

December 27, 2011

HUFF POST POLITICS

THE INTERNET NEWSPAPER: NEWS BLOGS VIDEO COMMUNITY

What You Need to Know About the Stop Online Piracy Act in 2012

Alexander Howard

Posted: 12/23/11 12:55 PM ET

A colleague asked me today for a crash course on the "Stop Online Privacy Act" (SOPA). I sent him my feature at the O'Reilly Radar, where I wrote about how Congress is considering [anti-piracy bills](#) that could cripple Internet industries and harm digital innovation. The thing is, that post is about 6,000 words long and is now a month out of date. So here's the briefing I sent back.

First, you should know the major players in the House of Representatives: Representative Lamar Smith (R-TX), chairman of House Judiciary Committee. His staffers had a major hand in drafting it. He supports it. So do Reps. Goodlatte and Berman. Rep. Mel Watts is the congressman whose remarks about not understanding helped to fuel headlines like ["Dear Congress, It's No Longer OK To Not Know How The Internet Works"](#) and ["Dear Internet: It's No Longer OK to Not Know How Congress Works,"](#) by Clay Johnson.

Who else supports SOPA? The RIAA, MPAA, big Hollywood and big labor. Ergo, there's bipartisan coalition of 39 co-sponsors that supports it in the House or Representatives. Why? As always, [follow the money](#). Oh, and [all of these companies support SOPA](#) too.

Who's against SOPA? Reps. Darrell Issa (R-CA), Zoe Lofgren (D-CA), Jason Chaffetz (R-UT), Jared Polis (D-CO) and most of the Internet industry. These four representatives introduced dozens of amendments during the markup of the SOPA that would have addressed the most damaging, controversial, vague or problematic aspects of the bill, post-manager's amendment. (There's a lot of those.) By raising them, they catalyzed two day's worth of debate during the markup, effectively filibustering SOPA's progress during the waning days of the legislative calendar. They essentially ran out the clock on the year at a time when the rest of the House was focused on other issues. See: payroll tax cut extension.

Rep. Michele Bachmann is the only GOP candidate I've heard talk about it, which is notable. I think there should have been a debate question about it and the Internet -- but those aren't up to me.

Key counterproposal: An "OPEN" bill from Rep. Issa and other opponents of SOPA. You can learn more about it keepthewebopen.com. There's a lot that's interesting about that site, including the text of both SOPA and OPEN enabled with public markup. The site hosted an embedded livestream of the markup hearings that drew hundreds of thousands of visitors.

Prospects for SOPA: mixed. On the one hand, it's looking likely that it will pass out of committee. Most of the proposed amendments were voted down 2-1 in HJC when the manager's amendment was marked up. Unless something changes, expect SOPA to pass through the committee and emerge largely unamended, particularly with respect to the provisions that relate to search engines and the use of the domain name system for enforcement, the most controversial aspects of the bill for the tech community.

On the other hand, there have been significant cybersecurity concerns raised about the bills because of what it would do to DNSSEC, including by DHS officials. The committee might take a classified briefing so that the government's own geeks from Sandia Labs, the Department of Homeland Security and other "Three Letter Agencies" could explain to the legislators) who somehow neglected to bring in any technical experts before the committee to testify) why SOPA won't work and why it's a terrible idea to try to DNS for enforcement. If that happens before markup, it could change the bill that heads to the House floor -- and House leadership might want to address security concerns before bringing it to a full vote.

There's going to be a month ahead before the companion bill to SOPA, the Protect IP Act, is brought to a vote on the Senate floor. During that time, U.S. senators will be hearing about how unpopular these bills are. It's unclear if public opinion will turn enough against them if the broadcast and cable TV networks (which are all quietly for SOPA) don't cover it. FOX News did do a spot, featuring the Cato Institute's Jim Harper, so that may be changing.

If Mythbuster Adam Savage decided to do a show about [how SOPA could destroy the Internet as we know it](#) -- as opposed to "just" writing about it on PopularMechanics.com, it also could change the dynamic.

Whether the broadcast networks choose to cover it or not will matter less next year than it would have even a decade ago. The Internet will drive awareness of these bills in 2012 in a way that simply wasn't possible before this moment in history. The reaction from tech companies and their leaders is in of itself news and it's much harder to miss the discussion around SOPA online now. Google, Facebook and Wikipedia still haven't changed their homepages to protest SOPA. While Sergey Brin, Eric Schmidt and Jimmy Wales have expressed concerns about the bill, as written, Mark Zuckerberg has not written a "status update" himself like [Brin](#) about it yet himself. Those are 3 of the top 10 sites in the world and places that nearly 100 percent of online citizens hit daily. If Zuck or more Internet executives came out that publicly against SOPA, it would affect the debate in D.C.

Need to stay up to date on SOPA? The single most prolific blogger has been Mike Masnick at [Techdirt](#), who has shifted much of his output to the issue over the past month. Masnick is ardently against the bill. I think Declan McCullagh at [CNET](#) and Gautham Nagesh at [The Hill](#) have produced some of the the best sourced coverage around right now and understand both the politics and the technology (a regrettably rare combination). If you want to keep up to date and can afford to pay to get the news earlier, Politico's tech policy team is all over it at Politico Pro (paid) and [Morning Tech](#).

If you prefer your analysis free and in real-time, [follow Julian Sanchez](#), who has been following SOPA closely for the Cato Institute, Nate Anderson at [Ars Technica](#) and Cory Doctorow at [BoingBoing](#). The [EFF](#) and [Center for Democracy and Technology](#) have also been watching the progress and provisions of the bills on a daily basis, including livetweeting the hearings ([@EFFLive](#)).

What's the date of next markup? Unclear as of today. It might well be when the House comes back into session in 2012, in the third week of January. Expect [Rep. @Darrell Issa](#) to share it on Twitter. He's been breaking a lot of the news on SOPA there.

Other key date: Jan. 24. That's when the Protect IP Act (PIPA) is set to go before the Senate. Senator Reid has said he's going to bring it up on the first day the Senate is back in session. Senator Ron Wyden (D-OR), who put a block on it, says he filibuster it. Key ratio, as with any bill there, is for/against in Senate. It will be interesting to see how other senators line up. That 60+ for or 40+ split is what to ask political analysts about -- I don't know that count as of today.

To learn more about where Senator Wyden stands on the Protect IP Act, watch my interview with him from this year's Web 2.0 Summit.