

# Building Resilient Infrastructure and Communities Tribal Information

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The Building Resilient Infrastructure and Communities (BRIC) program makes federal funds available for states, the District of Columbia, U.S. territories, federally recognized tribal governments and local governments for natural hazard mitigation activities. This Program Support Material (PSM) provides an overview of BRIC funding and relevant programmatic requirements for federally recognized tribal governments as well as general information on the use of FEMA Grants Outcomes (FEMA GO).

## Background

FEMA is committed to supporting Tribal Nations as they apply for BRIC funding or non-financial direct technical assistance. FEMA also has an interest in capability- and capacity-building (C&CB) and supporting hazard mitigation planning, project scoping, and project application development.

For nearly 20 years, FEMA has provided pre-disaster mitigation funds, supporting and implementing numerous hazard mitigation projects to address all types of natural hazards spanning all levels of government, including federally recognized tribal governments and territorial governments. “Federally recognized tribal government” means any federally recognized governing body of an Indian or Alaska Native Tribe, band, nation, pueblo, village, or community that the Secretary of the Interior acknowledges to exist as an Indian Tribe under the Federally Recognized Indian Tribe List Act of 1994, [Title 25 United States Code Section 479a](#). This does not include Alaska Native corporations, the ownership of which is vested in private individuals.

Any Indian tribe or authorized tribal organization, or Alaska Native village or organization that is not a federally recognized tribe, is included in the definition of “local government” per [Title 44 Code of Federal Regulations Section 201.2](#) and is eligible to apply as a subapplicant to the eligible state or territory.

The [Hazard Mitigation Assistance Mitigation Action Portfolio](#) showcases an array of eligible hazard mitigation activities across the country and includes several projects implemented by federally recognized tribal governments that reduce natural hazard risk and increase community resilience. Applicants and subapplicants are encouraged to review the Mitigation Action Portfolio to learn more about leveraging partnerships and identifying projects to meet tribal needs.



# FEMA

## Applying as an Applicant or Subapplicant







Under the BRIC program, federally recognized tribal governments may apply as (A) an applicant for the Tribal Set-Aside, Tribal Building Code Plus-Up or National Competition, or (B) a subapplicant to an eligible state or territory that is an applicant for the National Competition and subsequently the State or Territory Allocation and the State or Territory Building Code Plus-Up.

In addition, Tribal Nations are eligible to submit a request for BRIC Direct Technical Assistance. For more information, please refer to the [BRIC Direct Technical Assistance](#) web page. Note: Only federally recognized tribal governments are eligible to apply as an applicant to the Tribal Set-Aside. Please see information below on the Tribal Set-Aside.

Other tribal groups that are not federally recognized can apply as a subapplicant to an eligible state or territory but not as an applicant to the Tribal Set-Aside.

The table below highlights the key differences between applying as (A) an applicant to FEMA and (B) a subapplicant to an eligible state or territory.

**Table 1: Applying as an Applicant to FEMA or a Subapplicant to an Eligible State or Territory**

	(A) Tribe that applies as an applicant to FEMA	(B) Tribe that applies as a subapplicant to an eligible state or territory
Develop an application?	 A tribe that applies as an applicant will submit its subapplications to itself (within FEMA GO). The tribe will then submit one application (which will contain one or more subapplications) to FEMA.	 A tribe that applies as a subapplicant will submit one or more subapplications to the state or territory applicant (within FEMA GO). The state or territory applicant will select subapplications to advance to FEMA in its application.
Develop a subapplication?		
Which BRIC funding type?	Tribal Set-Aside, Tribal Building Code Plus-Up or National Competition	State or Territory Allocation, State or Territory Building Code Plus-Up or National Competition
Is there a disaster declaration requirement?	 Tribes applying as applicants must have had a major disaster declaration under the Stafford Act in the seven years prior to the annual application period start date or be entirely or partially located in a state or territory that had a major disaster declaration in the seven years prior to the annual application period start date to apply. <b>All federally recognized tribal governments and Tribal Nations are eligible to apply due to COVID-19 Disaster Declarations.</b>	 Tribes applying as subapplicants do not have a disaster declaration requirement. <b>All states and territories are eligible to apply due to COVID-19 Disaster Declarations.</b>

	(A) Tribe that applies as an applicant to FEMA	(B) Tribe that applies as a subapplicant to an eligible state or territory
Eligible for applicant management costs?	<p><b>YES</b> Tribes applying as <b>applicants</b> may submit up to 10% of the <b>application budget inclusive of subapplicant management costs as applicant management costs.</b> The applicant management costs are submitted as a separate management costs subapplication that will be attached to the application. Uses of the applicant management costs must be distinct from subapplicant management costs and must adhere to the stated uses. If management costs are not requested, they will not be approved. A subapplication for management costs <b>MUST</b> be submitted by the application deadline to be considered.</p>	<p><b>NO</b> Tribes applying as subapplicants are only eligible for subapplicant management costs, not applicant management costs.</p>
Eligible for subapplicant management costs?	<p><b>YES</b> Tribes applying as their own subapplicants may submit up to 5% of the total budget for subapplicant management costs. The total budget refers to the sum of non-federal and federal shares of the proposed C&amp;CB activity or mitigation project. Management costs are included as a line item in the project or C&amp;CB activity subapplication. Uses of subapplicant management costs must adhere to the stated uses and be distinct from applicant management costs. Subapplicant management costs are different from applicant management costs.</p>	<p><b>YES</b> Tribes applying as subapplicants may submit up to 5% of the total budget for subapplicant management costs. The total budget refers to the sum of non-federal and federal shares of the proposed C&amp;CB activity or mitigation project. Management costs are included as a line item in the subapplication.</p>
Eligible for Economically Disadvantaged Rural Community (EDRC) designation (and 90% federal/10% non-federal cost share)?	<p><b>YES</b> If the requirements are met and valid documentation is provided at time of application submission close.</p>	<p><b>YES</b> If the requirements are met and valid documentation is provided at time of application submission close.</p>

	(A) Tribe that applies as an applicant to FEMA	(B) Tribe that applies as a subapplicant to an eligible state or territory
<p>Required to have a tribal hazard mitigation plan?</p>	<p><b>YES</b> Tribes that apply as applicants are required to have a tribal hazard mitigation plan in accordance with <a href="#">Title 44 of the Code of Federal Regulations Part 201</a>. As long as each participating federally recognized tribal government meets the requirements for tribal mitigation planning specified in <a href="#">Title 44 Code of Federal Regulations Section 201.7</a>, federally recognized tribal governments may also elect to participate in multi-jurisdictional plans as either of the following:</p> <ol style="list-style-type: none"> <li>1. Participants in a tribal multi-jurisdictional plan, where all participating entities are federally recognized tribal governments; or</li> <li>2. Participants in a local/tribal multi-jurisdictional plan, where the federally recognized tribal government participates in a planning process with local governments.</li> </ol> <p>The local or tribal hazard mitigation plan must be adopted by the applicant and approved by FEMA by the application deadline and at the time of obligation of grant funds in order to apply for mitigation projects and C&amp;CB activities. For more information on tribal planning, please visit FEMA's <a href="#">Tribal Funding, Mitigation and Planning Resources</a>.</p>	<p><b>YES</b> Tribes that apply as subapplicants are required to have a tribal hazard mitigation plan in accordance with 44 CFR Part 201 <b>for mitigation projects and project scoping subapplications</b>. Tribes and local governments that are not federally recognized can be covered under a local hazard mitigation plan, so long as they meet the local mitigation planning requirements specified in <a href="#">Title 44 Code of Federal regulations Section 201.6</a>.</p> <p>The local or tribal hazard mitigation plan must be adopted by the subapplicant and approved by FEMA by the application deadline and at the time of obligation of grant funds to apply for mitigation projects.</p> <p>----- and -----</p> <p><b>NO</b> Tribes that apply as subapplicants are exempt from the hazard mitigation plan requirement when applying for the following C&amp;CB activity types: (1) mitigation planning and planning-related activities, (2) partnerships, and (3) building codes.</p> <p>Federally recognized tribes acting as the applicant and implementing the award as the subapplicant are not included in this hazard mitigation plan requirement.</p>

## Tribal Set-Aside

Under the BRIC Tribal Set-Aside, federally recognized tribal governments can apply for C&CB activities, mitigation projects, and management costs. Each proposed C&CB activity and mitigation project must be submitted as an individual subapplication; applicants are also required to submit a management costs subapplication. Therefore, a federally recognized tribal government can submit one or more subapplications. For more information about the uses of assistance and additional requirements, please view the [BRIC funding opportunity fact sheet](#).

Within the BRIC Tribal Set-Aside of \$50 million, there is an annual federal share funding cap that only applies to C&CB activities. Applicants first rank all C&CB activity subapplications in order of prioritization, then all mitigation project subapplications in order of prioritization, when applying to the Tribal Set-Aside within FEMA GO. Any funds that are not awarded from the Tribal Set-Aside may be re-allocated to the BRIC National Competition.

## Capability- and Capacity-Building Activities

- These are the four activity types eligible for funding:
  - Adopting and enforcing building code activities
  - Creating partnerships
  - Project scoping
  - Hazard mitigation planning and planning-related activities
- The highest-ranked C&CB activity subapplication must not exceed a \$2 million federal cost share
- The combined cost for all C&CB activities under the Tribal Set-Aside subapplications must not exceed \$2 million federal share per applicant. Subrecipient management costs are included in the funding caps.
- Up to \$1 million of the C&CB cap (\$2 million federal cost share) may be used for mitigation planning and planning-related activities per applicant.
- Up to 10% of a C&CB activity subapplication may be used for information dissemination activities related to the proposed C&CB activity, including public awareness and education (brochures, workshops, videos, etc.).

## Hazard Mitigation Projects

Up to 10% of a mitigation project subapplication may be used for information dissemination activities related to the proposed mitigation project, including public awareness and education (brochures, workshops, videos, etc.)

If FEMA receives more eligible subapplications from tribal applicants than a given year's Tribal Set-Aside, then C&CB activity subapplications and the applicant's highest-ranked mitigation project subapplications will be selected until the Tribal Set-Aside is depleted. All remaining tribal mitigation project subapplications will be transferred and evaluated under the BRIC National Competition.

More information on the Tribal Set-Aside and other programmatic requirements can be found in the BRIC funding opportunity on [Grants.gov](https://www.grants.gov), or on the [FEMA funding opportunities webpage](#).

## Tribal Building Code Plus-Up

In fiscal year 2023, BRIC will allow up to \$25 million to be used for the Tribal Building Code Plus-Up. Under the BRIC Tribal Building Code Plus-Up, federally recognized tribal governments may carry out eligible building code adoption and enforcement activities such as:

- Evaluate adoption and/or implementation of codes that reduce risk
- Enhance existing adopted codes to incorporate more current requirements or higher standards

- Develop professional workforce capabilities relating to building codes through technical assistance and training

Building code adoption activities under this category should adopt building codes based on both the [International Building Code \(IBC\)](#) and the [International Residential Code \(IRC\)](#) model codes published by the [International Code Council \(ICC\)](#) either through mandatory statewide or territory building code adoption requirement or via local code adoption requirement. For any consensus-based codes, specifications, or standards used to carry out these activities, the two most recently published editions may be used.

Note that Building Code Plus-Up funds may only be applied to the eligible building code activities mentioned above. They may not be used for other BRIC eligible projects or activities. Funds that are not allocated to eligible building codes activities will result in loss of funds.

## Tips for Application Development

Developing an application or subapplication for BRIC takes time, but there are general tips a federally recognized tribal government can use to create a competitive and complete application:

### Cost Share

- A non-federal cost share is required for all subapplications funded under BRIC and may consist of cash, donated or third-party in-kind services, materials, or any combination thereof.
- Generally, the cost share is 75% federal / 25% non-federal. Federally recognized tribal governments meeting the definition of an EDRC that apply to FEMA directly as applicants are eligible for a 90% federal / 10% non-federal cost share for their subapplications. See below for information about qualifying for an increased federal cost share as an EDRC.
  - FEMA encourages federally recognized tribal governments to contact their Regional Tribal Affairs Liaison to explore other funding opportunities to use toward the non-federal share.
- Pre-award costs incurred any time prior to the date of the grant award and directly related to developing a BRIC application or subapplication are eligible. Pre-award costs can be counted as non-federal cost share or reimbursed as any other eligible costs.
- FEMA will review hazard mitigation project subapplications during the pre-award process that are competitive and otherwise eligible for selection where an EDRC or federally recognized tribal government subapplication that benefits or primarily benefits a Community Disaster Resilience Zone (CDRZ), as defined in [Title 42 United States Section 5136\(a\)](#), is unable to calculate a benefit-cost ratio to demonstrate cost-effectiveness. FEMA may assist such communities with developing a benefit-cost analysis (BCA).
  - For example, the development of a BCA can be identified and labeled as a pre-award cost in a subapplication and contribute directly toward a tribal government's non-federal cost share.
  - Projects with a total cost of \$1 million or more that qualify for BCA assistance are not required to submit a cost-effectiveness narrative.

## Economically Disadvantaged Rural Communities

EDRCs are eligible for a 90% federal / 10% non-federal cost share. An EDRC is a community of 3,000 or fewer individuals identified by the applicant as economically disadvantaged, with residents having an average per capita annual income not exceeding 80% of the national per capita income based on best available data.

Tribal communities that meet the EDRC definition and provide valid documentation are eligible for an increased federal cost share of up to 90%.

## Community Disaster Resilience Zones

Hazard mitigation projects performed within, or that primarily benefit, [Community Disaster Resilience Zones](#), are eligible for an increase in cost share up to 90% federal / 10% non-federal.

## Typical Ineligible Projects

- Although BRIC funds range of mitigation activities, several activity types are ineligible and should not be submitted. While this is not an exhaustive list, some of these ineligible activities are included below. Additional ineligible projects can be found in the [Hazard Mitigation Assistance Program and Policy Guide](#).
  - Purchasing fire trucks/fire stations
  - Purchasing sandbags
  - Building an emergency operations center
  - Building communications systems or towers

## FEMA GO

- The [FEMA GO application system](#) is the system of record for which BRIC applicants and subapplicants submit, track, and manage their subapplications.
- Tribal governments are encouraged to start the application process early to ensure sufficient time to gain familiarity with the system.
- Tribal governments should connect with their System for Award Management Electronic Business point of contact as they prepare to obtain and assign access roles in FEMA GO.
- More information can be found in the FEMA GO Application and Subapplication Development User Manuals listed on the [FEMA GO homepage](#) or through the subapplication development training playlist on [YouTube](#).
- Applicants experiencing technical problems outside of their control must notify FEMA as soon as possible and no later than 3 p.m. Eastern Time on Tuesday, Feb. 27, 2024.
- Applicants or subapplicants can contact their [FEMA Regional Office](#) for support.

## Technical and Qualitative Evaluation Criteria

All subapplications submitted to the BRIC National Competition are evaluated against technical evaluation criteria. More information about the criteria can be found in the Technical Evaluation Criteria PSM and Qualitative Evaluation Criteria PSM available on the [Program Support Materials](#) web page.

Mitigation projects that meet the threshold for technical evaluation criteria continue in the National Competition and are evaluated against the qualitative evaluation criteria. Tribal governments should include narrative descriptions for the qualitative criteria in the event that submitted projects exceed the Tribal Set-Aside amount and move to the National Competition. C&CB activities will not be evaluated against the technical or qualitative evaluation criteria.

## BRIC Direct Technical Assistance

Federally recognized and non-federally recognized tribal governments (tribal communities) can apply for non-financial direct technical assistance. BRIC Direct Technical Assistance (BRIC DTA) helps communities improve their resilience to natural hazards, build and sustain successful mitigation programs, submit high-quality applications, and implement innovative mitigation projects. Federally recognized tribal governments may submit a request for assistance by completing the [BRIC Direct Technical Assistance Request Form](#) (FEMA Form FF-206-FY-22-155), and sending it to the BRIC DTA submission inbox: [fema-bric-dta-submission@fema.dhs.gov](mailto:fema-bric-dta-submission@fema.dhs.gov). Please see the [BRIC DTA](#) website and the BRIC Direct Technical Assistance PSM found on the [Program Support Materials](#) web page for additional information.

Please note that BRIC subapplications under the Tribal Set-Aside or National Competition are not prerequisites or requirements for receiving BRIC DTA. Additionally, an approved hazard mitigation plan is not a prerequisite or requirement for receiving technical assistance. As a prerequisite to eligibility, FEMA requires that BRIC DTA recipients identify at least two potential community partners to generate deeper community engagement, particularly from historically underrepresented populations and environmental justice stakeholders.

These community partner organizations may be from within or outside the government and may include other departments in the same government agency, nonprofits, non-governmental and community-based organizations, labor unions, advocacy groups, chambers of commerce, major employers or anchor institutions, and philanthropic organizations.

FEMA will prioritize assistance for eligible entities that request BRIC DTA in support of resilience or mitigation activities within, or that primarily benefit, a FEMA-designated Community Disaster Resilience Zone. For more information, the complete listing is available [online](#).

## FEMA Tribal Contacts and Resources

For additional questions, contact the FEMA Regional Tribal Affairs Liaison in your region. FEMA Regional Tribal Liaisons help build relationships with tribes in their area and help them understand and use FEMA programs. A full list of Tribal Affairs Liaisons and additional points of contact is available [online](#).



Additional training and resources with details on topics such as tribal mitigation planning and preparedness are available on the [FEMA Tribal Affairs webpage](#).

BRIC program questions can be answered by contacting the Hazard Mitigation Assistance Helpline at 866-222-3580.

FEMA GO technical questions can be answered by contacting the FEMA GO Help Desk at 1-877-585-3242 or by email at [femago@fema.dhs.gov](mailto:femago@fema.dhs.gov).

## Additional Resources

- [Hazard Mitigation Officers for States and Territories](#)
- Benefit-Cost Analysis Helpline: [BCHelpline@fema.dhs.gov](mailto:BCHelpline@fema.dhs.gov) or call toll free at 855-540-6744
- [Cost-Effectiveness and Benefit-Cost Analysis Technical Assistance for Communities PSM](#)
- BRIC Funding Opportunity is available on [Grants.gov](#) or FEMA's [Notice of Funding Opportunities Webpage](#)
- FEMA Hazard Mitigation Assistance [Program Support Materials](#) for Building Resilience Infrastructure and Communities and [Flood Mitigation Assistance](#) Grant Programs