



WHAT WOULD BE A COVERED ENTITY UNDER CIRCIA AS PROPOSED IN 6 CFR § 226.2?



DISCLAIMER: This is an unofficial, informational resource summarizing key aspects of the Cyber Incident Reporting for Critical Infrastructure Act of 2022 (CIRCIA) Notice of Proposed Rulemaking (NPRM) and is only intended to highlight major requirements proposed in the NPRM and to assist stakeholders in reviewing the NPRM. While CISA has taken steps to ensure the accuracy of this resource, it does not supplement, supersede, or modify any of the proposals included in the NPRM. This resource is not a substitute for reviewing the NPRM which is available on the Federal Register at www.federalregister.gov. If any conflict exists between this resource and the NPRM, the document published in the Federal Register is the controlling document. Additionally, this resource is based upon the proposed rulemaking and should not be relied upon for compliance purposes after publication of the final rule. CISA may also revise this resource to clarify or update content. For additional and latest information, consult cisa.gov/CIRCIA.

STEP 1

Does the entity meet one or more of the 16 sector-based criteria listed in proposed 6 CFR § 226.2 (regardless of the critical infrastructure sector of which the entity considers itself to be a part)?

- Owns or operates a CFATS covered chemical facility (§ 226.2(b)(1))
- Provides wire or radio communications services (§ 226.2(b)(2))
- Owns or has business operations engaging in critical manufacturing (§ 226.2(b)(3))
- Is required to report cyber incidents under Defense Federal Acquisition Regulation Supplement 252.204-7012 (§ 226.2(b)(4))
- Provides an emergency service or function to a population of 50,000 or more (§ 226.2(b)(5))
- Is a bulk electric or distribution system entity required to report cybersecurity incidents to NERC or DOE (§ 226.2(b)(6))
- Owns or operates a qualifying financial services sector entity (§ 226.2(b)(7))
- Is a State, local, Tribal, or territorial entity for a jurisdiction with a population of 50,000 or more (§ 226.2(b)(8))
- Is an education agency under 20 U.S.C. 7801 serving 1,000 or more students, or an Institute of Higher Education receiving Title IV funding (§ 226.2(b)(9))
- Manufactures, sells, or provides managed services for information and communications technology to support elections processes or report and display results (§ 226.2(b)(10))
- Owns or operates a large or critical access hospital; or manufactures certain essential drugs or Class II or III medical devices (§ 226.2(b)(11))
- Provides IT hardware, software, systems, or services to the Federal government; develops, sells, licenses, or maintains software with specific attributes; sells, manufactures, or integrates operational technology; or performs functions related to domain name operations (§ 226.2(b)(12))
- Owns or operates a commercial nuclear power reactor or fuel cycle facility (§ 226.2(b)(13))
- Is a transportation system entity required to report cyber incidents to TSA (§ 226.2(b)(14))
- Owns or operates a vessel or facility subject to MTTA (§ 226.2(b)(15))
- Owns or operates a community water system or treatment works serving more than 3,300 people (§ 226.2(b)(16))

NO

YES

Covered Entity

GO TO STEP 2 ON NEXT PAGE

STEP 2

Is the entity in a critical infrastructure sector? Learn more about the sectors by reading each sector specific plan here.

16 CRITICAL INFRASTRUCTURE SECTORS:

- [Chemical Sector](#)
- [Commercial Facilities Sector](#)
- [Communications Sector](#)
- [Critical Manufacturing Sector](#)
- [Dams Sector](#)
- [Defense Industrial Base Sector](#)
- [Emergency Services Sector](#)
- [Energy Sector](#)
- [Financial Services Sector](#)
- [Food and Agriculture Sector](#)
- [Government Facilities Sector](#)
- [Healthcare and Public Health Sector](#)
- [Information Technology Sector](#)
- [Nuclear Reactors, Materials, and Waste](#)
- [Transportation Systems Sector](#)
- [Water and Wastewater Systems](#)



STEP 3

Is the entity a small business as specified by the [Small Business Administration](#)? You can find out if your business qualifies as small by using the [Size Standards Tool](#), or by referencing SBA's [table of small business size standards](#).

