

SOCIAL MEDIA WORKING GROUP ACT OF 2014

JUNE 19, 2014.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. McCAUL, from the Committee on Homeland Security,
submitted the following

R E P O R T

[To accompany H.R. 4263]

[Including cost estimate of the Congressional Budget Office]

The Committee on Homeland Security, to whom was referred the bill (H.R. 4263) to amend the Homeland Security Act of 2002 to authorize the Department of Homeland Security to establish a social media working group, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

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The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Social Media Working Group Act of 2014”.

SEC. 2. SOCIAL MEDIA WORKING GROUP.

(a) IN GENERAL.—Title III of the Homeland Security Act of 2002 (6 U.S.C. 181 et seq.) is amended by adding at the end the following new section:

“SEC. 318. SOCIAL MEDIA WORKING GROUP.

“(a) ESTABLISHMENT.—The Secretary shall establish within the Department a social media working group (in this section referred to as the ‘Group’).

“(b) PURPOSE.—In order to enhance information sharing between the Department and appropriate stakeholders, the Group shall provide guidance and best practices to the emergency preparedness and response community on the use of social media technologies before, during, and after a terrorist attack or other emergency.

“(c) MEMBERSHIP.—

“(1) IN GENERAL.—The Under Secretary for Science and Technology shall serve as the permanent chairperson of the Group, and shall designate, on a rotating basis, a representative from a State or local government who is a member of the Group to serve as co-chairperson. The Under Secretary shall establish term limits for individuals appointed to the Group pursuant to paragraph (2). Membership of the Group shall be composed of a cross section of subject matter experts from Federal, State, local, tribal, and nongovernmental organization practitioners, including representatives from the following entities:

“(A) The Office of Public Affairs of the Department.

“(B) The Office of the Chief Information Officer of the Department.

“(C) The Privacy Office of the Department.

“(D) The Federal Emergency Management Agency.

“(E) The Office of Disability Integration and Coordination of the Federal Emergency Management Agency.

“(F) The American Red Cross.

“(G) The Forest Service.

“(H) The Centers for Disease Control and Prevention.

“(I) The United States Geological Survey.

“(J) The National Oceanic and Atmospheric Administration.

“(2) ADDITIONAL MEMBERS.—The Under Secretary for Science and Technology shall appoint, on a rotating basis, qualified individuals to the Group. The total number of such additional members shall—

“(A) be equal to or greater than the total number of regular members under paragraph (1); and

“(B) include—

“(i) not fewer than three representatives from the private sector; and

“(ii) representatives from—

“(I) State, local, and tribal entities, including from—

“(aa) law enforcement;

“(bb) fire services;

“(cc) emergency management services; and

“(dd) public health entities;

“(II) universities and academia; and

“(III) non-profit disaster relief organizations.

“(d) CONSULTATION WITH NON-MEMBERS.—To the extent practicable, the Group shall work with existing bodies in the public and private sectors to carry out subsection (b).

“(e) MEETINGS.—

“(1) INITIAL MEETING.—Not later than 90 days after the date of the enactment of this section, the Group shall hold its initial meeting. Such initial meeting may be held virtually.

“(2) SUBSEQUENT MEETINGS.—After the initial meeting under paragraph (1), the Group shall meet at least twice each year, or at the call of the Chairperson. Such subsequent meetings may be held virtually.

“(f) NONAPPLICABILITY OF FACAA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Group.

“(g) REPORTS.—Not later than March 30 of each year, the Group shall submit to the appropriate congressional committees a report that includes the following:

“(1) A review of current and emerging social media technologies being used to support preparedness and response activities related to terrorist attacks and other emergencies.

“(2) A review of best practices and lessons learned on the use of social media during the response to terrorist attacks and other emergencies that occurred during the period covered by the report at issue.

“(3) Recommendations to improve the Department’s use of social media for emergency management purposes.

“(4) Recommendations to improve public awareness of the type of information disseminated through social media, and how to access such information, during a terrorist attack or other emergency.

“(5) Recommendations to improve information sharing among the Department and its components.

“(6) Recommendations to improve information sharing among State and local governments.

“(7) A review of available training for Federal, State, local, and tribal officials on the use of social media in response to a terrorist attack or other emergency.

“(8) A summary of coordination efforts with the private sector to discuss and resolve legal, operational, technical, privacy, and security concerns.”.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 is amended by inserting after the item relating to section 317 the following new item:

“Sec. 318. Social media working group.”.

PURPOSE AND SUMMARY

The purpose of H.R. 4263 is to amend the Homeland Security Act of 2002 to authorize the Department of Homeland Security to establish a social media working group, and for other purposes.

BACKGROUND AND NEED FOR LEGISLATION

The use of social media has become a new reality for how first responders and survivors communicate before, during, and after a disaster. The tragic explosion in East Harlem, New York, the 2014 tornadoes in the South, the Boston Marathon Bombings, and Superstorm Sandy are just some examples of how citizens are turning to Facebook and Twitter for information and to send comfort to survivors. During two hearings in 2013, the Subcommittee on Emergency Preparedness, Response, and Communications heard from numerous stakeholders, including the private sector, on this new reality and the vital role social media plays in disasters. One of the key takeaways from the hearings was that before, during, and after a disaster there needs to be better communication between the public and private sectors, specifically in the arena of social media.

This legislation considers the lessons learned from those hearings by authorizing and enhancing the Department’s Virtual Social Media Working Group to ensure information sharing between the Department and appropriate stakeholders regarding the use of social media before, during, and after a disaster. Additionally, to increase collaboration within the group, the bill will expand the membership of the Group to include representatives from State, local, and Tribal law enforcement, the fire service, emergency management, and public health; along with universities and academia, non-profit disaster relief organizations, and private sector organizations.

HEARINGS

The Committee did not hold any hearings specifically on H.R. 4263; however, the Committee did hold the following oversight hearings in the 113th Congress:

On June 4, 2013, the Subcommittee held a hearing entitled “Emergency MGMT 2.0: How #SocialMedia & New Tech are Transforming Preparedness, Response, & Recovery #Disasters #Part1

#Privatesector.” The Subcommittee received testimony from Mr. Matthew Stepka, Vice President, Technology for Social Impact, Google.org; Mr. Jason Matthew Payne, Philanthropy Lead, Palantir Technologies; Mr. Michael Beckerman, President and CEO, The Internet Association; and Mr. Jorge L. Cardenas, Vice President, Asset Management and Centralized Services, Public Service Enterprise Group, Inc.

The Subcommittee continued its hearing on Emergency Management 2.0, with a hearing on July 9, 2013, entitled “Emergency MGMT 2.0: How #SocialMedia & New Tech are Transforming Preparedness, Response, & Recovery #Disasters #Part2 #Govt/NGOs.” The Subcommittee received testimony from Mr. Shayne Adamski, Senior Manager of Digital Engagement, Federal Emergency Management Agency, U.S. Department of Homeland Security; Ms. Suzanne C. DeFrancis, Chief Public Affairs Officer, American Red Cross; Mr. Albert Ashwood, Chairman, NEMA Legislative Committee, Director, Oklahoma Department of Emergency Management, *testifying on behalf of the National Emergency Management Association*; and Sergeant W. Greg Kierce, Director, Jersey City Office of Emergency, Management and Homeland Security.

COMMITTEE CONSIDERATION

The Committee met on June 11, 2014, to consider H.R. 4263, and ordered the measure to be reported to the House with a favorable recommendation, amended, by voice vote. The Committee took the following actions:

The following amendments were offered:

An Amendment in the Nature of a Substitute offered by MR. PALAZZO (#1), as filed on the roster by Mrs. Brooks of Indiana; was AGREED TO by voice vote.

The Subcommittee on Emergency Preparedness, Response, and Communications met on March 27, 2014, to consider H.R. 4263, and ordered the measure forwarded to the Full Committee with a favorable recommendation, amended, by voice vote. The Committee took the following actions:

The following amendments were offered:

An Amendment in the Nature of a Substitute offered by MRS. BROOKS OF INDIANA (#1); was AGREED TO, as amended, by voice vote.

An en bloc amendment to the Amendment in the Nature of a Substitute to H.R. 4263 offered by MR. PAYNE (#1A); was AGREED TO by voice vote.

Consisting of the following amendments:

Page 2, line 6, insert before “Membership” the following: “The Under Secretary shall establish term limits for individuals appointed to the Group Pursuant to paragraph (2).”.

Page 2, line 19, insert the following (and redesignate subsequent subparagraphs accordingly):

(E) The Office of Disability Integration and Coordination of the Federal Emergency Management Agency.

An Amendment to the Amendment in the Nature of a Substitute to H.R. 4263 offered by MR. HIGGINS (#1B); was AGREED TO by voice vote.

Page 5, line 6, insert the following (and redesignate subsequent subparagraphs accordingly):

(4) Recommendations to improve public awareness of the type of information disseminated through social media, and how to access such information, during a terrorist attack or other emergency.

COMMITTEE VOTES

Clause 3(b) of rule XIII of the Rules of the House of Representatives requires the Committee to list the recorded votes on the motion to report legislation and amendments thereto.

No recorded votes were requested during consideration of H.R. 4263.

COMMITTEE OVERSIGHT FINDINGS

Pursuant to clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee has held oversight hearings and made findings that are reflected in this report.

NEW BUDGET AUTHORITY, ENTITLEMENT AUTHORITY, AND TAX EXPENDITURES

In compliance with clause 3(c)(2) of rule XIII of the Rules of the House of Representatives, the Committee finds that H.R. 4263, the Social Media Working Group Act of 2014, would result in no new or increased budget authority, entitlement authority, or tax expenditures or revenues.

CONGRESSIONAL BUDGET OFFICE ESTIMATE

The Committee adopts as its own the cost estimate prepared by the Director of the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, June 17, 2014.

Hon. MICHAEL MCCAUL,
Chairman, Committee on Homeland Security,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 4263, the Social Media Working Group Act of 2014.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contacts are Michael Hirsch and Mark Grabowicz.

Sincerely,

DOUGLAS W. ELMENDORF.

Enclosure.

H.R. 4263—Social Media Working Group Act of 2014

H.R. 4263 would direct the Department of Homeland Security (DHS) to establish a working group to provide guidance and best practices on the use of social media technologies, specifically during a terrorist attack or other emergency. The group would prepare guidance for the emergency preparedness and response community. The bill would define the membership of the working group, which

would include more than 20 experts from federal, state, local, and tribal governments along with nongovernmental organizations. The working group would be exempt from the Federal Advisory Committee Act and would be authorized to hold virtual meetings to fulfill the requirement to meet twice a year. The working group would be required to submit an annual report on emerging trends and best practices for emergency response through social media.

Based on the cost of similar activities carried out under the DHS Acquisition and Accountability Efficiency Act and the Critical Infrastructure Research and Development Advancement Act of 2013, CBO estimates that the new DHS responsibilities and the annual report required by H.R. 4263 would cost a total of less than \$500,000 annually, assuming the availability of appropriated funds. Enacting the legislation would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply.

H.R. 4263 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on state, local, or tribal governments.

The CBO staff contacts for this estimate are Michael Hirsch and Mark Grabowicz. The estimate was approved by Theresa Gullo, Deputy Assistant Director for Budget Analysis.

STATEMENT OF GENERAL PERFORMANCE GOALS AND OBJECTIVES

Pursuant to clause 3(c)(4) of Rule XIII of the Rules of the House of Representatives, H.R. 4263 contains the following general performance goals and objectives, including outcome related goals and objectives authorized. The goal of H.R. 4263 authorizes the Virtual Social Media Working Group with the goals of developing best practices and sharing lessons learned on the use of social media before, during, and after a disaster.

H.R. 4263 requires the working group to submit an annual report to Congress that includes the year's best practices, lesson learned, and any recommendations for improving the Nation's disaster communications efforts.

DUPLICATIVE FEDERAL PROGRAMS

The Committee finds that H.R. 4263 does not contain any provision that establishes or reauthorizes a program known to be duplicative of another Federal program.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, AND LIMITED TARIFF BENEFITS

In compliance with Rule XXI of the Rules of the House of Representatives, this bill, as reported, contains no congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(e), 9(f), or 9(g) of the Rule XXI.

FEDERAL MANDATES STATEMENT

The Committee adopts as its own the estimate of Federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act.

PREEMPTION CLARIFICATION

In compliance with section 423 of the Congressional Budget Act of 1974, requiring the report of any Committee on a bill or joint resolution to include a statement on the extent to which the bill or joint resolution is intended to preempt State, local, or Tribal law, the Committee finds that H.R. 4263 does not preempt any State, local, or Tribal law.

DISCLOSURE OF DIRECTED RULE MAKINGS

The Committee estimates that H.R. 4263 would require no directed rule makings.

ADVISORY COMMITTEE STATEMENT

No advisory committees within the meaning of section 5(b) of the Federal Advisory Committee Act were created by this legislation.

APPLICABILITY TO LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act.

SECTION-BY-SECTION ANALYSIS OF THE LEGISLATION

Section 1. Short Title.

This section provides that this bill may be cited as the “Social Media Working Group Act of 2014”.

Section 2. Use of This that and the Other.

This section adds a new section to the Homeland Security Act, section 318, with the following provisions:

Establishment

This subsection requires the Secretary of the Department of Homeland Security to establish within the Department a social media working group (Group).

The Committee understands that the current Virtual Social Media Working Group has been established for several years and has made progress in producing documents relevant to social media practices and lessons learned from Superstorm Sandy. The Committee’s intent in authorizing this group is to not to federalize or inhibit the current group’s work, but rather to enhance the existing work by allowing additional parties that are playing a vital role in this area to have an opportunity to provide insight and expertise to the group.

Purpose

This section states the purpose of the Group, which is to provide guidance and recommendations to the first responder community on the role of social media before, during, and after a terrorist attack or other emergency.

Membership

This section delineates the required membership of the Group. The Under Secretary of Science and Technology will Chair the

Group and a representative from a State or local government entity will serve as the Group's co-chair. Following the "Whole Community" approach, this Group will be composed of nine representatives from various Department of Homeland Security components and offices, other Federal agencies, and non-governmental organizations. In addition, there must be an equal or greater number of representatives from State, local, and tribal emergency preparedness and response agencies, universities, and non-profit disaster relief organizations. The Group must include no fewer than three representatives from the private sector. The section requires the Under Secretary to establish term limits for individuals appointed to the Group.

During the two Subcommittee hearings on social media, the Committee learned about the innovative ideas from State and local practitioners for the use of social media in emergency management. The Committee stresses the importance of having equal or greater representation of State and local officials than Federal officials in the group. It is the State and local first responders' first hand knowledge and expertise on how to utilize social media during response efforts that is imperative to the help the Nation continue to build and sustain the core capabilities addressed in the National Preparedness Goal.

Consultation with Non-Members

This section allows, when practicable, for the Group to work with other bodies in the public and private sector to carry out subsection (b).

Meetings

This section requires the Group to hold an initial meeting not later than 90 days after the enactment of the bill, and biannually thereafter, or at the call of the Chair. These meetings may be held in person or virtually.

Nonapplicability of FACA

This section exempts the Group from the Federal Advisory Committee Act (5 U.S.C. App.).

Reports

This section requires the Group to submit a report to Congress, not later than March 30th each year, that focuses on the best practices and lessons learned on the use of social media during recent response efforts and provides recommendations on how to improve information sharing and use of social media by the Department.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (new matter is printed in italic and existing law in which no change is proposed is shown in roman):

HOMELAND SECURITY ACT OF 2002

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) * * *

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

*	*	*	*	*	*	*
TITLE III—SCIENCE AND TECHNOLOGY IN SUPPORT OF HOMELAND SECURITY						
*	*	*	*	*	*	*
Sec. 318. <i>Social media working group.</i>						
*	*	*	*	*	*	*

TITLE III—SCIENCE AND TECHNOLOGY IN SUPPORT OF HOMELAND SECURITY

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SEC. 318. SOCIAL MEDIA WORKING GROUP.

(a) *ESTABLISHMENT.*—The Secretary shall establish within the Department a social media working group (in this section referred to as the “Group”).

(b) *PURPOSE.*—In order to enhance information sharing between the Department and appropriate stakeholders, the Group shall provide guidance and best practices to the emergency preparedness and response community on the use of social media technologies before, during, and after a terrorist attack or other emergency.

(c) *MEMBERSHIP.*—

(1) *IN GENERAL.*—The Under Secretary for Science and Technology shall serve as the permanent chairperson of the Group, and shall designate, on a rotating basis, a representative from a State or local government who is a member of the Group to serve as co-chairperson. The Under Secretary shall establish term limits for individuals appointed to the Group pursuant to paragraph (2). Membership of the Group shall be composed of a cross section of subject matter experts from Federal, State, local, tribal, and nongovernmental organization practitioners, including representatives from the following entities:

(A) The Office of Public Affairs of the Department.

(B) The Office of the Chief Information Officer of the Department.

(C) The Privacy Office of the Department.

(D) The Federal Emergency Management Agency.

(E) The Office of Disability Integration and Coordination of the Federal Emergency Management Agency.

(F) The American Red Cross.

(G) The Forest Service.

(H) The Centers for Disease Control and Prevention.

(I) The United States Geological Survey.

(J) The National Oceanic and Atmospheric Administration.

(2) *ADDITIONAL MEMBERS.*—The Under Secretary for Science and Technology shall appoint, on a rotating basis, qualified in-

dividuals to the Group. The total number of such additional members shall—

(A) be equal to or greater than the total number of regular members under paragraph (1); and

(B) include—

(i) not fewer than three representatives from the private sector; and

(ii) representatives from—

(I) State, local, and tribal entities, including from—

(aa) law enforcement;

(bb) fire services;

(cc) emergency management services; and

(dd) public health entities;

(II) universities and academia; and

(III) non-profit disaster relief organizations.

(d) *CONSULTATION WITH NON-MEMBERS.*—To the extent practicable, the Group shall work with existing bodies in the public and private sectors to carry out subsection (b).

(e) *MEETINGS.*—

(1) *INITIAL MEETING.*—Not later than 90 days after the date of the enactment of this section, the Group shall hold its initial meeting. Such initial meeting may be held virtually.

(2) *SUBSEQUENT MEETINGS.*—After the initial meeting under paragraph (1), the Group shall meet at least twice each year, or at the call of the Chairperson. Such subsequent meetings may be held virtually.

(f) *NONAPPLICABILITY OF FACCA.*—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Group.

(g) *REPORTS.*—Not later than March 30 of each year, the Group shall submit to the appropriate congressional committees a report that includes the following:

(1) A review of current and emerging social media technologies being used to support preparedness and response activities related to terrorist attacks and other emergencies.

(2) A review of best practices and lessons learned on the use of social media during the response to terrorist attacks and other emergencies that occurred during the period covered by the report at issue.

(3) Recommendations to improve the Department's use of social media for emergency management purposes.

(4) Recommendations to improve public awareness of the type of information disseminated through social media, and how to access such information, during a terrorist attack or other emergency.

(5) Recommendations to improve information sharing among the Department and its components.

(6) Recommendations to improve information sharing among State and local governments.

(7) A review of available training for Federal, State, local, and tribal officials on the use of social media in response to a terrorist attack or other emergency.

(8) A summary of coordination efforts with the private sector to discuss and resolve legal, operational, technical, privacy, and security concerns.

* * * * *

