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 unanimous consent of 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, 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 resume legislative session.

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 Advisory Board established under subsection (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, or interstate body.

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

"(5) USER.—The term 'user' means a hazardous waste transporter, an owner or operator of a hazardous waste treatment, storage, recycling, or disposal facility, or any other person that—

"(A) is required to use a manifest to comply with any Federal or State requirement to track the shipment, transportation, and receipt of hazardous waste or other material that is shipped from the site of generation to an off-site facility for treatment, storage, disposal, or recycling; and

"(B)(i) elects to use the system to complete and transmit an electronic manifest format; or

"(ii) submits to the system for data processing purposes a paper copy of the manifest (or data from such a paper copy), in accordance with such regulations as the Administrator may promulgate to require such a submission.

"(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) In 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 on or after 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.

"(3) Fee 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 (d) to cover 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.—In consultation with the Board, the Administrator, in consultation with the Board, shall increase or decrease amount of a service fee determined under the fee structure described in subgraph (A) to account for any increase or decrease in the amount for deposit in the Fund that is sufficient to cover current and projected system-related costs (including any necessary system upgrades); and

"(II) minimize, to the maximum extent practicable, the accumulation of unused amounts in the Fund.

"(ii) Exception for initial period of operation.—The requirement described in clause (i)(II) shall not apply to any additional fees that accumulate in the Fund, in an amount that does not exceed $2,000,000, during the 3-year period beginning on the date on which the system enters operation.

"(II) Timing of adjustments.—Adjustments to service fees described in clause (i) 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 auditing or accounting report under subsection (d), if the report reflects a significant disparity for a fiscal year between the funds collected from service fees under this