

**Calendar No. 280**118TH CONGRESS  
1ST SESSION**S. 1760****[Report No. 118–136]**

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.

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**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

DECEMBER 12, 2023

Reported by Mr. MANCHIN, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

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**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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Apex Area Technical  
3 Corrections Act”.

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

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

9 (1) in the matter preceding paragraph (1), by  
10 striking “As used in this Act, the following terms  
11 shall have the following meanings—” and inserting  
12 “In this Act.”;

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

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

18 (4) in paragraph (6)—

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

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

23 (5) by redesignating paragraphs (1), (2), (3),  
24 (4), (5), and (6) as paragraphs (7), (6), (4), (5),  
25 (2), and (8), respectively;

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

3           “~~(1) APEX INDUSTRIAL PARK OWNERS ASSOCIA-~~  
4 ~~TION.—~~The term ‘Apex Industrial Park Owners As-  
5 sociation’ has the meaning given the term in the  
6 charter document for the entity entitled ‘Apex In-  
7 dustrial Park Owners Association’, which was  
8 formed on April 9, 2001, and any successor docu-  
9 ments to the charter document, as on file with the  
10 Nevada Secretary of State.”; and

11           (7) by inserting after paragraph (2) (as so re-  
12 designated) the following:

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

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

19           (1) in the first sentence—

20           (A) by striking “Clark County for the con-  
21 nection” and inserting “Clark County, the City,  
22 and the Apex Industrial Park Owners Associa-  
23 tion, individually or jointly, as appropriate, for  
24 the connection”;

1           (B) by striking “Kerr-McGee Site” and in-  
 2           serting “Kerr-McGee Site and other land con-  
 3           veyed in accordance with this Act”; and

4           (C) by inserting “(or any successor map  
 5           prepared by the Secretary)” after “May 1989”;  
 6           and

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

11          (e) AUTHORIZATION FOR ADDITIONAL TRANS-  
 12          FERS.—Section 4 of the Apex Project, Nevada Land  
 13          Transfer and Authorization Act of 1989 (Public Law 101-  
 14          67; 103 Stat. 171)—

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

22           (2) in subsection (e)—

23           (A) in paragraph (1), by striking the last  
 24           sentence and inserting “The withdrawal made  
 25           by this subsection shall continue in perpetuity

1           for all land transferred in accordance with this  
2           Act.”; and

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

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

9           “(A) it shall be considered impracticable to ob-  
10 tain competition for purposes of section  
11 3602.31(a)(2) of title 43, Code of Federal Regula-  
12 tions (as in effect on the date of enactment of the  
13 Apex Area Technical Corrections Act); and

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

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

23           “(d) COMPLIANCE WITH ENVIRONMENTAL ASSESS-  
24 MENTS.—Each transfer by the United States of land or  
25 interest in lands within the Apex Site or rights-of-way

1 issued pursuant to this Act shall be conditioned on the  
 2 compliance with applicable Federal land laws, including  
 3 the National Environmental Policy Act of 1969 (42 U.S.C.  
 4 4321 et seq.) and the Federal Land Policy and Manage-  
 5 ment Act of 1976 (43 U.S.C. 1701 et seq.).”.

6 **SECTION 1. SHORT TITLE.**

7 *This Act may be cited as the “Apex Project, Nevada*  
 8 *Land Transfer and Authorization Act Amendments Act”.*

9 **SEC. 2. AMENDMENTS TO THE APEX PROJECT, NEVADA**  
 10 **LAND TRANSFER AND AUTHORIZATION ACT**  
 11 **OF 1989.**

12 (a) *DEFINITIONS.—Section 2(b) of the Apex Project,*  
 13 *Nevada Land Transfer and Authorization Act of 1989*  
 14 *(Public Law 101–67; 103 Stat. 169) is amended—*

15 (1) *in the matter preceding paragraph (1), by*  
 16 *striking “As used in this Act, the following terms*  
 17 *shall have the following meanings—” and inserting*  
 18 *“In this Act:”;*

19 (2) *in each of paragraphs (1), (2), (4), and (5),*  
 20 *by inserting a paragraph heading, the text of which*  
 21 *comprises the term defined in that paragraph;*

22 (3) *in paragraph (3), by inserting “COUNTY;*  
 23 *CLARK COUNTY.—” before “The term”;*

24 (4) *in paragraph (6)—*

1                   (A) by inserting “*FLPMA TERMS.—*” before  
2                   “*All*”; and

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

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

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

10                   “(1) *APEX INDUSTRIAL PARK OWNERS ASSOCIA-*  
11                   *TION.—The term ‘Apex Industrial Park Owners Asso-*  
12                   *ciation’ means the Apex Industrial Park Owners As-*  
13                   *sociation formed on April 9, 2001, and chartered in*  
14                   *the State of Nevada (including any successor in inter-*  
15                   *est).’; and*

16                   (7) by inserting after paragraph (2) (as so redesi-  
17                   gnated) the following:

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

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

24                   (1) in the first sentence—

1           (A) by striking “Clark County” and insert-  
 2           ing “Clark County, the City, or the Apex Indus-  
 3           trial Park Owners Association, individually or  
 4           jointly, as appropriate,”; and

5           (B) by striking “Site” and inserting “Site  
 6           and other land conveyed in accordance with this  
 7           Act”; and

8           (2) in the third sentence, by striking “Clark  
 9           County” and inserting “Clark County, the City, or  
 10          the Apex Industrial Park Owners Association, indi-  
 11          vidually or jointly, as appropriate,”.

12          (c) *AUTHORIZATION FOR ADDITIONAL TRANSFERS.*—  
 13          Section 4 of the Apex Project, Nevada Land Transfer and  
 14          Authorization Act of 1989 (Public Law 101–67; 103 Stat.  
 15          171) is amended—

16           (1) in subsection (c), by striking “Clark County”  
 17           and inserting “Clark County, the City, or the Apex  
 18           Industrial Park Owners Association, individually or  
 19           jointly, as appropriate,”; and

20           (2) in subsection (e), by adding at the end the  
 21           following:

22           “(3) *MINERAL MATERIALS SALE.*—Notwithstanding  
 23          the requirements of part 3600 of title 43, Code of Federal  
 24          Regulations (as in effect on the date of enactment of the  
 25          Apex Project, Nevada Land Transfer and Authorization Act



1 *Amendments Act), the Secretary may sell, at not less than*  
2 *fair market value, without advertising or calling for bids*  
3 *and without regard to volume or time limitations, mineral*  
4 *materials resulting from grading, land balancing, or other*  
5 *activities on the surface of a parcel of land within the Apex*  
6 *Site for which the United States retains an interest in the*  
7 *minerals.”.*

8       *(d) ENVIRONMENTAL CONSIDERATIONS.—Section 6 of*  
9 *the Apex Project, Nevada Land Transfer and Authorization*  
10 *Act of 1989 (Public Law 101–67; 103 Stat. 173) is amended*  
11 *by adding at the end the following:*

12       *“(d) COMPLIANCE WITH ENVIRONMENTAL ASSESS-*  
13 *MENTS.—Each transfer by the United States of land or in-*  
14 *terest in lands within the Apex Site or rights-of-way issued*  
15 *pursuant to this Act shall be conditioned on the compliance*  
16 *with applicable Federal land laws, including the National*  
17 *Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.)*  
18 *and the Federal Land Policy and Management Act of 1976*  
19 *(43 U.S.C. 1701 et seq.).”.*

Calendar No. 280

118<sup>TH</sup> CONGRESS  
1<sup>ST</sup> Session

**S. 1760**

[Report No. 118-1361]

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## **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.

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DECEMBER 12, 2023

Reported with an amendment