

113TH CONGRESS  
2D SESSION

# S. 2537

To provide legal certainty to property owners along the Red River in Texas,  
and for other purposes.

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IN THE SENATE OF THE UNITED STATES

JUNE 26, 2014

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

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## A BILL

To provide legal certainty to property owners along the Red  
River in 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 Private  
5       Property Protection Act”.

6       **SEC. 2. FINDINGS.**

7       Congress finds as follows:

8               (1) In 1923, the Supreme Court found the bor-  
9       der between Texas and Oklahoma to be: “the water-  
10      washed and relatively permanent elevation or accliv-

1       ity at the outer line of the river bed which separates  
2       the bed from the adjacent upland, whether valley or  
3       hill, and serves to confine the waters within the bed  
4       and to preserve the course of the river, and that the  
5       boundary intended is on and along the bank at the  
6       average or mean level attained by the waters in the  
7       periods when they reach and wash the bank without  
8       overflowing it. When we speak of the bed, we include  
9       all of the area which is kept practically bare of vege-  
10      tation by the wash of the waters of the river from  
11      year to year in their onward course, although parts  
12      of it are left dry for months at a time, and we ex-  
13      clude the lateral valleys, which have the characteris-  
14      tics of relatively fast land and usually are covered by  
15      upland grasses and vegetation, although temporarily  
16      overflowed in exceptional instances when the river is  
17      at flood.”.

18           (2) This would become known as the “gradient  
19      boundary”.

20           (3) This decision makes clear that, absent  
21      water that is physically touching the bank, the high  
22      bluff or “ancient bank” along the southern edge of  
23      the Red River is not the boundary between Texas  
24      and Oklahoma.

1           (4) In 2000, Public Law 106–288 ratified the  
2       Red River Boundary Compact agreed to and signed  
3       into State law by Texas and Oklahoma that sets the  
4       boundary between the States to be the vegetation  
5       line on the south bank of the Red River, except for  
6       the Texoma area where the boundary is established  
7       pursuant to procedures provided for in the Compact.

8           (5) Therefore, the Bureau of Land Manage-  
9       ment should have no claim to land that is either  
10      south of the “gradient boundary” established by the  
11      Supreme Court or south of the vegetation line on the  
12      southern bank of the Red River pursuant to Public  
13      Law 106–288 whereby landowners have proof of  
14      their right, title, and interest to the land and have  
15      been paying property taxes accordingly.

16 **SEC. 3. ISSUANCE OF QUIT CLAIM DEEDS.**

17       (a) IN GENERAL.—The Secretary shall relinquish  
18      and shall transfer by quit claim deed all right, title, and  
19      interest of the United States in and to Red River lands  
20      to any claimant who demonstrates to the satisfaction of  
21      the Secretary that official county or State records indicate  
22      that the claimant holds all right, title, and interest to  
23      those lands.

24       (b) PUBLIC NOTIFICATION.—The Secretary shall  
25      publish in the Federal Register and on official and appro-

1 puate Web sites the process to receive written and/or elec-  
 2 tronic submissions of the documents required under sub-  
 3 section (a). The Secretary shall treat all proper notifica-  
 4 tions received from the claimant as fulfilling the satisfac-  
 5 tion requirements under subsection (a).

6 (c) STANDARD OF APPROVAL.—The Secretary shall  
 7 accept all official county and State records as filed in the  
 8 county on the date of submission proving right, title, and  
 9 interest.

10 (d) TIME PERIOD FOR APPROVAL OR DISAPPROVAL  
 11 OF REQUEST.—The Secretary shall approve or disapprove  
 12 a request for a quit claim deed under subsection (a) not  
 13 later than 120 days after the date on which the written  
 14 request is received by the Secretary. If the Secretary fails  
 15 to approve or disapprove such a request by the end of such  
 16 120-day period, the request shall be deemed to be ap-  
 17 proved.

18 **SEC. 4. RESOURCE MANAGEMENT PLAN.**

19 The Secretary shall ensure that no parcels of Red  
 20 River lands are treated as Federal land for the purpose  
 21 of any resource management plan until the Secretary has  
 22 ensured that such parcels are not subject to transfer under  
 23 section 3.

24 **SEC. 5. DEFINITIONS.**

25 For the purposes of this Act—

1           (1) the term “Red River lands” means lands  
2           along the approximately 539-mile stretch of the Red  
3           River between the States of Texas and Oklahoma;  
4           and

5           (2) the term “Secretary” means the Secretary  
6           of the Interior, acting through the Director of Bu-  
7           reau of Land Management.

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