

AMENDMENT TO
RULES COMMITTEE PRINT 119-33
OFFERED BY MR. CARTER OF GEORGIA

At the end of subtitle F of title XVIII, add the following new section:

1 **SEC. 18__ . PROTECTION FROM STATE LAWS IMPEDING**
2 **DISPOSITION AND RECYCLING OF DEFENSE**
3 **ARTICLES OR RECOVERY AND REUSE OF**
4 **SOURCES OF STRATEGIC AND CRITICAL MA-**
5 **TERIALS.**

6 Subchapter V of chapter 385 of title 10, United
7 States Code, is amended by adding at the end the fol-
8 lowing new section:

9 **“§ 4893. Protection from State laws impeding disposi-**
10 **tion and recycling of defense articles or**
11 **recovery and reuse of sources of strategic**
12 **and critical materials**

13 “(a) PROHIBITION.—(1) Notwithstanding section
14 6929 of title 42, no State or political subdivision thereof
15 may adopt or enforce any law, regulation, standard, or re-
16 quirement, or apply any interpretation thereof, with re-
17 spect to any matter described in subsection (b)(1) unless
18 such law, regulation, standard, requirement, or interpreta-

1 tion is identical to the Federal law, regulation, standard,
2 or requirement, or Federal interpretation thereof, gov-
3 erning such matter.

4 “(2) This subsection shall supersede and preempt any
5 law, regulation, standard, requirement, or interpretation
6 of a State or political subdivision thereof with respect to
7 any matter described in subsection (b)(1) unless such law,
8 regulation, standard, requirement, or interpretation is
9 identical to the applicable Federal law, regulation, stand-
10 ard, requirement, or Federal interpretation governing
11 such matter. Any nonidentical State or local law, regula-
12 tion, standard, requirement, or interpretation shall have
13 no force or effect.

14 “(b) MATTERS DESCRIBED.—(1) The matters de-
15 scribed in this paragraph are the following:

16 “(A) The physical or mechanical processing of
17 scrap metal (as such term is defined in section
18 261.1(c)(6) of title 40, Code of Federal Regula-
19 tions).

20 “(B) The disposition or recycling of any defense
21 article (as such term is defined in section 301 of this
22 title), including any defense equipment, material, or
23 munition subject to demilitarization or disposal.

24 “(2) The physical or mechanical processing of scrap
25 metal described in paragraph (1)(A) does not include the

- 1 chemical treatment, stabilization, fixation, or neutraliza-
- 2 tion of waste generated by such processing.”.

