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EXECUTIVE ORDER
14439
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PROTECTING THE EXECUTIVE'S PRIVILEGES AND ENHANCING EFFICIENCIES IN FEDERAL CONTRACTING

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the Federal Property and Administrative Services Act (40 U.S.C. 101 *et seq.*) and the common law, it is hereby ordered:

Section 1. Purpose and Policy. In order to protect and serve the American people, the executive branch must be able to work closely with its employees and contractors on sensitive matters without fear that confidential information will be released to unauthorized third parties. The doctrine of executive privilege, which the Supreme Court has recognized is inextricably rooted in the separation of powers under the Constitution, protects confidential executive branch information from disclosure. Protecting this information from unauthorized disclosure, including to members of the Congress, is vital to the functioning of the executive branch.

The ability of the Congress to seek executive branch information is limited; it cannot seek information from executive branch departments and agencies (agencies), employees, or Federal contractors without a valid legislative purpose that does not intrude on core Executive functions. Nor can the Congress obtain privileged information, including information shared between Federal employees and Federal contractors, before the executive branch has an opportunity to assert relevant privileges. Despite these bedrock protections, certain congressional leaders have threatened to intrude on these Executive prerogatives by seeking confidential executive branch

information from agencies and harassing private companies that contract with the Federal Government. The executive branch has a compelling interest in its confidential information, and the right to protect that information from disclosure even by Federal contractors pursuant to a congressional request.

A lack of coordination between Federal contractors and the executive branch undermines the ability of contractors to provide economical and efficient goods and services. If Federal contractors fail to provide timely notice and coordinate with the White House and agencies prior to responding to congressional requests for information, the executive branch may be required to intervene or engage in separate litigation to defend its rights. Federal contractors also may be unaware of the executive branch's interests and positions, resulting in duplicative and wasteful efforts. Federal contractors and the executive branch engaging in separate strategies and litigation regarding the same requests and information is inefficient and wastes taxpayer resources. Moreover, the executive branch engages in sensitive and vital work with contractors, including on matters of national and homeland security. Such work often involves confidential information. If the executive branch cannot be assured that those communications will remain confidential, agencies and the White House will be chilled from sharing sensitive information with contractors, which will stymie the operation of critical Government programs. An inability to safely and freely share such information with Federal contractors will also substantially reduce the efficiency of those contractors and the work being provided to the public. The executive branch will thus have to find alternative means of carrying out similar functions, reducing and even eliminating reliance on Federal contractors for certain

purposes. Such an outcome is neither efficient nor desirable for the Federal Government or its contractors.

It is therefore the policy of the United States to protect confidential information and enhance economy and efficiency in Federal contracting by preventing and prohibiting uncoordinated disclosures of information pursuant to congressional requests.

Sec. 2. Requirements for Federal Contractors. In order to protect the executive branch's interests and rights, and to ensure economical and efficient work with Federal contractors, all Federal contractors must immediately:

(a) notify the White House and the contracting agencies of any pending or future congressional request respecting the contractors' communications or work with the executive branch; and abide by any instructions received from the White House and contracting agency related to the withholding of communications that the White House or the agency has determined are protected by executive privilege.

(b) Agencies shall coordinate with the White House and contractors on appropriate responses to such congressional requests, including the application or assertion of any relevant privileges.

(c) This section also applies to subcontractors working for a Federal contractor on a Federal contract. Agencies shall take steps to require Federal contractors to be responsible for ensuring that subcontractors working on Federal contracts comply with this section.

Sec. 3. Implementation. (a) Each agency shall promptly inform all contractors and subcontractors of the obligations in this order and shall require such contractors and subcontractors to comply with the requirements set forth in section 2 of this order.

(b) The Office of Management and Budget shall develop guidance on how agencies can ensure that contractors are complying with the requirements set forth in section 2 of this order and steps that agencies should take to ensure adequate coordination between the contracting agencies, contractors, and White House to enhance efficiency and the protection of Executive information.

Sec. 4. Enforcement. If a Federal contractor or subcontractor fails to comply with the requirements set forth in section 2 of this order, contracting agencies shall consider whether to take all appropriate actions, consistent with applicable law, to enforce the terms of this order, including the potential termination or cancellation of contracts and the potential debarment or suspension of contractors.

Sec. 5. Severability. If any provision of this order, or the application of any provision to any person or circumstance, is held to be invalid, the remainder of this order and the application of its provisions to any other persons or circumstances shall not be affected thereby.

Sec. 6. General Provisions. (a) Nothing in this order shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department or agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget 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 is not intended to, and 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, or entities, its officers, employees, or agents, or any other person.

(d) The costs for publication of this order shall be borne by the Department of Labor.

THE WHITE HOUSE,

November 20, 2026.

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