



U.S. Department
of Transportation
**Federal Highway
Administration**

Memorandum

Subject: **INFORMATION**: Emergency Relief (ER) Program
Eligibility of Work Performed by the National Guard

Date: April 4, 2012

David A. Nicol

In Reply Refer to:
HIPA-10

From: David A. Nicol
Director, Office of Program Administration

To: Division Administrators
Directors of Field Services

This memorandum is to advise you of a change in policy concerning the eligibility of National Guard services for ER reimbursement. Our current policy provided in the November 2009 ER Manual states that the National Guard does not fall within the range of agencies that are specifically authorized to perform force account work and therefore ER funds cannot be used to pay for National Guard services.

We have determined that an agency may use the workforce of another entity to supplement its own workforce so long as the supplemental workforce is under the agency's direct control. Therefore, we are revising our current policy and allowing ER eligible emergency repair work performed by the National Guard to be reimbursed under the ER Program when such work is not otherwise funded by another federal government agency. Also, to be eligible for ER funding, all ER eligible costs must be properly segregated from other National Guard efforts that are not eligible for ER participation. This revised policy is effective immediately and will be incorporated in the next revision of the ER Manual. If you have any further questions regarding this issue, please contact Greg Wolf at 202-366-4655 or via e-mail.