FEMA Pre-Disaster Mitigation: The Building Resilient Infrastructure and Communities (BRIC) Program

Updated December 28, 2020

Changes to Pre-Disaster Mitigation Funding

The federal government has historically provided resources to assist in recovery after a disaster and reduce future risk. The Disaster Recovery Reform Act of 2018 (DRRA, Division D of P.L. 115-254) introduced an increased emphasis on pre-disaster mitigation, authorizing a new source of funding for pre-disaster mitigation called the National Public Infrastructure Pre-Disaster Mitigation (PDM) Fund. For each major disaster declaration, the President may set aside from the Disaster Relief Fund (DRF) an amount equal to 6% of the estimated aggregate amount of funding awarded under seven sections of the Stafford Act.

There is potential for significantly increased funding following a year with many big disasters, but funding could also be less in a year with few disasters. FEMA anticipates that the new fund will receive $300-$500 million per year on average. As of November 30, 2020, there was $962 million available in the 6% set-aside from the DRF. This includes a $500 million set-aside associated with COVID-19; FEMA estimates up to $3.7 billion for BRIC as a result of the COVID-19 major disaster declarations.

Building Resilient Infrastructure and Communities

FEMA introduced a new program, the Building Resilient Infrastructure and Communities Grant Program (BRIC), to replace the PDM Grant Program. Any state that has had a major disaster declaration in the seven years prior to the application start date is eligible to apply. All states, territories, and recognized tribal governments are eligible in FY2020 due to the COVID-19 disaster declarations.

A total of $500 million is available in FY2020 in three categories:

1. State/territory allocation: $33.6 million
2. Tribal set-aside: $20 million

3. National competition: $446.4 million

The maximum allocation for a state or territory in category (1) is $600,000. The maximum that a tribe may be awarded in category (2) is $600,000 for capacity-building activities. Applicants may submit an unlimited number of mitigation project applications in category (3), each valued up to $50 million. Generally, the cost share for BRIC is 75% federal, 25% nonfederal. However, small impoverished communities are eligible for an increase in the federal share up to 90% of project costs on request, and the nonfederal cost share may be waived for insular areas if the nonfederal share is under $200,000.

A new feature of BRIC is that it will provide nonfinancial direct technical assistance for communities to build capacity and develop applications.

BRIC Funding Priorities

The priorities for BRIC in FY2020 are to incentivize

- public infrastructure projects;
- projects that mitigate risk to one or more lifelines;
- projects that incorporate nature-based solutions; and
- adoption and enforcement of the latest published editions of building codes.

A new feature of BRIC is that projects submitted to the national competition are to be reviewed on both technical criteria and qualitative criteria such as risk reduction effectiveness, partnerships, and future conditions. If needed, based on the number of applications, FEMA is to use the technical criteria evaluation as a screening tool for the qualitative evaluation review and is to send applications valued up to twice the amount of available funding for qualitative evaluation. At least one eligible application from each applicant is to be sent for qualitative review. FEMA is to convene a National Review Panel to score applications on qualitative criteria. This panel is to include FEMA Regional Office and Headquarters staff, as well as representatives from state, local, tribal, and territorial governments and other federal agencies.

The most heavily weighted technical criteria relate to building code activities, reflecting FEMA's emphasis on disaster resilience through strong building codes. Applications can receive technical criteria points for mandatory building code adoption requirements and rating in the Building Code Effectiveness Grading Schedule. Incorporation of nature-based solutions attracts technical points, as does mitigating risk to one or more community lifelines, such as safety and security, health and medical, energy, communications, transportation, hazardous material management, and food, water, and shelter.

The focus on future conditions represents a departure from PDM, with BRIC applications evaluated on how the project would anticipate future conditions, such as population and demographics, climate change, and sea level rise. BRIC also puts a new emphasis on partnerships, which can attract both technical and qualitative points.

Considerations for Congress

The majority of funding for hazard mitigation comes from the Federal Emergency Management Agency (FEMA), which administers three Hazard Mitigation Assistance (HMA) programs: the Hazard Mitigation Grant Program (HMGP), the Flood Mitigation Assistance (FMA) Grant Program, and the Pre-Disaster Mitigation (PDM) Grant Program. These three programs are described in CRS Insight IN11187, FEMA Hazard Mitigation Assistance. Over the years, post-disaster mitigation has received significantly more funding than pre-disaster mitigation. For example, in FY2017 FEMA obligated $5.4 billion for HMGP. In contrast, Congress appropriated $90 million to PDM. According to GAO, annual HMGP grants have reached $2.9 billion while PDM and FMA have never exceeded $300 million. Despite the substantial increase in overall funding for pre-disaster mitigation that the 6% BRIC set-aside represents, the post-disaster mitigation approach embodied in HMGP still receives more resources.

States are no longer guaranteed a minimum amount as they were under PDM. However, according to FEMA, projects submitted in category (1) should be funded up to the $600,000 maximum if they submit eligible applications up to this limit. The $50 million cap for an individual mitigation project in BRIC also represents a significant increase; the largest amount available for PDM activities in FY2019 was $10 million. Since the PDM program was established in 2000, two projects have been awarded more than $4 million, and 280 projects (approximately 7%) have been awarded more than $1 million. Some stakeholders have expressed concern that smaller or more traditional projects may be less likely to obtain support in BRIC, and that small, impoverished, or rural communities may not have the capacity to apply for and administer the larger amounts which could be funded by BRIC.

FEMA has not yet decided whether they will use all of the 6% set-aside funds each year or keep some back for years with fewer disasters and thus less funding.

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