

BRIC Tribal Information

Background

FEMA is committed to supporting tribal governments as they apply for Building Resilient Infrastructure and Communities (BRIC) program funding and non-financial Direct Technical Assistance. During [engagement efforts](#) FEMA conducted in the summer of 2019, tribal stakeholders emphasized the unique challenges they face, including varying capability levels and a wide range of natural hazard mitigation needs. Tribal stakeholders also expressed interest in capability and capacity building (C&CB) and support for hazard mitigation planning, project scoping, and project application development.

Overview

The BRIC program makes federal funds available for states, the District of Columbia, U.S territories, federally recognized tribal governments¹ and local governments² for natural hazard mitigation activities. This Program Support Material (PSM) provides an overview of BRIC funding and relevant programmatic requirements for tribal governments.

Applying as an Applicant or Subapplicant

Under the BRIC program, federally recognized tribal governments may apply as: (A) an applicant to FEMA for the Tribal Set-Aside and/or national competition; or, (B) a subapplicant to an eligible state or territory for the State/Territory Allocation and/or national competition. Only federally recognized tribal governments are eligible to apply to the Tribal Set-Aside. Please see information below on the Tribal Set-Aside.







Note: Tribal governments that are not federally recognized can apply only as a subapplicant to an eligible state or territory.¹

¹ “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, 25 U.S.C. 479a. This does not include Alaska Native corporations, the ownership of which is vested in private individuals.

² 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 44 CFR 201.2 and is eligible to apply as a subapplicant to the eligible state or territory.



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

	(A) Federally recognized tribal government	
Develop an application	 Submit its subapplication to itself (within FEMA Grants Outcomes). Then submit one application to FEMA (which may contain one or more subapplications).	 Submit one or more subapplication(s) to the applicant (within FEMA Grant Outcomes). The applicant will select subapplications to advance to FEMA in its application.
Develop a subapplication		
Required to have a Tribal Hazard Mitigation Plan?	 Required to have a Tribal Mitigation Plan in accordance with Title 44 of the Code of Federal Regulations (CFR) Part 201. As long as each participating tribal government meets the requirements for tribal mitigation planning specified in 44 CFR § 201.7, tribal governments may also elect to participate in multi-jurisdictional plans as either of the following: <ol style="list-style-type: none"> 1. Participants in a Tribal Multi-Jurisdictional Plan, where all participating entities are tribal governments; or 2. Participants in a Local/Tribal Multi-Jurisdictional Plan, where the tribal government participates in a planning process with local governments. <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&CB activities (except mitigation planning activities). For more information on Tribal planning, please visit FEMA's Tribal Funding, Mitigation and Planning Resources.</p>	 Required to have a Tribal Mitigation Plan in accordance with 44 CFR Part 201. Tribal governments 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 44 CFR § 201.6. <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 in order to apply for mitigation projects and C&CB activities (except mitigation planning activities).</p>
BRIC funding Available	Tribal Set-Aside and national competition	State/Territory Allocation and national competition

³ Individuals, businesses, and non-profit organizations are not eligible to apply for BRIC funds; however, an eligible applicant or subapplicant may apply for funding on behalf of individuals, businesses, and non-profit organizations.

	(A) Federally recognized tribal government applies as an applicant to FEMA	(B) Tribal government applies as a subapplicant to an eligible state or territory
Disaster declaration required?	YES Must have had a major disaster declaration under the Stafford Act in the 7 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 7 years prior to the annual application period start date, to apply. All federally declared tribal governments are eligible for FY21 BRIC funding.	NO Subapplicants do not have a disaster declaration requirement.
Eligible for applicant management costs?	YES May submit up to 10% of the application budget inclusive of subapplicant management costs as applicant management costs . The applicant management costs are submitted as a separate 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.	NO
Eligible for subapplicant management costs?	YES May submit up to 5% of the total budget for subapplicant management costs in addition to the 10% applicant management costs. The total budget refers to the sum of non-federal and federal shares of the proposed C&CB activity or mitigation project. Management costs are included as a line item in the subapplication. 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.	YES 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&CB activity or mitigation project. Management costs are included as a line item in the subapplication. If management costs are not requested, they will not be approved.
Eligible for economically disadvantaged rural community designation (and 90 federal/10 non-federal cost share)?	YES If the requirements are met and valid documentation is provided.	YES If the requirements are met and valid documentation is provided.

BRIC Tribal Set-Aside

Under the BRIC Tribal Set-Aside, 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. Therefore, a tribal government can submit one or more subapplications.

Within the BRIC Tribal Set-Aside of \$25,000,000, 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. Note: Any funds that are not awarded from the Tribal Set-Aside will be re-allocated to the non-financial Direct Technical Assistance for tribal communities or the national competition.

For more information about the uses of assistance and additional requirements, please view the Notice of Funding Opportunity (NOFO) Fact Sheet and <https://www.fema.gov/bric>.

Capability & Capacity Building (C&CB) activities

- C&CB activity types:
 - Building Codes activities
 - Partnerships
 - Project scoping
 - Mitigation planning and planning-related activities
- The highest ranked C&CB activity subapplication must not exceed a \$1,000,000 federal cost share.
- The combined cost for all C&CB activity subapplications must not exceed \$1,000,000.
- Up to \$500,000 of the C&CB cap (\$1,000,000 federal cost share) may be used for mitigation planning and planning-related activities per applicant.
- Up to 10 percent 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.).

Mitigation Projects. Tribal applicants must **rank all C&CB activities that are being applied for higher than mitigation projects.**

- Up to 10 percent 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 (which has a \$100 million federal-share funding cap).

In the event that Tribal Set-Aside funds remain after all C&CB activities and mitigation project selections are made, remaining funds will be reinvested to support Direct Technical Assistance to tribal communities.

More information on the Tribal Set-Aside and other programmatic requirements can be found within the BRIC NOFO available at www.Grants.gov, or on the BRIC webpage at <https://www.fema.gov/bric>.

General Tips for Application Development

Developing an application or subapplication for BRIC takes time but there are general tips a 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 percent federal/25 percent non-federal**. See below for information about qualifying for an increased federal cost share as an economically disadvantaged rural community.
 - FEMA encourages tribal governments to contact their [FEMA Regional Tribal Liaison](#) to explore other funding opportunities to use towards the non-federal share, such as certain types of **Bureau of Indian Affairs' funds**.
- **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 cost can be counted as **non-federal cost share or reimbursed as any other eligible costs**.
 - For example, the development of Benefit-Cost Analysis (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.

Typical Ineligible Projects

- Although BRIC funds a 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 include:
 - Purchasing fire trucks/fire stations
 - Sandbags
 - Building an emergency operations center
 - Construction of early warning systems (non-earthquake)

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 can contact their [FEMA Region Tribal Liaisons](#) or [FEMA Region](#) for support.
- The FEMA GO can be accessed at <https://go.fema.gov/>.
- FEMA GO technical questions can be answered by contacting 1-877-585-3242 or femago@fema.dhs.gov.

Economically Disadvantaged Rural Communities

Economically disadvantaged rural communities are eligible for a **90 percent federal/10 percent non-federal cost share**. An **economically disadvantaged rural community** 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 percent of the national per capita income**, based on best available data.

Tribal governments that meet the economically disadvantaged rural community definition and provide valid documentation are eligible for an increased federal cost share of up to 90 percent.

Technical and Qualitative Evaluation Criteria

All mitigation projects are evaluated against eight Technical Criteria. Although more information about the criteria can be found in the Technical Criteria PSM, the following information is highlighted here for tribal governments.

- **Mitigating Risk to One or More Lifelines:** *Historic and cultural resources* are included as a subcomponent of the Government Service component of the Safety and Security Community Lifeline.
- **Applicant has Mandatory Building Code Adoption Requirement:** To receive the point allotment for this criterion, the applicant must have adopted mandatory tribal-, territory-, or state-wide building codes based on versions listed below of both the **International Building Code (IBC)** and the **International Residential Code (IRC)** model codes published by the International Code Council (ICC). The following adoption status combinations are the only ones that qualify for the specified point allotment:
 - 2015 version of both the IBC and IRC (10 points)

- 2018 version of both the IBC and IRC (20 points)
- 2021 version of both the IBC and IRC (20 points)
- 2015 version of the IBC and 2018 version of the IRC (10 points)
- 2018 version of the IBC and 2015 version of the IRC (10 points)
- 2015 version of the IBC and 2021 version of the IRC (10 points)
- 2021 version of the IBC and 2015 version of the IRC (10 points)
- 2018 version of the IBC and 2021 version of the IRC (20 points)
- 2021 version of the IBC and 2018 version of the IRC (20 points)

If a federally recognized tribal government has not adopted the code as listed above, the tribal government must demonstrate alternative compliance with IBC and IRC (versions listed above) or be covered under another jurisdiction's (state or territory) code adoption status in order to receive the point allotment. Subapplicants should attach state, territory, or tribal legislation or code that demonstrates adoption status.

- **Subapplicant has Building Code Effectiveness Grading Schedule (BCEGS) Rating of 1 to 5:** The BCEGS is an independent assessment of a community's building code adoption and enforcement activities, resulting in a score of 1 (best) to 10. For more information on BCEGS, please visit the Insurance Services Office – Mitigation website at <https://www.isomitigation.com/bcegs/>.
 - BCEGS scores for tribal governments are required but can depend on the relationship between the local municipality and the tribal entity that determines how building code requirements are managed.

Mitigation projects that continue to the national competition are evaluated against the Qualitative 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 Criteria.

Applying for Direct Technical Assistance

Federally recognized and non-federally recognized tribal governments (tribal communities) can apply for non-financial Direct Technical Assistance. Non-financial Direct Technical Assistance helps communities improve their resiliency to natural hazards, build and sustain successful mitigation programs, submit high-quality applications, and implement innovative mitigation projects. To apply for non-financial Direct Technical Assistance, each tribal community may submit up to one letter of interest to FEMA-BRICDirectTechnicalAssistance@fema.dhs.gov no later than 3:00 PM Eastern Standard Time on January 28, 2022.

Please note that BRIC subapplications under the Tribal Set-Aside or national competition are **not** pre-requisites or requirements for receiving non-financial Direct Technical Assistance. Additionally, an approved hazard mitigation plan is **not** a pre-requisite or requirement for receiving non-financial Direct Technical Assistance.

FEMA may prioritize non-financial Direct Technical Assistance for communities meeting any of the following criteria:

- Have not received a project subaward under the BRIC, Pre-Disaster Mitigation (PDM) grant program, the Flood Mitigation Assistance (FMA) grant program, or the Hazard Mitigation Grant Program (HMGP) within the past 5 years
- Have not received an Advance Assistance or C&CB subaward under BRIC, PDM, FMA, or HMGP within the past 5 years
- **Are tribal communities**
- Are designated as an economically disadvantaged rural community
- Have demonstrated a compelling need (e.g., communities with significant social vulnerability, communities with multiple major disaster declarations within the past 5 years)

More information can be found in the non-financial Direct Technical Assistance PSM.

FEMA Contacts and Resources

Training and resources with details on topics such as tribal mitigation planning and preparedness are available on the FEMA Tribal Affairs website at <https://www.fema.gov/about/organization/tribes>.

For BRIC program questions, visit <https://fema.gov/bric> or contact the Hazard Mitigation Assistance Helpline at 1-866-222-3580.