



Written by [Joe Wolverton, II, J.D.](#) on April 4, 2023

RESTRICT Act: Tyranny Under Pretense of Protection

In hearings conducted on the question of whether the popular video app TikTok should be banned in the United States, social-media muckrakers had a field day mocking Representative Richard Hudson (R-N.C.) for [asking the CEO of TikTok](#) if the company was able to access a user's home WiFi network. But instead of showing his age, perhaps he was tipping his hand.

Twitter timelines instantly filled with tweets mocking Hudson when he asked Chew Shou Zi if TikTok accessed the home WiFi network. While people piled on Hudson and some of his colleagues for asking questions that seemed to witness a woeful ignorance of how smart phones, WiFi, and the internet worked. I think the truth is less silly and more sinister.

The Restricting the Emergence of Security Threats that Risk Information and Communications Technology Act ([RESTRICT Act](#)) is the specific bill that would, if passed, prohibit Americans from downloading TikTok. Supporters of the measure insist that the Chinese Communist Party has influence over the company and that it can demand data collected from users of the app.

While the relationship between ByteDance, TikTok's Beijing-based parent company, and the CCP is suspect, at best, a close reading of the bill that purports to prevent the CCP from gathering data from Americans by banning the app in this country reveals that enactment of the bill might prevent surveillance by the Chinese government, but it would greatly expand the surveillance capacity of our own.

Evidence of the measure's true target is found in its text.

The Chinese government is only mentioned in one place in the RESTRICT Act under the clause defining "foreign adversaries." The federal government is mentioned in clause after clause, however.

One section of the RESTRICT Act grants the Commerce Secretary power to "identify, deter, disrupt, prevent, prohibit, investigate, or otherwise mitigate ... any risk arising from any covered transaction by any person, or with respect to any property" that the Secretary of Commerce determines "poses an undue or unacceptable risk" from among a roster of possible sources.

Included in that list are "coercive or criminal activities by a foreign adversary that are designed to undermine democratic processes and institutions or steer policy and regulatory decisions in favor of the strategic objectives of a foreign adversary to the detriment of the national security of the United States."

In other words, the Biden Administration could ban any American company whose website, in the opinion of one unelected, unaccountable bureaucrat, could possibly pose an "unacceptable risk," even if





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that risk poses no actual threat to national security.

As to how this vague and expansive authority might be used, consider [this take from Reason](#):

The Biden administration's FBI has taken the position that American social media companies were infiltrated by Russian bots and that companies like Twitter are failing democracy by refusing to censor even more content. Mainstream media outlets and a coalition of government-supported think tanks have incorrectly accused social media platforms of being little more than useful idiots for Russian-backed disinformation campaigns.

Should we expect the veritable army of federal bureaucrats obsessed with policing speech on social media platforms to narrowly utilize this new mandate to deter foreign threats and focus solely on the CCP? Or should we anticipate that every weapon added to their arsenal is a threat to the free speech rights of everyday Americans?

The Electronic Frontier Foundation (EFF) warns of even broader wielding of this power by an always-expanding federal surveillance apparatus:

Due to undefined mitigation measures coupled with a vague enforcement provision, the bill could also criminalize common practices like using a VPN or side-loading to install a prohibited app. There are legitimate data privacy concerns about social media platforms, but this bill is a distraction from real progress on privacy.

The power granted by this bill is so ill-defined that it is possible that if an American uses a VPN to access a banned website or app, that person could be fined up to \$1 million and sentenced to 20 years in prison!

Furthermore, when interpreted in a manner most favorable to the federal government — and that is undoubtedly how all of the provisions would be defined — the Commerce Secretary could access your home smart devices and your home WiFi network to determine if you were violating the “law,” because such a violation would represent a threat to national security.

And don't forget, this power will be put in the hands of a bureaucrat whose position and power are beyond the reach of the American people.

Tulsi Gabbard, former Democratic Party presidential candidate, expressed similar warnings of the real purpose of the RESTRICT Act:

It seeks to impose a digital iron curtain, allowing our own government to monitor every move, censor our online speech, and crush any dissent, all under the guise of national security.

The bottom line is that the RESTRICT Act has nothing to do with quashing Chinese Communist Party access to American electronic data, and everything to do with granting to the U.S. government the ability to control online opposition to the regime. It is, as the PATRIOT Act that came before it, tyranny under pretense of protection.



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