

113TH CONGRESS
2D SESSION

S. _____

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

IN THE SENATE OF THE UNITED STATES

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

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 p r i a t e Web sites the process to receive written and/or elec-
2 t r o n i c submissions of the documents required under sub-
3 s e c t i o n (a). The Secretary shall treat all proper notifica-
4 t i o n s received from the claimant as fulfilling the satisfac-
5 t i o n 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.