



PROPOSED SICI BILL VS. SOLARIUM COMMISSION RECOMMENDATION

October 2021

On Oct. 5, 2021, Rep. John Katko introduced [H.R. 5491](#) to authorize the director of the Cybersecurity and Infrastructure Security Agency to designate certain elements of critical infrastructure as systemically important. This bill, working off of the [Cyberspace Solarium Commission's recommendation](#) to identify and designate Systemically Important Critical Infrastructure (SICI) for national security, is a step in the right direction, but unfortunately does not include vital provisions related to liability protection and certification standards that would create a game-changing new structure of cybersecurity requirements and benefits. Below is a summary of the two proposals.

PROVISION	SOLARIUM RECOMMENDATION	HOUSE SICI BILL
Codify into law the concept of "systemically important critical infrastructure"	X	YES
Identification and Designation	X	YES
Government Program Requirements where SICI entities would be required to participate as a consequence of their designation	X	<ul style="list-style-type: none"> NO, <i>but</i> the bill would voluntarily ask SICI entities to participate <ul style="list-style-type: none"> Seeks to enter into enhanced risk management coordination Directs Office for Joint Cyber Planning to prioritize involvement of SICI entities in planning Encourages participation in programs for voluntary technical assistance and continuous monitoring programs
Prioritized Federal Assistance	X	<ul style="list-style-type: none"> NO, <i>but</i> prioritizes SICI entities if allocating resources
Indications and Warning and Intelligence Support	X	<ul style="list-style-type: none"> NO, <i>but</i> seeks opportunities for enhanced risk management coordination between the federal government and the owners and operators of SICI Requires a report to assess opportunities for enhanced intelligence support and information-sharing*
Security Certification, and a means to certify their compliance	X	NO*
Insulation from Liability	X	NO

The proposed SICI framework has the capacity to improve cybersecurity for our most critical, and often most vulnerable, assets. H.R. 5491, as it currently stands, includes foundational pieces of the Commission's overall recommendation; however, the more challenging and vital provisions have not been negotiated and included. Congress should pass this bill, and continue to build on the existing voluntary architecture to create a fulsome structure of benefits and burdens for our most critical entities, and ultimately bolster U.S. national security priorities.

CONTACT US

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*Required as part of a report