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; that 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.

THE LEAHY-SMITH AMERICA INVENTS ACT—MOTION TO PROCEED

Mr. REID. Mr. President, I move to proceed to Calendar No. 87, H.R. 1249; that the motions to invoke cloture on the motion to proceed to Calendar No. 87, H.R. 1249; 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:

SEC. 2. HAZARDOUS WASTE ELECTRONIC MANIFEST SYSTEM.

(a) 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:

(I) BOARD.—The term ‘Board’ means the Hazardous Waste Electronic Manifest Establishment Act).

(ii) FUND.—The term ‘Fund’ means the Fund established by subsection (b).

(iii) PERSON.—The term ‘person’ includes an individual, a corporation, a government agency, a public or private company, a partnership, a joint stock company, trust, or other entity.

(iv) SYSTEM.—The term ‘system’ means the system established by subsection (c).

(v) ADMINISTRATOR.—The term ‘Administrator’ means the Administrator of the Environmental Protection Agency.

(vi) DEPARTMENT.—The term ‘Department’ means the Department of the Interior.

(vii) FEE.—The term ‘fee’ means the fee charged under this section.

(viii) LIABILITY.—The term ‘liability’ means the liability imposed under this section.

(ix) LIABILITY.—The term ‘liability’ means the liability imposed under this section.

(x) SERVICE.—The term ‘service’ means the service provided under this section.

(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, with the date on which the system enters operation.

(2) Collection of Fees.—The Administrator shall—

(i) 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

(ii) 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 and establish a fee structure described in subsection (b) that is sufficient to cover the full cost to the Administrator of providing system-related services, including costs relating to—

(i) materials and supplies;

(ii) consulting and auditing;

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

(iv) information management;

(v) collection of service fees;

(vi) investment of any unused service fees;

(vii) reporting and accounting;

(viii) employment of direct and indirect government personnel dedicated to establishing and maintaining the system; and

(ix) project management.

(B) Adjustments in Fee Amount.—

(1) 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 paragraph (A) to the extent that cumulative amounts in the Fund exceed $2,000,000, during the 3-year period beginning on the date on which the system enters operation.

(2) Adjustment of Fees.—Adjustments to service fees described in clause (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 development costs of the system; and

(ii) periodically thereafter, upon receipt and acceptance of the findings of any annual accounting or auditing report under subsection (a) that indicates a significant disparity for a fiscal year between the funds collected from service fees under this

HAZARDOUS WASTE ELECTRONIC MANIFEST ESTABLISHMENT ACT

CLOTURE MOTION

Mr. REID. Mr. President, I ask unanimous consent that on Tuesday, September 6, 2011, at 5 p.m., the Senate proceed to Calendar No. 87, H.R. 1249; 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 CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed 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 unanimous 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 read 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.