

**Congress of the United States**  
**House of Representatives**  
**Washington, DC 20515-1101**

June 2, 2020

The Honorable Alex M. Azar II  
Secretary  
U.S. Department of Health and Human Services  
200 Independence Avenue, S.W.  
Washington, D.C. 20201

Dear Secretary Azar,

I write to request your department's assistance in ensuring that Hawai'i can require pre-boarding COVID-19 testing of all domestic passengers seeking to board direct flights to Hawai'i.

I enclose copies of my recent correspondence with the Federal Aviation Administration (FAA) making the same request. My letter to the FAA outlines Hawaii's efforts, as an isolated island state virtually completely dependent on air travel for incoming passenger transportation and further largely dependent economically on high volume travel and tourism, to ensure that intended passengers with indicated COVID-19 be screened out before they board planes rather than addressed after arrival. This is critical not only to ensuring the public health of Hawai'i residents and visitors but to creating the public confidence in safety without which our travel and tourism industry will not recover.

As you can see, the FAA has responded that the FAA is not able to authorize Hawai'i to impose such a requirement under its existing statutory authority, essentially because protection of the public health other than for the safe operation of air transportation itself is not within its statutory mandate. However, FAA recommended engaging with the Department of Health and Human Services (HHS), as FAA believes HHS does have the appropriate authority to allow Hawai'i to implement such conditions.

Accordingly, I ask that you review my request to determine whether and how HHS may authorize Hawai'i to impose such conditions or, in the alternative, to impose those conditions itself. This could include flexibility within existing statutes and regulations, identification of superseding authority in other federal agencies, and proposed changes to existing regulations and statutory authority. In the latter case, I ask that you initiate any required rule changes under expedited authority and propose to me specific statutory amendments which would provide you with the necessary authority.

I ask that you do so on an emergency basis considering the continued public health threat to Hawai'i from our inability to impose and enforce effective mitigation requirements. As an island state, we were able to keep our infection rate very low, and increased travel increases the risk of infection in our state.

I also believe that as the country reopens, the question of the health and safety of commercial aviation will play a major role in whether we can fully return to pre-COVID-19 rates of travel globally. Our government must take active steps to ensure the health and safety of communities, passengers and crew arising from proposed resumption of any major airline travel.

I appreciate your prompt and full attention. Please call on me for any questions or needs.

Sincerely,

A handwritten signature in blue ink that reads "Ed Case". The signature is written in a cursive, slightly slanted style.

Ed Case

Hawai'i-First District