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:

SEC. 1859. NATIONAL COMMISSION ON ONLINE VIDEO GAMES AND EXTREMISM.

(a) Establishment of Commission.—There is established a National Commission on Extremism in Online Video Games and Related Platforms (referred to in this section as the “Commission”).

(b) Purposes.—The Commission shall, in a report to Congress—

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

(2) develop recommendations, as appropriate, for how online video games, game-adjacent platforms, and reality-simulation platforms could ad-
address the utilization identified pursuant to paragraph (1), if any, in ways that are transparent and accountable, to uphold the principles of the Constitution, in accordance with relevant existing statutes, including section 552a of title 5, United States Code (commonly referred to as the Privacy Act of 1974), and take into account current or anticipated trends and technological developments, such as but not limited to advancements in extended reality and artificial intelligence; and

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

(c) COMPOSITION OF COMMISSION.—

(1) MEMBERS.—The Commission shall be composed of the following 16 members:

(A) Two members appointed by the Committee on Armed Services in the House of Rep-
resentatives, agreed upon by the Chair and the Ranking Member.

(B) Two members appointed by the Committee on Homeland Security in the House of Representatives, agreed upon by the Chair and the Ranking Member.

(C) Two members appointed by the Committee on Armed Services in the Senate, agreed upon by the Chair and the Ranking Member.

(D) Two members appointed by the Committee on Homeland Security and Government Affairs in the Senate, agreed upon by the Chair and the Ranking Member.

(E) Two members appointed by the Committee on the Judiciary of the House of Representatives, agreed upon by the Chair and the Ranking Member.

(F) Two members appointed by the Committee on the Judiciary of the Senate, agreed upon by the Chair and the Ranking Member.

(G) Two members appointed by the Permanent Select Committee on Intelligence of the House of Representatives, agreed upon by the Chair and the Ranking Member.
(H) Two members appointed by the Select Committee on Intelligence of the Senate, agreed upon by the Chair and the Ranking Member.

(2) QUALIFICATIONS.—

(A) AREAS OF EXPERTISE.—Individuals appointed to the Commission shall be persons with experience in such professions as civil rights, civil liberties, constitutional law, computer science and engineering, digital media and communications, online platform management, cybersecurity, video game development, gaming-adjacent platform development, reality-simulation platform development, trust and safety, psychological and behavioral sciences, data science, preventing and countering violent extremism, and national security. The appointment of members to the Commission shall, to the extent possible, be coordinated among nominations to ensure Commission membership represents a variety of expertise in such fields.

(B) CIVIL RIGHTS, AND CIVIL LIBERTIES.—Not fewer than two individuals appointed to the Commission shall be experts in the fields of civil rights, or civil liberties, and
not fewer than one individual shall be an expert in constitutional law.

(C) **Researcher appointees.**—Not fewer than three individuals appointed to the Commission shall be researchers who have published relevant peer-reviewed research in the areas of expertise listed in subparagraph (A).

(D) **Industry appointees.**—

(i) Not more than two and not fewer than one of the individuals appointed to the Commission shall be a current member of an association or alliance representing fair play development in the video game industry.

(ii) No more than one individual appointed to the Commission shall be a current member of an association representing extended reality and metaverse development industries.

(E) **Nongovernment appointees.**—An individual appointed to the Commission may not be an elected official or an officer or employee of the Federal Government.
(3) **DEADLINE FOR APPOINTMENT.**—Members of the Commission shall be appointed not later than 30 days after the date of the enactment of this Act.

(d) **CHAIR.**—The Chair shall be chosen from among the members appointed to the Commission on the basis of their qualifications with respect to areas listed in subsection (c)(2)(A), through a vote taken by a majority of Commission members or, in the absence of a majority, by a plurality of Commission members.

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

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

(g) **STUDY AREAS.**—The Commission shall, consistent with the purposes specified in subsection (b), analyze existing research that relates to the utilization of online video games, game-adjacent platforms, and reality-simulation platforms in furtherance of acts targeted vio-
ience, including domestic terrorism and international terrorism, or acts of cyber harassment that can lead to targeted violence, identify any areas with respect to which additional research is needed, and study the following:

(1) The extent to which owners or operators of online video games, game-adjacent platforms, and reality-simulation platforms have been able to respond effectively to attempts to use these technologies and instances in which these technologies have been used in furtherance of acts of targeted violence, including domestic terrorism and international terrorism, and cyber harassment which can lead to targeted violence and what impact, if any, such responses have had on the experiences of users.

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

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

(4) The ways, if any, that gaming cultural ref-
ences and gamification elements are used in fur-
therance of acts of targeted violence, including do-
mestic terrorism and international terrorism, or acts
of cyber harassment that can lead to targeted vio-

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

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

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

(C) mechanisms such as application programming interfaces and policies for sharing data described in subparagraph (B) in a privacy-protective manner with vetted researchers conducting public-interest research on the use of online video games, game-adjacent platforms, and reality-simulation platforms in furtherance of acts of targeted violence, including domestic terrorism and international terrorism, or acts of cyber harassment that can lead to targeted violence.

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

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

(h) **POWERS OF COMMISSION.**—

(1) **HEARINGS AND EVIDENCE.**—For the pur-
purpose of carrying out this section, the Commission
may—

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

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

(2) **LIMITATIONS ON SUBPOENA AUTHORITY.**—
With respect to the subpoena authority granted in
paragraph (1)(B), the Commission—

(A) may issue a subpoena to an owner or
operator of an online video game, game-adjac-
ent platform, or reality-simulation platform
but only to the extent necessary to achieve the
purposes specified in subsection (b);
(B) may not, under any circumstances, issue a subpoena for information related to an individual user or group of users;

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

(D) may not share, disclose, publish, or transmit in any way any information obtained through subpoena with any individual or organization outside the Commission unless three-fourths of Commission members approve such action and that any such sharing, disclosure, publishing, or transmission be reasonably necessary for the report and to further the Commission’s goals; and

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

(3) **PUBLIC MEETINGS AND RELEASE OF PUBLIC VERSIONS OF REPORTS.**
(A) IN GENERAL.—The Commission shall—

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

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

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

(iv) release a public version of the report required under subsection (k)(2).

(B) CONDUCT.—Any public hearing, meeting, or reporting of the Commission under this paragraph shall be conducted in a manner consistent with the protection of information provided to or developed for or by the Commission as required by any applicable statute, regulation, or Executive order.

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

(5) Obligation to Protect Proprietary Informa-
tion.—Whether or not the Commission re-
ceives proprietary information, confidential business 
information, or a trade secret through the exercise 
of subpoena authority pursuant to paragraph (1)(B), 
neither the Commission nor any member of the 
Commission may publish, disclose, or release such 
information publicly or to a Federal department or 
agency, an agency of a State, local, Tribal, or terri-
torial government, any international body, or any in-
dividual or organization outside the Commission.

(6) Personally Identifiable Information.—In providing testimony or producing books, 
records, correspondence, memoranda, papers, docu-
ments, or any other information or materials to the 
Commission, either to comply with a subpoena 
issued under this subsection or for any other pur-
pose, owners or operators of online video games,
game-adjacent platforms, and reality-simulation platforms should review such information or materials for personally identifiable information and should remove such information.

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

(j) SECURITY CLEARANCES FOR COMMISSION MEMBERS AND STAFF.—The heads of appropriate Federal departments and agencies shall cooperate with the Commission in expeditiously providing to Commission members and staff appropriate security clearances to the extent practicable pursuant to existing procedures and requirements, including temporary security clearances, as appro-
priate. No person may be provided access to classified in-
formation under this section without the appropriate secu-
rity clearance.

(k) REPORTS OF COMMISSION; TERMINATION.—

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

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

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

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

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

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

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

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

(I) ACTION PLAN.—Not later than 180 days after
submission of the final report of the Commission pursuant
to paragraph (2) of subsection (k), the Secretary of Hom-
land Security shall issue an action plan in response to
findings and recommendations under subparagraph (D) of
such paragraph.
(m) **Paperwork Reduction Act Exemption.**—Subchapter I of chapter 35 of title 44, United States Code, shall not apply to this section.

(n) **Rule of Construction.**—Nothing in this section may be construed to confer any authority, including law enforcement authority, beyond that which is authorized under existing law.

(o) **Definitions.**—In this section:

1. **Cyber Harassment.**—The term “cyber harassment” means electronic communication that harasses, torments, threatens, or terrorizes a target. This includes, but is not limited to, severe online harassment in which physical threats, sustained harassment, stalking, sexual harassment, doxing, and/or swatting take place.

2. **Domestic Terrorism.**—The term “domestic terrorism” has the meaning given such term in section 2331 of title 18, United States Code.

3. **Doxing.**—The term “doxing” is when an individual intentionally publishes another person’s personally identifiable information without the consent of the person whose information is published, and the information is published with the intent that it be used to—
(A) harm or harass the person whose information is published, and

(B) with knowledge or reckless disregard that the person whose information is published would be reasonably likely to suffer death, bodily injury, or stalking.

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

(5) GAME-ADJACENT PLATFORM.—

(A) IN GENERAL.—The term “game-adjacent platform” means internet-based information or communication services consisting of—

(i) the storage and processing of information by and at the request of a content provider and the dissemination of such information to third parties, in which such information is primarily related to that of video game content; or

(ii) the facilitation of communications and organization of groups of people for the purposes of communication, where the communication is primarily related to that of video game content.
(B) Exclusions.—Such term does not include platforms the primary purpose of which is to produce journalistic or editorial content (not including editorial decisions by game-adjacent platforms to rank and organize third party content).

(6) Reality simulation platform.—The term “reality stimulation platform” means current and emerging internet-based information and communication services consisting of the storage and processing of information by and at the request of a content provider or user, the dissemination of such information to third parties, and/or the facilitation of communications and organizing groups of people for the purposes of communication, where the service is accessed by the user controlling a character in a shared, virtual three-dimensional environment meant to simulate real-world spaces and interactions.

(7) Extended reality.—The term “extended reality” means immersive technologies, including augmented reality, virtual reality, mixed reality, and other technologies not yet invented, that enable the integration of digital content and the physical envi-
ronment in a manner that supports user engagement.

(8) **PERSONALLY IDENTIFIABLE INFORMATION.**—The term “personally identifiable information” means any information about an individual elicited, collected, stored, or maintained by an agency or owner or operator of an online video game, game-adjacent platform, or reality-simulation platform, including the following:

(A) Any information that can be used to distinguish or trace the identity of an individual, such as a name, a social security number, a date and place of birth, a mother’s maiden name, phone number or biometric records.

(B) Any other information that is linked or linkable to an individual, such as medical, educational, financial, or employment information.

(9) **TARGETED VIOLENCE.**—The term “targeted violence” means an incident of violence in which an attacker selected a particular target in order to inflict mass injury or death as part of an act of domestic terrorism or international terrorism or with no discernable political or ideological motivation beyond mass injury or death.
(10) SWAPPING.—The term “swatting” refers to when an individual reports or causes any report of a crime or an emergency to be made to a government emergency report recipient knowing that the report is false and with reckless disregard of causing bodily harm to any individual as a direct result of an emergency response to the report, where the report is reasonably likely to cause an emergency response from a law enforcement agency.