

118TH CONGRESS
1ST SESSION

S. 1760

To amend the Apex Project, Nevada Land Transfer and Authorization Act of 1989 to include the city of North Las Vegas, Nevada, and the Apex Industrial Park Owners Association, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 30, 2023

Ms. CORTEZ MASTO introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To amend the Apex Project, Nevada Land Transfer and Authorization Act of 1989 to include the city of North Las Vegas, Nevada, and the Apex Industrial Park Owners Association, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Apex Area Technical
5 Corrections Act”.

1 **SEC. 2. APEX PROJECT, NEVADA LAND TRANSFER AND AU-**
 2 **THORIZATION ACT OF 1989.**

3 (a) DEFINITIONS.—Section 2(b) of the Apex Project,
 4 Nevada Land Transfer and Authorization Act of 1989
 5 (Public Law 101–67; 103 Stat. 169)—

6 (1) in the matter preceding paragraph (1), by
 7 striking “As used in this Act, the following terms
 8 shall have the following meanings—” and inserting
 9 “In this Act:”;

10 (2) in each of paragraphs (1), (2), (4), and (5),
 11 by inserting a paragraph heading, the text of which
 12 comprises the term defined in that paragraph;

13 (3) in paragraph (3), by inserting “COUNTY;
 14 CLARK COUNTY.—” before “The term”;

15 (4) in paragraph (6)—

16 (A) by inserting “FLPMA TERMS.—” be-
 17 fore “All”; and

18 (B) by inserting “(43 U.S.C. 1701 et
 19 seq.)” before the period at the end;

20 (5) by redesignating paragraphs (1), (2), (3),
 21 (4), (5), and (6) as paragraphs (7), (6), (4), (5),
 22 (2), and (8), respectively;

23 (6) by inserting before paragraph (2) (as so re-
 24 designated) the following:

25 “(1) APEX INDUSTRIAL PARK OWNERS ASSOCIA-
 26 TION.—The term ‘Apex Industrial Park Owners As-

sociation’ has the meaning given the term in the charter document for the entity entitled ‘Apex Industrial Park Owners Association’, which was formed on April 9, 2001, and any successor documents to the charter document, as on file with the Nevada Secretary of State.”; and

(7) by inserting after paragraph (2) (as so redesignated) the following:

“(3) CITY.—The term ‘City’ means the city of North Las Vegas, Nevada.”.

(b) KERR-MCGEE SITE TRANSFER.—Section 3(b) of the Apex Project, Nevada Land Transfer and Authorization Act of 1989 (Public Law 101–67; 103 Stat. 170) is amended—

(1) in the first sentence—

(A) by striking “Clark County for the connection” and inserting “Clark County, the City, and the Apex Industrial Park Owners Association, individually or jointly, as appropriate, for the connection”;

(B) by striking “Kerr-McGee Site” and inserting “Kerr-McGee Site and other land conveyed in accordance with this Act”; and

1 (C) by inserting “(or any successor map
 2 prepared by the Secretary)” after “May 1989”;
 3 and

4 (2) in the third sentence, by inserting “, the
 5 City, or the Apex Industrial Park Owners Associa-
 6 tion, individually or jointly, as appropriate,” after
 7 “Clark County”.

8 (c) AUTHORIZATION FOR ADDITIONAL TRANS-
 9 FERS.—Section 4 of the Apex Project, Nevada Land
 10 Transfer and Authorization Act of 1989 (Public Law 101–
 11 67; 103 Stat. 171)—

12 (1) in subsection (c), by striking “Pursuant”
 13 and all that follows through “Clark County” and in-
 14 serting “During any period in which the require-
 15 ments of section 6 are met, pursuant to applicable
 16 law, the Secretary shall grant to Clark County, the
 17 City, and the Apex Industrial Park Owners Associa-
 18 tion”; and

19 (2) in subsection (e)—

20 (A) in paragraph (1), by striking the last
 21 sentence and inserting “The withdrawal made
 22 by this subsection shall continue in perpetuity
 23 for all land transferred in accordance with this
 24 Act.”; and

25 (B) by adding at the end the following:

1 “(3) MINERAL MATERIALS SALE.—In the case of the
 2 sale of mineral materials resulting from grading, land bal-
 3 ancing, or other activities on the surface of a parcel within
 4 the Apex Site for which the United States retains an inter-
 5 est in the minerals—

6 “(A) it shall be considered impracticable to ob-
 7 tain competition for purposes of section
 8 3602.31(a)(2) of title 43, Code of Federal Regula-
 9 tions (as in effect on the date of enactment of the
 10 Apex Area Technical Corrections Act); and

11 “(B) the sale shall be exempt from the quantity
 12 and term limitations imposed on noncompetitive
 13 sales under subpart 3602 of that title (as in effect
 14 on the date of enactment of the Apex Area Technical
 15 Corrections Act).”.

16 (d) ENVIRONMENTAL CONSIDERATIONS.—Section 6
 17 of the Apex Project, Nevada Land Transfer and Author-
 18 ization Act of 1989 (Public Law 101–67; 103 Stat. 173)
 19 is amended by adding at the end the following:

20 “(d) COMPLIANCE WITH ENVIRONMENTAL ASSESS-
 21 MENTS.—Each transfer by the United States of land or
 22 interest in lands within the Apex Site or rights-of-way
 23 issued pursuant to this Act shall be conditioned on the
 24 compliance with applicable Federal land laws, including
 25 the National Environmental Policy Act of 1969 (42 U.S.C.

1 4321 et seq.) and the Federal Land Policy and Manage-
2 ment Act of 1976 (43 U.S.C. 1701 et seq.).”.

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