



May 21, 2020

Support the Right to Test Act, S. 3769

On behalf of FreedomWorks' activist community, I urge you to contact your senators and ask them to cosponsor the Right to Test Act, S. 3769, introduced by Sen. Ted Cruz (R-Texas). This bill would let states approve coronavirus 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 on account of this novel coronavirus pandemic for a month or more, with devastating consequences for workers and the economy. It's absolutely essential that we begin to resume normal economic activities immediately, 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 is hopefully widely known by this point 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 the 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 30th did the FDA finally lay out [guidelines](#) for expedited approval of coronavirus 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 coronavirus 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 their 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 coronavirus 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 senators and ask them to cosponsor the Right to Test Act, S. 3769.

Sincerely,

A handwritten signature in black ink, appearing to read 'A. Brandon', with a stylized flourish at the end.

Adam Brandon
President, FreedomWorks