socks – and alerted the trend would soon reach Florida.

Apparently, this trend tracks political philosophy as Democrats where blue socks on the left and generally a dreary color on the right, but never red. Republicans, on the other hand, wear a red sock on the right and an argyle or plain colored sock, other than blue, on the left. For women who prefer to wear hose, mismatched black and blue stockings, and red and white stockings are available in a wide variety of stores around the City. Evidently, thousands of the mismatched stockings were mistakenly imported from China early last month. Moreover, the black and white parts of these stockings just happen to be on the right and left sides, respectively. What luck!

As the current stock of hosiery runs out, though, beltway pundits have speculated about the potential benefits to the U.S. hosiery manufacturing industry as a result of an increasing demand for high-quality mismatched hosiery. Indeed, some argue the trend could be the job-creating stimulus needed to right-size the unemployment numbers just before the elections in November.

Consequently, high-ranking elected of the federal government have been spotted all over the Capitol City wearing mismatched socks or hosiery. Former Speaker Nancy Pelosi wore her mismatched hosiery to a recent press conference on job creation. It's rumored, however, her black and blues were specially made by a union-supported hosiery manufacturer in San Francisco. No cheap stockings for Madam Speaker! Senate Minority Leader, Mitch McConnell was caught wearing mismatched socks while speaking on the Senate Floor about the arguments made before the Supreme Court on the Affordable Care Act. FTA Administrator, Peter Rogoff, who traveled to Broward County last month to meet with local transportation officials, has also showed-off his mismatch solidarity, albeit wearing a purple and white argyle sock on his right foot – a likely throw back to his Amherst days.

Even the President is said to have partaken in this mismatching phenomenon, according to Fox News. A Fox camerawoman covering a press conference on the White House lawn last week apparently caught a glimpse of the President's mismatched socks. Surprisingly, he was wearing a red sock. As the camerawomen tried to get close-up shot of the President's right foot to confirm the red sock use, Secret Service agents, on the ball to her goings on, whisked the camerawoman away quietly. Meanwhile, information on whether Speaker Boehner is participating in the craze has been elusive, but CNN reporters have been assigned to "uncover the truth."

Stay tuned for more high profile reports about this new mismatch craze. It's about the only bipartisan thing happening in Washington, D.C., these days.

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