

ETHICS PROGRAM INSPECTION REPORT

Agency: Japan-United States Friendship Commission (JUSFC)

Report No.: 22-111

Date: December 22, 2021

Period Covered by Review: January 1, 2020 through May 31, 2021

**UNITED STATES OFFICE OF
GOVERNMENT ETHICS**Preventing Conflicts of Interest
in the Executive Branch

1.0	AGENCY DATA	
	EMPLOYEES	
1.1	Number of full-time agency employees.	4
1.2	Number of Presidentially appointed, Senate-confirmed (PAS) public financial disclosure reports required to be filed.	N/A
1.3	Number of non-PAS public financial disclosure reports required to be filed.	1
1.4	Number of confidential financial disclosure reports required to be filed.	1
	ETHICS PROGRAM	
1.5	Title of Designated Agency Ethics Official (DAEO).	Executive Director
1.6	Grade level of DAEO.	SES
1.7	Title of Alternate DAEO (ADAEO).	Deputy Executive Director
1.8	Grade level of ADAEO.	GS-15/6
1.9	Title of the primary, day-to-day ethics program administrator.	Executive Director
1.10	Grade level of the primary, day-to-day ethics program administrator.	SES
1.11	Current number of full-time ethics officials.	0
1.12	Current number of part-time ethics officials.	2
1.13	Number of reporting levels between the DAEO and the agency head.	0
	COMMENTS	
	<p>1.2: JUSFC has no PAS positions.</p> <p>JUSFC contracts with the U.S. General Services Administration (GSA) for certain administrative/personnel-related services. Ethics officials assumed that GSA would issue the notices to prospective employees required by 5 C.F.R. § 2638.303 and the notices to new supervisors required by 5 C.F.R. § 2638.306(b). They also believed that GSA would provide initial ethics training to newly hired employees. In preparing for this inspection, ethics officials learned that GSA did not perform these services.</p> <p>The size and nature of the agency and the fact that JUSFC hired only one employee in the last four years make it unlikely that this oversight resulted in a substantial material deficiency. Moreover, once it was realized that GSA did not provide these services, ethics officials drafted procedures to meet the relevant requirements.</p>	

2.0	LEADERSHIP			
	COMPLIANCE REQUIREMENTS	Yes	No	N/A
2.1	OGE has received an up-to-date designation from the agency head naming the DAEO. <i>See</i> 5 C.F.R. § 2638.107(a).	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2.2	OGE has received an up-to-date designation from the agency head naming the ADAEO. <i>See</i> 5 C.F.R. § 2638.107(a).	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	COMMENTS			
	None.			

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3.0 PUBLIC FINANCIAL DISCLOSURE (OGE Form 278e, OGE Form 278-T)						
COMPLIANCE REQUIREMENTS				Yes	No	N/A
The agency has written policies and procedures in place governing: <i>See</i> 5 U.S.C. app. IV, § 402(d)(1).						
3.1	•	Collection of public financial disclosure reports.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
3.2	•	Review/evaluation of public financial disclosure reports.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
3.3	•	Public availability of public financial disclosure reports.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
3.4		The agency can demonstrate that late filing fees are collected or, where appropriate, waivers are issued when public filers do not timely file financial disclosure reports.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
3.5		Public financial disclosure reports are securely maintained. <i>See</i> OGE/GOVT-1.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
3.6		Public financial disclosure reports are retained in accordance with the retention requirements. <i>See</i> 5 C.F.R. § 2634.603(g)(1).	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
3.7		There is reasonable assurance that the lead human resources official or designee promptly (no later than 15 days after appointment) notifies the DAEO of all appointments to positions that require incumbents to file public financial disclosure reports. <i>See</i> 5 C.F.R. § 2638.105(a)(1).	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
3.8		There is reasonable assurance that the lead human resources official or designee promptly (no later than 15 days after termination) notified the DAEO of terminations of employees in positions that require incumbents to file public financial disclosure reports. <i>See</i> 5 C.F.R. § 2638.105(a)(2).	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
DATA ANALYSIS				%		
3.9		Percentage of sampled non-PAS new entrant reports filed timely. <i>See</i> 5 C.F.R. § 2634.201(b).	N/A			
3.10		Percentage of sampled non-PAS annual reports filed timely. <i>See</i> 5 C.F.R. § 2634.201(a).	100%			
3.11		Percentage of sampled non-PAS termination reports filed timely. <i>See</i> 5 C.F.R. § 2634.201(e).	N/A			
3.12		Percentage of sampled non-PAS public financial disclosure reports reviewed within 60 days of receipt. <i>See</i> 5 C.F.R. § 2634.605(a).	100%			
3.13		Percentage of sampled non-PAS public financial disclosure reports certified within 60 days of receipt. <i>See</i> 5 C.F.R. § 2634.605(a).	100%			
3.14		Percentage of sampled PAS annual reports filed timely. <i>See</i> 5 C.F.R. § 2634.201(a).	N/A			
3.15		Percentage of sampled PAS termination reports filed timely. <i>See</i> 5 C.F.R. § 2634.201(e).	N/A			
3.16		Percentage of sampled PAS annual and termination reports reviewed within 60 days of receipt. <i>See</i> 5 C.F.R. § 2634.605(a).	N/A			
3.17		Percentage of sampled PAS annual and termination reports certified within 60 days of receipt. <i>See</i> 5 C.F.R. § 2634.605(a).	N/A			
COMMENTS						
<p>3.1: JUSFC's written procedures for administering the public financial disclosure system did not address the collection of new entrant reports when OGE began its inspection. Ethics officials amended the procedures after the issue was noted and the procedures are now in compliance with applicable requirements.</p> <p>3.9: No new entrant reports were required to be filed during the period covered by the inspection.</p> <p>3.11: No termination reports were required to be filed during the period covered by the inspection.</p> <p>3.14 – 3.17: JUSFC has no PAS positions.</p>						

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4.0 CONFIDENTIAL FINANCIAL DISCLOSURE					
COMPLIANCE REQUIREMENTS			Yes	No	N/A
The agency has written policies and procedures in place governing: <i>See</i> 5 U.S.C app. IV, § 402(d)(1).					
4.1	• Collection of confidential financial disclosure reports.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
4.2	• Review/evaluation of confidential financial disclosure reports.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
4.3	Confidential financial disclosure reports are securely maintained. <i>See</i> OGE/GOVT-2.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
4.4	Confidential financial disclosure reports are retained in accordance with the retention requirements. <i>See</i> 5 C.F.R. § 2634.604.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
4.5	The agency's OGE-approved alternative confidential financial disclosure system complies with plans approved by OGE. <i>See</i> 5 C.F.R. § 2634.905(a).	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
4.6	There is reasonable assurance that the lead human resources official or designee promptly (no later than 15 days after appointment) notifies the DAEO of all appointments to positions that require incumbents to file confidential financial disclosure reports. <i>See</i> 5 C.F.R. § 2638.105(a)(1).	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
DATA ANALYSIS			%		
4.7	Percentage of sampled confidential new entrant reports filed timely. <i>See</i> 5 C.F.R. § 2634.903(b).	N/A			
4.8	Percentage of sampled confidential annual reports filed timely. <i>See</i> 5 C.F.R. § 2634.903(a).	100%			
4.9	Percentage of sampled reports reviewed within 60 days of receipt. <i>See</i> 5 C.F.R. § 2634.605(a).	100%			
4.10	Percentage of sampled confidential financial disclosure reports certified within 60 days of receipt. <i>See</i> 5 C.F.R. §§ 2634.605(a) and 2634.909(a).	100%			
COMMENTS					
<p>4.1: JUSFC's written procedures for administering the confidential financial disclosure system did not address the collection of new entrant reports when OGE began its inspection. Ethics officials amended the procedures after the issue was noted and the procedures are now in compliance with applicable requirements.</p> <p>4.5: JUSFC does not have an OGE-approved alternative financial disclosure system.</p> <p>4.7: No new entrant reports were required to be filed during the period covered by the inspection.</p>					

5.0 NOTICES TO PROSPECTIVE EMPLOYEES					
COMPLIANCE REQUIREMENTS			Yes	No	N/A
Written offers of employment for positions covered by the Standards of Conduct provide: <i>See</i> 5 C.F.R. § 2638.303.					
5.1	• A statement regarding the agency's commitment to government ethics.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
5.2	• Notice that the individual will be subject to the Standards of Conduct and the criminal conflict of interest statutes as an employee.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
5.3	• Contact information for an appropriate agency ethics office or an explanation of how to obtain additional information on applicable ethics requirements.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
5.4	• Where applicable, notice of the time frame for completing initial ethics training.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
5.5	• Where applicable, a statement regarding financial disclosure requirements and an explanation that new entrant reports must be filed within 30 days of appointment.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
5.6	The agency has established written procedures for issuing the notice to prospective employees. <i>See</i> 5 C.F.R. § 2638.303(c).	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
5.7	The agency's written procedures are reviewed by the DAEO each year. <i>See</i> 5 C.F.R. § 2638.303(c).	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

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5.8	The agency can demonstrate that there is an effective process for ensuring all covered employees receive the required information with their written offer of employment. <i>See</i> 5 C.F.R. § 2638.303.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
COMMENTS				
5.1, 5.2, 5.3, 5.4, 5.5, 5.8: In responding to OGE's request for a sample of notices sent to prospective employees, JUSFC learned that the personnel-related services provided by GSA do not include sending notices with the required content to prospective employees. As a result, the one new employee hired during the period covered by the inspection did not receive the notice, as required. However, JUSFC has taken steps to meet all relevant requirements in the future.				

6.0	NOTICES TO NEW SUPERVISORS			
	COMPLIANCE REQUIREMENTS	Yes	No	N/A
	The agency must provide each employee upon initial appointment to a supervisory position with: <i>See</i> 5 C.F.R. § 2638.306.			
6.1	• Contact information for the agency's ethics office.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6.2	• The text of 5 C.F.R. § 2638.103.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6.3	• A copy of, a hyperlink to, or the address of a Web site containing the Principles of Ethical Conduct.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6.4	• Other information the DAEO deems necessary.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6.5	The agency has established written procedures for supervisory ethics notices. <i>See</i> 5 C.F.R. § 2638.306(d).	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6.6	The agency's written procedures are reviewed by the DAEO each year. <i>See</i> 5 C.F.R. § 2638.306(d).	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6.7	The agency can demonstrate that there is an effective process for ensuring that new supervisors receive the required information within one year of appointment. <i>See</i> 5 C.F.R. § 2638.306(b).	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
COMMENTS				
6.4: The DAEO did not deem any other information necessary. 6.7: Upon learning that GSA did not provide the required notice to new supervisors as part of its services, JUSFC took appropriate steps to ensure a notice that includes all required content is provided to each employee upon initial appointment to a supervisory position.				

7.0	INITIAL ETHICS TRAINING			
	COMPLIANCE REQUIREMENTS	Yes	No	N/A
	Each new employee of the agency subject to the Standards of Conduct must complete initial ethics training. <i>See</i> 5 C.F.R. § 2638.304.			
7.1	The training presentation(s) addressed concepts related to conflicts of interest, impartiality, misuse of position and gifts. <i>See</i> 5 C.F.R. § 2638.304(e)(1).	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7.2	The agency provided new employees with either the following written materials or written instruction for accessing them: The summary of the Standards of Conduct distributed by the Office of Government Ethics or an equivalent summary prepared by the agency; provisions of any supplemental agency regulation that the DAEO determines to be relevant or a summary of those provisions; such other written materials as the DAEO determines should be included; instructions for contacting the agency's ethics officials. <i>See</i> 5 C.F.R. § 2638.304(e)(2).	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7.3	The agency has established written procedures for initial ethics training. <i>See</i> 5 C.F.R. § 2638.304(f).	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7.4	The agency's written procedures are reviewed by the DAEO each year. <i>See</i> 5 C.F.R. § 2638.304(f).	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	DATA ANALYSIS	%		
7.5	Percentage of new employees who received initial ethics training. <i>See</i> 5 C.F.R. § 2638.304.	100%		
7.6	Percentage of new employees who received initial ethics training within three months of appointment. <i>See</i> 5 C.F.R. § 2638.304(b).	100%		

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7.1: JUSFC had believed that GSA was providing initial ethics training to new employees. However, in preparing for this inspection, JUSFC learned that GSA did not provide that service. JUSFC has hired only one new employee during the previous four years. This new employee received initial ethics training from ethics officials in the form of written materials and also attended a live ethics training session. JUSFC provided written procedures for administering initial ethics training to new employees within 30 days of appointment.

8.0 ANNUAL ETHICS TRAINING**COMPLIANCE REQUIREMENTS****Yes****No****N/A**

Each calendar year, public filers, confidential filers, and certain other employees must complete ethics training which meets specified requirements. *See* 5 C.F.R. §§ 2638.307 and 2638.308.

8.1	The training presentation(s) addressed concepts related to financial conflicts of interest, impartiality, misuse of position and gifts. <i>See</i> 5 C.F.R. §§ 2638.307(e)(1) and 2638.308(f)(1).	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8.2	The agency provided employees with either the following written materials or written instruction for accessing them: The summary of the Standards of Conduct distributed by the Office of Government Ethics or an equivalent summary prepared by the agency; provisions of any supplemental agency regulation that the DAEO determines to be relevant or a summary of those provisions; such other written materials as the DAEO determines should be included; instructions for contacting the agency's ethics officials. <i>See</i> 5 C.F.R. § 2638.304(e)(2).	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8.3	The agency's annual ethics training complies with the formatting requirements for public filers, confidential filers, and certain other employees. <i>See</i> 5 C.F.R. §§ 2638.307(d) and 2638.308(e).	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8.4	The agency's program for annual ethics training complies with the tracking requirements for public filers, confidential filers, and certain other employees. <i>See</i> 5 C.F.R. §§ 2638.307(f) and 2638.308(g).	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8.5	The agency can demonstrate it has an effective process for ensuring covered public filers, other than those whose pay is set at Level I or Level II of the Executive Schedule, complete live annual ethics training at least once every two years. <i>See</i> 5 C.F.R. § 2638.308(e)(2).	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

DATA ANALYSIS**Training Format****Live****Interactive**

Percentage of public filers who completed annual ethics training before the end of the calendar year. *See* 5 C.F.R. § 2638.308(a).

8.6	• Executive Schedule Level I and Level II. <i>See</i> 5 C.F.R. § 2638.308(e)(1).	N/A	N/A
8.7	• Other PAS and Equivalent. <i>See</i> 5 C.F.R. § 2638.308(e)(2).	N/A	N/A
8.8	• SES and Equivalent. <i>See</i> 5 C.F.R. § 2638.308(e)(3).	100%	0

Percentage of confidential filers and certain other employees who completed annual ethics training before the end of the calendar year. *See* 5 C.F.R. § 2638.307(a)(d).

8.9	• Employees required to file an annual confidential financial disclosure report. <i>See</i> 5 C.F.R. § 2638.307(a)(1).	100%	0
8.10	• Employees appointed by the President. <i>See</i> 5 C.F.R. § 2638.307(a)(2).	N/A	N/A
8.11	• Employees of the Executive Office of the President. <i>See</i> 5 C.F.R. § 2638.307(a)(2).	N/A	N/A
8.12	• Contracting officers described in 41 U.S.C. § 2101. <i>See</i> 5 C.F.R. § 2638.307(a)(3).	N/A	N/A
8.13	• Other employees designated by the head of the agency. <i>See</i> 5 C.F.R. § 2638.307(a)(4).	N/A	N/A

COMMENTS

8.1: JUSFC provides two annual ethics training sessions per year. One training session is for regular employees and the other is for both regular employees and SGEs. The DAEO also sends participants a packet of ethics-related materials for review prior to the live training session. OGE determined that the packet of ethics-related materials addressed the required concepts.

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8.6: JUSFC has no Schedule I or II positions.
8.7: JUSFC has no PAS positions.
8.10 – 8.13: JUSFC has none of these positions.

9.0 ETHICS ADVICE AND COUNSELING**COMPLIANCE REQUIREMENT****Yes****No****N/A**9.1 Based on a sample collected by OGE, guidance provided by agency ethics officials to employees appears to be consistent with applicable laws and regulations. *See* 5 C.F.R. § 2638.104(c)(4).☐☐☒**COMMENTS****9.1:** No written advice or counseling was requested or provided during the period covered by the inspection.**10.0 SPECIAL GOVERNMENT EMPLOYEES (SGE) SERVING ON ADVISORY COMMITTEES AND BOARDS****Confidential Financial Disclosure**

10.1 Number of SGEs serving on Advisory Committees and Boards.

9

DATA ANALYSIS**%**10.2 Percentage of sampled confidential new entrant reports filed timely. *See* 5 C.F.R. § 2634.903(b).

92%

10.3 Percentage of sampled reports reviewed within 60 days of receipt but not later than the SGE's first meeting. *See* 5 C.F.R. § 2634.605(a).

100%

10.4 Percentage of sampled reports certified within 60 days of receipt. *See* 5 C.F.R. § 2634.605(a).

100%

Ethics Training**COMPLIANCE REQUIREMENTS****Yes****No****N/A**Required ethics training must be provided to each SGE. *See* 5 C.F.R. §§ 2638.304 and 2638.307.10.5 The training presentation(s) addressed concepts related to conflicts of interest, impartiality, misuse of position and gifts. *See* 5 C.F.R. § 2638.304(e)(1).☒☐☐10.6 The agency provided employees with either the following written materials or written instruction for accessing them: The summary of the Standards of Conduct distributed by the Office of Government Ethics or an equivalent summary prepared by the agency; provisions of any supplemental agency regulation that the DAEO determines to be relevant or a summary of those provisions; such other written materials as the DAEO determines should be included; instructions for contacting the agency's ethics officials. *See* 5 C.F.R. § 2638.304(e)(2).☒☐☐**DATA ANALYSIS****%**10.7 Percentage of SGEs who received initial ethics training. *See* 5 C.F.R. § 2638.304.

100%

10.8 Percentage of SGEs who received initial ethics training timely. *See* 5 C.F.R. § 2638.304(b)(2).

100%

10.9 Percentage of SGEs who received annual ethics training. *See* 5 C.F.R. § 2638.307(d)(2).

100%

COMMENTS

None.

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ISSUES IDENTIFIED AND RESOLVED DURING THE INSPECTION

Element	ISSUE
3.1	<p><u>ISSUE:</u> JUSFC's written procedures for administering the public financial disclosure system did not address the collection of new entrant reports when OGE began its inspection. Ethics officials amended the procedures after the issue was noted and the procedures are now in compliance with applicable requirements.</p> <p><u>AGENCY RESPONSE:</u> JUSFC concurs with the findings and has completed the corrective action documented in the report</p>
4.1	<p><u>ISSUE:</u> JUSFC's written procedures for administering the confidential financial disclosure system did not address the collection of new entrant reports when OGE began its inspection. Ethics officials amended the procedures after the issue was noted and the procedures are now in compliance with applicable requirements.</p> <p><u>AGENCY RESPONSE:</u> JUSFC concurs with the findings and has completed the corrective action documented in the report.</p>
5.0, 6.0, 7.0	<p><u>ISSUE:</u> Prior to OGE's inspection, JUSFC assumed that GSA would provide the required notices to prospective employees and new supervisors. JUSFC also assumed that GSA would provide initial ethics training to new employees. In the course of preparing for the inspection, JUSFC became aware that GSA did not provide these services. JUSFC moved quickly to correct the oversight and ensure that relevant requirements were met in the future.</p> <p><u>AGENCY RESPONSE:</u> JUSFC concurs with the findings and has completed the corrective action documented in the report.</p>