



ACCOUNTABILITY | INTEGRITY | RULE OF LAW

EXECUTIVE ORDER

NAVAL QUARANTINE, SUSPENSION OF ARMS TRANSFERS, AND REVIEW OF UNITED STATES ASSISTANCE TO ISRAEL

By the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered as follows:

Section 1. Purpose and Policy.

It is the policy of the United States to prevent United States weapons, defense articles, defense services, and federal financial assistance from being transferred to the Government of Israel except as affirmatively authorized by law and consistent with the national security and foreign-policy interests of the United States. This order directs the maximum lawful suspension, review, and control of such transfers while preserving the constitutional authorities of Congress and all mandatory statutory requirements.

Sec. 2. Establishment of a Naval Quarantine Framework.

- (a) The Secretary of Defense shall establish and maintain a naval quarantine framework in waters where United States forces may lawfully operate for surveillance, identification, tracking, and monitoring of maritime shipments reasonably believed to contain weapons, ammunition, military equipment, or other controlled defense articles destined for Israel.
- (b) United States naval forces may conduct non-hostile operations, including surveillance, presence operations, communications, and other activities authorized by existing law. No vessel shall be forcibly stopped, boarded, diverted, seized, or subjected to force under this order unless the President has identified an independently sufficient constitutional or statutory basis for that specific action and all applicable requirements of the War Powers Resolution and international law have been satisfied.
- (c) The Secretary of Defense and Secretary of State shall immediately prepare operational and diplomatic options for implementing a Kennedy-era-style weapons quarantine should Congress, a competent international body, or another legally sufficient authority authorize forcible interdiction.

Sec. 3. Suspension of New Discretionary Arms Transfers.

- (a) To the maximum extent permitted by the Arms Export Control Act, Foreign Assistance Act, annual appropriations acts, and other applicable law, the Secretaries of State and Defense shall suspend approval of new discretionary Foreign Military Sales cases, export licenses, letters of offer and acceptance, grants, transfers, and deliveries of defense articles or defense services to Israel pending the review required by this order.
- (b) The Secretary of State shall identify any transaction that the Executive Branch lacks legal authority to suspend and shall provide the President a written explanation identifying the controlling statutory requirement.
- (c) Nothing in this section shall be construed to cancel or permanently withhold funds or transfers that federal law requires the Executive Branch to execute.

Sec. 4. Arms Export Control Act Review.

The Secretary of State, in consultation with the Secretary of Defense and Attorney General, shall conduct an expedited review under 22 U.S.C. § 2753 and related provisions to determine whether credible information establishes a substantial violation of an agreement governing the use, transfer, or security of United States-furnished defense articles or services. If the President makes a determination of ineligibility authorized by law, the responsible agencies shall terminate or suspend qualifying credits, guarantees, sales, or deliveries to the extent required or permitted by statute and shall transmit all required reports to Congress.

Sec. 5. Federal Financial Assistance and Appropriated Funds.

(a) The Director of the Office of Management and Budget, Secretary of State, Secretary of Defense, and Secretary of the Treasury shall identify all unobligated, discretionary United States assistance, financing, grants, guarantees, reimbursements, and other payments benefiting the Government of Israel and shall suspend or defer such amounts only where existing law expressly permits.

(b) For appropriated budget authority that the President proposes Congress permanently cancel, the Director of OMB shall prepare any special message permitted by the Impoundment Control Act, including a rescission proposal under 2 U.S.C. § 683. Amounts may be withheld pending congressional consideration only for the period and under the conditions authorized by that Act; absent congressional enactment of a rescission, the funds shall be made available as required by law.

(c) The Secretary of the Treasury shall not independently refuse to execute a congressionally mandated payment merely because this order expresses a contrary policy preference.

Sec. 6. Export Licensing and United States-Origin Weapons.

The Secretary of State and Secretary of Commerce shall, within their respective statutory jurisdictions, pause the issuance of new discretionary licenses and authorizations for controlled military items destined for Israel while reviewing whether denial, suspension, revocation, or additional conditions are authorized under applicable export-control law. Existing licenses shall be reviewed individually under the governing statutes and regulations.

Sec. 7. Financial Restrictions and Sanctions Review.

The Secretary of the Treasury, in consultation with the Secretary of State and Attorney General, shall identify any sanctions, transaction restrictions, blocking authorities, or licensing restrictions lawfully available under existing statutes and any properly invoked national-emergency authorities. No person or property shall be sanctioned under this order absent the factual findings and legal predicates required by the applicable statute.

Sec. 8. Humanitarian and Safety Exceptions.

Nothing in this order is intended to obstruct food, medicine, civilian humanitarian relief, emergency medical supplies, or the safe movement of civilians where such movement is lawful. Agencies shall implement appropriate licensing and humanitarian safeguards consistent with applicable law.

Sec. 9. War Powers and Congressional Notifications.

Before any operation under the naval quarantine framework is reasonably expected to place United States Armed Forces into hostilities or a situation in which imminent involvement in hostilities is clearly indicated, the Secretary of Defense and Attorney General shall advise the President concerning the requirements of 50 U.S.C. §§ 1541-1548. The President shall transmit any report required by law and shall seek congressional authorization where the contemplated operation requires such authorization.

Sec. 10. International Law and Diplomatic Action.

The Secretary of State shall pursue diplomatic and, where appropriate, multilateral mechanisms concerning restrictions on weapons shipments to Israel. The Secretary shall advise whether any proposed maritime interdiction is supported by consent, collective-security action, self-defense, a United Nations Security Council measure, or another recognized basis under international law.

Sec. 11. Implementation Report.

Within 15 days, the Secretaries of State, Defense, Treasury, Commerce, and the Attorney General, together with the Director of OMB, shall submit to the President a consolidated report identifying: (1) measures implemented immediately; (2) transfers or payments suspended; (3) transfers that federal law requires to continue; (4) additional statutory authority required from Congress; and (5) legal authority necessary for any forcible maritime interdiction.

Sec. 12. General Provisions.

(a) Nothing in this order shall be construed to impair or otherwise affect authority granted by law to an executive department or agency, or the functions of the Director of OMB relating to budgetary, administrative, or legislative proposals.

(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This order does not create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, officers, employees, agents, or any other person.

THE PRESIDENT

THE WHITE HOUSE,

_____, 20__.

LEGAL DRAFTING NOTE

This proposed order does not treat the label "naval quarantine" as an independent source of authority to use force. Under the War Powers Resolution, Congress has stated that presidential introduction of U.S. forces into hostilities rests on a declaration of war, specific statutory authorization, or an emergency created by an attack on the United States, its territories or possessions, or its armed forces. The 1962 Cuba quarantine occurred in a materially different legal and historical setting, including OAS collective action. The Impoundment Control Act likewise does not provide unilateral permanent cancellation of congressionally appropriated funds.

Authorities consulted: 50 U.S.C. § 1541 et seq.; 22 U.S.C. § 2753; 2 U.S.C. § 683; Department of State historical records concerning the 1962 Cuba quarantine.