

from making on-the-spot investigations of agency proceedings and activities, subject to proper notice to an appropriate official.

SEC. 5. (a) For purposes of this Act, an appropriate subject for investigation by the Ombudsman is an administrative act, practice, or procedure, of any agency which might be—

- (1) contrary to law or regulation ;
- (2) unreasonable, unfair, or oppressive ;
- (3) based wholly or partly on a mistake of law or fact ;
- (4) based on improper or irrelevant grounds ;
- (5) unaccompanied by an adequate statement of reasons ;
- (6) performed in an inefficient manner ; or
- (7) otherwise erroneous.

(b) In carrying out his duties under this Act, the Ombudsman may investigate to find an appropriate remedy, or to make routine checks of the operations of any agency or agencies covered under this Act. The Ombudsman may undertake, participate in, or cooperate with general studies or inquiries, whether or not related to any particular administrative agency or any particular administrative act, if he believes that they may enhance knowledge about or lead to improvements in the functioning of administrative agencies.

(c) In any investigation under this Act, the Ombudsman may (1) make inquiries and obtain any and all information from the agency or agencies as he deems necessary ; (2) enter to inspect the premises of an agency ; and (3) hold private hearings with both the complaining individual and agency officials.

(d) Subject to the privileges which witnesses have in the courts of the United States, the Ombudsman may (1) compel, at a specified time and place, by subpoena, the appearance and sworn testimony of any person who the Ombudsman has reasonable cause to believe may be able to give information relating to a matter under investigation ; and (2) compel any person to produce documents, papers, or objects which the Ombudsman has reasonable cause to believe may relate to a matter under investigation. The Ombudsman is authorized to bring an action in a district court in which the complainant resides, or has his principal place of business, or in which the agency is situated, in order to enforce the aforementioned powers.

SEC. 6. (a) Prior to rendering any opinion or making any recommendation that is critical of any agency or person, the Ombudsman shall consult with that agency or person. The Ombudsman shall allow that agency or person a reasonable period of time to take the necessary or appropriate action indicated, or to file a statement of explanation with the Ombudsman.

(b) If, after any investigation conducted by him under this Act, the Ombudsman finds that (1) a matter should be further considered by the agency ; (2) an administrative act should be modified, amended, or canceled ; (3) a statute or regulation on which an administrative act is based should be amended or repealed ; (4) reasons should be given for an administrative act ; or (5) any other action should be taken by the agency, he shall submit his views and recommendations to the agency. The Ombudsman may request the agency to notify him within a specified time, of any action taken by the agency on his recommendations. Any agency so requested shall be required to comply with such request.

(c) Within sixty days following the submission of his views and recommendations to any agency under subsection (b) of this section, the Ombudsman shall transmit copies thereof, together with copies of the agency's reply, to the head of the concerned agency, to the Chairman of the Administrative Conference of the United States and to the appropriate committees of the Senate and of the House of Representatives. The Ombudsman is further authorized to take such action as he may determine feasible to make such information available to the general public.

(d) The Ombudsman shall notify the complainant in writing of any action taken by him and by the agency with respect to his complaint.

SEC. 7. (a) If, in carrying out his duties under this Act, the Ombudsman determines that any employee or officer of any agency has been guilty of a breach of duty or misconduct in connection with his duties as an employee or officer of such agency, the Ombudsman shall refer the matter to the appropriate authorities in the Department of Justice.

(b) The Ombudsman shall, on or before March 1 of each calendar year, submit to the President, to the Congress, and to the head of the Administrative Conference a written report concerning his activities under this Act during the preceding calendar year.