Executive Order 13406—Protecting the Property Rights of the American People

June 23, 2006

By the authority vested in me as President by the Constitution and the laws of the United States of America, and to strengthen the rights of the American people against the taking of their private property, it is hereby ordered as follows:

Section 1. Policy. It is the policy of the United States to protect the rights of Americans to their private property, including by limiting the taking of private property by the Federal Government to situations in which the taking is for public use, with just compensation, and for the purpose of benefiting the general public and not merely for the purpose of advancing the economic interest of private parties to be given ownership or use of the property taken.

Sec. 2. Implementation. (a) The Attorney General shall:

(i) issue instructions to the heads of departments and agencies to implement the policy set forth in section 1 of this order; and

(ii) monitor takings by departments and agencies for compliance with the policy set forth in section 1 of this order.

(b) Heads of departments and agencies shall, to the extent permitted by law:

(i) comply with instructions issued under subsection (a)(i); and

(ii) provide to the Attorney General such information as the Attorney General determines necessary to carry out subsection (a)(ii).

Sec. 3. Specific Exclusions. Nothing in this order shall be construed to prohibit a taking of private property by the Federal Government, that otherwise complies with applicable law, for the purpose of:

(a) public ownership or exclusive use of the property by the public, such as for a public medical facility, roadway, park, forest, governmental office building, or military reservation;

(b) projects designated for public, common carrier, public transportation, or public utility use, including those for which a fee is assessed, that serve the general public and are subject to regulation by a governmental entity;

(c) conveying the property to a nongovernmental entity, such as a telecommunications or transportation common carrier, that makes the property available for use by the general public as of right;

(d) preventing or mitigating a harmful use of land that constitutes a threat to public health, safety, or the environment;

(e) acquiring abandoned property;

(f) quieting title to real property;

(g) acquiring ownership or use by a public utility;

(h) facilitating the disposal or exchange of Federal property; or

(i) meeting military, law enforcement, public safety, public transportation, or public health emergencies.

Sec. 4. General Provisions. (a) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(b) Nothing in this order shall be construed to impair or otherwise affect:

(i) authority granted by law to a department or agency or the head thereof; or

(ii) functions of the Director of the Office of Management and Budget relating to budget, administrative, or legislative proposals.

(c) This order shall be implemented in a manner consistent with Executive Order 12630 of March 15, 1988.

(d) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity against the United States, its departments,
agencies, entities, officers, employees, or
agents, or any other person.

George W. Bush

The White House,

[Filed with the Office of the Federal Register,
8:45 a.m., June 27, 2006]

NOTE: This Executive order was published in the
Federal Register on June 28. This item was not
received in time for publication in the appropriate
issue.

The President's Radio Address
June 24, 2006

Good morning. This past week, I traveled
to Austria and Hungary, where I had produc-
tive meetings with our European allies. We
discussed the challenges and opportunities
we share, including the importance of
spreading prosperity at home and around the
world. It's good to be back home, and I'm
pleased to report that our economy is strong,
growing, and delivering prosperity to more
of our people.

Let me give you a few facts. In the first
quarter of 2006, our economy grew at an
impressive annual rate of 5.3 percent. Since Au-
gust of 2003, America has created more than
5.3 million new jobs, more than all 25 nations
of the European Union combined. Produc-
tivity is growing, and wages are beginning to
rise. And because taxes are low, workers are
keeping more of the money they earn.

Our economy is heading into the summer
on the fast track, and one of the best ways
to keep our momentum going is to restrain
spending in Washington, DC. Earlier this
month, Congress took an important step by
passing an emergency spending bill that
stayed within the strict spending limits I set.
The bill included necessary funding for high
priorities, such as equipping our military and
rebuilding the gulf coast, and it showed disci-
pline in other areas. Congress deserves
credit for meeting my spending limits, and
I was pleased to sign the emergency spending
bill into law.

As Members of Congress show restraint
on spending bills, they also need to make re-
forms in the spending process. Under the
current system, many lawmakers are able to
insert funding for pet projects into large
spending bills. This process is called ear-
marking, and it often results in unnecessary
spending. For example, a bill to fund our
military can be loaded up with unjustified
earmarks and other spending that may not
add to our national security.

This leaves Members of Congress with two
bad options—they can either vote against the
whole bill, including all the worthwhile
spending, or they have to accept the whole
bill, including the wasteful spending. The
President is left with the same dilemma—
either he has to veto the entire bill or sign
the bill and approve the unnecessary spend-
ing.

There's a smarter way to handle taxpayer
dollars, and it begins with granting the Presi-
dent a tool called the line-item veto. A line-
item veto would allow the President to re-
move wasteful spending from a bill while
preserving the rest of the legislation. Forty-
three of our Nation's 50 Governors have line-
item veto authority, and they have used that
authority to remove needless spending from
otherwise good bills.

Ten years ago, Members of Congress from
both parties voted to grant President Clinton
the line-item veto. However, the Supreme
Court ruled that version of the line-item veto
unconstitutional because it took too much
spending authority away from the Congress.
I proposed a new version of the line-item
veto that fixes the problem and gives the
President a clear and constitutional way to
cut wasteful spending. Under my proposal,
the President would identify a list of unnec-
essary items that should be removed from
a larger spending bill. Congress would then
be required to hold a prompt up-or-down
vote on the list.

A line-item veto would give the President
a way to insist on greater discipline in the
budget. A line-item veto would reduce the
incentive for Congress to spend wastefully
because when lawmakers know their pet
projects will be held up to public scrutiny,
they will be less likely to suggest them in
the first place. Most importantly, a line-item
veto would benefit American taxpayers by
ensuring greater respect for their hard-
earned dollars.