

**Calendar No. 687**115<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION**S. 90**

To survey the gradient boundary along the Red River in the States of Oklahoma and Texas, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

JANUARY 10, 2017

Mr. CORNYN (for himself and Mr. CRUZ) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

FEBRUARY 28, 2017

Committee discharged; referred to the Committee on Energy and Natural Resources

NOVEMBER 29, 2018

Reported by Ms. MURKOWSKI, without amendment

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**A BILL**

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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Red River Gradient  
5 Boundary Survey Act”.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

3 (1) **AFFECTED AREA.**—

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

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

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

18 The term “gradient boundary survey method”  
19 means the measurement technique used to locate the  
20 South Bank boundary line in accordance with the  
21 methodology established in *Oklahoma v. Texas*, 261  
22 U.S. 340 (1923) (recognizing that the boundary line  
23 along the Red River is subject to change due to ero-  
24 sion and accretion).

25 (3) **LANDOWNER.**—The term “landowner”  
26 means any individual, group, association, corpora-

1 tion, federally recognized Indian tribe or member of  
2 such an Indian tribe, or other private or govern-  
3 mental legal entity that owns an interest in land in  
4 the affected area.

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

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

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

15 (B) usually serves, as specified in the fifth  
16 paragraph of *Oklahoma v. Texas*, 261 U.S. 340  
17 (1923)—

18 (i) to confine the waters within the

19 bed; and

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

21 (6) SOUTH BANK BOUNDARY LINE.—The term  
22 “South Bank boundary line” means the boundary,  
23 with respect to title and ownership, between the  
24 States of Oklahoma and Texas identified through  
25 the gradient boundary survey method that does not

1 impact or alter the permanent political boundary line  
2 between the States along the Red River, as outlined  
3 under article II, section B of the Red River Bound-  
4 ary Compact enacted by the States and consented to  
5 by Congress pursuant to Public Law 106–288 (114  
6 Stat. 919).

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

8 (a) SURVEY REQUIRED.—

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

12 (2) REQUIREMENTS.—The survey shall—

13 (A) adhere to the gradient boundary sur-  
14 vey method;

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

16 (C) be conducted by surveyors that are—

17 (i) licensed and qualified to conduct  
18 official gradient boundary surveys; and

19 (ii) selected jointly by and operating  
20 under the direction of—

21 (I) the Texas General Land Of-  
22 fice, in consultation with each affected  
23 federally recognized Indian tribe; and

24 (II) the Oklahoma Commis-  
25 sioners of the Land Office, in con-

1                   sultation with the attorney general of  
2                   the State of Oklahoma and each af-  
3                   fected federally recognized Indian  
4                   tribe; and

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

7           (b) APPROVAL.—

8               (1) STATE APPROVAL.—

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

13                       (i) the Texas General Land Office, in  
14                       consultation with each affected federally  
15                       recognized Indian tribe; and

16                       (ii) the Oklahoma Commissioners of  
17                       the Land Office, in consultation with the  
18                       attorney general of the State of Oklahoma  
19                       and each affected federally recognized In-  
20                       dian tribe.

21                   (B) TIMING OF APPROVAL.—Not later  
22                  than 60 days after the date of receipt of the  
23                  survey under subparagraph (A), the Texas Gen-  
24                  eral Land Office, in consultation with each af-  
25                  fected federally recognized Indian tribe, and the

1 Oklahoma Commissioners of the Land Office, in  
 2 consultation with the attorney general of the  
 3 State of Oklahoma and each affected federally  
 4 recognized Indian tribe, shall determine wheth-  
 5 er to approve the survey.

6 (C) SURVEYS OF INDIVIDUAL PARCELS.—

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

10 (ii) APPROVAL OR DISAPPROVAL.—A  
 11 survey of an individual parcel conducted  
 12 under clause (i) shall be approved or dis-  
 13 approved, on an individual basis, by the  
 14 Texas General Land Office, in consultation  
 15 with each affected federally recognized In-  
 16 dian tribe, and the Oklahoma Commis-  
 17 sioners of the Land Office, in consultation  
 18 with the attorney general of the State of  
 19 Oklahoma and each affected federally rec-  
 20 ognized Indian tribe, by not later than 60  
 21 days after the date of receipt of the survey.

22 (2) NO FEDERAL APPROVAL REQUIRED.—The  
 23 survey conducted under subsection (a)(1), and any  
 24 survey of an individual parcel described in para-

1 graph (1)(C), shall not be submitted to the Sec-  
 2 retary for approval.

3 (c) NOTICES.—

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

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

12 and

13 (B) a copy of—

14 (i) the survey; and

15 (ii) any field notes relating to the in-  
 16 dividual parcel.

17 (2) ADJACENT LANDOWNERS.—Not later than  
 18 30 days after the date on which the Secretary re-  
 19 ceives a notice relating to an individual parcel under  
 20 paragraph (1), the Secretary shall provide to each  
 21 landowner of land adjacent to the individual par-  
 22 cel—

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

24 and

25 (B) a copy of—

- 1 (i) the survey; and
- 2 (ii) any field notes relating to the in-
- 3 dividual parcel.

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

5 Nothing in this Act—

6 (1) modifies any interest of the State of Okla-  
7 homa or Texas, or the sovereignty, property, or trust  
8 rights of any federally recognized Indian tribe, relat-  
9 ing to land located north of the South Bank bound-  
10 ary line, as established by the survey;

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

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

19 (4) creates or reinstates any Indian reservation  
20 or any portion of such a reservation; or

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



1 **SEC. 5. AUTHORIZATION OF APPROPRIATIONS.**

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

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