Written by **Raven Clabough** on January 16, 2012

Stop Online Piracy Vote Delayed, but Senate Vote Still On

There have been a number of different criticisms surrounding the bills, particularly SOPA, which would virtually assign authority over websites and copyright infringement under the jurisdiction of the Justice Department.

At particular issue, the *Daily Caller* explains, was an amendment added to SOPA. "The manager's amendment retains the fundamental flaws of its predecessor by blocking Americans' ability to access websites, imposing costly regulation on web companies and giving Attorney General Eric Holder's Department of Justice broad new powers to police the internet," said House Oversight Chairman Darrell Issa.

The manager's amendment has provoked some debate, as it has its pros and cons. According to BNA.com, it "narrows the definition of what type of website would be subject to enforcement actions by the U.S. Attorney General," which provides clarity to some of the broader points in the Stop Online Piracy Act that provoked criticism. The amendment language refines the law so that the only sites subject to law enforcement are ones that are either "primarily designed" or operated "with the object of promoting" trademark or copyright infringement, not merely a site that failed to avoid confirming the presence of infringement or block a website using "feasible and reasonable measures" to prevent access by their subscribers to such sites. New language instead mandates that a service provider take measures to "prevent access by its subscribers located within the United States to the foreign infringing site that is subject to the order" issued by the courts.

House supporters of SOPA have already succumbed to pressure from the American people by dropping the provision which requires service providers to block access to international sites accused of piracy.

Likewise, Senator Patrick Leahy, who co-authored PIPA, said that he would be willing to remove a similar provision in the Senate version of the bill.

But according to Trevor Timm of the Electronic Frontier Foundation, even with the removal of those provisions, there remains a number of others that should be removed including the "vigilante provision," which permits ISPs to block sites voluntarily, and the "anti-circumvention provision," which punishes sites which give users information for how to access blocked sites.

Even with the possible changes to the measures, the White House finally issued a formal statement on the two bills this weekend, saying that while it does consider online piracy by foreign websites "a serious problem that requires a serious legislative response, we will not support legislation that reduces freedom of expression, increases cyber-security risk, or undermines the dynamic, innovative global internet."

The statement added, "Proposed laws must not tamper with the technical architecture of the Internet

through manipulation of the Domain Name System (DNS), a foundation of Internet security."

Just hours after the statement was released, Issa said that Majority Leader Eric Cantor had issued a promise that the House would not vote on SOPA until members reach a consensus.

"The voice of the Internet community has been heard," Issa said. "Much more education for members of Congress about the workings of the Internet is essential if anti-piracy legislation is to be workable and achieve broad appeal."

Issa has been an outspoken critic of the bill, and instead believes he has found a better solution to the issue of online piracy. He plans to introduce an alternative to SOPA, called the Open Protection and Enforcement of Digital Trade Act, which would grant law-enforcement authority to the International Trade Commission. That commission reports to both the executive and legislative branches and works with the Department of Commerce.

Meanwhile, six Republicans in the Senate — Charles Grassley (R-Iowa), Orrin Hatch (R-Utah), Jeff Sessions (R-Ala.), John Cornyn (R-Texas), Mike Lee (R-Utah), and Tom Coburn (R-Okla.) — who were key supporters of PIPA submitted a letter to Senate Majority leader Harry Reid asking that he postpone the January 24 vote on the bill, asserting that they are interested in avoiding "unintended consequences."

"We have increasingly heard from a large number of constituents and other stakeholders with vocal concerns about possible unintended consequences of the proposed legislation, including breaches in cybersecurity, damaging the integrity of the Internet, costly and burdensome litigation, and dilution of First Amendment rights," the Senators said.

That letter came a day after Senator Patrick Leahy, a chief sponsor of PIPA, said that the bill should be reevaluated.

Yet a vote on PIPA is still scheduled for January 24. "Right now, the focus of protecting the Internet needs to be on the Senate where Majority Leader Reid has announced his intention to try to move similar legislation in less than two weeks," Issa wrote.

The bills were adamantly opposed by big names such as Google, Facebook, and Twitter, all of which asserted that such measures would endanger the global domain system and create network-security holes, and overall would allow censorship.

The Electronic Frontier Foundation contends that the provisions regarding copyright infringement would force social media sites to police their sites "at high costs."

Rafal Los, a security strategist for HP software, said, "When the government has control over the pipes that feed information, they control that information. Whether that is for analytical 'good' or questionable motives, it's dangerous." The balance between freedom and censorship "is notoriously difficult to achieve, and the Internet is not the only place this has been a debate," he continued. "It will likely require compromise from both extremes. Hopefully we can be adults about it."

The bill did have support from companies which have an interest in preventing file-sharing films, music, and software. Most supporters of the bill now admit that it is fundamentally flawed, but Rep. Lamar Smith, who is behind SOPA, has vowed that he will find another way to monitor foreign websites.

Despite the fact that a vote on SOPA has been indefinitely delayed, Reddit.com is still going to go forward with its site-wide blackout scheduled for Wednesday, January 18 to show its protest of PIPA. "Protect IP Bill is still scheduled for a vote. Senator Reid said on Sunday that they're still going forward

with it, so [the Reddit blackout is still on]," said Erik Martin, Reddit's general manager.

In addition to Reddit.com, blackouts have been scheduled by BoingBoing, Mojang, Destructoid, Anonymous, IHeartChaos, and the entire Cheezburger Network. Perhaps most notably, Wikipedia co-founder Jimmy Wales announced that the online encyclopedia will go offline for a full 24 hours on Wednesday.

Digital Trends warns that while SOPA has been heavily criticized, PIPA is just as dangerous, as it contains many of the same provisions and could potentially "usher in an unprecedented level of government-enforced censorship online, harm the underlying infrastructure of the Internet, and hamper online innovation by stifling investment in Internet startups due to a more risky investment environment."

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