

DEPARTMENT OF THE INTERIOR**Bureau of Indian Affairs****Tribal Consultation on Indian Education Topics**

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of tribal consultation meetings.

SUMMARY: Notice is hereby given that the Bureau of Indian Affairs (BIA) will

conduct follow-up consultation meetings to obtain written and oral comments concerning changes in Indian education programs currently under consideration by the BIA; and, other potential changes or issues. Changes currently under consideration and included in consultation booklets being issued are as follows:

1. Indian School Equalization Program (ISEP)—Proposed changes to 25 CFR 39.
2. Minimum Academic Standards for the Basic Education of Indian Children

and National Criteria for Dormitory Situations—Proposed changes to 25 CFR 36.

3. Long-range Education Plan—Proposed plan to support the BIA FY 1991 budget initiative.

4. Johnson O'Malley (JOM)—Proposed change to 25 CFR 273.

DATE AND TIME: July 17, 1991. 9 a.m. until 6 p.m. (local time) at each site listed below.

MEETING SITES

Locations	Local contact	Telephone
1. Alaska—Anchorage.....	Carol Baker.....	907/586-7193
2. Arizona—Phoenix.....	Harvey Jacobs.....	602/562-3557
3. California—Sacramento.....	Fayetta Babby.....	916/978-4680
4. Minnesota—Minneapolis.....	Betty Walker.....	612/349-3635
5. Montana—Billings.....	Larry Parker.....	406/657-6375
6. New Mexico—Albuquerque.....	Val Cordova.....	505/766-3034
7. New Mexico—Gallup.....	Larry Holman.....	505/786-6150
8. Oklahoma—Oklahoma City.....	Jim Baker.....	918/687-2460
	Sam Johnson.....	405/247-6673
9. Oregon—Portland.....	Van Peters.....	503/230-5682
10. South Dakota—Aberdeen.....	Jim Davis.....	701/477-6471
	Terry Poitra.....	605/856-4478
11. Tennessee—Nashville.....	Lena Sanders.....	703/235-3233

Written comments concerning the consultation hearings must be received no later than August 26, 1991, in the Bureau of Indian Affairs, Office of Indian Education Programs, room 3511, MS 3530 MIB, 1849 C Street, NW., Washington, DC 20240, ATTN: Mr. Edward Parisian, Director, Office of Indian Education Programs.

FOR FURTHER INFORMATION CONTACT: Edward Parisian, Joe Christie or Jim Martin at the above address or call (202) 208-6123, 208-6175, or 208-3550.

SUPPLEMENTARY INFORMATION: The meetings are a follow-up to similar meetings conducted by the BIA in May, 1990 and January, 1991. The purpose of the consultation is to provide, as required by 25 U.S.C. 2010(b), Indian tribes, school boards, parents, Indian organizations and other interested parties with an opportunity to comment on potential changes or issues being considered by the BIA regarding Indian education programs.

A consultation booklet for the July meetings is being distributed to Federally recognized Indian tribes and Bureau-funded schools. The booklets will also be available from local contact persons and at each meeting.

Dated: May 8, 1991.

Eddie F. Brown,

Assistant Secretary—Indian Affairs.

[FR Doc. 91-11426 Filed 5-13-91; 8:45 am]

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Register Federal

**Tuesday
May 14, 1991**

Part VI

National Science Foundation

45 CFR Part 689

**Misconduct in Science and Engineering;
Final Rule**

NATIONAL SCIENCE FOUNDATION

45 CFR Part 689

Misconduct in Science and Engineering

AGENCY: National Science Foundation.

ACTION: Final rule.

SUMMARY: The National Science Foundation is amending 45 CFR part 689 regarding misconduct in science and engineering. The amendments clarify the scope of the misconduct regulations and the procedures followed by the Office of Inspector General in misconduct cases; they also conform the regulations to the authority of the Office of Inspector General over the duties of the former Division of Audit and Oversight in NSF's Office of Budget, Audit, and Control.

EFFECTIVE DATE: May 14, 1991.

FOR FURTHER INFORMATION CONTACT: Monte Fisher, PhD (Assistant Counsel to the Inspector General), 202-357-9457.

SUPPLEMENTARY INFORMATION: Amendment of 45 CFR part 689 is necessary to make technical changes and clarify certain procedures regarding the handling of allegations of misconduct in science or engineering by the National Science Foundation. This amendment, including the response to the comments received, has been coordinated with the Office of Science and Technology Policy of the Office of the President, the Office of Scientific Integrity Review of the Public Health Service, HHS, and the Office of Scientific Integrity of the National Institutes of Health, PHS.

Analysis of Comments

NSF published proposed amendments in the *Federal Register* on February 13, 1991 (56 FR 5789) for public comments. The comment period ended on March 15, 1991. NSF received seven letters: four from universities, two from university associations, and one from a professional association.

The letters tended to express similar concerns, which will be addressed specifically below:

1. Scope of the definition of "Misconduct" in 45 CFR 689.1(a)

Three letters objected to the extension of the definition of "misconduct" to explicitly cover not just "research", but all "activities funded by NSF," particularly including science and engineering education.

Two of the letters feared the amended definition would proscribe activities beyond the reasonable purviews of NSF.

Two letters were concerned that institutions, when handling allegations of non-research misconduct, would be compelled by this regulation to use the standards and procedures they had specifically developed to deal with allegations of research misconduct and which they believe may be inappropriate for dealing with allegations not involving research. Two letters, while favoring the fact that the NSF definition would be more like PHS's when the second and third clauses of NSF's current definition were deleted, were concerned because the NSF definition would be less like PHS's when "research" was replaced by "activities funded by NSF". It was asserted that this lack of congruence between PHS's and NSF's definitions would make more onerous the institutions' responsibilities in resolving allegations of misconduct.

Response

Applicability to all "Activities Funded by NSF": A substantial, and increasing, portion of NSF funding supports science and engineering education rather than research. One of NSF's directorates devotes almost all of its resources in support of science and engineering education, and all directorates support science and engineering education at some level; in many NSF activities, research and education are inextricably combined. In these circumstances, NSF must be able to ensure integrity in proposing, conducting, and reporting results from NSF-funded science and engineering education as well as research.

There must be no question that an NSF grantee who, for example, makes false statements in a proposal for a science or engineering education grant has committed misconduct under this definition. Similarly, an NSF grantee has engaged in misconduct if he or she commits plagiarism in the writing of a paper, book, or other publication under an NSF education award.

The substantive language in the definition of misconduct should apply as well to science and engineering education as it does to research. Fabrication, falsification, plagiarism, and other serious deviation from accepted practices are as opprobrious to science and engineering educators as to those engaged in research.

Institutional Procedures: NSF has not set out comprehensive procedures to be followed by institutions handling allegations of misconduct under this regulation. The basic requirements, as described in § 689.3, are that the institution conduct an inquiry within 90 days, conduct an investigation if warranted within 180 days, notify NSF

before and during the investigation, and provide NSF with a copy of the investigation report. Within that framework, institutions have broad discretion in how to handle their misconduct cases. Many institutions have apparently implemented more elaborate procedures. While these detailed procedures are sufficient for dealing with allegations under NSF's regulation, they are not necessary.

The institutional guidelines in NSF's misconduct regulation are extremely flexible and thus amenable to the handling of misconduct allegations by institutions in a manner they find to be most appropriate. Under the NSF regulation it would be perfectly acceptable for an institution to handle allegations of research misconduct in one way and handle allegations of misconduct under science and engineering education grants differently.

NSF and PHS Consistency: The second and third clauses of NSF's current definition of misconduct are deleted by this amendment, at the request of PHS, to eliminate an apparent inconsistency between the PHS and NSF definitions. That the express amendment of the NSF definition of misconduct to reach more than just research results in its being broader than PHS's definition is an unavoidable consequence of the great emphasis that NSF places on funding science and engineering education. With such a large portion of NSF's resources going to fund activities advancing education in science and engineering, it is essential that NSF be able to ensure the integrity of those activities.

If it is worth noting that the NSF definition is not inconsistent with the PHS approach: the definition used by PHS adequately covers PHS's activities, and NSF has simply supplemented the PHS definition to cover all NSF activities.

2. Explicit Inclusion of Retaliation Against Good Faith Whistleblowers in the Definition of "Misconduct"

All of the letters, while decrying retaliation against good faith whistleblowers—in principle—and agreeing that whistleblowers should be protected, in principle, insisted that such retaliation was not "scientific misconduct" and should be dealt with in some other way. Some letters expressed concern that institutions, when handling allegations of misconduct based on retaliation against a good faith whistleblower, would be compelled by this regulation to use the more elaborate standards and procedures they had specifically developed to deal with

allegations of research misconduct more akin to fabrication, falsification, and plagiarism, which standards and procedures are [in unspecified ways] inappropriate for dealing with such allegations of retaliation. Two alternatives were suggested: The Whistleblower Protection Act of 1989, and the provision in the PHS rule regarding whistleblowers.

Response

Retaliation as misconduct: The stories of retribution against good faith whistleblowers are legion and need not be recounted here. Whistleblowers are, of course, an invaluable source of information about instances of misconduct. More importantly, however, NSF believes strongly that retaliation against good faith whistleblowers is a serious deviation from accepted practices in the scientific and engineering community; it can also be a furtherance and propagation of the misconduct being reported. Such retaliation should be vigorously proscribed.

Institutional procedures: As discussed above, NSF's regulation does not require that all misconduct cases be handled according to elaborate procedures. If institutions have established procedures for handling research misconduct cases and they choose to use those procedures for dealing with all misconduct cases involving NSF funding as well, that is acceptable to NSF. There is no requirement, however, that the institutions use elaborate procedures when dealing with any or all misconduct cases involving NSF funding. Within the loose bounds of the guidelines in § 689.3, institutions can use whatever procedures they find most suitable for handling any cases encompassed by the definition of misconduct in this regulation, including those involving retaliation against good faith whistleblowers. For example, under NSF's regulation it would be acceptable for an ombudsman at an institution to handle misconduct allegations based on retaliation against good faith whistleblowers.

Alternatives: Comparable protection of good faith whistleblowers, and sanctions against those who retaliate against them, are not available via either of the alternatives suggested in letters received by NSF. The Whistleblower Protection Act of 1989 (Pub. L. 101-12, 103 Stat. 16) applies only to employees of the Federal government. Under the PHS rule, each institution that receives PHS funds is required to have policies and procedures in place that provide for "undertaking diligent efforts to protect the positions and reputations

of those persons who, in good faith, make allegations." See 42 CFR 50.103(d)(13). The PHS rule provides no explicit authority for any action to be taken by PHS against someone who, while enjoying PHS financial support, retaliates against a good faith whistleblower.

NSF wants to expand on the PHS rule and make it very clear that retaliation against a good faith whistleblower under the aegis of NSF funding is misconduct and will not be tolerated. Here again it is worth noting that there is no inconsistency with the PHS approach: PHS requires institutions to protect whistleblowers, and NSF is merely supplementing the PHS approach to place a greater emphasis on the protection of whistleblowers.

3. Express Limits on the Scope of the Definition of Misconduct

One letter recommended that NSF should add the reassurance included in the PHS definition that misconduct "does not include honest error or honest differences in interpretations or judgments of data." See 42 CFR 50.102. Another was concerned that "the sincere espousal of outdated or questionable theories, or the advocacy of politically unpopular views might be inappropriately treated as 'misconduct in education'." A third letter found deep significance in the comma being added to the definition, which led it to inquire: "Does NSF intend to write rules that govern not only the integrity of the scientific process, but the total moral and ethical integrity of the person?"

Response

Express exclusions: There is no need to add a "does not include" provision to the definition of misconduct. Ordinary errors, ordinary differences in interpretations or judgments of data, scholarly or political disagreements, personal or professional opinions, or private moral or ethical behavior or views are not, and could never be considered to be, misconduct under this definition.

Commas: The conduct proscribed in the definition of misconduct—"[f]abrication, falsification, plagiarism, or other serious deviation from accepted practices," is expressly limited to the context of "proposing, carrying out, or reporting results from, activities funded by NSF". The purpose of the comma proposed to be added after "practices" in the definition was to clarify that the expression "in proposing, * * *" applies to each of the preceding terms "[f]abrication, * * *". Apparently, the opposite effect was perceived. In response to this comment, the commas

will not be added after "accepted practices" and after "results from". The intention remains the same, however: the expression "in proposing, * * *" applies to each of the preceding terms, as does the expression "activities funded by NSF".

4. Suggested Revisions of Provisions of Part 689 Not Being Revised By This Amendment

Several letters suggested amendment of portions of the regulation that were not proposed for amendment at this time.

Response: This amendment is intended to address certain specific problems, not to generally overhaul the regulation. The additional changes suggested by some of the letters will be considered when NSF next reviews its regulations. Under the Administrative Procedure Act, it is not appropriate for NSF to initiate new changes that were not addressed in the proposed rule.

List of Subjects in 45 CFR Part 689

Misconduct, Debarment and suspension, Fraud.

For the reasons set out in the preamble, title 45, chapter VI of the Code of Federal Regulations, is amended as set forth below:

PART 689—MISCONDUCT IN SCIENCE AND ENGINEERING

Sec.	
689.1	General policies and responsibilities.
689.2	Actions.
689.3	Role of awardee institutions.
689.4	Initial NSF handling of misconduct matters.
689.5	Investigations.
689.6	Pending proposals and awards.
689.7	Interim administrative actions.
689.8	Dispositions.
689.9	Appeals.

Authority: Sec. 11(a), National Science Foundation Act of 1950, as amended (42 U.S.C. 1870(a)).

§ 689.1 General policies and responsibilities.

(a) "Misconduct" means

(1) fabrication, falsification, plagiarism, or other serious deviation from accepted practices in proposing, carrying out, or reporting results from activities funded by NSF; or

(2) retaliation of any kind against a person who reported or provided information about suspected or alleged misconduct and who has not acted in bad faith.

(b) The NSF will take appropriate action against individuals or institutions upon a determination that misconduct has occurred in proposing, carrying out, or reporting results from activities

funded by NSF. It may also take interim action during an investigation. Possible actions are described in § 689.2.

(c) NSF will find misconduct only after careful inquiry and investigation by an awardee institution, by another Federal agency, or by NSF. An "inquiry" consists of preliminary information-gathering and preliminary fact-finding to determine whether an allegation or apparent instance of misconduct has substance. An investigation must be undertaken if the inquiry determines the allegation or apparent instance of misconduct has substance. An "investigation" is a formal examination and evaluation of relevant facts to determine whether misconduct has taken place or, if misconduct has already been confirmed, to assess its extent and consequences or determine appropriate action.

(d) Before NSF makes any final finding of misconduct or takes any final action on such a finding, NSF will normally afford the accused individual or institution notice, a chance to provide comments and rebuttal, and a chance to appeal. In structuring procedures in individual cases, NSF may take into account procedures already followed by other entities investigating the same allegation of misconduct.

(e) Debarment or suspension for misconduct will be imposed only after further procedures described in applicable debarment and suspension regulations, as described in §§ 689.7 and 689.8, respectively. Severe misconduct, as established under these regulations, is an independent cause for debarment or suspension under the procedures established by the debarment and suspension regulations.

(f) The Office of Inspector General (OIG) oversees and coordinates NSF activities related to misconduct, conducts any NSF inquiries and investigations into suspected or alleged misconduct, and except where otherwise provided, speaks and acts for NSF with affected individuals and institutions.

§ 689.2 Actions.

(a) Possible final actions listed below for guidance range from minimal restrictions (Group I) to the most severe and restrictive (Group II). They are not exhaustive and do not include possible criminal sanctions.

(1) Group I Actions.

(i) Send a letter of reprimand to the individual or institution.

(ii) Require as a condition of an award that for a specified period an individual, department, or institution obtain special prior approval of particular activities from NSF.

(iii) Require for a specified period that an institutional official other than those guilty of misconduct certify the accuracy of reports generated under an award or provide assurance of compliance with particular policies, regulations, guidelines, or special terms and conditions.

(2) Group II Actions.

(i) Restrict for a specified period designated activities or expenditures under an active award.

(ii) Require for a specified period special reviews of all requests for funding from an affected individual, department, or institution to ensure that steps have been taken to prevent repetition of the misconduct.

(3) Group III Actions.

(i) Immediately suspend or terminate an active award.

(ii) Debar or suspend an individual, department, or institution from participation in NSF programs for a specified period after further proceedings under applicable regulations.

(iii) Prohibit participation of an individual as an NSF reviewer, advisor, or consultant for a specified period.

(b) In deciding what actions are appropriate when misconduct is found, NSF officials should consider:

(1) How serious the misconduct was;

(2) Whether it was deliberate or merely careless;

(3) Whether it was an isolated event or part of a pattern;

(4) Whether it is relevant only to certain funding requests or awards involving an institution or individual found guilty of misconduct.

(c) Interim actions may include, but are not limited to:

(1) Totally or partially suspending an existing award;

(2) Totally or partially suspending eligibility for NSF awards in accordance with debarment-and-suspension regulations;

(3) Proscribing or restricting particular research activities, as, for example, to protect human or animal subjects;

(4) Requiring special certifications, assurances, or other, administrative arrangements to ensure compliance with applicable regulations or terms of the award;

(5) Requiring more prior approvals by NSF;

(6) Deferring funding action on continuing grant increments;

(7) Deferring a pending award;

(8) Restricting or suspending use of individuals as NSF reviewers, advisors, or consultants.

(d) For those cases governed by the debarment and suspension regulations, the standards of proof contained in

those regulations shall control. Otherwise, NSF will take no final action under this section without a finding of misconduct supported by a preponderance of the relevant evidence.

§ 689.3 Role of awardee institutions.

(a) Awardee institutions bear primary responsibility for prevention and detection of misconduct. In most instances, NSF will rely on awardee institutions to promptly;

(1) Initiate an inquiry into any suspected or alleged misconduct;

(2) Conduct a subsequent investigation, if warranted; and

(3) Take action necessary to ensure the integrity of research, the rights and interests of research subjects and the public, and the observance of legal requirements or responsibilities.

(b) If an institution wishes NSF to defer independent inquiry or investigation, NSF expects it to;

(1) Inform NSF immediately if an initial inquiry supports a formal investigation.

(2) Keep NSF informed during such an investigation.

(3) Notify NSF even before deciding to initiate an investigation or as required during an investigation

(i) if the seriousness of apparent misconduct warrants;

(ii) if immediate health hazards are involved;

(iii) if NSF's resources, reputation, or other interests need protecting;

(iv) if Federal action may be needed to protect the interests of a subject of the investigation or of others potentially affected; or

(v) if the scientific community or the public should be informed.

(4) Provide NSF with the final report from any investigation.

(c) If an institution wishes NSF to defer independent inquiry or investigation, it should complete any inquiry and decide whether an investigation is warranted within 90 days. It should similarly complete any investigation and reach a disposition within 180 days. If completion of an inquiry or investigation is delayed, but the institution wishes NSF deferral to continue, NSF may require submission of periodic status reports.

(d) Awardee institutions should maintain and effectively communicate to their staffs appropriate policies and procedures relating to misconduct, which should indicate when NSF must or should be notified.

§ 689.4 Initial NSF handling of misconduct matters

(a) NSF staff who learn of alleged misconduct will promptly and discreetly inform OIG or refer informants to OIG.

(b) to the extent possible the identity of informants who wish to remain anonymous will be kept confidential. To the extent allowed by law, documents and files maintained by NSF during the course of an inquiry or investigation of misconduct will be treated as investigative files exempt from mandatory public disclosure upon request under the Freedom of Information Act.

(c) If alleged misconduct may involve a crime, OIG will determine whether any criminal investigation is already pending or projected. If not, OIG will determine whether the matter should be referred to the Department of Justice.

(d) Otherwise OIG may:

(1) Inform the awardee institution of the alleged misconduct and encourage it to undertake an inquiry;

(2) Refer to inquiries or investigations of the awardee institution or of another Federal agency;

(3) At any time proceed with its own inquiry.

(e) If OIG proceeds with its own inquiry it will normally complete the inquiry no more than 60 days after initiating it.

(f) On the basis of what it learns from an inquiry and in consultation as appropriate with other NSF offices, OIG will decide whether a formal NSF investigation is warranted.

§ 689.5 Investigations

(a) When an awardee institution or another Federal agency has promptly initiated its own investigation, OIG may defer an NSF inquiry or investigation until it receives the results of that external investigation. If it does not receive the results within 180 days, OIG will ordinarily proceed with its own investigation.

(b) If OIG decides to initiate an NSF investigation, it must give prompt written notice to the individual or institutions to be investigated, unless notice would prejudice the investigation or unless a criminal investigation is underway or under active consideration. If notice is delayed, it must be given as soon as it will no longer prejudice the investigation or contravene requirements of law or Federal law-enforcement policies.

(c) If a criminal investigation by the Department of Justice, the Federal Bureau of Investigation, or another Federal agency is underway or under active consideration by these agencies or the NSF, OIG will determine what

information, if any, may be disclosed to the subject of the investigation or to other NSF employees.

(d) An NSF investigation may include:

(1) Review of award files, reports, and other documents already readily available at NSF or in the public domain;

(2) Review of procedures or methods and inspection of laboratory materials, specimens, and records at awardee institutions;

(3) Interviews with parties or witnesses;

(4) Review of any documents or other evidence provided by or properly obtainable from parties, witnesses, or other sources;

(5) Cooperation with other Federal agencies;

(6) Opportunity for the subject of the investigation to be heard; and

(7) Full adjudicatory hearings or other formal proceedings, as described in appropriate regulations.

(e) NSF may invite outside consultants or experts to participate in an NSF investigation. They should be appointed in a manner that ensures the official nature of their involvement and provides them with legal protections available to federal employees.

(f) OIG will make every reasonable effort to complete an NSF investigation and to report within 120 days after initiating it. If OIG cannot report within 120 days, it should submit to the Deputy Director within 90 days an interim report and an estimated schedule for completion of the final report.

§ 689.6 Pending proposals and awards.

(a) Upon learning of alleged misconduct OIG will identify potentially implicated awards or proposals and when appropriate, will ensure that program and DGC officials handling them are informed (subject to § 689.5(c)).

(b) Neither a suspicion or allegation of misconduct nor a pending inquiry or investigation will normally delay review of proposals. To avoid influencing reviews, reviewers or panelists will *not* be informed of allegations or of ongoing inquiries or investigations. However, if allegations, inquiries, or investigations have been rumored or publicized, the responsible Assistant Director may, in consultation with OIG, either defer review or inform reviewers of the status of the matter.

§ 689.7 Interim administrative actions.

(a) After an inquiry or during an external or NSF investigation the Deputy Director may order that interim actions (as described in § 689.2(c)) be taken to protect Federal resources or to guard against continuation of any

suspected or alleged misconduct. Such an order will normally be issued on recommendation from OIG and in consultation with DGC, OGC, the responsible Directorate, and other parts of the Foundation as appropriate.

(b) When suspension is determined to be appropriate, the case will be referred to the suspending official pursuant to 45 CFR 620.410(a), and the suspension procedures of 45 CFR part 620 will be followed, but the suspending official (see § 620.105(t)) will be either the Deputy Director or an official designated by the Deputy Director.

(c) Such interim actions may be taken whenever information developed during an investigation indicates a need to do so. Any interim action will be reviewed periodically during an investigation and modified as warranted. An interested party may request a review and modification of any interim action.

(d) The Deputy Director will make and OIG will retain a record of interim actions taken and the reasons for taking them.

(e) Interim administrative actions are not final agency actions subject to appeal.

§ 689.8 Dispositions.

(a) After receiving a report from an external investigation by an awardee institution or another Federal agency, OIG will assess the accuracy and completeness of the report and whether the investigating entity followed usual and reasonable procedures. It will either recommend adoption of the findings in whole or in part or, normally within 30 days, initiate a new investigation.

(b) When any satisfactory external investigation or an NSF investigation fails to confirm alleged misconduct and the Deputy Director concurs,

(1) OIG will notify the subject of the investigation and, if appropriate, those who reported the suspected or alleged misconduct. This notification may include the investigation report.

(2) Any interim administrative restrictions that were imposed will be lifted.

(c) When any satisfactory investigation confirms misconduct,

(1) In cases in which debarment is considered by OIG to be an appropriate disposition, the case will be referred to the debarring official pursuant to 45 CFR 620.311, and the procedures of 45 CFR part 620 will be followed, but:

(i) The debarring official (see § 620.105(g)) will be either the Deputy Director, or an official designated by the Deputy Director.

(ii) Except in unusual circumstances, the investigation report will be included

among the materials provided to the subject of the investigation as part of the notice of proposed debarment (see § 620.312).

(iii) The notice of the debarring official's decision (see § 620.314(d)) will include instructions on how to pursue an appeal to the Director.

(2) In all other cases,

(i) Except in unusual circumstances, the investigation report will be provided by OIG to the subject of the investigation, who will be invited to submit comments or rebuttal. Comments or rebuttal submitted within the period allowed, normally thirty days, will receive full consideration and may lead to revision of the report or of a recommended disposition.

(ii) Normally within 45 days after completing an NSF investigation or receiving the report from a satisfactory external investigation, OIG will submit to the Deputy Director the investigation report, any comments or rebuttal from the subject of the investigation, and a

recommended disposition. The recommended disposition will propose any final actions to be taken by NSF. Section 689.2 lists possible final actions and considerations to be used in determining them.

(iii) The Deputy Director will review the investigation report and OIG's recommended disposition. Before issuing a disposition the Deputy Director may initiate further hearings or investigation. Normally within thirty days after receiving OIG's recommendations or after completion of any further proceedings, the Deputy Director will send the affected individual or institution a written disposition, specifying actions to be taken. The decision will include instructions on how to pursue an appeal to the Director.

§ 689.9 Appeals.

(a) An affected individual or institution may appeal to the Director in writing within 30 days after receiving

the Deputy Director's written decision. The Deputy Director's decision becomes a final administrative action if it is not appealed within the 30 day period.

(b) The Director may appoint an uninvolved NSF officer or employee to review an appeal and make recommendations.

(c) The Director will inform the appellant of a final decision within 30 days after receiving the appeal. That decision will be the final administrative action of the Foundation. Findings from completed investigations may be shared with scientific review groups if the information bears directly on an investigator's scientific integrity or if necessary to provide an accurate account of relevant facts.

Dated: April 26, 1991.

National Science Foundation.

Walter E. Massey,

Director.

[FR Doc. 91-10709 Filed 5-13-91; 8:45 am]

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Testar Register Federal Register

Tuesday
May 14, 1991

Part VII

The President

**Proclamation 6290—Infant Mortality
Awareness Day, 1991**

MAY 19, 1981

Part VII

The President

Proclamation 6320 - 20th Anniversary
November 1981

Presidential Documents

Title 3—

The President

Proclamation 6290 of May 10, 1991

Infant Mortality Awareness Day, 1991

By the President of the United States of America

A Proclamation

In the past, this Nation's high rate of infant mortality has stood in tragic contradiction to our enviably high standard of living and to our traditional reverence for human life. Fortunately, however, that unconscionable trend is changing. According to the Department of Health and Human Services, preliminary data indicate that the United States infant mortality rate in 1990 was 9.1 deaths per 1,000 live births—the lowest ever recorded and a substantial reduction over the past decade.

The infant mortality rate is affected by a number of different factors, including the failure of many pregnant women to obtain adequate prenatal care. Although the government cannot fulfill the primary responsibility of parents in caring for their children, public officials at the Federal, State, and local levels have been working together with health care providers and other concerned Americans to help expectant mothers protect the lives of their unborn children through proper nutrition and prenatal care.

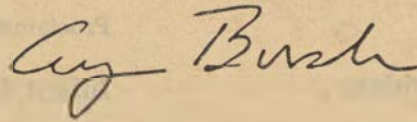
Advances in science and technology have enabled us to see how such behaviors as substance abuse and smoking can lead to low birth weights, disability, chronic illness, and early susceptibility to death among infants. Advances in science have also enabled us to save the lives of babies who are born prematurely or who develop dangerous conditions while still in the womb. In an effort to bring this information to pregnant women and to cut existing rates of infant mortality by half in 10 high-risk areas within 5 years, we have launched a national campaign against infant mortality. This includes the "Healthy Start" program, a pilot project that will bring early prenatal care to thousands of low-income mothers while helping to identify which government programs work best.

Each and every human life is precious, and every one deserves care and protection. On this occasion let us renew our determination to ensure that every child in America receives the best possible start in life, beginning with quality prenatal care throughout pregnancy for expectant mothers.

The Congress, by House Joint Resolution 194, has designated May 12, 1991, as "Infant Mortality Awareness Day" and has authorized and requested the President to issue a proclamation in observance of this day.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby proclaim May 12, 1991, as Infant Mortality Awareness Day. I urge all Americans to observe this day with appropriate programs, ceremonies, and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this tenth day of May, in the year of our Lord nineteen hundred and ninety-one, and of the Independence of the United States of America the two hundred and fifteenth.



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