

AMENDMENT TO RULES COMMITTEE

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OFFERED BY MRS. TRAHAN OF MASSACHUSETTS

At the end of subtitle C of title XVIII, add the following:

1 **SEC. 1859. NATIONAL COMMISSION ON ONLINE VIDEO**
2 **GAMES AND EXTREMISM.**

3 (a) ESTABLISHMENT OF COMMISSION.—There is es-
4 tablished a National Commission on Extremism in Online
5 Video Games and Related Platforms (referred to in this
6 section as the “Commission”).

7 (b) PURPOSES.—The Commission shall, in a report
8 to Congress—

9 (1) identify and examine the ways, if any, that
10 online video games, game-adjacent platforms, and
11 reality-simulation platforms, have been utilized in
12 furtherance of acts of targeted violence, including
13 domestic terrorism and international terrorism, or
14 acts of cyber harassment that can lead to targeted
15 violence;

16 (2) identify and examine the ways, if any, that
17 online video games, game-adjacent platforms, and
18 reality-simulation platforms, have been utilized in

1 furtherance of acts of targeted violence, including
2 domestic terrorism and international terrorism, or
3 acts of cyber harassment that can lead to targeted
4 violence;

5 (3) develop recommendations, as appropriate,
6 for how online video games, game-adjacent plat-
7 forms, and reality-simulation platforms could ad-
8 dress the utilization identified pursuant to para-
9 graph (1) and paragraph (2), if any, in ways that
10 are transparent and accountable, to uphold the prin-
11 ciples of the Constitution, in accordance with rel-
12 evant existing statutes, including section 552a of
13 title 5, United States Code (commonly referred to as
14 the Privacy Act of 1974), and take into account cur-
15 rent or anticipated trends and technological develop-
16 ments, such as but not limited to advancements in
17 extended reality and artificial intelligence; and

18 (4) identify and examine the ways that the
19 abuse of video games, game adjacent platforms, and
20 reality-simulation platforms in furtherance of acts of
21 targeted violence, including domestic terrorism and
22 international terrorism, or acts of cyber harassment
23 that can lead to targeted violence, differs from the
24 ways that such platforms are used for their intended
25 purposes, and how the intended use of such plat-

1 forms has been found to not be linked with violence
2 in existing research.

3 (c) COMPOSITION OF COMMISSION.—

4 (1) MEMBERS.—The Commission shall be com-
5 posed of the following 16 members:

6 (A) Two members appointed by the Com-
7 mittee on Armed Services in the House of Rep-
8 resentatives, agreed upon by the Chair and the
9 Ranking Member.

10 (B) Two members appointed by the Com-
11 mittee on Homeland Security in the House of
12 Representatives, agreed upon by the Chair and
13 the Ranking Member.

14 (C) Two members appointed by the Com-
15 mittee on Armed Services in the Senate, agreed
16 upon by the Chair and the Ranking Member.

17 (D) Two members appointed by the Com-
18 mittee on Homeland Security and Government
19 Affairs in the Senate, agreed upon by the Chair
20 and the Ranking Member.

21 (E) Two members appointed by the Com-
22 mittee on the Judiciary of the House of Rep-
23 resentatives, agreed upon by the Chair and the
24 Ranking Member.

1 (F) Two members appointed by the Com-
2 mittee on the Judiciary of the Senate, agreed
3 upon by the Chair and the Ranking Member.

4 (G) Two members appointed by the Per-
5 manent Select Committee on Intelligence of the
6 House of Representatives, agreed upon by the
7 Chair and the Ranking Member.

8 (H) Two members appointed by the Select
9 Committee on Intelligence of the Senate, agreed
10 upon by the Chair and the Ranking Member.

11 (2) QUALIFICATIONS.—

12 (A) AREAS OF EXPERTISE.—Individuals
13 appointed to the Commission shall be persons
14 with experience in such professions as civil
15 rights, civil liberties, constitutional law, com-
16 puter science and engineering, digital media
17 and communications, online platform manage-
18 ment, cybersecurity, video game development,
19 gaming-adjacent platform development, reality-
20 simulation platform development, trust and
21 safety, psychological and behavioral sciences,
22 data science, preventing and countering violent
23 extremism, and national security. The appoint-
24 ment of members to the Commission shall, to
25 the extent possible, be coordinated among nomi-

1 nations to ensure Commission membership rep-
2 resents a variety of expertise in such fields.

3 (B) CIVIL RIGHTS, AND CIVIL LIB-
4 ERTIES.—Not fewer than two individuals ap-
5 pointed to the Commission shall be experts in
6 the fields of civil rights, or civil liberties, and
7 not fewer than one individual shall be an expert
8 in constitutional law.

9 (C) RESEARCHER APPOINTEES.—Not
10 fewer than three individuals appointed to the
11 Commission shall be researchers who have pub-
12 lished relevant peer-reviewed research in the
13 areas of expertise listed in subparagraph (A).

14 (D) INDUSTRY APPOINTEES.—

15 (i) Not more than two and not fewer
16 than one of the individuals appointed to
17 the Commission shall be a current member
18 of an association or alliance representing
19 fair play development in the video game in-
20 dustry.

21 (ii) No more than one individual ap-
22 pointed to the Commission shall be a cur-
23 rent member of an association representing
24 extended reality and metaverse develop-
25 ment industries.

1 (E) NONGOVERNMENT APPOINTEES.—An
2 individual appointed to the Commission may
3 not be an elected official or an officer or em-
4 ployee of the Federal Government.

5 (3) DEADLINE FOR APPOINTMENT.—Members
6 of the Commission shall be appointed not later than
7 30 days after the date of the enactment of this Act.

8 (d) CHAIR.—The Chair shall be chosen from among
9 the members appointed to the Commission on the basis
10 of their qualifications with respect to areas listed in sub-
11 section (c)(2)(A), through a vote taken by a majority of
12 Commission members or, in the absence of a majority, by
13 a plurality of Commission members.

14 (e) INITIAL MEETING.—The Commission shall meet
15 and begin operating not later than 30 days after the date
16 of the appointment of its final member.

17 (f) QUORUM; VACANCIES.—After its initial meeting,
18 the Commission shall meet upon the call of the Chair or
19 a majority of its members. Twelve members of the Com-
20 mission shall constitute a quorum, and members shall
21 have the option to vote by proxy. Any vacancy in the Com-
22 mission shall not affect its powers, but shall be filled in
23 the same manner in which the original appointment was
24 made.

1 (g) STUDY AREAS.—The Commission shall, con-
2 sistent with the purposes specified in subsection (b), ana-
3 lyze existing research that relates to the utilization of on-
4 line video games, game-adjacent platforms, and reality-
5 simulation platforms in furtherance of acts targeted vio-
6 lence, including domestic terrorism and international ter-
7 rorism, or acts of cyber harassment that can lead to tar-
8 geted violence, identify any areas with respect to which
9 additional research is needed, and study the following:

10 (1) The extent to which owners or operators of
11 online video games, game-adjacent platforms, and
12 reality-simulation platforms have been able to re-
13 spond effectively to attempts to use these tech-
14 nologies and instances in which these technologies
15 have been used in furtherance of acts of targeted vi-
16 olence, including domestic terrorism and inter-
17 national terrorism, and cyber harassment which can
18 lead to targeted violence and what impact, if any,
19 such responses have had on the experiences of users.

20 (2) The ways, if any, that online video games,
21 game-adjacent platforms, and reality-simulation
22 platforms text chat, voice chat, forum posting, and
23 other communication features may have affected ac-
24 tivity on such platforms in furtherance of acts of
25 targeted violence, including domestic terrorism and

1 international terrorism, or acts of cyber harassment
2 that can lead to targeted violence.

3 (3) The ways, if any, that modifications of or
4 user-generated content in online video games and re-
5 ality-simulation platforms may have affected activity
6 on such platforms in furtherance of acts of targeted
7 violence, including domestic terrorism and inter-
8 national terrorism, or acts of cyber harassment that
9 can lead to targeted violence.

10 (4) The ways, if any, that gaming cultural ref-
11 erences and gamification elements are used in fur-
12 therance of acts of targeted violence, including do-
13 mestic terrorism and international terrorism, or acts
14 of cyber harassment that can lead to targeted vio-
15 lence.

16 (5) The extent to which owners or operators of
17 online video games, game-adjacent platforms, and
18 reality-simulation platforms have—

19 (A) transparent, consistent, and accessible
20 policies and procedures to enforce terms of
21 services or codes of conduct, provide notice and
22 an opportunity for redress, or otherwise address
23 violations of platform rules, including a consid-
24 eration of best practices for improving such
25 policies and procedures, including the rec-

1 ommendations contained in the Disruption and
2 Harms in Online Gaming Framework, as pub-
3 lished in December 2020;

4 (B) mechanisms and policies for trans-
5 parency reporting on data related to proactive
6 and reactive content removal and disciplinary
7 actions for violating their terms of services or
8 codes of conduct; and

9 (C) mechanisms such as application pro-
10 gramming interfaces and policies for sharing
11 data described in subparagraph (B) in a pri-
12 vacy-protective manner with vetted researchers
13 conducting public-interest research on the use
14 of online video games, game-adjacent platforms,
15 and reality-simulation platforms in furtherance
16 of acts of targeted violence, including domestic
17 terrorism and international terrorism, or acts of
18 cyber harassment that can lead to targeted vio-
19 lence.

20 (6) The extent to which owners or operators of
21 online video games, game-adjacent platforms, and
22 reality-simulation platforms consistently and effec-
23 tively enforce the policies and procedures described
24 in paragraph (5).

1 (7) The efficacy of online video games, game-
2 adjacent platforms, and reality-simulation platforms
3 in furthering concepts such as digital literacy,
4 prosocial mechanics, and positive play design prin-
5 ciples to mitigate and prevent acts of targeted vio-
6 lence, including domestic terrorism and international
7 terrorism.

8 (h) POWERS OF COMMISSION.—

9 (1) HEARINGS AND EVIDENCE.—For the pur-
10 pose of carrying out this section, the Commission
11 may—

12 (A) hold such hearings and sit and act at
13 such times and places, take such testimony, re-
14 ceive such evidence, and administer such oaths,
15 and

16 (B) require, by subpoena authorized by the
17 majority vote of the Commission, the attend-
18 ance and testimony of such witnesses and the
19 production of such books, records, correspond-
20 ence, memoranda, papers, and documents, but
21 only to the extent necessary to achieve the pur-
22 poses specified in subsection (b).

23 (2) LIMITATIONS ON SUBPOENA AUTHORITY.—

24 With respect to the subpoena authority granted in
25 paragraph (1)(B), the Commission—

1 (A) may issue a subpoena to an owner or
2 operator of an online video game, game-adj-
3 cent platform, or reality-simulation platform
4 but only to the extent necessary to achieve the
5 purposes specified in subsection (b);

6 (B) may not, under any circumstances,
7 issue a subpoena for information related to an
8 individual user or group of users;

9 (C) may not share, disclose, publish, or
10 transmit in any way any information obtained
11 through subpoena to a Federal department or
12 agency, any agency of a State, local, Tribal, or
13 territorial government, or any international
14 body;

15 (D) may not share, disclose, publish, or
16 transmit in any way any information obtained
17 through subpoena with any individual or orga-
18 nization outside the Commission unless three-
19 fourths of Commission members approve such
20 action and that any such sharing, disclosure,
21 publishing, or transmission be reasonably nec-
22 essary for the report and to further the Com-
23 mission's goals; and

24 (E) shall comply with requirements for the
25 issuance of a subpoena issued by a United

1 States district court under the Federal Rules of
2 Civil Procedure.

3 (3) PUBLIC MEETINGS AND RELEASE OF PUB-
4 LIC VERSIONS OF REPORTS.—

5 (A) IN GENERAL.—The Commission
6 shall—

7 (i) hold public hearings and meetings,
8 as appropriate;

9 (ii) hold closed or classified hearings
10 or meetings, as appropriate;

11 (iii) provide an opportunity for public
12 comment, including sharing of research
13 and policy analysis, through publication in
14 the Federal Register of a solicitation for
15 public comments during a period to last
16 not fewer than 45 days; and

17 (iv) release a public version of the re-
18 port required under subsection (k)(2).

19 (B) CONDUCT.—Any public hearing, meet-
20 ing, or reporting of the Commission under this
21 paragraph shall be conducted in a manner con-
22 sistent with the protection of information pro-
23 vided to or developed for or by the Commission
24 as required by any applicable statute, regula-
25 tion, or Executive order.

1 (4) OBLIGATION TO PROTECT PERSONAL IN-
2 FORMATION.—Whether or not the Commission re-
3 ceives personally identifiable information through the
4 exercise of subpoena authority pursuant to para-
5 graph (1)(B), neither the Commission nor any mem-
6 ber of the Commission may publish, disclose, or re-
7 lease such information publicly or to a Federal de-
8 partment or agency, an agency of a State, local,
9 Tribal, or territorial government, any international
10 body, or any other individual or organization outside
11 the Commission.

12 (5) OBLIGATION TO PROTECT PROPRIETARY IN-
13 FORMATION.—Whether or not the Commission re-
14 ceives proprietary information, confidential business
15 information, or a trade secret through the exercise
16 of subpoena authority pursuant to paragraph (1)(B),
17 neither the Commission nor any member of the
18 Commission may publish, disclose, or release such
19 information publicly or to a Federal department or
20 agency, an agency of a State, local, Tribal, or terri-
21 torial government, any international body, or any in-
22 dividual or organization outside the Commission.

23 (6) PERSONALLY IDENTIFIABLE INFORMA-
24 TION.—In providing testimony or producing books,
25 records, correspondence, memoranda, papers, docu-

1 ments, or any other information or materials to the
2 Commission, either to comply with a subpoena
3 issued under this subsection or for any other pur-
4 pose, owners or operators of online video games,
5 game-adjacent platforms, and reality-simulation
6 platforms should review such information or mate-
7 rials for personally identifiable information and
8 should remove such information.

9 (i) **STAFF OF COMMISSION.**—The Chair, in consulta-
10 tion with the Vice Chair, and in accordance with rules
11 agreed upon by the Commission, may appoint and fix the
12 compensation of a staff director and such other personnel
13 as may be necessary to enable the Commission to carry
14 out its functions, without regard to the provisions of title
15 5, United States Code, governing appointments in the
16 competitive service, and without regard to the provisions
17 of chapter 51 and subchapter III of chapter 53 of such
18 title relating to classification and General Schedule pay
19 rates, except that no rate of pay fixed under this sub-
20 section may exceed the equivalent of that payable for a
21 position at level V of the Executive Schedule under section
22 5316 of title 5, United States Code.

23 (j) **SECURITY CLEARANCES FOR COMMISSION MEM-**
24 **BERS AND STAFF.**—The heads of appropriate Federal de-
25 partments and agencies shall cooperate with the Commis-

1 sion in expeditiously providing to Commission members
2 and staff appropriate security clearances to the extent
3 practicable pursuant to existing procedures and require-
4 ments, including temporary security clearances, as appro-
5 priate. No person may be provided access to classified in-
6 formation under this section without the appropriate secu-
7 rity clearance.

8 (k) REPORTS OF COMMISSION; TERMINATION.—

9 (1) INTERIM REPORTS.—Not later than one
10 year after the first meeting of the Commission, the
11 Chair shall report to Congress on the activities of
12 the Commission and share interim findings, as have
13 been agreed to by a majority of Commission mem-
14 bers.

15 (2) FINAL REPORT.—Not later than two years
16 after the first meeting of the Commission, the Chair
17 shall submit to the President and Congress a report
18 that contains any findings and recommendations
19 agreed to by a majority of Commission members to
20 address the areas of study under subsection (g), in-
21 cluding relating to the following:

22 (A) Policy mechanisms that would address
23 the Commission's findings in a manner that
24 promotes innovation, preserves individual pri-

1 vacy, civil rights, and civil liberties, and upholds
2 the principles of the Constitution.

3 (B) Policies and procedures, especially
4 those that promote positive play, that owners or
5 operators of online video games, game-adjacent
6 platforms, and reality-simulation platforms
7 could implement to address such areas of study
8 that preserve the individual privacy, civil rights,
9 and civil liberties of their users.

10 (C) Mechanisms to improve transparency
11 and accountability related to the matters de-
12 scribed in subsection (g), including any best
13 practices identified pursuant to paragraph (5)
14 of such subsection.

15 (D) Areas with respect to which additional
16 research is required, informed by the evaluation
17 of prior research, as required under subsection
18 (g).

19 (E) Other matters identified by the major-
20 ity of Commission members.

21 (3) TERMINATION.—The Commission shall ter-
22 minate on the date that is 90 days after the date on
23 which the final report under paragraph (2) is sub-
24 mitted.

1 (l) ACTION PLAN.—Not later than 180 days after
2 submission of the final report of the Commission pursuant
3 to paragraph (2) of subsection (k), the Secretary of Home-
4 land Security shall issue an action plan in response to
5 findings and recommendations under subparagraph (D) of
6 such paragraph.

7 (m) PAPERWORK REDUCTION ACT EXEMPTION.—
8 Subchapter I of chapter 35 of title 44, United States
9 Code, shall not apply to this section.

10 (n) RULE OF CONSTRUCTION.—Nothing in this sec-
11 tion may be construed to confer any authority, including
12 law enforcement authority, beyond that which is author-
13 ized under existing law.

14 (o) DEFINITIONS.—In this section:

15 (1) CYBER HARASSMENT.—The term “cyber
16 harassment” means electronic communication that
17 harasses, torments, threatens, or terrorizes a target.
18 This includes, but is not limited to, severe online
19 harassment in which physical threats, sustained har-
20 assment, stalking, sexual harassment, doxing, and/or
21 swatting take place.

22 (2) DOMESTIC TERRORISM.—The term “domes-
23 tic terrorism” has the meaning given such term in
24 section 2331 of title 18, United States Code.

1 (3) DOXING.—The term “doxing” is when an
2 individual intentionally publishes another person’s
3 personally identifiable information without the con-
4 sent of the person whose information is published,
5 and the information is published with the intent that
6 it be used to—

7 (A) harm or harass the person whose in-
8 formation is published, and

9 (B) with knowledge or reckless disregard
10 that the person whose information is published
11 would be reasonably likely to suffer death, bod-
12 ily injury, or stalking.

13 (4) INTERNATIONAL TERRORISM.—The term
14 “international terrorism” has the meaning given
15 such term in section 2331 of title 18, United States
16 Code.

17 (5) GAME-ADJACENT PLATFORM.—

18 (A) IN GENERAL.—The term “game-adj-
19 cent platform” means internet-based informa-
20 tion or communication services consisting of—

21 (i) the storage and processing of in-
22 formation by and at the request of a con-
23 tent provider and the dissemination of
24 such information to third parties, in which

1 such information is primarily related to
2 that of video game content; or

3 (ii) the facilitation of communications
4 and organization of groups of people for
5 the purposes of communication, where the
6 communication is primarily related to that
7 of video game content.

8 (B) EXCLUSIONS.—Such term does not in-
9 clude platforms the primary purpose of which is
10 to produce journalistic or editorial content (not
11 including editorial decisions by game-adjacent
12 platforms to rank and organize third party con-
13 tent).

14 (6) REALITY SIMULATION PLATFORM.—The
15 term “reality stimulation platform” means current
16 and emerging internet-based information and com-
17 munication services consisting of the storage and
18 processing of information by and at the request of
19 a content provider or user, the dissemination of such
20 information to third parties, and/or the facilitation
21 of communications and organizing groups of people
22 for the purposes of communication, where the serv-
23 ice is accessed by the user controlling a character in
24 a shared, virtual three-dimensional environment

1 meant to simulate real-world spaces and inter-
2 actions.

3 (7) EXTENDED REALITY.—The term “extended
4 reality” means immersive technologies, including
5 augmented reality, virtual reality, mixed reality, and
6 other technologies not yet invented, that enable the
7 integration of digital content and the physical envi-
8 ronment in a manner that supports user engage-
9 ment.

10 (8) PERSONALLY IDENTIFIABLE INFORMA-
11 TION.—The term “personally identifiable informa-
12 tion” means any information about an individual
13 elicited, collected, stored, or maintained by an agen-
14 cy or owner or operator of an online video game,
15 game-adjacent platform, or reality-simulation plat-
16 form, including the following:

17 (A) Any information that can be used to
18 distinguish or trace the identity of an indi-
19 vidual, such as a name, a social security num-
20 ber, a date and place of birth, a mother’s maid-
21 en name, phone number or biometric records.

22 (B) Any other information that is linked or
23 linkable to an individual, such as medical, edu-
24 cational, financial, or employment information.

1 (9) TARGETED VIOLENCE.—The term “targeted
2 violence” means an incident of violence in which an
3 attacker selected a particular target in order to in-
4 flict mass injury or death as part of an act of do-
5 mestic terrorism or international terrorism or with
6 no discernable political or ideological motivation be-
7 yond mass injury or death.

8 (10) SWATTING.—The term “swatting” refers
9 to when an individual reports or causes any report
10 of a crime or an emergency to be made to a govern-
11 ment emergency report recipient knowing that the
12 report is false and with reckless disregard of causing
13 bodily harm to any individual as a direct result of
14 an emergency response to the report, where the re-
15 port is reasonably likely to cause an emergency re-
16 sponse from a law enforcement agency.

