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 motions to consider 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.

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 Leahy-Smith America Invents Act—Motion to Proceed to the bill (H.R. 1249) to direct the Administrator of the Environmental Protection Agency to establish a hazardous waste electronic manifest system; and the PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

Motion to proceed to the bill (H.R. 1249) 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 Establishment 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, corporate body, or other legal entity; a partnership, association, firm, partnership, society, joint stock company, trust, municipality, commission, governmental or 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) USER FEES.—In general.—The Administrator, in consultation with the Board, shall—

"(1) result in the collection of an aggregate amount for deposit in the Fund that is sufficient to cover current and projected system upgrades; and

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

"(c) USER FEES.—In general.—The Administrator, in consultation with the Board, shall—

"(1) 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

"(2) 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 (b) the fee structure described in subparagraph (A) for each hazardous waste electronic manifest system that is submitted to the system operator after the date on which the system enters operation.

"(B) ADJUSTMENTS IN FEE AMOUNT.—The Administrator, in consultation with the Board, shall—

"(i) periodically thereafter, upon receipt and acceptance of the findings of any annual auditing and accounting report under subsection (f), if the reported disparity for a fiscal year between the funds collected from service fees under this