

Union Calendar No. 531

113TH CONGRESS
2^D SESSION

H. R. 4979

[Report No. 113–700]

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

IN THE HOUSE OF REPRESENTATIVES

JUNE 26, 2014

Mr. THORNBERRY (for himself, Mr. FLORES, Mr. MARCHANT, Mr. BURGESS,
and Mr. NEUGEBAUER) introduced the following bill; which was referred
to the Committee on Natural Resources

DECEMBER 22, 2014

Additional sponsors: Mr. STOCKMAN, Mr. McCAUL, Mr. WEBER of Texas, Mr.
FARENTHOLD, Mr. GOHMERT, Mr. OLSON, Mr. LANKFORD, Mr. CARTER,
and Mr. SAM JOHNSON of Texas

DECEMBER 22, 2014

Reported with an amendment, committed to the Committee of the Whole
House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italic*]

[For text of introduced bill, see copy of bill as introduced on June 26, 2014]

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 Prop-*
5 *erty Protection Act”.*

6 **SEC. 2. DISCLAIMER OF INTEREST.**

7 *The Secretary hereby disclaims any right, title, and*
8 *interest to all Red River lands located south of the South*
9 *Bank of the Red River. This Act does not change or affect*
10 *in any manner the sovereignty rights of federally recognized*
11 *Indian tribes over lands located to the north of the South*
12 *Bank of the Red River. Tribal sovereignty rights continue*
13 *to be established and defined by controlling Federal law.*

14 **SEC. 3. CLAIMS PROCESS AND ISSUANCE OF DEEDS.**

15 *(a) IN GENERAL.—The Secretary shall relinquish, dis-*
16 *claim, and shall transfer by special warranty deed all right,*
17 *title, and interest of the United States in and to Red River*
18 *lands to any claimant who demonstrates to the satisfaction*
19 *of the Secretary that the claimant—*

20 *(1) holds all right, title, and interest under a*
21 *chain of title for at least 30 years from the time of*
22 *submission;*

23 *(2) has a deed recorded in the appropriate coun-*
24 *ty; and*

1 (3) *has paid all taxes assessed on the land and*
2 *any interest and penalties associated with any period*
3 *of tax delinquency.*

4 (b) *PUBLIC NOTIFICATION.—The Secretary shall pub-*
5 *lish in the Federal Register and on official and appropriate*
6 *Web sites the process to receive written and/or electronic*
7 *submissions of the documents required under subsection (a).*
8 *The Secretary shall treat all proper notifications received*
9 *from the claimant as fulfilling the satisfaction requirements*
10 *under subsection (a).*

11 (c) *STANDARD OF APPROVAL.—The Secretary shall ac-*
12 *cept all official county and State records as filed in the*
13 *county on the date of submission proving right, title, and*
14 *interest, including all land accreted to those lands identified*
15 *by such records by the processes of erosion and accretion.*

16 (d) *TIME PERIOD FOR APPROVAL OR DISAPPROVAL OF*
17 *REQUEST.—The Secretary shall approve or disapprove a*
18 *request for a special warranty deed under subsection (a)*
19 *not later than 180 days after the date on which the written*
20 *request is received by the Secretary. If the Secretary fails*
21 *to approve or disapprove such a request by the end of such*
22 *180-day period, the request shall be deemed to be approved.*

23 (e) *REQUIREMENTS FOR DECISION.—Any final deci-*
24 *sion by the Secretary must contain—*

1 (1) a field note description used to determine the
2 property claim, which must be—

3 (A) sufficient to locate the land on the
4 ground;

5 (B) consistent with the claimant's deed; and

6 (C) include all land accreted to the claim-
7 ant by the processes of erosion and accretion;

8 (2) an accurate plat of the land that is—

9 (A) consistent with the field notes; and

10 (B) prepared by a Texas licensed State land
11 surveyor; and

12 (3) any other matters required by law or as the
13 Secretary considers appropriate consistent with the
14 provisions and intent of this Act.

15 **SEC. 4. ADMINISTRATIVE HEARING.**

16 (a) *IN GENERAL.*—The Secretary shall establish proce-
17 dures for an administrative hearing—

18 (1) for a claimant to appeal the final decision
19 made pursuant to section 3 regarding a claim by Sec-
20 retary to the claimant's property; and

21 (2) to adjudicate disputes between two or more
22 private property owners who have interest claims that
23 overlap pursuant to documents submitted under sec-
24 tion 3.

1 (b) *JUDICIAL RESOLUTION.*—*If after the final deter-*
 2 *mination has been issued under subsection (a) and the pri-*
 3 *vate property owner disputes the decision, the private prop-*
 4 *erty owner may pursue a claim in a Federal district court*
 5 *within the State of Texas.*

6 **SEC. 5. RESOURCE MANAGEMENT PLAN.**

7 *The Secretary shall ensure that no parcels of Red River*
 8 *lands are treated as Federal land for the purpose of any*
 9 *resource management plan until the Secretary has ensured*
 10 *that such parcels are not subject to transfer under section*
 11 *3.*

12 **SEC. 6. CONSTRUCTION.**

13 *Nothing in this Act shall alter—*

14 (1) *any present or future rights and interests of*
 15 *the Kiowa, Comanche, and Apache Tribes and their*
 16 *members or Indian successors-in interest;*

17 (2) *any tribal trust lands;*

18 (3) *allotted lands that may be held in trust or*
 19 *lands subject to a Federal restriction against alien-*
 20 *ation;*

21 (4) *any boundaries of lands owned by the tribes*
 22 *referred to in paragraph (1), including lands referred*
 23 *to in paragraphs (2) and (3), pursuant to the gra-*
 24 *dient boundary survey method; and*

1 (5) *the sovereign rights, jurisdiction, or other*
 2 *governmental interests of the Kiowa, Comanche, and*
 3 *Apache Tribes and their members or Indian succes-*
 4 *sors-in interest existing or which may be acknowl-*
 5 *edged by Federal and tribal law.*

6 **SEC. 7. SALE OF REMAINING RED RIVER SURFACE RIGHTS.**

7 (a) *COMPETITIVE SALE OF IDENTIFIED FEDERAL*
 8 *LANDS.*—*After the Secretary has ensured that Red River*
 9 *lands parcels are not subject to transfer under section 3,*
 10 *the Secretary shall offer any and all such remaining identi-*
 11 *fied Federal lands for disposal by competitive sale for not*
 12 *less than fair market value as determined by an appraisal*
 13 *conducted in accordance with nationally recognized ap-*
 14 *praisal standards, including the Uniform Appraisal Stand-*
 15 *ards for Federal Land Acquisitions; and the Uniform*
 16 *Standards of Professional Appraisal Practice.*

17 (b) *EXISTING RIGHTS.*—*The sale of identified Federal*
 18 *lands under this section shall be subject to valid existing*
 19 *tribal, State, and local rights.*

20 (c) *PROCEEDS OF SALE OF LANDS.*—*Net proceeds from*
 21 *the sale of identified Federal lands under this section shall*
 22 *be used to offset any costs associated with this Act.*

23 (d) *REPORT.*—*Not later than 5 years after the date*
 24 *of the enactment of this Act, the Secretary shall submit to*
 25 *the Committee on Natural Resources of the House of Rep-*

1 *representatives and the Committee on Energy and Natural Re-*
2 *sources of the Senate a list of any identified Federal lands*
3 *that have not been sold under subsection (a) and the reasons*
4 *such lands were not sold.*

5 **SEC. 8. DEFINITIONS.**

6 *For the purposes of this Act—*

7 *(1) the term “Red River lands” means lands*
8 *along the approximately 116-mile stretch of the Red*
9 *River from its confluence with the North Fork of the*
10 *Red River on the west to the 98th meridian on the*
11 *east between the States of Texas and Oklahoma;*

12 *(2) the term “Secretary” means the Secretary of*
13 *the Interior, acting through the Director of Bureau of*
14 *Land Management;*

15 *(3) the term “South Bank” means the water-*
16 *washed and relatively permanent elevation or accliv-*
17 *ity, commonly called a cut bank, along the southerly*
18 *or right side of the Red River which separates its bed*
19 *from the adjacent upland, whether valley or hill, and*
20 *usually serves to confine the waters within the bed*
21 *and to preserve the course of the river; as specified in*
22 *the fifth paragraph of the decree rendered March 12,*
23 *1923, in Oklahoma v. Texas, 261 U. S. 340, 43 S. Ct.*
24 *376, 67 L. Ed. 687; and*

1 (4) the term “gradient boundary survey” means
2 the measurement technique used to demarcate a divi-
3 sion of ownership or jurisdiction along the South
4 Bank under the methodology established by the United
5 States Supreme Court which recognizes that the
6 boundary line between the States of Texas and Okla-
7 homa along the Red River is subject to such changes
8 as have been or may be wrought by the natural and
9 gradual processes known as erosion and accretion as
10 specified in the second, third, and fourth paragraphs
11 of the decree rendered March 12, 1923, in *Oklahoma*
12 *v. Texas*, 261 U. S. 340, 43 S. Ct. 376, 67 L. Ed. 687.

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