The Senate Committee on Rules and Administration convened on November 7, 2019 with
Chairman Roy Blunt (R-MO), presiding along with Senator Tom Udall (D-NM) (serving as
ranking member in place of Senator Amy Klobuchar (D-MN)), Cindy Hyde-Smith (R-MS),
Catherine Cortez Masto (D-NV), Deb Fischer (R-NE), and Shelley Moore Capito (R-WV)
were present.

The panel was made up of the following witnesses: Ms. Karyn A. Temple, Register of
Copyrights and Director of the U.S. Copyright Office, Mr. Bernard “Bud” Barton, Jr., Chief
Information Officer of the Library of Congress, and Dr. Carla Hayden, Librarian of Congress at
the Library of Congress.

Chairman Blunt opened the hearing by citing the numerous functions performed by the Library
of Congress, including, but not limited to the U.S. Copyright Office. While the U.S. Government
Accountability Office (GAO) was previously very critical of the library, strategic effort has been
made to modernize the library, both physically and in terms of updating information technology.

Senator Udall spoke about the importance of the Library of Congress, which he cited as an
American treasure of immeasurable value. He explained that the U.S. Copyright Office, which is
contained within the Library of Congress, plays a crucial role in publishing and is significantly
needed by the growing business sector in his home state of New Mexico. Online resources
established by the Library of Congress, for example, provide nonpartisan information. According
to Senator Udall, a critical aspect of the library’s evolution is digital technology. He believes that
they must work together to continue to make progress in improving the library.

Panel:
Dr. Hayden stated that the Library of Congress has seen ongoing support from the Rules and Administration Committee, which has helped the library work toward achieving modernization. Both challenges and opportunities have been presented by the library’s technology. Information technology has been significantly improved. Moreover, the Library of Congress has officially implemented approximately ninety-five percent of the GAO recommendations that were made in 2015. She reassured the committee that the Library of Congress will keep working towards achieving one-hundred percent of the recommendations by the end of the year. In particular, the U.S. Copyright Office has updated its systems to become more automated, integrated, and easier for the public to use. Collaboration has been enhanced with technology staff to provide better user experience outreach. The Library of Congress is hoping to release a pilot of a fully digital copyright system soon. In terms of technology, Mr. Barton is working with the Congressional Research Service (CRS) for a new information system that will make use of the new technology. They are hoping to deliver content to people with reading difficulties, find innovative ways to reach more people, and transform the library into a more digitally enabled agency.

Questions:

Chairman Blunt asked Mr. Barton to share his progress as the Chief Information Officer since 2015. Mr. Barton stated that the GAO had found a lack of oversight and suggested hiring a Chief Information Officer. He explained that there was not a lack of capability, but rather a lack of vision and oversight for the IT organization. Centralization has helped the library make better decisions about IT at the agency level and has ensured that those decisions do not interfere with individuals’ specialized IT needs for their businesses. Significant progress has already been made in numerous areas of IT and he hopes that the root causes of the GAO findings are addressed by the end of the year.

Chairman Blunt addressed the library’s concerns about IP and cyber espionage. He then directed a question at Ms. Temple that asked whether she feels good about where the library is headed in these matters. Ms. Temple stated that security is one of the most important and critical aspects of the Copyright Office’s development. She believes that the Copyright Office has a
huge role in ensuring that the items being received are protected. She cited digital security as an area of increasing importance as the Copyright Office moves toward more technology.

Chairman Blunt asked if Ms. Temple had worked at the Copyright Office for some time, to which Ms. Temple replied yes.

Chairman Blunt asked if there has been a difference in security concerns at the Copyright Office compared to five years ago. Ms. Temple acknowledged how critical security concerns are to the management of the IT system. She noted that, consequently, there has been a greater prioritization and focus on security compared to five years ago.

Senator Udall asked Dr. Hayden about the Library’s implementation of a new digital strategy and further questioned the progress that has been made in migrating data. Dr. Hayden explained that there are a variety of storage capacities. Mr. Barton discussed the Library’s new data center and the migration of non-sensitive information into the cloud so that the system operates faster.

Senator Udall asked Ms. Temple about the shift in the U.S. Copyright Office’s data. Ms. Temple stated the U.S. Copyright Office is on track in terms of beginning to migrate some of the data over to the data server, while other items will be put in the cloud system.

Senator Udall cited the expanding access now being made available to unique collections. He explained that New Mexico has several stories in the archives and that his office has even conducted further interviews of Hispanic veterans. He asked for an update on the veteran’s project that is being conducted by the Library of Congress and requested that the panelists explain how the project fits into the updated mission of the Library of Congress. Dr. Hayden stated that the library has been collecting interviews to add to the over 100,000 testimonies from veterans. She thanked Senator Udall for conducting interviews and asserted that she would like to continue to work with congressional offices. She explained that many veterans feel as though they do not have a story to tell, but that even people who have lost loved ones can contribute to the Veterans History Project by adding to the oral history. She also expressed an interest in
working with the Museum of the American Indian as well. She would like to have a special section in the library for the Veterans History Project.

Senator Hyde-Smith stated that modernization is vital to the growth of expanding access to the nation’s wonderful collections. She also noted that centralizing IT across the library has involved transporting both people and resources. She asked how the OCIO tracks funds appropriated by it on behalf of the U.S. Copyright Office. Dr. Hayden explained that the library can track fiscal expenditures and resources, equipment, specialized personnel, and the addition of security. She believes that, by tracking all expenditures, they can keep a better view. Mr. Barton also added that the Library of Congress is implementing a Technology Assist Model, which has been worked on by industry and the executive branch for several years. He expects to have the tool in place by the end of the fiscal year. He also has worked to achieve a more informed decision of what is and is not working by meeting with the Chief Financial Office every other week to discuss where money is being spent and used.

Senator Masto asserted that Nevada would like to participate in the Veterans History Project. She noted that the state has 140,000 Filipinos and many of them are veterans that would like to have their stories captured. Additionally, she acknowledged that part of the goals for updating the system is the improvement of the public records service and the simplification of the process for registering copyrights. She asked for clarification as to when this should be completed, to which Dr. Hayden answered that it would be in the spring of 2020.

Senator Masto asked how they intended to measure the success of the programs. Dr. Hayden explained that this would be done through the Copyright Modernization Office, regular tracking of the office, and the use of the “critical path opportunity.” Ms. Temple also noted that a group of companies and individuals will participate in the pilot. The Library will review the feedback that it receives from this pilot to make changes or additions to the existing system as needed.

Senator Masto stated that the Library’s biggest challenge is storage. She asked what the Library is doing to address the storage problem. Mr. Barton explained that, to achieve optimization, the Library will need to see where storage is needed and decide the right type of storage that should
be used. He also is planning to look at options from priorities of ownership. In doing so, he hopes that the Library will choose something less expensive by taking advantage of all options.

**Chairman Blunt** addressed the move from the Madison Building to a new storage building. He asked how much is being digitized and moved to the cloud by the Library. Additionally, he questioned how different this is from a few years ago. **Mr. Barton** responded that they are digitizing to make information more accessible to people across the United States and worldwide. He was unable to provide an exact number of the amount that has been digitized but explained that it is constantly growing. **Ms. Temple** further explained that there has been widespread digitization of public records. In March of 2019, the final release of the virtual card catalogue gave access for the first time to millions of images that were completely digitized and put into a digital database for people to be able to access. She would like to continue to digitize copyright records as well. There is a limited pilot for a public record system, and a virtual card catalog will soon be made available as well.

**Chairman Blunt** asked if this has been done with outside contractors, to which **Ms. Temple** responded yes.

**Chairman Blunt** spoke about the process at the Department of Agriculture, in which there are a number of CIOs in entities around the country, but big projects need to be cleared by a bigger clearance process. **Dr. Hayden** responded that they also have this process at the library as well as part of the centralization of standards and operation of information technology.

**Chairman Blunt** asked if the process works quickly enough. **Ms. Temple** responded that it is indeed an efficient process. She also stated that the digitization side will also go through the contracting office in the library to develop their contract.

**Chairman Blunt** questioned what relationship is needed for the best edition. Furthermore, he asked if the Library is getting what it needs as a deposit. **Dr. Hayden** responded that the deposit requirement allows the Library to have one of the most comprehensive collections in the world. She stated that they are pleased by the deposits.
Chairman Blunt asked how often the old card catalog is used. Ms. Temple stated that some people do still come to the Library to use it. She noted, however, that there is a desire to decommission the physical card catalog to take advantage of that space for something else.

Senator Udall asked about Dr. Hayden’s testimony regarding tribal recordings that took place in March. He stated that the rule by the U.S. Copyright Office did not include exemption for tribal recordings in the Music Modernization Act. He questioned whether the Library of Congress is working with the tribes to continue addressing this issue. Furthermore, he asked what is being done and what Congress can do to assist in these efforts. Dr. Hayden explained that they use the federal cylinder process to preserve ancestral collections in the American Folklife Center, thus providing access to digitally recorded sounds.

Senator Udall asked whether Ms. Temple’s commitments with the Indian Affairs Committee will respect tribal sovereignty. Ms. Temple stated that of course her commitments to the committee would respect tribal sovereignty. She also expressed commitment to working with Congress and the tribes to continue partnership in the future.

Senator Blunt questioned where the final five percent of GAO recommendations that are unfulfilled are located. Mr. Barton responded that the remaining five percent is six recommendations. Two are nonpublic, and the others are library-wide security issues that are centered around IT funding.

Senator Blunt wondered how those relate to OCIO. Mr. Barton stated that the library would need to work with GAO and get funding to close out particular findings. He noted that he does not have concerns about being able to meet that by the end of the fiscal year.

Senator Blunt asked if specific units are more challenging than others. Mr. Barton responded that two findings specifically related to the U.S. Copyright Office have been closed, and all of the remaining six relate to the OCIO.
**Senator Blunt** directed a question at Ms. Temple that questioned whether there is anything the office is trying to get done within the calendar year that is of concern. **Ms. Temple** responded that they are prepared to move forward on modernization efforts.

**Senator Blunt** asked if the timeline is one that is reasonable, to which **Ms. Temple** responded yes. She explained that users and stakeholders would love to have a new system yesterday, but that they are working to have a system as alluded to. She expects that the public will see progress more quickly now that they are in the second year of the funding phase.

**Senator Capito** acknowledged that a lot of progress has been made. She asked Dr. Hayden to flush out how the digital advancements being made will benefit the public both now and in the future. **Dr. Hayden** explained that, in general, Americans can access the library’s collections digitally, download copyright-free photographs, view exhibits on mobile devices, explore the Veterans History Project, and use websites like Congress.gov to get up-to-date government information. She compared the variety of opportunities available through the library to a public treasure chest. Furthermore, she expressed an interest in continuing to make the library more useful and inspirational for many people. She also noted her appreciation for the support being provided by Congress throughout this process.

**Senator Udall** spoke on behalf of Senator Klobuchar, who was unable to make the hearing, and noted that the Copyright Alternative in Small-Claims Enforcement (CASE) Act would reduce costs and barriers to making a small copyright claim less expensive. Furthermore, she stated that she will continue to work on this matter and put in questions for the record.

**Senator Blunt** talked about how the CASE Act would create opportunity, but questioned what the challenges are to that kind of opportunity, such as needing additional staff. He asked how it would impact what they do and if it is a responsibility that they can handle. He also wondered what it would take for them to be able to handle it. **Ms. Temple** stated that there is a full study of the tribunal that was drafted by the U.S. Copyright Office. She also noted that they are ready for implementation if the CASE Act were to go through. Given the history and experience with recent legislation, she expressed her confidence in the ability to implement the CASE Act.
Senator Blunt asked if it is largely a CIO assisted operation, how the process would work, and how many people would be needed to manage it. Ms. Temple stated that she does not anticipate needing additional staff. The CASE Act will streamline the adjudicatory process and take advantage of digital technology so that people would not need to come into the office as much. A provision of the bill would require three judges and two additional attorneys, so they would need to work with Congress to get the resources to hire staff, but she does not think that it will be a problem because many will want to participate.

Senator Blunt questioned whether the office physically has the space. Ms. Temple identified potential areas and noted that the Copyright Royalty Board has a hearing room. The Congressional Budget Office (CBO) also helped determine how much it would cost to get an additional hearing room if so desired.

Senator Blunt asked if the IT adviser is working with CIO and, if so, why. Ms. Temple stated that communication and collaboration with the CIO has been strengthened. She noted that they now effectively communicate with one another. She believes that this helps them take full advantage of all of the resources of the library structure.

Senator Blunt noted that there have been a lot of changes, but that the overall structure has not changed. He acknowledged that they will need to make the current structure work. He then opened the possibility for the witnesses to express any additional comments that they may have. Dr. Hayden reiterated the gratitude and support that she has. She stated that she wants to encourage a continuation of this as they move forward.

Testimony
Dr. Carla Hayden

https://www.rules.senate.gov/download/dr-hayden-testimony

Senate Committee on Rules and Administration Hearing -