

**SENATE COMMITTEE ON COMMERCE, SCIENCE, AND
TRANSPORTATION**

*Full Committee
Nominations Hearing
November 7, 2023*

REPUBLICAN QUESTIONS FOR THE RECORD
Samuel Slater

COVER PAGE

SENATOR TED CRUZ (R-TX)

Costly, “Green” Restrictions on Businesses

Styrofoam is widely popular with consumers due to its unique ability to insulate food temperature, as well as food vendors, because it is relatively inexpensive. Moreover, some experts argue that Styrofoam “actually has a lower [carbon] footprint than other packaging materials.”¹ Nevertheless, many cities and states, like New York City and Massachusetts, have tried to ban Styrofoam. A 2013 study of New York City’s food service foam ban found that the ban has a direct cost of at least \$91.3 million.² That is because for every \$1 spent on foam containers, alternative packaging costs food vendors \$1.94—effectively a 94% tax added to food products. And businesses pass these costs on to consumers.

The Metropolitan Washington Airport Authority (MWAA) has a “Green Concessions Program,” through which concessionaires at Ronald Reagan Washington National Airport (DCA) and Dulles International Airport (IAD) can obtain a certificate if they adopt “green business practices,” like “limit[ing] use of Styrofoam containers.”³ This policy likely raises prices for consumers, who already overpaying for food at airports, for no reason.

1. If confirmed, will you review MWAA policies and programs, including the Green Concessions Program, to determine their impact on consumer prices and, if they increase prices, propose solutions to reform them?

As with any issue confronting MWAA, I will be sure to discuss and review policies and programs when appropriate, and the Green Concessions Program shall be no different.

Diversity, Equity, and Inclusion Efforts

MWAA appears to spend a great deal on diversity, equity, and inclusion (DEI) initiatives. For example, MWAA has an office of “Diversity, Inclusion, and Social Impact,”⁴ employs a “Social

¹ Katherine Martinelli, *Is the 30-Year-Long Styrofoam War Nearing Its End?*, JSTOR Daily (Oct. 9, 2018), <https://daily.jstor.org/is-the-30-year-long-styrofoam-war-nearing-its-end/>.

² *Fiscal & Economic Impacts of a Ban on Plastic Foam Foodservice and Drink Containers in New York City*, MB Public Affairs, Inc. (Mar. 2013), <https://www.plasticfoodservicefacts.com/wp-content/uploads/2017/10/NYC-Foodservice-Impact-Study.pdf>.

³ *Green Concessions Program*, MWAA (accessed Nov. 9, 2023), <https://www.mwaa.com/community-sustainability/green-programs/green-concessions-program>.

⁴ *Airports Authority Names Tanisha Lewis Vice President of Diversity, Inclusion, and Social Impact*, MWAA (Nov. 17, 2021), <https://www.mwaa.com/news/airports-authority-names-tanisha-lewis-vice-president-diversity-inclusion-and-social-impact>.

Impact Specialist,”⁵ and promotes a “Local Disadvantaged Business Enterprise” program.⁶ Yet MWAA’s budget does not provide any insight into exactly how much it spends on such efforts.⁷

1. Do you think consumers who travel through DCA and IAD should have to bear the cost of MWAA’s DEI efforts?

MWAA is and shall remain focused on a safe and enjoyable experience for the traveling public as a primary function of their mission.

2. If confirmed, will you commit to determining how much MWAA’s DEI efforts cost and provide that information to the public?

I will work with you and your office on any issue of importance brought to my attention and, if confirmed, will work on this as well.

MWAA’s Abuse of Authority

MWAA is actively lobbying against changes to the perimeter and slots rules at DCA. It has publicly commented on the issue, posted inaccurate pages on its website, and joined a pro-perimeter rule advocacy group that several airlines formed to protect their financial interests. But directors on MWAA’s board owe a fiduciary duty to DCA, not just Dulles or United Airlines.

1. Do you think it is appropriate for MWAA, a government corporation, to actively lobby Congress in support of the perimeter rule?

My understanding is that government corporations cannot lobby, in accordance with federal law. Should I be confirmed to serve on the board of MWAA, an interstate compact, I will follow all applicable laws.

2. If confirmed, will you commit to act in the interests of the consumers and oppose any attempts by MWAA to lobby against the perimeter rule?

I will always serve the interests of the traveling public and the customers of MWAA while at the same time upholding my obligations to MWAA.

At a recent meeting of the MWAA board’s Strategic Development Committee, one board member proposed limiting DCA flights to states that implement “social justice initiatives” such

⁵ *Soaring Together, Celebrating Diversity, Inclusion and Social Impact at the Airports Authority, Quarters 1 & 2, 2023*, MWAA (accessed Nov. 9, 2023), <https://viewer.joomag.com/2023-soaring-together-newsletter-quarters-1-2/0963696001693940905>.

⁶ *Department of Supplier Diversity (DSD)*, MWAA (accessed Nov. 9, 2023), <https://www.mwaa.com/business/department-supplier-diversity-dsd-0>.

⁷ *See Metropolitan Washington Airports Authority 2023 Budget*, MWAA (Dec. 14, 2022), <https://www.mwaa.com/sites/mwaa.com/files/2023-01/2023%20Official%20Budget%20Book%20-%20Metropolitan%20Washington%20Airports%20Authority.pdf>.

as “diversity, equity, and inclusion initiatives” in their public-school systems and “prove that books are not banned from schools.”⁸

3. If confirmed, will you commit to opposing any proposals that would limit flights to and from a state based on a political litmus test, as this board member suggested?

I will commit to opposing any proposals that are beyond the scope of MWAA’s authority.

Political Donations

On November 29, 2021, just over three weeks after you were nominated to be on the MWAA board, you donated a combined total of \$300,000 to the Democratic National Committee (DNC), which is approximately \$265,000 more than you have donated to the DNC at any other point in the past ten years. The DNC supports the elections of the President who nominated you and many of the Democrat Senators who will be voting on your confirmation.

1. Do you think it was a mistake to donate \$300,000 to the DNC while your nomination was pending before the Senate?

I am a long-time DNC supporter and have always complied with applicable law, which will continue to be the case.

2. In your view, does making this donation while your nomination is pending create an appearance of a conflict of interest? Please provide your own personal opinion, understanding you are not an ethics attorney, so that I may better understand your approach to and views on conflicts of interest.

In my opinion, I do not view this as creating the appearance of a conflict of interest.

⁸ Summary Minutes, Strategic Development Committee, Meeting of May 17, 2023, MWAA (May 17, 2023), <https://www.mwaa.com/sites/mwaa.com/files/inline-files/Tab%2019%20%20Approval%20of%20the%20Summary%20Minutes%20of%20the%20May%2017%2C%202023%2C%20Strategic%20Development%20Committee%20Meeting.pdf>.