



United States Ombudsman Association

Business Office – 200 W. 2nd Avenue

Indianola, Iowa 50125

Phone – 515-442-2451 Fax – 866-442-6751

E-mail – usoa@assocserv.com

November 2, 2016

Neil R. Eisner, Chair
Committee on Rulemaking
Administrative Conference of the United States
1120 20th Street NW
Suite 706 South
Washington, DC 20036

Dear Chair Eisner and Members of the Committee on Rulemaking:

RE: Draft Recommendations on the Use of Ombudsmen in Federal Agencies

I am submitting the following comments and recommendations on behalf of the United States Ombudsman Association, our Nation's oldest and largest organization of ombudsmen in government who receive and investigate complaints about the administrative actions and decisions of government agencies and officials. As you know, federal ombudsman offices that are referred to as externally-facing function similarly to governmental ombudsmen at the state and local government levels who practice along the lines of the classical ombudsman model.

The USOA believes the 10-28-2016 draft Recommendations can be strengthened, in particular as they pertain to the Independence of the Ombudsman. While we are not aware of any federal ombudsman office that is structurally independent of the agency it has jurisdiction over, and while we recognize that the creation of such an office in the federal government is unlikely, the USOA recommends that the draft Recommendations be revised to include a statement that acknowledges that an ombudsman office that is both structurally and functionally independent is preferable to an office that is only functionally independent. Structural independence, where the ombudsman is established outside of the agency it has jurisdiction over, provides those who utilize the services of the ombudsman the greatest confidence that the ombudsman will perform the ombudsman's duties impartially, which is key to the ombudsman's credibility.

In addition, the USOA recommends the following revisions:

1. In Section 4, Independence, restoration of all of the language that is marked as having been deleted from subsection (a). Restoring the language that was deleted would enhance the independence of the ombudsman, which is an essential characteristic and the foundation upon which the ombudsman is built.
2. In Section 4, Independence, moving the entire provision in subsection (e) to Section 6, Impartiality, as the primary subject of the provision pertains to avoidance of conflicts of interest, which affect Impartiality more than Independence.

Thank you the opportunity to provide comments on the draft Recommendations. Your favorable consideration of the recommendations we have made would be appreciated.

If you or the members of the committee have any questions, please do not hesitate to call me at 808-587-0770.

Respectfully,



Robin K. Matsunaga
Ombudsman, State of Hawaii
President, United States Ombudsman Association