and why 80,000 people are basically today not going to be able to go to work tomorrow.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that on Tuesday, September 6, 2011, at 5 p.m., the Senate proceed to Executive Session to consider Calendar No. 109; that there be 30 minutes of debate equally divided in the usual form; that upon the use or yielding back of that time the Senate proceed to vote with no intervening action or debate on Calendar No. 109, the motion to reconsider be laid upon the table, with no intervening action or debate; that any related statements be printed in the RECORD; that the President be immediately notified of the Senate’s action and the Senate reassemble legislative session.

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

THE LEAHY-SMITH AMERICA INVENTS ACT—MOTION TO PROCEED

Mr. REID. Mr. President, I move to proceed to Calendar No. 87, H.R. 1249. The assistant legislative clerk read the motion.

Mr. REID. I now ask unanimous consent to invoke cloture on the motion to the following Environment and Public Works bills, en bloc: Calendar No. 72, S. 710; and Calendar No. 117, S. 1302.

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

Mr. REID. It is my understanding that the advice and consent for the Senate to proceed to the consideration of those two bills; is that right? The PRESIDING OFFICER. That is correct.

Mr. REID. I ask unanimous consent that the bills be ready a third time and passed, en bloc; the motions to reconsider be laid upon the table en bloc, and any relevant statements be printed in the RECORD.

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

HAZARDOUS WASTE ELECTRONIC MANIFEST ESTABLISHMENT ACT

The bill (S. 710) to amend the Solid Waste Disposal Act to direct the Administrator of the Environmental Protection Agency to establish a hazardous waste electronic manifest system was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 710

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 “Hazardous Waste Electronic Manifest Establishment Act”.

SEC. 2. HAZARDOUS WASTE ELECTRONIC MANIFEST SYSTEM.

(a) IN GENERAL.—Subtitle C of the Solid Waste Disposal Act (42 U.S.C. 6921 et seq.) is amended by adding at the end the following:

"SEC. 3024. HAZARDOUS WASTE ELECTRONIC MANIFEST SYSTEM.

"(a) DEFINITIONS.—In this section:

"(1) BOARD.—The term 'Board' means the Hazardous Waste Electronic Manifest System Advisory Board established under section (f).

"(2) FUND.—The term 'Fund' means the Hazardous Waste Electronic Manifest System Fund established by subsection (d).

"(3) PERSON.—The term 'person' includes an individual, corporation (including a Government corporation), company, association, firm, partnership, society, joint stock company, trust, municipality, commission, Federal agency, State, political subdivision of a State, or interstate body.

"(4) SYSTEM.—The term 'system' means the hazardous waste electronic manifest system established under subsection (b).

(b) ESTABLISHMENT.—Not later than 3 years after the date of enactment of this section, the Administrator shall establish a hazardous waste electronic manifest system that may be used by any user.

(c) USER FEES.—

"(1) GENERAL.—The Administrator may impose on users such reasonable service fees as the Administrator determines to be necessary to pay costs incurred in developing, operating, maintaining, and upgrading the system, including any costs incurred in collecting and processing data from any paper manifest submitted to the system before the date on which the system enters operation.

"(2) COLLECTION OF FEES.—The Administrator shall—

"(A) collect the fees described in paragraph (1) from the users in advance of, or as reimbursement for, the provision by the Administrator of system-related services; and

"(B) deposit the fees in the Fund for use in accordance with this subsection.

"(d) FEES STRUCTURE.—

"(A) IN GENERAL.—The Administrator, in consultation with information technology vendors, shall determine through the contract award process described in subsection (e) the fee structure described in subsection (c) to be used to recover the full cost to the Administrator of providing system-related services, including costs relating to—

"(i) materials and supplies;

"(ii) contracting and consulting;

"(iii) overhead;

"(iv) information technology (including costs of hardware, software, and related services);

"(v) information management;

"(vi) collection of service fees;

"(vii) investment of any unused service fees;

"(viii) reporting and accounting;

"(ix) employment of direct and indirect Government personnel dedicated to establishing and maintaining the system; and

"(x) project management.

"(B) ADJUSTMENTS IN FEE AMOUNT.—

"(1) GENERAL.—In general, the Administrator, in consultation with the Board, shall increase or decrease amount of a service fee determined under the fee structure described in subsection (c) as the Administrator shall determine to be practicable, the accumulation of unused service fees that may be used by any user.

"(2) TIMING OF ADJUSTMENTS.—Adjustments to service fees described in paragraph (1) shall be made—

"(I) initially, at the time at which initial development costs of the system have been recovered by the Administrator such that the service fee may be reduced to reflect the elimination of the system development component of the fee; and

"(II) periodically thereafter, upon receipt and acceptance of the findings of any annual accounting or auditing report submitted to the Administrator under this subsection (d), if the results of the annual accounting or auditing report indicate that the system is able to achieve the goals and objectives of this section.

"(c) FUND USES.—

"(1) IN GENERAL.—The Administrator may use amounts in the Fund only for amounts included in the following:

"(I) initial development costs of the system;

"(II) to fund such construction projects as the Administrator determines to be necessary to carry out the purposes of this Act;

"(III) an amount that does not exceed $2,000,000,115 during the 3-year period beginning on the date of enactment of this Act, to be used for the construction of the system;

"(IV) an amount that does not exceed $2,000,000,116 during the 3-year period beginning on the date of enactment of this Act, to be used for the development and implementation of the system, the enhancement of system-related services, and the provision of system-related services; and

"(V) to cover any costs incurred to implement the system and the enhancement of system-related services, and the provision of system-related services.

"(2) REPORT.—The Administrator shall submit an annual report to the appropriate committees of Congress that includes—

"(i) the amount of the Fund for the period covered by such report;

"(ii) a description of the uses of the Fund during such period;

"(iii) the amount of the Fund on the date of the report;

"(iv) a description of the uses of the Fund during such period; and

"(v) an accounting or auditing report under subsection (a)(2) of this section (as in effect on the date of enactment of this Act).

"(d) USE OF FUNDS.—

"(1) GENERAL.—Amounts in the Fund shall be used to carry out such system-related services as the Administrator determines to be practicable, the accumulation of unused service fees that may be used by any user.

"(B) LIMITATION.—Amounts in the Fund may be used only for such system-related services as the Administrator determines to be practicable, the accumulation of unused service fees that may be used by any user.

"(c) REPORTING.—The Administrator shall—

"(1) make such reports as the Administrator determines to be necessary to carry out the purposes of this Act.

"(2) keep a record of the amounts in the Fund and the amounts used from the Fund; and

"(ii) the manner in which amounts in the Fund have been used.

"(d) FUND BALANCE.—If the report discloses a significant disparity for a fiscal year between the funds collected from service fees under this Act.