March 16, 2021

Support the Right to Test Act, H.R. 719 and S. 152

On behalf of FreedomWorks’ activist community, I urge you to contact your representative and senators and ask them to cosponsor the Right to Test Act, H.R. 719 and S. 152. Introduced by Rep. Patrick McHenry and Sen. Ted Cruz (R-Texas), the Right to Test Act would simply allow states to approve COVID-19 testing to be used in their state without the interference of the Federal Drug Administration (FDA).

Much of the United States has been in various stages of lockdown because of the COVID-19 pandemic for approximately one whole year, with devastating consequences for workers and the economy. It’s absolutely essential that we continue resuming normal economic activity, but it’s important to do so intelligently. An essential piece of reopening America is continuing to drastically increase the ability of states and localities to access reliable testing so that we can better isolate and target the spread of the virus.

It’s widely known that federal regulators utterly failed the nation by first insisting that the process of developing an approved test for COVID-19 be developed by the Centers for Disease Control and Prevention (CDC) alone, taking weeks to develop it, and then producing a botched, unusable final product. The scope and duration of the state lockdowns being experienced by much of the nation owe much to the absolute lack of any reliable information in the early going on where the disease was spreading fastest, in large part thanks to these federal delays.

Thankfully, private scientists and labs all across the nation have been applying their ingenuity and hard work to develop needed tests, successfully. Once the FDA did belatedly give states the green-light to put forth their own testing, and once samples of the virus were made available so that the accuracy of these tests could be determined, these tests still required FDA approval before being distributed en masse. Only on March 30, 2020, weeks after the virus reached the United States, did the FDA finally lay out guidelines for expedited approval of COVID testing.

For the sake of our safety and ability to truly ramp up testing -- both for those who are currently ill with the virus and for those who have had it and built up antibodies to fight it off -- it’s time to
bypass the federal bottleneck altogether.

The Right to Test Act simply prohibits the FDA from interfering with any COVID-19 tests that have been approved by any state for as long as that state remains under a public health emergency designation. Once the emergency period has ended, the FDA would be required to make its own determination on approval of each of these state’s approved tests within six months. If for some reason any state wishes, they can opt-out and continue to defer to the FDA.

State health departments and private labs are perfectly capable of making sound judgments about the needs of their citizens without approval from their overlords in DC. It’s far past time to fully unleash the innovation and entrepreneurship of hard-working scientists all across the nation to make COVID-19 testing available universally. Then we can truly target the virus, not the people, with appropriate measures to stop the spread, while reopening America.

For these reasons, I urge you to contact your representative and senators and ask them to cosponsor the Right to Test Act, H.R. 719 and S. 152.

Sincerely,

Adam Brandon
President, FreedomWorks