TikTok and the RESTRICT Act Have Nothing to do With Each Other

March 30, 2023 - You may have heard that there is an effort in Congress to ban TikTok in the United States. The fear has been that TikTok, as a Chinese company, is spying on Americans and gathering information on just about everyone using the platform. That fear is valid. But the bill members of Congress are saying that will be used to implement that ban - the RESTRICT Act, has almost nothing to do with TikTok. In fact, it doesn't even mention the platform once. Instead, the bill in a blatant attempt to restrict the free speech of Americans and it has the potential to criminalize what is otherwise perfectly legal communications here in the United States.

Tweet

(function() {
var s = document.createElement('SCRIPT'), s1 = document.getElementsByTagName('SCRIPT')[0];

s.type = 'text/javascript';
s.src = 'http://widgets.digg.com/buttons.js';
s1.parentNode.insertBefore(s, s1);
})();

(function() {
var po = document.createElement('script'); po.type = 'text/javascript'; po.async = true;
po.src = 'https://apis.google.com/js/plusone.js';
var s = document.getElementsByTagName('script')[0]; s.parentNode.insertBefore(po, s);
})();

The full title of the bill is actually "Restricting the Emergence of Security Threats that Risk Information and Communications Technology Act," hence the RESTRICT Act. And it gives the Secretary of Commerce (SoC) along with the Director of National Intelligence (DNI) Orwellian powers. They alone will be able to decide when a social media platform is working against the interests of the United States, and they will have the power to order it shut down. Supposedly this will only apply to foreign social media platforms... but a closer look at the bill says otherwise.

That's because software used by American companies may be developed overseas. So if a US social media company is using software that isn't developed here, and the DNI or the SoC decide some of that software was developed by and adversary, they can order the platform shut down.

As if that isn't frightening enough, the bill also states that anyone... meaning individual Americans... who engage in any form of transaction with a company that is restricted by the RESTRICT Act can be guilty of a crime that is punishable by a fine of up to $1 million and 20 years in prison. This would mean that anyone who tries to bypass the provisions of the RESTRICT Act by using a VPN for instance, could be thrown in jail and bankrupted.

Reading through the bill, it is pretty clear that its purpose isn't to ban TikTok. Its purpose is to restrict the information that American can legally access and to penalize anyone who has the audacity to seek access to "unapproved" information. It's somewhat ironic that the members of Congress pushing the bill say they are concerned with totalitarian China, when this bill will make the United States a lot more like China.

If you think all of this sounds a little crazy, that's because it is. But it does have precedent. The Foreign Intelligence Surveillance Act (FISA) implemented a branch of the federal courts that was only supposed to focus on foreign

intelligence operations. But it has become clear that FISA is now used to spy on Americans. In fact, within the past couple of years we've learned that the FISA courts were used to spy on a sitting President.

Then there is the Patriot Act. That act weaponized the US Government and has brought us to the point that the NSA listens to just about every phone conversation we have now. This, even though they don't have a search warrant.

These are bad laws that were passed in the heat of the moment. The RESTRICT Act is cut from the same bolt of cloth. But it hasn't passed yet so with enough opposition we may be able to stop it.

Don't get us wrong. We're not fans of TikTok. We do believe that something needs to be done about them. But as we said at the beginning of this piece, the RESTRICT Act has nothing to do with TikTok. It's about restricting the information we have access to and that we share online, and it needs to be sopped dead in its tracks.
by Jim Malmberg
Note: When posting a comment, please sign-in first if you want a response. If you are not registered, click here. Registration is easy and free.

Follow ACCESS