



H.R. 428—Red River Gradient Boundary Survey Act (Rep. Thornberry, R-TX)

CONTACT: [Noelani Bonifacio](mailto:Noelani.Bonifacio@hhs.gov), 202-226-9719

FLOOR SCHEDULE:

Scheduled for consideration on February 14, 2017, under a [closed rule](#).

TOPLINE SUMMARY:

[H.R. 428](#) would require the Secretary of the Interior to commission a survey to identify the South Bank boundary line of the Red River between Texas and Oklahoma.

COST:

A Congressional Budget Office (CBO) cost estimate is not available at this time.

CONSERVATIVE CONCERNS:

- **Expand the Size and Scope of the Federal Government?** No.
- **Encroach into State or Local Authority?** No.
- **Delegate Any Legislative Authority to the Executive Branch?** No.
- **Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits?** No.

DETAILED SUMMARY AND ANALYSIS:

This bill would require the Secretary of the Interior, acting through the Director of the Bureau of Land Management, to commission a survey in order to identify the South Bank boundary line along 116 miles of the Red River in Oklahoma and Texas. The survey is necessary to resolve disputed property claims between the federal government and local property holders resulting from an imprecisely defined boundary and geographic changes in the path or the Red River over many decades. More information on the history of property rights issues along the Red River is available from the [Texas Public Policy Foundation](#).

The survey must use the [gradient boundary method](#) and the surveyors must be licensed and qualified in this method. They will be selected by the Texas General Land Office, and the Oklahoma Commissioners of the Land Office, which must consult with the Oklahoma Attorney General. Both offices must also consult with federally recognized Indian tribes that are affected by the survey. Furthermore, the survey must be completed within 2 years of enactment. After its completion, the survey must be approved by the aforementioned land offices within 60 days of receipt. Surveys of individual parcels must also be approved within 60 days. These surveys will not be submitted to the Secretary of the Interior for federal approval.

Once an individual parcel's survey is approved, the heads of the Texas General Land Office and Oklahoma Commissioners of the Land Office, in consultation with the Oklahoma Attorney General, must submit a notice of approval to the Secretary of the Interior along with a copy of the survey. The Secretary must then submit a notice of approval and copy of the survey to adjacent landowners.

This bill would not change the interest of Texas or Oklahoma in the land located north of the boundary land of the South Bank, or affect the trust, sovereignty, or property rights of Indian tribes which are federally recognized. The bill would not change any land that was previously patented under the "Color of Title Act" ([43 USC 1068](#)), modify or supersede the Red River Boundary Compact ([Public Law 106-228](#)), create or reinstate any part of an Indian Reservation or alter mineral interest trust fund rights of the Kiowa, Comanche or Apache tribes of the State of Oklahoma, as established by [44 Stat. 740, chapter 572](#).

Finally, this bill authorizes \$1,000,000 to the Secretary to carry out this Act.

H.R. 428 contains similar language to [H.R. 2130](#) which passed the House in the 114th Congress by a vote of [253-177](#) on December 9, 2016. The RSC's legislative bulletin for H.R. 2130 can be found [here](#).

Changes from previously passed legislation (H.R. 2130):

- H.R. 428 contains a \$1,000,000 authorization that was not included in previously passed legislation.
- H.R. 428 specifically excludes from the survey the portion of the Red River identified on the February 28, 2006 BLM survey entitled "Township 5 South, Range 14 West, of the Indian Meridian, Oklahoma, Dependent Resurvey and Survey".
- The bill also specifies that this survey does not impact the permanent political boundary line between Texas and Oklahoma along the Red River.
- H.R. 428 specifies that the Texas General Land Office and the Oklahoma Commissioners of the Land Office will select surveyors and approve the survey jointly, as opposed to the Texas General Land Office consulting with the Oklahoma Commissioners of the Land Office.
- The bill requires the Oklahoma Commissioners of the Land Office to consult with the attorney general of Oklahoma.
- Sets up a 60-day timeline for approval.
- Includes surveys of individual parcels. Previously passed legislation specifically excluded individual parcels for survey.
- Makes explicit that federal approval of the survey is not required.
- Removes language regarding appeal, judicial review, patents, right of refusal and competitive sale and resource management plans.

COMMITTEE ACTION:

H.R. 428 was introduced on January 10, 2017 and referred to the House Committee on Natural Resources.

ADMINISTRATION POSITION:

A Statement of Administration Policy is not available.

CONSTITUTIONAL AUTHORITY:

According to the sponsor, Congress has the power to enact this legislation pursuant to the following: "Congress has the power to enact this legislation pursuant to the following: Article I, Section 8 and Article IV, Section 3 of the United States Constitution."