

United States Senate
WASHINGTON, DC 20510-2405

COMMITTEE ON
APPROPRIATIONS

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AGRICULTURE, NUTRITION,
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COMMITTEE ON
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COMMITTEE ON
RULES AND
ADMINISTRATION

November 23, 2020

The Honorable Francis S. Collins, M.D., Ph.D.
Director
National Institutes of Health
9000 Rockville Pike
Bethesda, Maryland 20892

Dear Dr. Collins,

I am writing to express concerns regarding a National Institutes of Health grant awarded to Northwell Health of New York for a project titled, “We Ask Everyone. Firearm Safety is a Health Issue.” This grant may violate provisions of federal law, and it clearly disregards the spirit of a long-established policy against the creation of a federal firearms registry.

As described on its website,^[1] Northwell Health will use this \$1.4 million award to administer a pilot “gun violence screening” program, which will ask invasive questions about lawful gun ownership of every patient seeking healthcare services *for any reason* at certain Northwell emergency departments. Northwell will then score and embed the responses in the patient’s electronic health record to “guide discussions and establish next steps for care.”

Provisions of federal law prohibit data collection activities related to lawful gun ownership, possession, use and storage.^[2] These provisions were enacted as part of the Affordable Care Act (ACA) to ensure that the sweeping new authorities created by the ACA and its amendments could not be used as a tool to discourage lawful firearm ownership or create registries of firearm owners.

It is inconceivable that Congress, in enacting strong ACA provisions to protect Second Amendment rights, also intended to authorize NIH to fund the collection of the very same prohibited information and the maintenance of the very same prohibited lists or registries of patients using ACA-regulated healthcare plans in ACA-regulated healthcare facilities.

^[1] Barbara Osborn, “Northwell receives \$1.4M NIH grant to establish gun violence prevention screening,” <https://www.northwell.edu/center-for-gun-violence-prevention/news/the-latest/northwell-receives-1-4m-nih-grant-to-establish-gun-violence-prevention-screening> (Sept. 22, 2020).

^[2] See 42 U.S.C.A. § 300gg-17(c),

Furthermore, Congress has repeatedly emphasized its commitment to protecting lawful gun ownership, possession, use, and storage by prohibiting NIH from using any funds “in whole or in part, to advocate or promote gun control.”^[3]

There is no doubt that the leaders of this Northwell project are openly involved in advocating and promoting gun control. The grant is administered through Northwell’s “Center for Gun Violence Prevention.” The center is directed by Chethan Sathya, M.D., who is also on the Executive Team of Doctors for Protection from Guns, a group of physicians that publicly advocates for outright bans on handguns and certain rifles, as well as for “[r]educing the proliferation of guns”^[4]

Moreover, *every single member* of the Center’s advisory committee^[5] has publicly advocated for expansive gun controls, including bans on large classes of common and popular firearms:

- Committee member Dr. Mark Rosenberg has publicly advocated gun control for decades. In fact, his gun control advocacy when he was Director of the CDC National Center for Injury Prevention and Control in the 1990s was so egregious that it prompted Congress to adopt the precursor to the above-quoted funding rider. His activities include participating in the 1993 Handgun Epidemic Lowering Plan (HELP) conference, which sought to use “a public health model to work toward changing society’s attitude toward guns so that it becomes socially unacceptable for private citizens to have handguns.”^[6] He is on record as stating he sought to use his position at the CDC to shift public opinion against firearms, and to limit access to them, through a “combination of education and social ostracism, buttressed by legal sanction.”^[7]
- Committee member Dr. Daniel Webster coauthored a book in 2013 to advocate for a broad array of gun controls, including categorical bans on the private possession of popular types of firearms and magazines.^[8]
- Committee member Dr. Megan Ranney personally developed and vetted a slate of gun control proposals – including bans on certain types of common firearms and magazines – introduced in the Rhode Island legislature in 2019.^[9]

^[3] Further Consolidated Appropriations Act, 2020, P.L. 116-94, Title II, Sec. 210 (Dec. 20, 2019).

^[4] Doctors for Protection from Guns, “We can make our families and communities safer: Say yes to a ban on handguns and assault weapons in Canada,” <http://www.doctorsforprotectionfromguns.ca/> (May 1, 2020).

^[5] Terry Lynam, “Northwell Establishes Center for Gun Violence Prevention,” <https://www.northwell.edu/news/the-latest/northwell-establishes-center-for-gun-violence-prevention> (Feb. 26, 2020).

^[6] Harold Hutchinson, “Doctors Asking Gun Questions: 11th Circuit Reminds Us Why Judges Matter,” Daily Caller (Feb. 22, 2017), <https://dailycaller.com/2017/02/22/doctors-asking-gun-questions-11th-circuit-reminds-us-why-judges-matter/>.

^[7] William Raspberry, “Sick People With Guns,” Wash. Post (Oct. 19, 1994), *available at* <https://www.washingtonpost.com/archive/opinions/1994/10/19/sick-people-with-guns/6c7f2bd2-fa57-4d69-b927-5ceb4fa43cf4/>.

^[8] Daniel Webster and Jon. S. Vernick, *Reducing Gun Violence in America; Informing Policy with Evidence and Analysis* (2013), PDF copy *available at* https://ihupress.files.wordpress.com/2013/01/1421411113_updf.pdf.

^[9] State of Rhode Island General Assembly Press Release, “Rep. Justine Caldwell introduces package of common-sense gun laws supported by governor, AG” (March 1, 2019), *available at*

- Committee member and president of the American College of Physicians Dr. Robert McLean has openly supported sweeping federal gun control and lobbied members of Congress to pass such laws.^[11]
- Committee member Dr. Peter Masiakos makes his pro-gun control views clear on social media, where he has lauded New Zealand's sweeping ban on semiautomatic firearms^[12] and endorsed excise taxes on firearms that would make lawful gunowners pay for the acts of criminals.^[13]

I am concerned that the leadership of this Center, combined with the activities they are undertaking under this grant, represent a conflict with the clear intent of Congress to prohibit uses of federal funds to monitor lawful gun ownership or to advocate for gun control.

The Senate Appropriations Subcommittee on Labor, Health and Human Services, and Education, on which I serve, has kept in place the prohibition on use of appropriated funds to advocate for gun control, while also authorizing appropriations for the study of the dynamics and causes of firearm mortality in the United States. It remains our expectation these research funds will be used in good faith for that purpose, without intruding on Americans' constitutional right to keep and bear arms.

Given these concerns, I want to know what steps NIH is taking to ensure the Northwell Health grant does not violate the above-referenced provisions of the ACA and that the outspoken gun control advocates administering it will not use it illegally "to advocate or promote gun control." I request that you brief my staff on this issue as soon as possible.

Sincerely,



CINDY HYDE-SMITH
United States Senator

http://www.rilin.state.ri.us/pressrelease/_layouts/RIL.PressRelease.ListStructure/Forms/DisplayForm.aspx?List=c8baae31%2D3c10%2D431c%2D8dcd%2D9dbbe21ce3e9&ID=51742&Web=2bab1515%2D0dcc%2D4176%2Da2f8%2D8d4beebdf488

^[11] American College of Physicians, "ACP Continues to Push for Reducing Firearm-Related Injuries and Deaths, and an End to Gun Violence," <https://www.acponline.org/advocacy/acp-advocate/archive/november-1-2019/acp-continues-to-push-for-reducing-firearm-related-injuries-and-deaths-and-an-end-to-gun-violence> (Nov. 1, 2019).

^[12] https://twitter.com/peter_masiakos/status/1108682396994596864

^[13] https://twitter.com/peter_masiakos/status/1071429973267963911