

PN329 ARMY nomination of Celina S. Pargo, which was received by the Senate and appeared in the Congressional Record of April 24, 2017.

PN330 ARMY nomination of Paul R. Ambrose, which was received by the Senate and appeared in the Congressional Record of April 24, 2017.

PN331 ARMY nominations (2) beginning JAMES L. DUNGCA and ending NATHAN S. LANHAM, which nominations were received by the Senate and appeared in the Congressional Record of April 24, 2017.

PN332 ARMY nomination of Charles R. Burnett, which was received by the Senate and appeared in the Congressional Record of April 24, 2017.

PN383 ARMY nomination of Pablo F. Diaz, which was received by the Senate and appeared in the Congressional Record of May 8, 2017.

PN384 ARMY nomination of Craig A. Nazareth, which was received by the Senate and appeared in the Congressional Record of May 8, 2017.

PN385 ARMY nomination of Brian C. McLean, which was received by the Senate and appeared in the Congressional Record of May 8, 2017.

PN386 ARMY nomination of Raymond C. Casteline, which was received by the Senate and appeared in the Congressional Record of May 8, 2017.

PN387 ARMY nomination of Daniel J. Shank, which was received by the Senate and appeared in the Congressional Record of May 8, 2017.

PN388 ARMY nomination of Christopher W. Degn, which was received by the Senate and appeared in the Congressional Record of May 8, 2017.

PN389 ARMY nomination of Jason T. Kidder, which was received by the Senate and appeared in the Congressional Record of May 8, 2017.

PN390 ARMY nomination of Tito M. Villanueva, which was received by the Senate and appeared in the Congressional Record of May 8, 2017.

PN391 ARMY nomination of Philip J. Dacunto, which was received by the Senate and appeared in the Congressional Record of May 8, 2017.

PN392 ARMY nomination of Stephen R. November, which was received by the Senate and appeared in the Congressional Record of May 8, 2017.

PN393 ARMY nomination of Luisa Santiago, which was received by the Senate and appeared in the Congressional Record of May 8, 2017.

PN394 ARMY nomination of Robert J. Bonner, which was received by the Senate and appeared in the Congressional Record of May 8, 2017.

PN413 ARMY nomination of Mohamad El Samad, which was received by the Senate and appeared in the Congressional Record of May 10, 2017.

PN414 ARMY nomination of Lana J. Bernat, which was received by the Senate and appeared in the Congressional Record of May 10, 2017.

PN415 ARMY nomination of Patrick K. Sullivan, which was received by the Senate and appeared in the Congressional Record of May 10, 2017.

PN416 ARMY nominations (207) beginning DEREK L. ADAMS, and ending JAMES M. YATES, which nominations were received by the Senate and appeared in the Congressional Record of May 10, 2017.

PN417 ARMY nominations (230) beginning RODNEY ABRAMS, and ending D010081, which nominations were received by the Senate and appeared in the Congressional Record of May 10, 2017.

PN418 ARMY nominations (58) beginning CHRISTINE N. ADAMS, and ending

CHARLETTE K. WOODARD, which nominations were received by the Senate and appeared in the Congressional Record of May 10, 2017.

IN THE MARINE CORPS

PN171 MARINE CORPS nominations (5) beginning MARK S. JIMISON, and ending SHAWN P. WONDERLICH, which nominations were received by the Senate and appeared in the Congressional Record of March 27, 2017.

PN233 MARINE CORPS nomination of Jason G. Lasis, which was received by the Senate and appeared in the Congressional Record of April 4, 2017.

PN235 MARINE CORPS nomination of Kevin J. Goodwin, which was received by the Senate and appeared in the Congressional Record of April 4, 2017.

PN341 MARINE CORPS nomination of Javier E. Vega, which was received by the Senate and appeared in the Congressional Record of April 24, 2017.

PN342 MARINE CORPS nomination of Sergio L. Sandoval, which was received by the Senate and appeared in the Congressional Record of April 24, 2017.

PN451 MARINE CORPS nomination of Michael S. Stevens, which was received by the Senate and appeared in the Congressional Record of May 10, 2017.

PN452 MARINE CORPS nomination of Patrick J. Mullen, which was received by the Senate and appeared in the Congressional Record of May 10, 2017.

PN453 MARINE CORPS nominations (45) beginning RAYMOND L. ADAMS, and ending DOUGLAS S. WOODHAMS, which nominations were received by the Senate and appeared in the Congressional Record of May 10, 2017.

IN THE NAVY

PN147 NAVY nomination of Susan M. McGarvey, which was received by the Senate and appeared in the Congressional Record of March 27, 2017.

PN168 NAVY nomination of Sheila I. Almedras-Flaherty, which was received by the Senate and appeared in the Congressional Record of March 27, 2017.

PN170 NAVY nomination of Adrian D. Ragland, which was received by the Senate and appeared in the Congressional Record of March 27, 2017.

PN207 NAVY nomination of Christopher R. Desena, which was received by the Senate and appeared in the Congressional Record of April 4, 2017.

PN212 NAVY nomination of Kenneth L. Demick, Jr., which was received by the Senate and appeared in the Congressional Record of April 4, 2017.

PN214 NAVY nomination of Michael C. Bratley, which was received by the Senate and appeared in the Congressional Record of April 4, 2017.

PN333 NAVY nomination of Evan M. Colbert, which was received by the Senate and appeared in the Congressional Record of April 24, 2017.

PN334 NAVY nomination of Luciana Sung, which was received by the Senate and appeared in the Congressional Record of April 24, 2017.

PN335 NAVY nomination of William A. Schultz, which was received by the Senate and appeared in the Congressional Record of April 24, 2017.

PN336 NAVY nomination of William L. McCoy, which was received by the Senate and appeared in the Congressional Record of April 24, 2017.

PN337 NAVY nomination of Chris F. White, which was received by the Senate and appeared in the Congressional Record of April 24, 2017.

PN338 NAVY nomination of Karl M. Kingry, which was received by the Senate

and appeared in the Congressional Record of April 24, 2017.

PN339 NAVY nomination of Michael A. Polito, which was received by the Senate and appeared in the Congressional Record of April 24, 2017.

PN340 NAVY nomination of Raymond J. Carlson, Jr., which was received by the Senate and appeared in the Congressional Record of April 24, 2017.

PN343 NAVY nomination of Christopher M. Allen, which was received by the Senate and appeared in the Congressional Record of April 24, 2017.

PN430 NAVY nomination of Aaron L. Witherspoon, which was received by the Senate and appeared in the Congressional Record of May 10, 2017.

PN437 NAVY nomination of John E. Fritz, which was received by the Senate and appeared in the Congressional Record of May 10, 2017.

EXECUTIVE CALENDAR

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the en bloc consideration of the following nominations: Executive Calendar Nos. 60, 62, and 64.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report the nominations en bloc.

The legislative clerk read the nominations of David L. Norquist, of Virginia, to be Under Secretary of Defense (Comptroller); Kari A. Bingen, of Virginia, to be a Principal Deputy Under Secretary of Defense; and Robert Story Kareem, of the District of Columbia, to be an Assistant Secretary of Defense.

Thereupon, the Senate proceeded to consider the nominations en bloc.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate vote on the nominations en bloc with no intervening action or debate; that if confirmed, the motions to reconsider be considered made and laid upon the table en bloc; that the President be immediately notified of the Senate's action; that no further motions be in order; that any statements related to the nominations be printed in the RECORD; and that the Senate then resume legislative session.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. MCCONNELL. Mr. President, I know of no further debate on the nominations.

The PRESIDING OFFICER. Hearing no further debate, the question is, Will the Senate advise and consent to the Norquist, Bingen, and Kareem nominations en bloc?

The nominations were confirmed en bloc.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now resume legislative session.

INCREASING THE DEPARTMENT OF VETERANS AFFAIRS ACCOUNTABILITY TO VETERANS ACT OF 2017

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Committee on Veterans Affairs be discharged from further consideration of S. 12 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 12) to amend title 38, United States Code, to improve the accountability of employees of the Department of Veterans Affairs, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Moran amendment at the desk be considered and agreed to, the bill, as amended, be considered read a third time and passed, and the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 218) was agreed to, as follows:

(Purpose: To improve the bill by striking section 2, relating to reduction of benefits for senior executives and certain health care employees of the Department of Veterans Affairs convicted of a felony)

Strike Sec. 2.

The bill (S. 12), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 12

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Increasing the Department of Veterans Affairs Accountability to Veterans Act of 2017”.

SEC. 2. ACCOUNTABILITY OF LEADERS FOR MANAGING THE DEPARTMENT OF VETERANS AFFAIRS.

(a) IN GENERAL.—Chapter 7 of title 38, United States Code, is amended by inserting after section 709 the following new section:

“§ 710. Annual performance plan for political appointees

“(a) IN GENERAL.—The Secretary shall conduct an annual performance plan for each political appointee of the Department that is similar to the annual performance plan conducted for an employee of the Department who is appointed as a career appointee (as that term is defined in section 3132(a)(4) of title 5) within the Senior Executive Service at the Department.

“(b) ELEMENTS OF PLAN.—Each annual performance plan conducted under subsection (a) with respect to a political appointee of the Department shall include, to the extent applicable, an assessment of whether the appointee is meeting the following goals:

“(1) Recruiting, selecting, and retaining well-qualified individuals for employment at the Department.

“(2) Engaging and motivating employees.

“(3) Training and developing employees and preparing those employees for future leadership roles within the Department.

“(4) Holding each employee of the Department that is a manager accountable for ad-

ressing issues relating to performance, in particular issues relating to the performance of employees that report to the manager.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 7 of such title is further amended by inserting after the item relating to section 709 the following new item:

“710. Annual performance plan for political appointees.”.

SEC. 3. ACCOUNTABILITY OF SUPERVISORS AT DEPARTMENT OF VETERANS AFFAIRS FOR HIRING WELL-QUALIFIED PEOPLE.

(a) ASSESSMENT DURING PROBATIONARY PERIOD.—

(1) DETERMINATION REQUIRED.—With respect to any employee of the Department of Veterans Affairs who is required to serve a probationary period in a position in the Department, the Secretary of Veterans Affairs shall require the supervisor of such employee to determine, during the 30-day period ending on the date on which the probationary period ends, whether the employee—

(A) has demonstrated successful performance; and

(B) should continue past the probationary period.

(2) LIMITATION ON EMPLOYMENT AFTER PROBATIONARY PERIOD.—

(A) IN GENERAL.—Except as provided in subparagraph (B), no employee of the Department serving a probationary period as described in paragraph (1) may complete that probationary period unless and until the supervisor of the employee, or another supervisor capable of making the requisite determination, has made an affirmative determination under such paragraph.

(B) PROBATIONARY PERIOD DEEMED COMPLETED.—

(i) NO DETERMINATION.—If no determination under paragraph (1) is made with respect to an employee before the end of the 60-day period following the end of the 30-day period specified in such paragraph, the employee shall be deemed to have completed the probationary period of the employee effective as of the end of that 60-day period.

(ii) RETROACTIVE EFFECT OF DETERMINATION.—If an affirmative determination under paragraph (1) is made with respect to an employee after the end of the 30-day period specified in such paragraph, the employee shall be deemed to have completed the probationary period of the employee effective as of the end of that 30-day period.

(3) NOTIFICATION TO CONGRESS REGARDING DETERMINATIONS.—Not less frequently than monthly, the Secretary shall notify the Committee on Veterans’ Affairs of the Senate and the Committee on Veterans’ Affairs of the House of Representatives regarding—

(A) each instance during such month in which a supervisor did not make a determination required under paragraph (1) during the period required in such paragraph; and

(B) each such instance included in a previous notification under this paragraph for which the supervisor still has not made such a determination.

(b) SUPERVISORS.—With respect to any employee of the Department who is serving a probationary period in a supervisory position at the Department, successful performance under subsection (a) shall include demonstrating management competencies in addition to the technical skills required for such position.

(c) PERFORMANCE PLAN.—Each annual performance plan conducted for a supervisor of an employee serving a probationary period shall hold the supervisor accountable for—

(1) providing regular feedback to such employee during such period before making a determination under subsection (a) regard-

ing the probationary status of such employee; and

(2) making a timely determination under subsection (a) regarding the probationary status of such employee.

(d) SUPERVISOR DEFINED.—In this section, the term “supervisor” has the meaning given such term in section 7103(a) of title 5, United States Code.

SEC. 4. ACCOUNTABILITY OF MANAGERS FOR ADDRESSING PERFORMANCE OF EMPLOYEES.

The Secretary of Veterans Affairs shall ensure that, as a part of the annual performance plan of an employee of the Department of Veterans Affairs who is a manager, the manager is evaluated on the following:

(1) Taking action to address poor performance and misconduct among the employees that report to the manager.

(2) Taking steps to improve or sustain high levels of employee engagement.

SEC. 5. WRITTEN OPINION ON CERTAIN EMPLOYMENT RESTRICTIONS AFTER TERMINATING EMPLOYMENT WITH THE DEPARTMENT OF VETERANS AFFAIRS.

(a) IN GENERAL.—Subchapter I of chapter 7 of title 38, United States Code, is further amended by adding at the end the following new section:

“§ 717. Written opinion on certain employment restrictions after terminating employment with the Department

“(a) IN GENERAL.—Before terminating employment with the Department, any official of the Department who has participated personally and substantially during the one-year period ending on the date of the termination in an acquisition by the Department that exceeds \$10,000,000 shall obtain a written opinion from an appropriate ethics counselor at the Department regarding any restrictions on activities that the official may undertake on behalf of a covered contractor during the two-year period beginning on the date on which the official terminates such employment.

“(b) COVERED CONTRACTOR DEFINED.—In this section, the term ‘covered contractor’ means a contractor carrying out a contract entered into with the Department, including pursuant to a subcontract.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 7 of such title is further amended by inserting after the item relating to section 715 the following new item:

“717. Written opinion on certain employment restrictions after leaving the Department.”.

SEC. 6. REQUIREMENT FOR CONTRACTORS OF THE DEPARTMENT EMPLOYING CERTAIN RECENTLY SEPARATED DEPARTMENT EMPLOYEES.

(a) IN GENERAL.—Subchapter II of chapter 81 of title 38, United States Code, is amended by adding at the end the following new section:

“§ 8129. Requirement for contractors employing certain recently separated Department employees

“(a) IN GENERAL.—A covered contractor may not knowingly provide compensation to an individual described in subsection (b) during the two-year period beginning on the date on which the individual terminates employment with the Department unless the covered contractor determines that the individual—

“(1) has obtained the written opinion required under section 717(a) of this title; or

“(2) has requested such written opinion not later than 30 days before receiving compensation from the covered contractor.

“(b) INDIVIDUAL DESCRIBED.—An individual described in this subsection is any official of