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 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 PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read the motion 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 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) Definitions.—In this section:

(1) Board.—The term ‘Board’ means the hazardous waste electronic manifest establishment board.

(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).

(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 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.

(d) 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 necessary 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.—The Administrator, in consultation with the Board and the Federal Register, shall determine—

(i) result in the collection of an aggregate 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.

(e) Exception for initial period of operation.—The requirement described in clause (i) of paragraph (d)(1) shall not apply to any additional fees that accumulate in the Fund, in any amount that does not exceed $2,000,000, during the 3-year period beginning on the date on which the system enters operation.

(f) Financing of adjustments.—Adjustments to service fees described in clause (i) shall be made—

(1) 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

(2) periodically thereafter, upon receipt and acceptance of the findings of any annual auditing or auditing report under subsection (b)(6), if the resulting disparity for a fiscal year between the funds collected from service fees under this
subsections for the fiscal year and expenditures made for the fiscal year to provide for system-related services.

‘‘(d) HAZARDOUS WASTE ELECTRONIC MANIFEST SYSTEM FUND.—

‘‘(1) ESTABLISHMENT.—There is established in the Treasury of the United States a revolving fund, to be known as the ‘‘Hazardous Waste Electronic Manifest System Fund,’’ consisting of—

‘‘(A) such amounts as are appropriated to the Fund under paragraph (2); and
‘‘(B) any interest earned on investment of amounts in the Fund under paragraph (4).

‘‘(2) TRANSFERS TO FUND.—There are appropriated to the Fund amounts equivalent to amounts collected as fees and received by the Administrator under subsection (c).

‘‘(3) EXPENDITURES FROM FUND.—

‘‘(A) IN GENERAL.—Subject to paragraph (2), on request by the Administrator, the Secretary of the Treasury shall transfer from the Fund to the Administrator such amounts as the Administrator determines to be necessary to pay costs incurred in developing, operating, maintaining, and upgrading the system under subsection (c).

‘‘(B) USE OF FUNDS.—

‘‘(i) IN GENERAL.—Fees collected by the Administrator and deposited in the Fund under this section shall be available to the Administrator for use in accordance with this section without further appropriation.

‘‘(ii) OVERSIGHT.—The Administrator shall carry out all necessary measures to ensure that amounts in the Fund are used only to carry out the goals of establishing, operating, maintaining, upgrading, managing, supporting, and overseeing the system.

‘‘(4) INVESTMENT OF FUNDS.—

‘‘(A) IN GENERAL.—The Secretary of the Treasury shall invest such portion of the amounts in the Fund as are determined by the Secretary of the Treasury from time to time.

‘‘(B) COSTS.—The costs of cancellation or termination of a contract, if—

‘‘(i) appropriations available for performance of the contract;
‘‘(ii) unobligated appropriations available for payment of costs of the cancellation or termination of the contract; or
‘‘(iii) funds subsequently appropriated for payment of costs of the cancellation or termination of the contract;

‘‘(C) NEGOTIATION OF AMOUNTS.—The amount payable in the event of cancellation or termination of a contract entered into under this subsection shall be negotiated with the contractor at the time at which the contract is awarded.

‘‘(D) AUTHORITY TO ENTER INTO CONTRACTS.—The Administrator may enter into a contract under this subsection for the provision of system-related services and management of the system, including the costs of integrating the applications of the contractor with the central data exchange system of the Environmental Protection Agency;

‘‘(E) CREDITS TO FUND.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the Fund shall be credited to, and form a part of, the Fund.

‘‘(5) TRANSFERS OF FUNDS.—

‘‘(A) IN GENERAL.—The amounts required to be transferred to the Fund under this subsection shall be transferred at least monthly from the general fund of the Treasury to the Fund on the basis of estimates made by the Secretary of the Treasury.

‘‘(B) PROPER ADJUSTMENT.—Proper adjustment shall be made in amounts subsequently transferred to the extent prior estimates were in excess of or less than the amounts required under the contract.

‘‘(6) ACCOUNTING AND AUDITING.—

‘‘(A) ACCOUNTING.—For each 2-fiscal-year period, the Administrator shall prepare and submit to the Committee on Environment and Public Works of the Senate and the Committee on Energy and Commerce of the House of Representatives a report that includes—

‘‘(i) an accounting of the fees paid to the Administrator under subsection (c) and disbursed from the Fund for the period covered by the report, as reflected by financial statements provided in accordance with—

‘‘(I) the Chief Financial Officers Act of 1990 (Public Law 101–576; 104 Stat. 2806) and amendments made by that Act; and

‘‘(II) the Government Management Reform Act of 1994 (Public Law 103–356; 108 Stat. 3110) and amendments made by that Act; and

‘‘(ii) an accounting describing actual expenditures from the Fund for the period covered by the report for costs described in subsection (c)(1).

‘‘(B) AUDITING.—

‘‘(i) IN GENERAL.—For the purpose of section 3515(c) of title 31, United States Code, the Fund shall be considered a component of an Executive agency.

‘‘(ii) COMPONENTS OF AUDIT.—The annual audit required in accordance with sections 3515(b) and 3521 of title 31, United States Code, of the financial statements of activities carried out using amounts from the Fund shall include an analysis—

‘‘(I) of the fees collected and disbursed under this section;

‘‘(II) of the reasonableness of the fee structure in place as of the date of the audit to meet current and projected costs of the system; and

‘‘(III) of the level of use of the system by users;

‘‘(iii) an accounting of the fees paid to the Inspector General resulting from the performance of the Inspector General under this subsection;

‘‘(D) USE OF FUNDS.—

‘‘(1) IN GENERAL.—Funds collected by the Administrator and deposited in the Fund under subsection (c) are available for the continuation in a subsequent fiscal year of a contract entered into under this subsection, the Administrator shall cancel or terminate the contract.

‘‘(2) COSTS.—The costs of cancellation or termination under subparagraph (A) may be paid—

‘‘(i) from amounts available as described in that clause, but the amount payable in the event of cancellation or termination of a contract shall be determined by the Administrator during the first fiscal year of the term of not more than 10 years.

‘‘(3) ACHIEVEMENT OF GOALS.—The Administrator shall ensure, to the maximum extent practicable, that a contract awarded under this subsection—

‘‘(A) is performance-based;

‘‘(B) identifies objective outcomes; and

‘‘(C) contains performance standards that may be used to measure achievement and goals to evaluate the success of a contractor in performing a contract, and the right of the contractor to payment for services under the contract, taking into consideration that a primary measure of successful performance was the development of a hazardous waste electronic manifest system that—

‘‘(i) meets the needs of the user community (including States that rely on data contained in manifests); and

‘‘(ii) attracts sufficient user participation and service fee revenues to ensure the viability of the system;

‘‘(iii) decreases the administrative burden on the user community; and

‘‘(iv) provides the waste receipt data applicable to the biennial reports required by section 3002(a)(6).

‘‘(4) PAYMENT STRUCTURE.—Each contract awarded under this subsection shall include a provision that specifies—

‘‘(A) the service fee structure of the contractor that will form the basis for payments to the contractor;

‘‘(B) the fixed-share ratio of monthly service fee revenues from which the Administrator shall reimburse the contractor for system-related development, operation, and maintenance costs and provide an additional profit or fee commensurate with the risk undertaken by the contractor in performing in accordance with the contract;

‘‘(C) the amount of additional transactional costs attributed to the ancillary costs of the Administrator in implementing and managing the system, including the costs of integrating the applications of the contractor with the central data exchange system of the Environmental Protection Agency;

‘‘(D) the direct and indirect personnel costs incurred by the Administrator to employ personnel dedicated to the implementation and management of the system; and

‘‘(C) the amount of additional transactional costs attributed to the ancillary costs of the Administrator in implementing and managing the system, including the costs of integrating the applications of the contractor with the central data exchange system of the Environmental Protection Agency;

‘‘(E) the direct and indirect personnel costs incurred by the Administrator to employ personnel dedicated to the implementation and management of the system; and

‘‘(F) the direct and indirect personnel costs incurred by the Administrator to employ personnel dedicated to the implementation and management of the system.

‘‘(2) TRANSFERS TO FUND.—There are transferred to the Fund amounts equivalent to amounts collected as fees and received by the Administrator under subsection (c).

‘‘(3) EXPENDITURES FROM FUND.—

‘‘(A) IN GENERAL.—The Secretary of the Treasury shall transfer from the Fund to the Administrator such amounts as the Administrator determines to be necessary to pay costs incurred in developing, operating, maintaining, and upgrading the system under subsection (c).

‘‘(B) USE OF FUNDS.—

‘‘(1) IN GENERAL.—Fees collected by the Administrator and deposited in the Fund under this section shall be available to the Administrator for use in accordance with this section without further appropriation.

‘‘(2) OVERSIGHT.—The Administrator shall carry out all necessary measures to ensure that amounts in the Fund are used only to carry out the goals of establishing, operating, maintaining, upgrading, managing, supporting, and overseeing the system.

‘‘(A) IN GENERAL.—The Secretary of the Treasury shall invest such portion of the amounts in the Fund as are determined by the Secretary of the Treasury from time to time.

‘‘(B) COSTS.—The costs of termination of a contract, if—

‘‘(i) appropriations available for performance of the contract;

‘‘(ii) unobligated appropriations available for payment of costs of the cancellation or termination of the contract; or

‘‘(iii) funds subsequently appropriated for payment of costs of the cancellation or termination of the contract;

‘‘(C) NEGOTIATION OF AMOUNTS.—The amount payable in the event of cancellation or termination of a contract entered into under this subsection shall be negotiated with the contractor at the time at which the contract is awarded.

‘‘(D) AUTHORITY TO ENTER INTO CONTRACTS.—The Administrator may enter into a contract under this subsection for the provision of system-related services and management of the system, including the costs of integrating the applications of the contractor with the central data exchange system of the Environmental Protection Agency;

‘‘(E) CREDITS TO FUND.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the Fund shall be credited to, and form a part of, the Fund.

‘‘(5) TRANSFERS OF FUNDS.—

‘‘(A) IN GENERAL.—The amounts required to be transferred to the Fund under this subsection shall be transferred at least monthly from the general fund of the Treasury to the Fund on the basis of estimates made by the Secretary of the Treasury.

‘‘(B) PROPER ADJUSTMENT.—Proper adjustment shall be made in amounts subsequently transferred to the extent prior estimates were in excess of or less than the amounts required under the contract.

‘‘(6) ACCOUNTING AND AUDITING.—

‘‘(A) ACCOUNTING.—For each 2-fiscal-year period, the Administrator shall prepare and submit to the Committee on Environment and Public Works of the Senate and the Committee on Energy and Commerce of the
‘(II) agrees to perform the contract despite the unfunded contingent liability.

‘(6) NO EFFECT ON OWNERSHIP.—Regardless of whether the Administrator enters into a contract under subsection (a), the parcel shall be owned by the Federal Government.

‘(7) HAZARDOUS WASTE ELECTRONIC MANIFEST SYSTEM.—

‘(1) ESTABLISHMENT.—Not later than 3 years after the date of enactment of this section, the Administrator shall establish a Board—

‘(A) the ‘Hazardous Waste Electronic Manifest System Advisory Board’. (2) COMPOSITION.—The Board shall be composed of members of which—

‘(A) 1 member shall be the Administrator (or a designee), who shall serve as Chairperson of the Board; and

‘(B) such shall be individuals appointed by the Administrator—

‘(i) at least 2 of whom shall have expertise in information technology; and

‘(ii) at least 3 of whom shall have experience in using or represent users of the manifest system to track the transportation of hazardous waste under this subtitle (or an equivalent State program); and

‘(iii) at least 3 of whom shall be a State representative responsible for processing those manifest.

‘(3) DUTIES.—The Board shall meet annually to discuss, evaluate the effectiveness of, and provide recommendations to the Administrator relating to the system.

‘(g) REGULATIONS.—

‘(1) PROMULGATION.—

‘(A) IN GENERAL.—Not later than 1 year after the date of enactment of this section, the Administrator shall promulgate regulations to carry out this section.

‘(B) INCLUSIONS.—The regulations promulgated pursuant to subparagraph (A) may include such requirements as the Administrator determines to be necessary to facilitate the transition from the use of paper manifests to the use of electronic manifests, or to accommodate the processing of data from paper manifests in the electronic manifest system, including a requirement that users of paper manifests submit to the system copies of the paper manifests for data processing purposes.

‘(C) REQUIREMENTS.—The regulations promulgated pursuant to subparagraph (A) may ensure that each electronic manifest provides, to the same extent as paper manifests under applicable Federal and State law, for—

‘(1) the ability to track and maintain legal accountability of—

‘(I) the person that certifies that the information contained in the manifest is accurately described; and

‘(II) the person that acknowledges receipt of the manifest;

‘(ii) if the manifest is electronically submitted, State authority to access paper printout copies of the manifest from the system; and

‘(iii) access to all publicly available information contained in the manifest.

‘(2) EFFECTIVE DATE OF REGULATIONS.—Any regulation promulgated by the Administrator under paragraph (1) and in accordance with applicable regulations relating to electronic manifesting of hazardous waste shall take effect in each State as of the effective date specified in the regulation.

‘(3) ADMINISTRATOR.—The Administrator shall carry out regulations promulgated under this subsection in each State unless the State program is fully authorized to carry out those regulations in lieu of the Administrator.

‘(h) REQUIREMENT OF COMPLIANCE WITH REGULATIONS.—In any case in which the State in which waste is generated, or the State in which waste will be transported to a designated facility, requires that the waste be tracked through a hazardous waste manifest, the designated facility that receives the waste shall, regardless of the State in which the facility is located—

‘(1) complete the facility portion of the applicable manifest;

‘(2) sign and date the facility certification; and

‘(3) submit to the system a final copy of the manifest for data processing purposes.

‘(i) CONFIRMING AMENDMENT.—The table of contents of the comprehensive disposal Act (42 U.S.C. 6901) is amended by inserting at the end of the items relating to subtitle C the following:

‘Sec. 3024. Hazardous waste electronic manifest system.’

GENERAL SERVICES PARCEL ACT

The bill (S. 1302) to authorize the Administrator of General Services to convey a parcel of real property in Tracy, California, to the City of Tracy was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1302

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

SECTION 1. CONVEYANCE OF PARCEL, TRACY, CALIFORNIA.

(1) ADMINISTRATOR.—The term ‘Administrator’ means the Administrator of General Services.

(2) CITY.—The term ‘City’ means the City of Tracy, California.

(3) PARCEL.—

‘(A) IN GENERAL.—The term ‘Parcel’ means the approximately 150 acres conveyed to the City for educational or recreational purposes pursuant to section 140 of division C of Public Law 105–277 (112 Stat. 2861–599; 113 Stat. 104; 118 Stat. 335).

‘(B) EXCLUSIONS.—The term ‘Parcel’ does not include the approximately 50 acres conveyed to the City for economic development, in which the Federal Government retains no reversionary interest, pursuant to section 140 of division C of Public Law 105–277 (112 Stat. 2861–599; 113 Stat. 104; 118 Stat. 335).

‘(2) CITY.—The term ‘City’ means the City of Tracy, California.

‘(3) PARCEL.—

‘(A) IN GENERAL.—The term ‘Parcel’ means the approximately 150 acres conveyed to the City for educational or recreational purposes pursuant to section 140 of division C of Public Law 105–277 (112 Stat. 2861–599; 113 Stat. 104; 118 Stat. 335).

‘(B) CONVEYANCE.—

‘(A) IN GENERAL.—Notwithstanding subsections (c) through (f) of section 140 of division C of Public Law 105–277 (112 Stat. 2861–599; 113 Stat. 104; 118 Stat. 335) the Administrator may enter into a binding agreement with the City, as soon as practicable, but not later than 180 days after the date of enactment of this Act, under which the Administrator may convey the Parcel, through a deed of release or other appropriate instrument, any reversionary interest retained by the United States in the Parcel, and all other terms, conditions, reservations, and restrictions imposed, in connection with the conveyance of the Parcel.

‘(2) SURVEY.—For purposes of paragraph (1), the exact acreage and legal description of the Parcel shall be determined by a survey that is satisfactory to the Administrator.

‘(c) CONSIDERATION.—

‘(1) IN GENERAL.—As consideration for the conveyance under subsection (b), the City shall pay to the Administrator an amount not less than the appraised fair market value of the Parcel, as determined by the Administrator pursuant to an appraisal conducted by a licensed, independent appraiser, based on the highest and best use of the Parcel, as determined by the Administrator.

‘(2) TREATMENT.—The determination of the Administrator under paragraph (1) regarding the fair market value of the Parcel shall be final.

‘(d) COST OF CONVEYANCE.—The City shall be responsible for reimbursing the Administrator for the costs associated with implementing this section, including the costs of any appraisal the Administrator may employ.

‘(e) PROCEEDS.—

‘(1) DEPOSIT.—The net proceeds from the conveyance under this section shall be deposited in the Federal Buildings Fund established by section 592(a) of title 40, United States Code.

‘(2) EXPENDITURE.—The amounts deposited in the Federal Buildings Fund under paragraph (1) shall be available to the Administrator in amounts specified in appropriation Acts, for expenditures for any lawful purpose consistent with the authority of the Administrator.

‘(f) ADDITIONAL TERMS AND CONDITIONS.—The Administrator may establish such additional terms and conditions in connection with the conveyance under subsection (b) as the Administrator considers to be appropriate to protect the interests of the United States.

‘(g) NO EFFECT ON COMPLIANCE WITH ENVIRONMENTAL LAWS.—Nothing in this Act or amendment made by this Act affects or limits the application of or obligation to comply with any environmental law, including section 120(h) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)).

CAMPUS FIRE SAFETY MONTH

Mr. REID. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 104.

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

The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 104) designating September 2011 as ‘‘Campus Fire Safety Month.’’

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

Mr. REID. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to recommit be laid aside, and the resolution, with no intervening action or debate, and any statements relating to the matter be printed in the RECORD.

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

The resolution (S. Res. 104) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. Res. 104

 Whereas, each year, States across the Nation formally designate September as Campus Fire Safety Month;

 Whereas, since January 2000, at least 148 people, including students, parents, and children have died in campus-related fires;

 Whereas 85 percent of those deaths occurred in off-campus residences;

 Wherein a majority of college students in the United States live in off-campus residences;

 Whereas a number of fatal fires have occurred in buildings in which fire safety systems had been compromised or disabled by the occupants;