

SHELDON WHITEHOUSE'S HORRIBLE CFAA AMENDMENT GETS PULLED — BUT WILL BE BACK IN CONFERENCE

As I noted yesterday, Ron Wyden objected to unanimous consent on CISA yesterday because Sheldon Whitehouse's crappy amendment, which makes the horrible CFAA worse, was going to get a vote. Yesterday, it got amended, but as CDT analyzed, it remains problematic and overbroad.

This afternoon, Whitehouse took to the Senate floor to complain mightily that his amendment had been pulled — presumably it was pulled to get Wyden to withdraw his objections. Whitehouse complained as if this were the first time amendments had not gotten a vote, though that happens all the time with amendments that support civil liberties. He raged about the Masters of the Universe who had pulled his amendment, and suggested a pro-botnet conference had forced the amendment to be pulled, rather than people who have very sound reasons to believe the amendment was badly drafted and dangerously expanded DOJ's authority.

For all Whitehouse's complaining, though, it's likely the amendment is not dead. Tom Carper, who as Ranking Member of the Senate Homeland Security Committee would almost certainly be included in any conference on the bill, rose just after Whitehouse. He said if the provision ends up in the bill, "we will conference, I'm sure, with the House and we will have an opportunity to revisit this, so I just hope you'll stay in touch with those of us who might be fortunate enough to be a conferee."