

**From:** Northwest Indian Housing Association <info@nwiha.org>  
**Sent:** Wednesday, January 29, 2025 11:55 AM  
**To:** annecook@coquilleiha.org  
**Subject:** Executive Orders and OMB Guidance Updates



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## **Executive Orders, OMB Guidance and Tribal Housing**

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Greetings, NWIHA Members,

*With guidance from Ed Goodman, of Hobbs, Straus, Dean & Walker LLP, we would like to share the following information that Ed has prepared with you:*

We know that all of you are likely dealing with concerns related to the OMB's pause in federal funding issued on January 27, 2025, and that you found yourself unable to access eLOCCS starting yesterday. We wanted to let you know that OMB has just rescinded the "pause" **in a very brief memo**. HUD headquarters has informed us that Tribes and TDHEs should now have full access to eLOCCS restored.

We do not know the reasons for the abrupt reversal by the Administration, as no explanation was provided in the attached memo. There were two lawsuits filed and one of them received a temporary stay. There was also some pushback by members of Congress, who were hearing from their constituents. We note that there is a process for an Administration to do more targeted, limited pauses in funding that requires notice and justification be sent to Congress. This process was established under the Impoundment Control Act, which authorizes two types of impoundments: deferrals and rescissions. Both require notice and justification to Congress. A deferral occurs when an agency temporarily withholds funds from obligation or expenditure, and deferrals are

authorized only to provide for contingencies, to achieve savings made possible by changes in requirements or greater efficiency of operations, or as otherwise specifically provided by law. A rescission is the proposed cancellation of budget authority that has been provided by Congress before that authority would otherwise expire. Once a rescission is proposed to Congress, the President can withhold the budget authority for 45 days while Congress is in continuous session. Unless Congress completes action on a rescission bill to approve the proposed rescission within that time, the budget authority must be made available for obligation.

We provide this information namely to advise you that if the Administration is still interested in pursuing some kind of pause in funding to accomplish the review intended, it has a means to do so. We therefore advise that you continue to make contingency plans in the event of another pause, including drawing down sufficient funds in advance to cover operations in the event of another short pause (which could be up to 45 days under the statute), as well as to prepare other plans for dealing with a longer pause.

Please reach out to your Grants Management Team at NwONAP for details on how to access funds as expediently as possible, should you pursue this option.

Sincerely,

NWIHA

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