



## H.R. 2130 — Red River Private Property Protection Act (Rep. Thornberry, R-TX)

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### FLOOR SCHEDULE:

Scheduled for consideration on December 9, 2015, under a [structured rule](#)

### TOPLINE SUMMARY:

[H.R. 2130](#) would authorize the Bureau of Land Management (BLM) to dispose of roughly 30,000 acres of federal land along the border between Texas and Oklahoma.

### COST:

The Congressional Budget Office (CBO) [estimates](#) that enacting the bill would increase net offsetting receipts, which are treated as reductions in direct spending, by \$5 million over the 2018-2025 period; therefore, pay-as-you-go procedures apply. Enacting H.R. 2130 would not affect revenues.

### CONSERVATIVE CONCERNS:

There are no substantive 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:

H.R. 2130 would require the Secretary of the Interior to disclaim any right, title, and interest to the land located south of the South Bank boundary line in the affected area located on the border between Texas and Oklahoma. The bill would require BLM to commission a survey of a 116-mile segment of the Red River and about 160 tracts of land adjacent to the river. The survey would be conducted by licensed state land surveyors chosen by the Texas General Land Office, in consultation with the Oklahoma Commissioners of the Land Office and would not be submitted to BLM for approval. 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 of the Red River over many decades.

The bill would additionally authorize BLM to issue a patent for the surface rights to a parcel of identified federal lands to an applicant, on the payment of \$1.25 per acre. The parcel would have to have been held for more than 20 years under a claim. That is, individuals who have held a parcel in good faith for at least 20 years would be allowed to formally acquire the holding from the federal government at a price of \$1.25 per acre. For property that has not been held in good faith by private owners, the bill would require BLM to notify adjacent landowners that the bureau would accept applications for patents for that parcel for a

period of 210 days, if the Secretary of the Interior determines that a parcel is not subject to appeal from a landowner claiming to hold right over the parcel. Any remaining federal lands identified by the survey would be sold at not less than fair market value, with adjacent property holders maintaining a 60-day right of first refusal.

Finally, the bill would prohibit the Secretary of the Interior from treating a parcel of identified federal lands as federal land for the purposes of a resource management plan if the treatment of such parcel does not comply with the H.R. 2130's provisions.

The House report (H. Rept. 114-327) accompanying H.R. 2130 can be found [here](#).

### **AMENDMENTS MADE IN ORDER:**

- [#1 Bishop \(R-UT\) \(Manager's Amendment\)](#): would clarify certain provisions in the bill to indicate that nothing in the bill would create or reinstate a tribal reservation or any portion of a tribal reservation. The amendment would clarify the judicial review process for a landowner who filed an appeal under the bill and is adversely affected by the state of Texas' final decision. The amendment would clarify that nothing in the bill would be construed to create or reinstate a tribal reservation or any portion of a tribal reservation, nor be construed to alter the valid rights of the Kiowa, Comanche, and Apache Nations to the mineral interest trust fund.
- [#2 Cole \(R-OK\)](#): would authorize BLM to issue a patent for the surface rights to a parcel of identified federal lands to an applicant at fair market value instead of \$1.25 per acre. The amendment would also clarify that nothing in the bill would be construed to alter the present median line of the Red River as it relates to the surface or mineral interests of tribal allottees north of the present median line.

### **COMMITTEE ACTION:**

H.R. 2130 was introduced on April 30, 2015 and was referred to the House Committee on Natural Resources, where it was reported amended on November 4, 2015.

### **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: Article I, Section 8 and Article IV, Section 3 of the United States Constitution."

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