

115TH CONGRESS
1ST SESSION

H. R. 428

IN THE SENATE OF THE UNITED STATES

FEBRUARY 15, 2017

Received

MARCH 7, 2017

Read twice and referred to the Committee on Energy and Natural Resources

AN ACT

To survey the gradient boundary along the Red River in the States of Oklahoma and Texas, 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 “Red River Gradient
3 Boundary Survey Act”.

4 **SEC. 2. DEFINITIONS.**

5 In this Act:

6 (1) **AFFECTED AREA.**—

7 (A) **IN GENERAL.**—The term “affected
8 area” means land along the approximately 116-
9 mile stretch of the Red River, from its con-
10 fluence with the north fork of the Red River on
11 the West to the 98th meridian on the east.

12 (B) **EXCLUSIONS.**—The term “affected
13 area” does not include the portion of the Red
14 River within the boundary depicted on the sur-
15 vey prepared by the Bureau of Land Manage-
16 ment entitled “Township 5 South, Range 14
17 West, of the Indian Meridian, Oklahoma, De-
18 pendent Resurvey and Survey” and dated Feb-
19 ruary 28, 2006.

20 (2) **GRADIENT BOUNDARY SURVEY METHOD.**—

21 The term “gradient boundary survey method”
22 means the measurement technique used to locate the
23 South Bank boundary line in accordance with the
24 methodology established in *Oklahoma v. Texas*, 261
25 U.S. 340 (1923) (recognizing that the boundary line

1 along the Red River is subject to change due to ero-
2 sion and accretion).

3 (3) LANDOWNER.—The term “landowner”
4 means any individual, group, association, corpora-
5 tion, federally recognized Indian tribe or member of
6 such an Indian tribe, or other private or govern-
7 mental legal entity that owns an interest in land in
8 the affected area.

9 (4) SECRETARY.—The term “Secretary” means
10 the Secretary of the Interior, acting through the Di-
11 rector of the Bureau of Land Management.

12 (5) SOUTH BANK.—The term “South Bank”
13 means the water-washed and relatively permanent
14 elevation or acclivity (commonly known as a “cut
15 bank”) along the southerly or right side of the Red
16 River that—

17 (A) separates the bed of that river from
18 the adjacent upland, whether valley or hill; and

19 (B) usually serves, as specified in the fifth
20 paragraph of *Oklahoma v. Texas*, 261 U.S. 340
21 (1923)—

22 (i) to confine the waters within the
23 bed; and

24 (ii) to preserve the course of the river.

1 (6) SOUTH BANK BOUNDARY LINE.—The term
2 “South Bank boundary line” means the boundary,
3 with respect to title and ownership, between the
4 States of Oklahoma and Texas identified through
5 the gradient boundary survey method that does not
6 impact or alter the permanent political boundary line
7 between the States along the Red River, as outlined
8 under article II, section B of the Red River Bound-
9 ary Compact enacted by the States and consented to
10 by Congress pursuant to Public Law 106–288 (114
11 Stat. 919).

12 **SEC. 3. SURVEY OF SOUTH BANK BOUNDARY LINE.**

13 (a) SURVEY REQUIRED.—

14 (1) IN GENERAL.—The Secretary shall commis-
15 sion a survey to identify the South Bank boundary
16 line in the affected area.

17 (2) REQUIREMENTS.—The survey shall—

18 (A) adhere to the gradient boundary sur-
19 vey method;

20 (B) span the length of the affected area;

21 (C) be conducted by surveyors that are—

22 (i) licensed and qualified to conduct
23 official gradient boundary surveys; and

24 (ii) selected jointly by and operating
25 under the direction of—

1 (I) the Texas General Land Of-
2 fice, in consultation with each affected
3 federally recognized Indian tribe; and

4 (II) the Oklahoma Commis-
5 sioners of the Land Office, in con-
6 sultation with the attorney general of
7 the State of Oklahoma and each af-
8 fected federally recognized Indian
9 tribe; and

10 (D) be completed not later than 2 years
11 after the date of enactment of this Act.

12 (b) APPROVAL.—

13 (1) STATE APPROVAL.—

14 (A) IN GENERAL.—Not later than 60 days
15 after the date on which the survey under sub-
16 section (a)(1) is completed, the Secretary shall
17 submit the survey for approval to—

18 (i) the Texas General Land Office, in
19 consultation with each affected federally
20 recognized Indian tribe; and

21 (ii) the Oklahoma Commissioners of
22 the Land Office, in consultation with the
23 attorney general of the State of Oklahoma
24 and each affected federally recognized In-
25 dian tribe.

1 (B) TIMING OF APPROVAL.—Not later
2 than 60 days after the date of receipt of the
3 survey under subparagraph (A), the Texas Gen-
4 eral Land Office, in consultation with each af-
5 fected federally recognized Indian tribe, and the
6 Oklahoma Commissioners of the Land Office, in
7 consultation with the attorney general of the
8 State of Oklahoma and each affected federally
9 recognized Indian tribe, shall determine wheth-
10 er to approve the survey.

11 (C) SURVEYS OF INDIVIDUAL PARCELS.—

12 (i) IN GENERAL.—Surveys of indi-
13 vidual parcels in the affected area shall be
14 conducted in accordance with this section.

15 (ii) APPROVAL OR DISAPPROVAL.—A
16 survey of an individual parcel conducted
17 under clause (i) shall be approved or dis-
18 approved, on an individual basis, by the
19 Texas General Land Office, in consultation
20 with each affected federally recognized In-
21 dian tribe, and the Oklahoma Commis-
22 sioners of the Land Office, in consultation
23 with the attorney general of the State of
24 Oklahoma and each affected federally rec-

1 ognized Indian tribe, by not later than 60
2 days after the date of receipt of the survey.

3 (2) NO FEDERAL APPROVAL REQUIRED.—The
4 survey conducted under subsection (a)(1), and any
5 survey of an individual parcel described in para-
6 graph (1)(C), shall not be submitted to the Sec-
7 retary for approval.

8 (c) NOTICES.—

9 (1) SECRETARY.—Not later than 60 days after
10 the date on which a survey for an individual parcel
11 is approved by the Texas General Land Office and
12 the Oklahoma Commissioners of the Land Office, in
13 consultation with the attorney general of the State
14 of Oklahoma, under subsection (b)(1)(C), the heads
15 of those offices shall submit to the Secretary—

16 (A) a notice of the approval of the survey;
17 and

18 (B) a copy of—

19 (i) the survey; and

20 (ii) any field notes relating to the in-
21 dividual parcel.

22 (2) ADJACENT LANDOWNERS.—Not later than
23 30 days after the date on which the Secretary re-
24 ceives a notice relating to an individual parcel under
25 paragraph (1), the Secretary shall provide to each

1 landowner of land adjacent to the individual par-
2 cel—

3 (A) a notice of the approval of the survey;

4 and

5 (B) a copy of—

6 (i) the survey; and

7 (ii) any field notes relating to the in-
8 dividual parcel.

9 **SEC. 4. EFFECT OF ACT.**

10 Nothing in this Act—

11 (1) modifies any interest of the State of Okla-
12 homa or Texas, or the sovereignty, property, or trust
13 rights of any federally recognized Indian tribe, relat-
14 ing to land located north of the South Bank bound-
15 ary line, as established by the survey;

16 (2) modifies any land patented under the Act of
17 December 22, 1928 (45 Stat. 1069, chapter 47; 43
18 U.S.C. 1068) (commonly known as the “Color of
19 Title Act”), before the date of enactment of this Act;

20 (3) modifies or supersedes the Red River
21 Boundary Compact enacted by the States of Okla-
22 homa and Texas and consented to by Congress pur-
23 suant to Public Law 106–288 (114 Stat. 919);

24 (4) creates or reinstates any Indian reservation
25 or any portion of such a reservation; or

1 (5) alters any valid right of the State of Okla-
2 homa or the Kiowa, Comanche, or Apache Indian
3 tribes to the mineral interest trust fund established
4 under the Act of June 12, 1926 (44 Stat. 740, chap-
5 ter 572).

6 **SEC. 5. AUTHORIZATION OF APPROPRIATIONS.**

7 There is authorized to be appropriated to the Sec-
8 retary to carry out this Act \$1,000,000.

 Passed the House of Representatives February 14,
2017.

Attest:

KAREN L. HAAS,

Clerk.