

Week Ending Friday, June 30, 2006

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 pub-

lic 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,
June 23, 2006.

[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 productive 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 August of 2003, America has created more than 5.3 million new jobs, more than all 25 nations of the European Union combined. Productivity 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 discipline 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 reforms 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 earmarking, 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 spending.

There's a smarter way to handle taxpayer dollars, and it begins with granting the President a tool called the line-item veto. A line-item veto would allow the President to remove 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 unnecessary 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.