



Written by [Peter Rykowski](#) on April 11, 2023

Congress Considering RESTRICT Act to Expand Federal Power

Members of Congress are seeking to enact a bill that — despite ostensibly being just a “TikTok ban” — would give new, tyrannical powers to the federal government.

[S. 686](#), titled the “Restricting the Emergence of Security Threats that Risk Information and Communications Technology (RESTRICT) Act,” is sponsored by Senator Mark Warner (D-Va.) and is cosponsored by 25 other senators, both Republicans and Democrats.

S. 686 is [being sold](#) to the American people as merely a “TikTok ban.” However, this bill would [do far more](#) than just that — in reality, it would amount to a [second “PATRIOT Act.”](#)



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For example, S. 686 does not just affect TikTok — it [would allow](#) the federal government to designate any country as a “foreign adversary,” without any congressional oversight, and then restrict access to any online services associated in some way with that country.

Worse, the bill would impose severe penalties on American citizens who seek any type of “transaction” — which is very broadly defined — with those services. The bill [allows](#) the government to “enforce[e] any mitigation measure to address any risk” and any “current, past, or potential future transaction” — so Americans could be targeted if they simply [plan](#) on accessing the restricted sites — and there are [no provisions](#) requiring due process. Penalties on Americans [include](#) a \$250,000 civil fine, a \$1 million criminal fine, and a jail sentence of up to 20 years.

Furthermore, if the U.S. Secretary of Commerce designates an entity as posing “undue or unacceptable risk” to U.S. national security, the federal government would be authorized to seize and access [practically all](#) information, including devices held by Americans, without a warrant.

Finally, among other actions, S. 686 declares that the Freedom of Information Act (FOIA) [does not](#) apply to any information related to the act’s enforcement.

The RESTRICT Act (S. 686) is a Trojan Horse — it is ostensibly intended to combat mainland China, but it will make our country and government more like Communist China. The political establishment is using valid concerns about China’s threat to the United States as an excuse to quietly expand the surveillance state. In fact, this bill would be the largest expansion of the surveillance state since the PATRIOT Act.

Furthermore, S. 686 could potentially put millions of Americans at risk of prosecution simply for what today are mundane activities, such as [using a VPN](#).

Ultimately, S. 686 is unconstitutional. [Article I, Section 8](#), of the U.S. Constitution enumerates specific



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areas where Congress is allowed to legislate — and it does not grant Congress any authority to regulate services or perform searches without a warrant. Instead of further empowering the security state at the expense of our liberties, Congress should return to the Constitution and enact legislation that upholds it.

Congress would be wise to follow the Constitution and avoid restricting the individual freedom of Americans. It can start by rejecting S. 686, the RESTRICT Act.

To urge your U.S. representative and senators to oppose S. 686, the RESTRICT Act, visit The John Birch Society's legislative alert [here](#).



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