

AMENDMENT TO RULES COMMITTEE

PRINT 118-10

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) develop recommendations, as appropriate,
17 for how online video games, game-adjacent plat-
18 forms, and reality-simulation platforms could ad-

1 dress the utilization identified pursuant to para-
2 graph (1), if any, in ways that are transparent and
3 accountable, to uphold the principles of the Con-
4 stitution, in accordance with relevant existing stat-
5 utes, including section 552a of title 5, United States
6 Code (commonly referred to as the Privacy Act of
7 1974), and take into account current or anticipated
8 trends and technological developments, such as but
9 not limited to advancements in extended reality and
10 artificial intelligence; and

11 (3) identify and examine the ways that the
12 abuse of video games, game adjacent platforms, and
13 reality-simulation platforms in furtherance of acts of
14 targeted violence, including domestic terrorism and
15 international terrorism, or acts of cyber harassment
16 that can lead to targeted violence, differs from the
17 ways that such platforms are used for their intended
18 purposes, and how the intended use of such plat-
19 forms has been found to not be linked with violence
20 in existing research.

21 (c) COMPOSITION OF COMMISSION.—

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

24 (A) Two members appointed by the Com-
25 mittee on Armed Services in the House of Rep-

1 representatives, agreed upon by the Chair and the
2 Ranking Member.

3 (B) Two members appointed by the Com-
4 mittee on Homeland Security in the House of
5 Representatives, agreed upon by the Chair and
6 the Ranking Member.

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

10 (D) Two members appointed by the Com-
11 mittee on Homeland Security and Government
12 Affairs in the Senate, agreed upon by the Chair
13 and the Ranking Member.

14 (E) Two members appointed by the Com-
15 mittee on the Judiciary of the House of Rep-
16 resentatives, agreed upon by the Chair and the
17 Ranking Member.

18 (F) Two members appointed by the Com-
19 mittee on the Judiciary of the Senate, agreed
20 upon by the Chair and the Ranking Member.

21 (G) Two members appointed by the Per-
22 manent Select Committee on Intelligence of the
23 House of Representatives, agreed upon by the
24 Chair and the Ranking Member.

1 (H) Two members appointed by the Select
2 Committee on Intelligence of the Senate, agreed
3 upon by the Chair and the Ranking Member.

4 (2) QUALIFICATIONS.—

5 (A) AREAS OF EXPERTISE.—Individuals
6 appointed to the Commission shall be persons
7 with experience in such professions as civil
8 rights, civil liberties, constitutional law, com-
9 puter science and engineering, digital media
10 and communications, online platform manage-
11 ment, cybersecurity, video game development,
12 gaming-adjacent platform development, reality-
13 simulation platform development, trust and
14 safety, psychological and behavioral sciences,
15 data science, preventing and countering violent
16 extremism, and national security. The appoint-
17 ment of members to the Commission shall, to
18 the extent possible, be coordinated among nomi-
19 nations to ensure Commission membership rep-
20 resents a variety of expertise in such fields.

21 (B) CIVIL RIGHTS, AND CIVIL LIB-
22 RTIES.—Not fewer than two individuals ap-
23 pointed to the Commission shall be experts in
24 the fields of civil rights, or civil liberties, and

1 not fewer than one individual shall be an expert
2 in constitutional law.

3 (C) RESEARCHER APPOINTEES.—Not
4 fewer than three individuals appointed to the
5 Commission shall be researchers who have pub-
6 lished relevant peer-reviewed research in the
7 areas of expertise listed in subparagraph (A).

8 (D) INDUSTRY APPOINTEES.—

9 (i) Not more than two and not fewer
10 than one of the individuals appointed to
11 the Commission shall be a current member
12 of an association or alliance representing
13 fair play development in the video game in-
14 dustry.

15 (ii) No more than one individual ap-
16 pointed to the Commission shall be a cur-
17 rent member of an association representing
18 extended reality and metaverse develop-
19 ment industries.

20 (E) NONGOVERNMENT APPOINTEES.—An
21 individual appointed to the Commission may
22 not be an elected official or an officer or em-
23 ployee of the Federal Government.

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

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

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

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

21 (g) STUDY AREAS.—The Commission shall, con-
22 sistent with the purposes specified in subsection (b), ana-
23 lyze existing research that relates to the utilization of on-
24 line video games, game-adjacent platforms, and reality-
25 simulation platforms in furtherance of acts targeted vio-

1 lence, including domestic terrorism and international ter-
2 rorism, or acts of cyber harassment that can lead to tar-
3 geted violence, identify any areas with respect to which
4 additional research is needed, and study the following:

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

15 (2) The ways, if any, that online video games,
16 game-adjacent platforms, and reality-simulation
17 platforms text chat, voice chat, forum posting, and
18 other communication features may have affected ac-
19 tivity on such platforms in furtherance of acts of
20 targeted violence, including domestic terrorism and
21 international terrorism, or acts of cyber harassment
22 that can lead to targeted violence.

23 (3) The ways, if any, that modifications of or
24 user-generated content in online video games and re-
25 ality-simulation platforms may have affected activity

1 on such platforms in furtherance of acts of targeted
2 violence, including domestic terrorism and inter-
3 national terrorism, or acts of cyber harassment that
4 can lead to targeted violence.

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

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

14 (A) transparent, consistent, and accessible
15 policies and procedures to enforce terms of
16 services or codes of conduct, provide notice and
17 an opportunity for redress, or otherwise address
18 violations of platform rules, including a consid-
19 eration of best practices for improving such
20 policies and procedures, including the rec-
21 ommendations contained in the Disruption and
22 Harms in Online Gaming Framework, as pub-
23 lished in December 2020;

24 (B) mechanisms and policies for trans-
25 parency reporting on data related to proactive

1 and reactive content removal and disciplinary
2 actions for violating their terms of services or
3 codes of conduct; and

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

15 (6) The extent to which owners or operators of
16 online video games, game-adjacent platforms, and
17 reality-simulation platforms consistently and effec-
18 tively enforce the policies and procedures described
19 in paragraph (5).

20 (7) The efficacy of online video games, game-
21 adjacent platforms, and reality-simulation platforms
22 in furthering concepts such as digital literacy,
23 prosocial mechanics, and positive play design prin-
24 ciples to mitigate and prevent acts of targeted vio-

1 lence, including domestic terrorism and international
2 terrorism.

3 (h) POWERS OF COMMISSION.—

4 (1) HEARINGS AND EVIDENCE.—For the pur-
5 pose of carrying out this section, the Commission
6 may—

7 (A) hold such hearings and sit and act at
8 such times and places, take such testimony, re-
9 ceive such evidence, and administer such oaths,
10 and

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

18 (2) LIMITATIONS ON SUBPOENA AUTHORITY.—

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

21 (A) may issue a subpoena to an owner or
22 operator of an online video game, game-adj-
23 cent platform, or reality-simulation platform
24 but only to the extent necessary to achieve the
25 purposes specified in subsection (b);

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

4 (C) may not share, disclose, publish, or
5 transmit in any way any information obtained
6 through subpoena to a Federal department or
7 agency, any agency of a State, local, Tribal, or
8 territorial government, or any international
9 body;

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

19 (E) shall comply with requirements for the
20 issuance of a subpoena issued by a United
21 States district court under the Federal Rules of
22 Civil Procedure.

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

1 (A) IN GENERAL.—The Commission
2 shall—

3 (i) hold public hearings and meetings,
4 as appropriate;

5 (ii) hold closed or classified hearings
6 or meetings, as appropriate;

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

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

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

22 (4) OBLIGATION TO PROTECT PERSONAL IN-
23 FORMATION.—Whether or not the Commission re-
24 ceives personally identifiable information through the
25 exercise of subpoena authority pursuant to para-

1 graph (1)(B), neither the Commission nor any mem-
2 ber of the Commission may publish, disclose, or re-
3 lease such information publicly or to a Federal de-
4 partment or agency, an agency of a State, local,
5 Tribal, or territorial government, any international
6 body, or any other individual or organization outside
7 the Commission.

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

19 (6) PERSONALLY IDENTIFIABLE INFORMA-
20 TION.—In providing testimony or producing books,
21 records, correspondence, memoranda, papers, docu-
22 ments, or any other information or materials to the
23 Commission, either to comply with a subpoena
24 issued under this subsection or for any other pur-
25 pose, owners or operators of online video games,

1 game-adjacent platforms, and reality-simulation
2 platforms should review such information or mate-
3 rials for personally identifiable information and
4 should remove such information.

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

19 (j) SECURITY CLEARANCES FOR COMMISSION MEM-
20 BERS AND STAFF.—The heads of appropriate Federal de-
21 partments and agencies shall cooperate with the Commis-
22 sion in expeditiously providing to Commission members
23 and staff appropriate security clearances to the extent
24 practicable pursuant to existing procedures and require-
25 ments, including temporary security clearances, as appro-

1 piate. No person may be provided access to classified in-
2 formation under this section without the appropriate secu-
3 rity clearance.

4 (k) REPORTS OF COMMISSION; TERMINATION.—

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

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

18 (A) Policy mechanisms that would address
19 the Commission’s findings in a manner that
20 promotes innovation, preserves individual pri-
21 vacy, civil rights, and civil liberties, and upholds
22 the principles of the Constitution.

23 (B) Policies and procedures, especially
24 those that promote positive play, that owners or
25 operators of online video games, game-adjacent

1 platforms, and reality-simulation platforms
2 could implement to address such areas of study
3 that preserve the individual privacy, civil rights,
4 and civil liberties of their users.

5 (C) Mechanisms to improve transparency
6 and accountability related to the matters de-
7 scribed in subsection (g), including any best
8 practices identified pursuant to paragraph (5)
9 of such subsection.

10 (D) Areas with respect to which additional
11 research is required, informed by the evaluation
12 of prior research, as required under subsection
13 (g).

14 (E) Other matters identified by the major-
15 ity of Commission members.

16 (3) TERMINATION.—The Commission shall ter-
17 minate on the date that is 90 days after the date on
18 which the final report under paragraph (2) is sub-
19 mitted.

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

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

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

8 (o) DEFINITIONS.—In this section:

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

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

19 (3) DOXING.—The term “doxing” is when an
20 individual intentionally publishes another person’s
21 personally identifiable information without the con-
22 sent of the person whose information is published,
23 and the information is published with the intent that
24 it be used to—

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

3 (B) with knowledge or reckless disregard
4 that the person whose information is published
5 would be reasonably likely to suffer death, bod-
6 ily injury, or stalking.

7 (4) INTERNATIONAL TERRORISM.—The term
8 “international terrorism” has the meaning given
9 such term in section 2331 of title 18, United States
10 Code.

11 (5) GAME-ADJACENT PLATFORM.—

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

15 (i) the storage and processing of in-
16 formation by and at the request of a con-
17 tent provider and the dissemination of
18 such information to third parties, in which
19 such information is primarily related to
20 that of video game content; or

21 (ii) the facilitation of communications
22 and organization of groups of people for
23 the purposes of communication, where the
24 communication is primarily related to that
25 of video game content.

1 (B) EXCLUSIONS.—Such term does not in-
2 clude platforms the primary purpose of which is
3 to produce journalistic or editorial content (not
4 including editorial decisions by game-adjacent
5 platforms to rank and organize third party con-
6 tent).

7 (6) REALITY SIMULATION PLATFORM.—The
8 term “reality stimulation platform” means current
9 and emerging internet-based information and com-
10 munication services consisting of the storage and
11 processing of information by and at the request of
12 a content provider or user, the dissemination of such
13 information to third parties, and/or the facilitation
14 of communications and organizing groups of people
15 for the purposes of communication, where the serv-
16 ice is accessed by the user controlling a character in
17 a shared, virtual three-dimensional environment
18 meant to simulate real-world spaces and inter-
19 actions.

20 (7) EXTENDED REALITY.—The term “extended
21 reality” means immersive technologies, including
22 augmented reality, virtual reality, mixed reality, and
23 other technologies not yet invented, that enable the
24 integration of digital content and the physical envi-

1 ronment in a manner that supports user engage-
2 ment.

3 (8) PERSONALLY IDENTIFIABLE INFORMA-
4 TION.—The term “personally identifiable informa-
5 tion” means any information about an individual
6 elicited, collected, stored, or maintained by an agen-
7 cy or owner or operator of an online video game,
8 game-adjacent platform, or reality-simulation plat-
9 form, including the following:

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

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

18 (9) TARGETED VIOLENCE.—The term “targeted
19 violence” means an incident of violence in which an
20 attacker selected a particular target in order to in-
21 flict mass injury or death as part of an act of do-
22 mestic terrorism or international terrorism or with
23 no discernable political or ideological motivation be-
24 yond mass injury or death.

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

