

# BRIC Tribal Information

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## Background

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<sup>1</sup> (referenced herein as tribal governments) and local governments<sup>2</sup> for natural hazard mitigation activities. This Program Support Material 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).

## Overview

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

For nearly 20 years, FEMA has provided funding in 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. [The Mitigation Action Portfolio \(MAP\)](#) showcases an array of eligible hazard mitigation activities across the country and includes several implemented by federally recognized Tribal governments that reduce natural hazard risk and increase community resilience. Applicants and subapplicants are encouraged to review the MAP to learn more about leveraging partnerships and identifying projects to meet tribal needs.

## 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 or national competition, or (B) a subapplicant to an eligible state or territory that is an applicant for national competition and subsequently, the State/Territory Allocation. Federally recognized Tribal nations are eligible to submit a request for BRIC's non-financial Direct Technical Assistance. For more information, please refer the [BRIC](#)

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<sup>1</sup> "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.

<sup>2</sup> 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.



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[Non-financial Direct Technical Assistance](#) webpage. 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<sup>3</sup>

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.

	(A) Tribe that applies as an applicant to FEMA	(B) Tribe that applies as a subapplicant to an eligible state or territory
Develop a subapplication?	 YES	 YES
Develop an application?	 YES A tribe that applies as an applicant will submit its subapplication to itself (within <a href="#">FEMA GO</a> ). The tribe will then submit one application to FEMA (which may contain one or more subapplications).	 NO A tribe that applies as a subapplicant will submit one or more subapplication(s) to the applicant (within <a href="#">FEMA GO</a> ). The applicant will select subapplications to advance to FEMA in its application.
Which BRIC funding type?	Tribal Set-Aside or national competition	State/Territory Allocation and national competition
Is there a disaster declaration requirement?	 YES Tribes applying as applicants 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.  <b>All federally recognized Tribal governments are eligible for FY21.</b>	 NO Tribes applying as subapplicants do not have a disaster declaration requirement.
Eligible for applicant management costs?	 YES Tribes applying as <b>applicants</b> may submit up to <b>10%</b> of the <b>application budget inclusive of subapplicant management costs as applicant management costs</b> . 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	 NO Tribes applying as subapplicants are only eligible for subapplicant management costs, not applicant management costs.

<sup>3</sup> 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.

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	(A) Tribe that applies as an applicant to FEMA	(B) Tribe that applies as a subapplicant to an eligible state or territory
	adhere to the stated uses. If management costs are not requested, they will not be approved.	
Eligible for subapplicant management costs?	<p><b>YES</b> Tribes applying as their own subapplicants may submit up to <b>5%</b> 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> <p>Uses of subapplicant management costs must adhere to the stated uses and distinct from applicant management costs.</p>	<p><b>YES</b> Tribes applying as subapplicants may submit up to <b>5%</b> 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.</p>	<p><b>YES</b> If the requirements are met and valid documentation is provided.</p>
Required to have a Tribal Hazard Mitigation Plan?	<p><b>YES</b> Tribes that apply as applicants are required to have a Tribal Hazard Mitigation Plan in accordance with Title 44 of the Code of Federal Regulations (CFR) Part 201. As long as each participating federally recognized Tribal government meets the requirements for tribal mitigation planning specified in 44 CFR § 201.7, 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</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 44 CFR § 201.6.</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: <b>(1) mitigation planning and planning</b></p>

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	deadline and at the time of obligation of grant funds in order to apply for mitigation projects and C&CB activities. For more information on Tribal planning, please visit <a href="#">FEMA's Tribal Funding, Mitigation and Planning Resources</a> .	<b>related activities, (2) partnerships, and (3) building codes.</b>  Federally recognized tribes acting as the applicant and implementing the award as the subapplicant are not included in this hazard mitigation plan requirement.

## BRIC 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. Therefore, a federally recognized Tribal governments can submit one or more subapplications. For more information about the uses of assistance and additional requirements, please view the BRIC Notice of Funding Opportunity (NOFO) Fact Sheet at <https://www.fema.gov/bric>.

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.

### 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 \$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.
- 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.).

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## Mitigation Projects

- Tribal applicants must **rank all C&CB activities that are being applied for higher than 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 within the BRIC NOFO available at [www.Grants.gov](http://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 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.** 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 towards the non-federal share, such as **Bureau of Indian Affairs 638 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 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, federally recognized Tribal government, or community with CDC SVI greater than 0.80 is unable to calculate a BCR to demonstrate cost-effectiveness. FEMA may assist such communities with developing a BCA.
  - For example, the development of a 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.

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## 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
  - Purchasing of Sandbags
  - Building an emergency operations center
  - Construction of early warning systems (non-earthquake)
  - 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 or subapplicants can contact their [FEMA Region](#) for support.
- FEMA GO can be accessed at <https://go.fema.gov/>.

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

## Technical and Qualitative Evaluation Criteria

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

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- **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 tribe 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 5. For more information on BCEGS, please visit the ISO – 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 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.

## 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

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resilience 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, visit [BRIC Direct Technical Assistance | FEMA.gov](#). Federally recognized Tribal governments may submit a request for assistance, please see BRIC DTA website for specifics.

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 Direct Technical Assistance for communities that:

- Have not received a project award, Advance Assistance or Capability- and Capacity-Building subaward under Pre-Disaster Mitigation, BRIC, Flood Mitigation Assistance, or Hazard Mitigation Grant Program within the past 5 years
- Are Tribal governments
- Are disadvantaged communities, as identified in Executive Order 14008. This includes communities that are classified under the Stafford Act and BRIC as Economically Disadvantaged Rural Communities (EDRCs) Communities that have a CDC-SVI Score (hyperlink tool) of >0.6, or who are identified as “disadvantaged” on the CEJST Beta Tool will meet this requirement.
- Have demonstrated a compelling need (e.g., communities with significant social vulnerability, communities with multiple major disaster declarations within the past 5 years, etc.)

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

## 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 can be found at <https://www.fema.gov/about/contact>.

Additional 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>.

BRIC program questions can be answered by contacting the HMA Helpline at 1-866-222-3580.

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

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