

PUBLICATION

FEMA Releases FY 2024–2025 BRIC Notice of Funding Opportunity

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The Federal Emergency Management Agency (FEMA) opened the application period for the Fiscal Year (FY) 2024–2025 Building Resilient Infrastructure and Communities (BRIC) grant program on March 25, 2026, making \$1 billion in federal funding available for hazard mitigation activities. The Notice of Funding Opportunity (NOFO) reflects a significant shift in BRIC program priorities, narrowing the scope of eligible activities and imposing new compliance requirements that applicants and subapplicants must carefully evaluate before submitting applications. *Applications are due July 23, 2026, at 3:00 p.m. ET.*

Much has happened since our last publication on the BRIC program. This alert summarizes the key legal and programmatic features of the FY 2024–2025 BRIC NOFO and highlights compliance obligations that applicants and subapplicants should consider when determining whether to submit an application and how to best evaluate projects and prepare any application for the highest chance of success.

Program Structure and Funding Allocations

The \$1 billion in available BRIC funding is distributed across five categories as summarized below. No single applicant may receive more than 15 percent of the total available funding across all categories combined. The State/Territory Allocation is capped at \$2 million in federal cost share per applicant, and National Competition subapplications are capped at \$20 million per project.

Category	Total Funding Amount Available	Cap/Limit
State/Territory Allocation	\$112M	\$2M
Tribal Set-Aside	\$50M	-
State/Territory Building Code Plus-Up	\$56M	-
Tribal Building Code Plus-Up	\$25M	-
National Competition	\$757M	\$20M
Total Available	\$1B	15 percent of total funding per applicant (all categories)

		combined)
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Narrowed Scope of Eligible Activities

A defining feature of this NOFO is its sharp focus on infrastructure and construction projects, with meaningful restrictions on previously eligible activities. For purposes of the NOFO, "infrastructure" means critical physical structures, facilities, and systems that provide support to a community, its population, and its economy, including natural systems. Capability- and capacity-building activities, such as building code adoption and enforcement, related technical training, and project scoping activities for specific infrastructure projects, are now eligible only if they are directly tied to infrastructure resilience. Notably, hazard mitigation plan development or updates, and project scoping activities not directly supporting a specific infrastructure project, are no longer eligible under BRIC.

Further, only infrastructure and construction projects that have, at a minimum, a conceptual design are eligible; phased projects are not eligible. Construction activities for which ground disturbance has already been initiated or completed are likewise not eligible for funding.

Eligibility Requirements

Applicants

Eligible applicants include states, the District of Columbia, U.S. territories, and federally recognized tribal nations. Each eligible entity must designate a single agency to serve as the applicant and **may submit only one BRIC grant application to FEMA**. Applicants must have a FEMA-approved State or Tribal Hazard Mitigation Plan in accordance with 44 C.F.R. Part 201 by the application deadline and at the time of obligation of the award.

Subapplicants

Eligible subapplicants include communities, local governments, cities, townships, counties, special district governments, and tribal nations (including federally recognized tribal nations that choose to apply as subapplicants rather than directly). Subapplicants must have a FEMA-approved Local or Tribal Hazard Mitigation Plan for hazard mitigation projects, though they are exempt from this requirement for capability- and capacity-building activity types.

Personnel Restrictions

The NOFO contains notable restrictions on personnel. Subapplicants should not have foreign nationals or noncitizens included. If a subapplicant has foreign nationals, they must be properly vetted and must adhere to all government statutes, policies, and procedures, including "staff American, stay in America" and security requirements. Subapplicants and subrecipients must also submit short biographies and resumes of organizational leadership and board members, which are subject to FEMA approval.

Cost Share Requirements

The standard cost share ratio is 75 percent federal and 25 percent non-federal. A reduced cost share of 90 percent federal and 10 percent non-federal is available for small impoverished communities, defined as communities of 3,000 or fewer individuals with an average per capita annual income not exceeding 80 percent of the national per capita income. Insular areas (American Samoa, Guam, the Northern Mariana Islands, and

the U.S. Virgin Islands) may receive a full waiver of the non-federal cost share when the non-federal share for the entire award is under \$200,000.

The non-federal cost share may consist of cash, donated, or third-party in-kind services, materials, or any combination thereof. Applicants cannot apply other federal award funds toward the BRIC non-federal cost share unless the other federal statutory authority specifically allows it, and BRIC funding cannot be used as matching funds for another federal award.

National Competition Evaluation Criteria

Subapplications to the National Competition are scored using a structured set of evaluation criteria. These criteria incentivize construction readiness, with projects receiving five points for conceptual design (at least 30 percent design), 15 points for preliminary design (greater than 30 percent), and 30 points for detailed design (90 percent or greater design completion). Additional points are available for new applicants or subapplicants who have never been selected in the BRIC National Competition (15 points), building code adoption and enforcement (up to 5 points), and applications on behalf of small, impoverished communities.

Projects must also demonstrate project management capability across cost management, schedule management, successful implementation, and technical and managerial staffing.

Compliance Considerations

- **Benefit-Cost Analysis (BCA) Requirement**

Applicants and subapplicants applying for hazard mitigation projects are **required** to use FEMA-approved methodologies and tools, such as the BCA Toolkit, to demonstrate the cost-effectiveness of their projects. Projects must be cost-effective and designed to increase resilience and reduce the risk of injuries, loss of life, and damage and destruction of property.

- **Go/No-Go Milestones and Period of Performance**

For hazard mitigation projects submitted to the National Competition, the subapplicant, in coordination with the applicant, must identify at least one Go/No-Go milestone in the work schedule that FEMA will review and approve. A Go/No-Go milestone is a major project milestone that, if not completed on time, may result in cancellation of the subaward. Progress toward meeting these milestones must be reported in quarterly progress reports.

The projected period of performance (POP) end date is **36 months from the date of the award**, unless otherwise specified by FEMA. Any subsequent amendments to the federal award will not extend the POP unless explicitly stated. The projected POP start date will vary by award.

- **Termination Provisions**

The NOFO contains broad termination authority for FEMA. FEMA may terminate a federal award in whole or in part if the recipient fails to comply with the terms and conditions of the award. Significantly, FEMA may also terminate an award if the award no longer effectuates program goals or agency priorities. This includes situations where FEMA, in its sole discretion, determines that a specific award objective is ineffective at achieving program goals, the design of the grant program is flawed relative to program goals or agency priorities, or the grant program is not aligned with the Department of Homeland Security (DHS) or FEMA Strategic Plans. When FEMA terminates an award due to the recipient's material failure to comply, FEMA will report the termination in SAM.gov.

- **Environmental and Historic Preservation Compliance**

All activities under BRIC must conform to applicable environmental planning and historic preservation (EHP) laws, regulations, executive orders, and agency policies. Applicants and subapplicants applying for hazard mitigation projects must provide information needed to comply with the National Environmental Policy Act (NEPA) (42 U.S.C. §§ 4321–4370h), as well as related DHS and FEMA directives. Federal law requires EHP review to be completed before federal funds are released. FEMA may not be able to fund projects that are not in compliance with applicable EHP requirements.

For actions located within or affecting a floodplain or wetland, an 8-step review process under 44 C.F.R. Part 9 is required, along with public notice of the proposed action.

- **Buy America Requirements**

Recipients and subrecipients must comply with FEMA's implementation of the Build America, Buy America Act (BABAA), enacted as part of the Infrastructure Investment and Jobs Act. None of the funds provided under the program may be used for an infrastructure project unless the iron and steel, manufactured products, and construction materials used in that infrastructure are produced in the United States. Waivers may be available where applying the domestic content preference would be inconsistent with the public interest, where materials are not produced domestically in sufficient quantities, or where inclusion of domestic materials would increase overall project costs by more than 25 percent.

- **Procurement Standards and Conflicts of Interest**

Recipients and subrecipients must comply with federal procurement standards in 2 C.F.R. §§ 200.317–200.327. Contractors that develop or draft specifications, requirements, statements of work, or invitations for bids must be excluded from competing for such procurements. FEMA interprets this restriction as applying to contractors that help a recipient or subrecipient develop its grant application, project plans, or project budget. This prohibition also applies to the use of former employees to manage the grant or carry out a contract when those employees worked on such activities while employed by the recipient or subrecipient. This rule extends to all contracts funded with federal grant funds, including pre-award costs such as grant writer fees and post-award costs such as grant management fees.

- **DHS Standard Terms and Conditions and Pending Litigation**

A recipient under this funding opportunity must comply with the FY 2025 DHS Standard Terms and Conditions, v. 3 (Apr. 18, 2025), with certain exceptions. Paragraph C.IX (Communication and Cooperation with DHS and Immigration Officials) and Paragraph C.XVII(2)(a)(iii) (Anti-Discrimination Grant Award Certification regarding immigration) do not apply to any award under this funding opportunity.

Additionally, pursuant to preliminary injunction orders issued in *County of Santa Clara et al. v. Noem, et al.*, No. 25-cv-08330-WHO (N.D. Cal.) and *City of Chicago et al. v. Noem, et al.*, No. 25-CV-12765 (N.D. Ill.), the DHS Standard Terms and Conditions paragraphs addressing Anti-Discrimination (C.XVII) and Presidential Executive Orders (C.XXXI) do not currently apply to awards or subawards issued to plaintiffs subject to those injunction orders while the orders remain in effect. A separate preliminary injunction in *City of Seattle v. Trump, et al.*, No. 2:25-cv-01435-BJR (W.D. Wash.), likewise suspends the Anti-Discrimination provision for plaintiffs in that action. If any of these injunctions are stayed, vacated, or extinguished, the relevant provisions will immediately become effective.

Key Takeaways

The FY 2024–2025 BRIC NOFO represents a materially different program compared to prior years. The narrowing of eligible activities to infrastructure and construction projects with at least a conceptual design, the elimination of standalone hazard mitigation plan development, and the emphasis on construction readiness in the evaluation scoring system all signal FEMA's prioritization of shovel-ready projects that deliver immediate, measurable risk reduction. The broad termination provisions granting FEMA sole discretion to cancel awards based on evolving program goals or agency priorities present a distinct risk for recipients. The procurement conflict-of-interest rules, which apply to grant writers and application consultants, merit careful attention during the application process.

Prospective applicants should assess their eligibility, ensure alignment with the NOFO's infrastructure-focused requirements, and begin the registration and application preparation process without delay, given the multi-week registration timeline. Given the complexity of the legal and regulatory compliance framework governing BRIC awards, applicants and subapplicants are encouraged to engage legal counsel experienced in federal grant programs early in the application process.

Please contact [Wendy Huff Ellard](#) or [Danielle M. Aymond](#) of Baker Donelson's [Disaster Recovery and Government Services](#) Team with any questions.