

Section 1: Short Title

This Act may be cited as the “National Endowment for Fact-Checking Act.”

Section 2: Purpose

The purpose of this Act is to protect American democracy from the electronic amplification of dangerous lies and misinformation related to elections and public health. Since it would pose unacceptable risks to free speech to empower any executive branch agency or official to decide on a case-by-case basis whether a particular claim is true or false, the Act delegates that responsibility to independent, non-governmental fact-checking organizations, and creates a mechanism to distribute federal funding to those organizations through the National Endowment for Fact-Checking (NEFC).

Section 3: Findings

Congress makes the following findings:

1. The American system of constitutional self-government confronts an unprecedented threat. Several different metrics confirm that the quality of democratic self-governance in this country is declining.
2. The electronic amplification of lies and misinformation is a significant causal factor contributing to the decline of American democracy. Electronic amplification is a distinct type of activity that causes a distinct type of harm. When one person tells a lie to one other person, that lie does not threaten democracy. However, when individuals utilize commercial technology and services to amplify lies electronically and disseminate them to millions of people simultaneously, the electronic amplification of lies can pose a substantial threat to democracy.
3. Two specific types of false claims pose a special danger to our system of democratic self-government: a narrow category of false claims involving election-related information, and a narrow category of false claims involving information related to public health.
4. A critical mission for all governments is to protect the health and safety of their citizens. If democratic governments fail to perform that mission effectively, citizens lose faith in their governments, and in democracy. Health-related misinformation undermines faith in democracy by impeding the government’s ability to protect the health and safety of its citizens.
5. A small number of individuals—persons with large electronic megaphones—are responsible for the vast majority of the harm caused by electronic amplification of lies and misinformation related to elections and public health. Those individuals depend upon the commercial services provided by private companies to disseminate their messages to large audiences almost instantaneously.
6. Empirical research shows that the interaction among different types of technologies—including radio, television, social media, blogs, and podcasts—facilitates the rapid dissemination of lies and misinformation to very large audiences.

Draft Legislation: The National Endowment for Fact-Checking Act

7. To preserve the integrity of our system of democratic self-government, Congress has a constitutional responsibility to enact legislation to limit the harm caused by persons with large electronic megaphones who misuse electronic amplification services to spread dangerous lies and misinformation related to elections and public health.
8. The distinction between true and false claims is a content-based distinction. A content-neutral rule regulating all electronic amplification of speech—without distinguishing between truth and lies—would restrict far too much speech and would fail to address the unique harm to democracy associated with the electronic amplification of lies. Therefore, to preserve the integrity of our system of democratic self-government, Congress has a compelling interest in enacting content-based rules to regulate the electronic amplification of lies and misinformation related to elections and public health.
9. Implementation of such content-based regulations necessarily requires some entity or entities to decide, on a case-by-case basis, whether a particular claim is true or false. Empirical studies show that individuals are not very good at making those judgments for themselves when they are presented with a deluge of electronically amplified false claims. We cannot trust private companies to discriminate reliably between true and false claims because a system entrusting that responsibility to private companies would grant too much power to a small number of large, private companies. The First Amendment bars Congress from delegating to any executive branch agency or official the primary responsibility for making case-by-case decisions about which claims are true and false. Accordingly, this Act delegates that responsibility to independent, non-governmental fact-checking organizations, and creates a mechanism to distribute federal funding to those organizations through NEFC.

Section 4: Definitions

1. The term “electronic amplification services” means content distribution and content aggregation services that enable speakers to deliver their messages to large audiences almost instantaneously.
2. The term “electronic megaphone companies” (EMCs) means companies that provide electronic amplification services for individuals, including, without limitation:
 - a. Radio: companies that operate networks or syndicates that transmit radio programming through AM, FM, and/or satellite radio channels;
 - b. Television: companies that operate television networks, including both cable TV and broadcast television;
 - c. Social media: companies that operate social media platforms; and
 - d. Blogs and podcasts: companies that provide distribution, aggregation, or web-hosting services for blogs and/or podcasts.
3. The term “persons with large electronic megaphones” (PLEMs) means:
 - a. Radio news programs, and any person who hosts or operates a radio news program, with more than [five million] weekly listeners.¹

¹ The numbers in brackets are included for illustrative purposes. Congress should conduct fact-finding to determine appropriate thresholds.

Draft Legislation: The National Endowment for Fact-Checking Act

- b. Television news programs, and any person who hosts or operates a television news program, with more than [two million] weekly viewers.
 - c. A social media account, page, group, or channel, and any person who operates a social media account, page, group, or channel that reaches a weekly audience of more than [five million] social media users, not including individuals who receive messages indirectly via sharing or re-tweeting or similar functions.
 - d. Blogs and podcasts, and any person who writes or produces a blog or podcast, with more than [x] subscribers or more than [y] weekly readers or listeners.
4. The term “de-amplification order” means a decision adopted voluntarily by an EMC to restrict the electronic amplification of messages transmitted by a particular PLEM for a specified time period.
 5. The term “false” means that a claim is demonstrably untrue [or wholly lacking in evidentiary support].
 6. The term “misleading” means that a message is likely to induce an ordinary person to believe a proposition that is demonstrably untrue or wholly lacking in evidentiary support.
 7. The term “Commission” means the Federal Communications Commission.
 8. The term “NEFC” means the National Endowment for Fact-Checking, which is a private, nonprofit corporation established in the District of Columbia.
 9. The term “grantees” refers to independent, non-governmental fact-checking organizations that receive federal funding distributed by NEFC.
 10. The term “President” refers to the President of the National Endowment for Fact-Checking.
 11. The term “election” has the meaning specified in 52 U.S.C. § 30101(1).
 12. The term “Federal office” has the meaning specified in 52 U.S.C. § 30101(3).
 13. The term “person” includes both natural and artificial persons.
 14. For the purpose of this statute only, the term “public communication” means a communication by means of any broadcast, cable, satellite, internet, or digital technology that utilizes electronic amplification services provided by an electronic megaphone company and that is disseminated to the general public.²
 15. For the purpose of this statute only, the term “election-related communication” means:
 - a. Any public communication that conveys information about the process of voting in an election for Federal office or about the procedures for conducting an election for Federal office.
 - b. Any public communication that conveys information about the results of an election for Federal office after the polls have closed.
 - c. Any communication that qualifies as an “electioneering communication,” as defined in paragraph 16 of this section.
 16. For the purpose of this statute only, amend the definition of “electioneering communication” in 52 USC 30104(f)(3) as follows:

² This definition is adapted from the definition of “public communication” in 52 USC 30101(22). Note that the limitations included in this definition have the effect of limiting the definitions of terms in paragraphs 15-17.

Draft Legislation: The National Endowment for Fact-Checking Act

- a. In 52 U.S.C. 30104(f)(3)(A)(i), strike the phrase “broadcast, cable, or satellite communication” and replace it with “public communication.”
 - b. In 52 U.S.C. 30104(f)(3)(A)(i)(II), replace “60 days” with “120 days” and replace “30 days” with “60 days.”
 - c. In 52 U.S.C. 30104(f)(3)(A)(i)(III), add the phrase “broadcast, cable, or satellite” immediately before the phrase “communication which refers to a candidate”
 - d. In 52 U.S.C. 30104(f)(3)(A)(ii), strike the phrase “broadcast, cable, or satellite communication” and replace it with “public communication.”
 - e. Strike 52 U.S.C. 30104(f)(3)(B)(i) and 52 U.S.C. 30104(f)(3)(B)(iv).
17. The term “communication related to public health” means any public communication that conveys information relevant to: (a) a public health emergency declared by the Secretary of the Department of Health and Human Services pursuant to Section 319 of the Public Health Service Act; or (b) a public health emergency of international concern declared by the Director General of the World Health Organization.
18. Except as provided in subparagraph (b), the term “social media platform” means any public-facing website, web application, or digital application that is used for electronic communication of words or images and that is purposefully designed to enable users to share content by finding and connecting with other users who have common interests.
- a. The term “social media platform” includes, without limitation, Facebook, Twitter, Instagram, YouTube, LinkedIn, Reddit, Tumblr, Pinterest, Medium, Vine, Gab, and TikTok.
 - b. The term “social media platform” does not include the following types of websites or web applications:
 - i. web applications whose primary function is to transmit e-mail communications;
 - ii. web-based database software;
 - iii. web-based financial management or accounting software;
 - iv. search engines;
 - v. blogs, except for blogs embedded in other social media platforms;
 - vi. on-line gaming platforms;
 - vii. on-line dating sites;
 - viii. web applications whose primary purpose is to facilitate the on-line purchase of goods or services, or to provide ratings or recommendations for different vendors of goods or services; or
 - ix. web sites or applications whose primary purpose is something other than sharing content by finding and connecting with other users who have common interests.

Section 5: Electronic Megaphone Companies (EMCs)

1. EMCs are authorized to collect information about the persons who use their electronic amplification services for the purpose of determining which of those persons qualify as

Draft Legislation: The National Endowment for Fact-Checking Act

PLEMs under the definition in section 4, and under regulations enacted, or to be enacted, by the Commission.

2. All EMCs shall ensure that NEFC grantees have sufficient access to public communications by PLEMs so that those grantees can perform the monitoring functions specified in sections 7 and 8 of this Act.
3. EMCs shall prepare reports every three months to identify the persons who use their electronic amplification services who qualify as PLEMs. All EMCs shall submit such reports to Congress, the Commission, and NEFC.
 - a. The first such report shall be due within 90 days after the effective date of this Act.
 - b. The Commission shall promulgate regulations as soon as practicable after enactment of this Act to provide guidance to EMCs concerning the content of those reports.
 - c. Companies that meet the statutory definition of “electronic megaphone companies,” but that do not provide electronic amplification services for any individuals who meet the statutory definition of “persons with large electronic megaphones,” may fulfill their reporting obligations under this paragraph by filing a report indicating that they did not provide electronic amplification services for any PLEMs during the relevant reporting period.
4. In the context of preparing the report specified in paragraph 3, EMCs shall make the initial determination regarding which persons qualify as PLEMs under this statute. However, such initial determinations are subject to review by the Commission. The Commission shall retain final authority to determine which persons are classified as PLEMs under this statute, subject to judicial review in the event that any person claims to have been incorrectly classified as such.
5. EMCs are authorized, but not required, to issue de-amplification orders based upon recommendations provided by NEFC. Whenever NEFC recommends de-amplification of a particular PLEM, and the relevant EMC chooses voluntarily to implement that recommendation, the EMC shall have discretion in choosing the particular technical means for implementing that recommendation. In particular, the EMC may choose to:
 - a. Completely suspend the PLEM’s access to its electronic amplification services for a specified time period, or
 - b. Enact technical measures that permit the PLEM to retain access to those services, but restrict electronic amplification to the point where that person no longer reaches a sufficiently large audience to qualify as a PLEM under the definition in section 4.
6. EMCs shall pay all fees levied by the Commission pursuant to section 9 of this Act.
7. Any EMC that fails to file a report required under paragraph 3 of this section, or that fails to pay the fee required under paragraph 6 of this section, shall be subject to a monetary penalty. The Commission shall determine the magnitude of the penalty in particular cases in accordance with the rules specified in section 9 of this Act.
8. Nothing in this section shall be construed to require an electronic megaphone company to:

Draft Legislation: The National Endowment for Fact-Checking Act

- a. take an action that would convert information that is not personal information into personal information;
- b. collect or maintain personal information or contents of communications that the company would not otherwise collect or maintain; or
- c. maintain personal information or contents of communications longer than it would otherwise maintain such information.

Section 6: The National Endowment for Fact-Checking (NEFC)

1. Congress acknowledges that there has been established in the District of Columbia a private, nonprofit corporation known as the National Endowment for Fact-Checking, or NEFC.³
2. NEFC is not an agency or establishment of the United States Government. No officer or employee of the United States Government shall have authority to hire or fire NEFC's officers, directors, or employees.
3. The purposes of NEFC, as set forth in its articles of incorporation, are:
 - a. To help protect American democracy from the electronic amplification of dangerous lies and misinformation related to elections and public health.
 - b. To support and assist EMCs, the FCC, and NEFC grantees in their efforts to reduce the electronic amplification of false and misleading communications related to elections and public health.
4. **In general:** NEFC shall accomplish the goals specified in paragraph 3 by:
 - a. Distributing federal funds to grantees to enable them to perform their fact-checking functions more efficiently and effectively.
 - b. Providing oversight for grantees to ensure that those funds are utilized in a manner that is consistent with the requirements of this Act.
 - c. Recommending to EMCs that they issue de-amplification orders in appropriate circumstances, as elaborated in section 8 of this Act.
 - d. Preparing detailed reports to Congress and to the Commission as elaborated in paragraph 6 of this section.
5. **Limitations on NEFC's authority:** Nothing in this Act shall be construed to grant NEFC authority to issue a binding de-amplification order directed at a PLEM or an EMC.
6. **Reporting Requirements:** NEFC shall submit quarterly reports to Congress and to the Commission. All such reports shall be publicly available on NEFC's web site. All such reports shall include:
 - a. A complete list of the PLEMs subject to monitoring by NEFC's grantees during the reporting period.

³ This paragraph mirrors language in the National Endowment for Democracy Act, Sec. 502 of Pub. L. 98-164, Nov. 22, 1983, 97 Stat. 1039.

Draft Legislation: The National Endowment for Fact-Checking Act

- b. A complete list of the PLEMs to whom NEFC’s grantees issued warnings during the reporting period, including, for each such PLEM, the content of the messages that triggered those warnings.
 - c. A complete list of the EMCs for whom NEFC recommended de-amplification orders during the reporting period, including the names of the PLEMs subject to those recommendations and the rationale for those recommendations.
 - d. A summary of the EMCs’ responses to recommended de-amplification orders, including a complete list of the EMCs that issued such orders in response to NEFC’s recommendations, and a complete list of the EMCs that declined to issue such orders in response to NEFC’s recommendations.
- 7. Funding for NEFC:**
- a. Congress hereby authorizes to be appropriated [\$50 million] dollars to fund NEFC’s initial operations for the first two years after this law takes effect.
 - b. After its first two years of operations, NEFC shall be funded entirely by fees that the Commission collects from EMCs in accordance with section 9.
 - c. The President of NEFC shall, on an annual basis, propose a budget to be approved by the NEFC Board of Directors. After the Board approves a proposed budget, the Board shall transmit that budget to the Commission for its approval.
 - d. The Commission shall have the authority to modify the budget proposal submitted by the Board, provided, however, that the budget shall in every year be not less than [x] dollars and not more than [y] dollars until such time as Congress enacts legislation to modify these amounts.
 - e. The Commission shall establish a fee schedule every year, in accordance with section 9 of this Act, to ensure that it collects sufficient fees to fund NEFC’s operations for the following year.
- 8. The NEFC Board of Directors**
- a. The Board of Directors shall at all times be comprised of an even number of individuals with no fewer than six Directors and no more than ten Directors. Board members may be independents, Democrats, or Republicans, but the Board shall at all times have an equal number of Democratic and Republican Directors.
 - b. The Board shall make all decisions by majority vote.
 - c. Current government officials and current Members of Congress are barred from serving on the Board. All Board members shall be individuals with an established record of bipartisan cooperation.
 - d. The Board of Directors shall:
 - i. Make all decisions regarding the hiring of NEFC’s President.
 - ii. Make all decisions regarding the selection of new Board Members.
 - iii. Approve all grantees funded by NEFC, based upon the President’s recommendations.
 - iv. Approve NEFC’s annual budget, based upon a budget proposal submitted by the President.

Draft Legislation: The National Endowment for Fact-Checking Act

- v. Offer its comments and suggestions for any new or amended regulations promulgated by the Commission concerning NEFC's operations.
- e. The Board of Directors, and individual Directors, shall not interfere with or attempt to influence in any way operational decisions by NEFC staff or NEFC grantees concerning:
 - i. whether to issue warnings to particular PLEMs, or
 - ii. whether to recommend de-amplification orders to particular EMCs, or
 - iii. what to include in reports submitted to Congress and to the Commission.
- f. All NEFC Directors shall take the following oath when they assume their duties: "I promise to carry out my responsibilities as a Director in a non-partisan manner, always prioritizing a principled commitment to truth over any partisan political agenda."

9. The NEFC President

- a. The President shall be the chief executive officer of NEFC. The President shall be appointed by the Board to serve a five-year term. If re-appointed by the Board, the President may serve two consecutive terms, but no more than two consecutive terms.
- b. The President shall have authority to hire and fire all other NEFC employees.
- c. All NEFC employees, including the President, shall take the following oath when they assume their duties: "I promise to carry out my responsibilities as an NEFC [officer/employee] in a non-partisan manner, always prioritizing a principled commitment to truth over any partisan political agenda."

Section 7: NEFC's Grantees

- 1. NEFC's grantees shall carry out the following tasks under this statute:
 - a. Monitor messages transmitted by PLEMs that contain election-related communications or communications related to public health;
 - b. Decide which claims contained in such messages are false or misleading;
 - c. Issue warnings to PLEMs whenever they transmit false or misleading election-related communications, or false or misleading communications related to public health;
 - d. Inform NEFC whenever they issue such warnings.
- 2. In carrying out their responsibilities to identify false and misleading claims, NEFC's grantees shall operate in accordance with the code of principles adopted by the International Fact-Checking Network.
- 3. NEFC's grantees may use the funding provided by NEFC to hire additional employees and/or contractors. In particular:
 - a. Grantees that are charged with monitoring election-related communications may use NEFC funds to hire employees and/or contractors with special expertise related to federal elections;

Draft Legislation: The National Endowment for Fact-Checking Act

- b. Grantees that are charged with monitoring communications related to public health may use NEFC funds to hire employees and/or contractors with special expertise related to public health;
 - c. All grantees may use NEFC funds to hire employees and/or contractors with expertise in information technology to help them automate certain fact-checking functions so that grantees can perform those functions more effectively and efficiently.
4. The FCC retains final authority to decide which persons are properly classified as PLEMs under this Act. However, if a grantee believes that a particular person should be classified as a PLEM, that grantee shall so advise NEFC and the Commission.

Section 8: Voluntary Cooperation Among NEFC, Grantees and EMCs

1. Voluntary cooperation among NEFC, grantees and EMCs shall generally proceed in accordance with a “three strikes and you’re out” system, as elaborated in this section. The system is designed to provide a positive incentive for PLEMs to refrain from transmitting false or misleading election-related communications, or false or misleading communications related to public health. PLEMs who refrain from transmitting false or misleading claims shall retain unrestricted access to electronic amplification services, subject to other company policies adopted by particular EMCs.
2. **Initial De-Amplification Orders:** If a grantee decides that a PLEM has transmitted a false or misleading election-related communication, or a false or misleading communication related to public health, that grantee shall issue a warning to that PLEM and to the relevant EMC or EMCs, and shall inform NEFC that it has issued such a warning.
 - a. If a particular grantee issues a series of three warnings to the same PLEM based on communications with the same or substantially similar content, then NEFC may recommend to the relevant EMC or EMCs that it or they issue de-amplification orders to that PLEM.
 - b. If the relevant EMC or EMCs decide voluntarily to implement NEFC’s recommendation, the first such de-amplification order issued to a particular PLEM shall have a duration of 3-6 months. The relevant EMC or EMCs may select the appropriate duration within that time frame, based upon NEFC’s recommendation.
 - c. When the relevant EMC or EMCs reinstate unrestricted access to electronic amplification services for that PLEM after expiration of the de-amplification order, the PLEM shall be deemed to start over with zero strikes.
3. **Second De-Amplification Orders:** This paragraph applies to PLEMs whose access to electronic amplification services has previously been restricted for a period of 3-6 months in accordance with paragraph 2.
 - a. If a grantee decides that such a PLEM has transmitted a false or misleading election-related communication, or a false or misleading communication related to public health, then that grantee shall issue a warning to that PLEM and to the relevant EMC or EMCs, and shall inform NEFC that it has issued such a warning.

Draft Legislation: The National Endowment for Fact-Checking Act

- b. If a particular grantee issues a series of three warnings to the same PLEM based on communications with the same or substantially similar content, then NEFC may recommend to the relevant EMC or EMCs that it or they issue de-amplification orders to that PLEM.
 - c. If the relevant EMC or EMCs decide voluntarily to implement NEFC's recommendation, the second such de-amplification order issued to a particular PLEM shall have a duration of 12-18 months. The relevant EMC or EMCs may select the appropriate duration within that time frame, based upon NEFC's recommendation.
 - d. When the relevant EMC or EMCs reinstate unrestricted access to electronic amplification services for that PLEM after expiration of the de-amplification order, the PLEM shall be deemed to start over with zero strikes.
4. **Third De-Amplification Orders:** This paragraph applies to PLEMs whose access to electronic amplification services has previously been restricted for a period of 12-18 months in accordance with paragraph 3.
 - a. If a grantee decides that such a PLEM has transmitted a false or misleading election-related communication, or a false or misleading communication related to public health, then that grantee shall issue a warning to that PLEM and to the relevant EMC or EMCs, and shall inform NEFC that it has issued such a warning.
 - b. If a particular grantee issues a series of three warnings to the same PLEM based on communications with the same or substantially similar content, then NEFC may recommend to the relevant EMC or EMCs that it or they issue de-amplification orders to that PLEM.
 - c. If the relevant EMC or EMCs decide voluntarily to implement NEFC's recommendation, the third such de-amplification order issued to a particular PLEM shall have a duration of 3-5 years. The relevant EMC or EMCs may select the appropriate duration within that time frame, based upon NEFC's recommendation.
 - d. When the relevant EMC or EMCs reinstate unrestricted access to electronic amplification services for that PLEM after expiration of the de-amplification order, the PLEM shall be deemed to start over with zero strikes.
5. **Fourth and Subsequent De-Amplification Orders:** The provisions in paragraph 4 shall apply to fourth and subsequent de-amplification orders, except that EMCs shall have the option of permanently revoking a PLEM's access to electronic amplification services in cases where an EMC, in its sole discretion, decides that permanent revocation is appropriate.
6. In all cases where NEFC recommends that an EMC issue a de-amplification order in accordance with paragraph 2(a), 3(b), or 4(b) of this section, NEFC shall convey that recommendation electronically to the EMC, with a copy to the Commission. The EMC shall send an electronic reply to both NEFC and the Commission within 72 hours after receiving NEFC's recommendation. The reply shall state whether the EMC intends to execute such an order. Failure to reply within 72 hours shall be deemed a decision not to execute the recommended de-amplification order.
7. In cases where an EMC chooses voluntarily to execute a de-amplification order, the EMC shall inform NEFC and the Commission about the specific technical method it will utilize to execute that order.

8. EMCs shall retain full discretion to restrict an individual's access to their electronic amplification services for violations of company policies unrelated to the dissemination of false or misleading claims.

Section 9: The Commission's Responsibilities

1. Within 30 days after the effective date of this Act, the Commission shall prepare a list of all known companies that meet the definition of "electronic megaphone companies" under section 4 of this Act. The Commission shall provide written notice to all such companies to inform them about their reporting obligations under this Act. The Commission shall update the list of EMCs every three months and shall provide written notice to any new companies added to the list to inform them about their reporting obligations.
2. The Commission shall decide which persons meet the statutory definition of "persons with large electronic megaphones," based on reports filed by EMCs pursuant to section 5 of this Act.
3. The Commission shall establish a fee schedule every year to ensure that it collects sufficient fees to fund NEFC's operations for the following year.
 - a. Fees charged to EMCs shall be a fixed percentage of each company's annual revenues.
 - b. Companies with annual revenues less than [x] dollars shall be exempt from such fees.
 - c. The Commission shall adjust the specific percentage charged to EMCs on an annual basis to ensure that the fees collected are sufficient, but no more than necessary, to fund NEFC's approved budget.
4. The Commission shall enforce monetary penalties against EMCs that:
 - a. fail to fulfill their reporting obligations under section 5 of this Act; or
 - b. are delinquent in paying a fee assessed under paragraph 3 of this section.
5. When determining the appropriate magnitude of a monetary penalty in particular cases, the Commission shall be guided by the following criteria.
 - a. Penalties for failure to fulfill reporting obligations shall be no more than ten percent of a company's annual revenues, and shall be greater for repeat offenders than for first-time offenders.
 - b. Penalties for late payments of assessed fees shall be no more than five percent of the assessed fee. However, the Commission may impose an additional five percent penalty if an EMC is more than 30 days late, and additional five percent penalties for subsequent delays of more than 30 days.
6. The Commission is authorized to initiate judicial proceedings to obtain a court order authorizing seizure of company assets if necessary to ensure that an EMC pays assessed fees or monetary penalties.

Draft Legislation: The National Endowment for Fact-Checking Act

7. The Commission is authorized to promulgate rules to implement the provisions of this Act in accordance with established procedures for notice and comment rulemaking. In particular:
 - a. The Commission shall promulgate rules to determine the content of reports that EMCs are required to file under section 5 of this Act.
 - b. The Commission may, from time to time, promulgate rules to modify the specific numerical thresholds included in the statutory definition of “persons with large electronic megaphones” in paragraph 3 of section 4 of this Act.
 - c. The Commission may, from time to time, promulgate rules to add new categories of PLEMs or new categories of EMCs to the definitions in section 4 of this Act to adapt to technological change.
8. Nothing in this Act shall be construed to limit the Commission’s existing statutory authority to punish companies that knowingly transmit false claims. Nothing in this Act shall be construed to authorize the Commission to issue a legally binding de-amplification order to any EMC or PLEM.

Section 10: Extra-Territoriality

1. This Act shall apply to all electronic megaphone companies that are incorporated in the United States, and to all electronic megaphone companies that have their principal place of business in the United States.
2. This Act shall apply to all communications transmitted to or from persons located inside the United States. It shall also apply to communications between and among persons located outside the United States if those communications take advantage of electronic amplification services provided by a company that is incorporated in the United States, or that has its principal place of business in the United States.

Section 11: Severability

If any provision of this Act, or the application of a provision to any person or circumstance, is held to be unconstitutional, the remainder of this Act, and the application of the provisions to any other person or circumstance, shall not be affected by the holding.

Section 12: Effective Date

This Act shall take effect on the date when the President of NEFC notifies Congress and the Commission that NEFC is prepared to begin implementing its responsibilities under this Act.