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LIBRARY OF CONGRESS: ENSURING CONTINUITY AND EFFICIENCY DURING LEADERSHIP TRANSITIONS

HEARING

BEFORE THE

SUBCOMMITTEE ON OVERSIGHT

OF THE

COMMITTEE ON HOUSE ADMINISTRATION
HOUSE OF REPRESENTATIVES

ONE HUNDRED TWELFTH CONGRESS

FIRST SESSION

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LIBRARY OF CONGRESS: ENSURING CONTINUITY AND EFFICIENCY DURING LEADERSHIP TRANSITIONS

WEDNESDAY, APRIL 18, 2012

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON OVERSIGHT,
COMMITTEE ON HOUSE ADMINISTRATION,
Washington, DC.

The subcommittee met, pursuant to call, at 10:12 a.m., in Room 1310, Longworth House Office Building, Hon. Phil Gingrey [chairman of the subcommittee] presiding.

Present: Representatives Gingrey, Rokita, Nugent, and Lofgren.

Staff Present: Peter Schalestock, Deputy General Counsel; Kimani Little, Parliamentarian; Joe Wallace, Legislative Clerk; Yael Barash, Assistant Legislative Clerk; Salley Wood, Communications Director; Linda Ulrich, Director of Oversight; Dominic Storelli, Oversight Staff; Bob Sensenbrenner, Elections Counsel; Jamie Fleet, Minority Staff Director; Matt Pinkus, Minority Senior Policy Analyst; Matt Defreitas, Minority Professional Staff; Mike Harrison, Minority Professional Staff; and Greg Abbott, Minority Professional Staff.

Mr. GINGREY. I now call to order the Committee on House Administration's Subcommittee on Oversight for today's hearing on the Library of Congress.

The hearing record will remain open for 5 legislative days so that Members may submit any materials that they wish to be included therein.

Mr. GINGREY. A quorum is present, so we may proceed. The witnesses may take their seats. Thank you.

Due to some technical difficulties, we are not able to broadcast today's hearing. We are hoping that that will be corrected before the hearing is over.

Is it—are we up and running now?

Okay. Forget this note. We are live.

Established in 1800 to serve Congress, the Library is the world's largest, with over 150 million items in its collections. In fiscal year 2011 alone, it received 763,000 congressional reference requests and delivered to Congress more than 1 million research products.

The four service units before us today represent arguably the core of the Library. The Law Library; the Congressional Research Service, CRS; the Copyright Office; and Library Services fulfill vital needs and services to this Congress and to the American people.

The Law Library ensures Congress has the necessary documents for domestic and international legal sources that it needs for its deliberations. The Congressional Research Service has the important responsibility of assisting Congress in researching the legislative issues before it in a nonpartisan and objective fashion.

The Copyright Office, responsible for our national copyright system, processes approximately 670,000 registration applications annually. It is also responsible for adjudicating copyright disputes, making its services indispensable to United States industries relying on the protection of their intellectual property.

Library Services oversees the backbone of the Library. It is charged with maintaining the world's largest collection. This unit is responsible for acquisitions and all cataloguing.

However, in this fiscal environment, the Library has seen its budget reduced. Like the rest of this country and this Congress, it has been forced to increase operational efficiency while maintaining the ability to serve its core function and its clients.

Today, we look forward to hearing from these four service unit leaders, all of whom arrived recently in their positions. These four units of the Library comprise almost 70 percent of the Library's budget. Thus, it will be important to hear from our witnesses how they are managing these resources, how they are finding greater efficiencies, and how they will continue to meet their collective and individual missions in the future.

I want to thank each of my colleagues for being here today.

I would now like to recognize the ranking member of the subcommittee, Congresswoman Zoe Lofgren from California, for the purpose of providing an opening statement.

Ranking Member Lofgren.

Ms. LOFGREN. Thank you, Chairman Gingrey. And I would ask unanimous consent that my full statement be made a part of the record.

Mr. GINGREY. Without objection.

Ms. LOFGREN. I would simply say that, of course, we all appreciate the work that the employees of the Library of Congress do every day on behalf not only of the Congress but of the American people.

I think this oversight hearing is an important one. As we know, Dr. Billington has been the Librarian since 1987. He has outlasted four U.S. Presidents. And there have been a high number of turnovers, as you have mentioned, at the division level. With so many divisions in a state of transition, I think it is a good time for us to check in to learn the vision of each of them and to make sure that they are in accord with the vision that the Congress, on a bipartisan basis, has on behalf of the Nation.

So I look forward to the hearing, and thank you for holding this. I think it is an important one. And it is the first one we have had in all the years I have been on the committee.

So I yield back.

Mr. GINGREY. I thank the ranking member.

Mr. GINGREY. Any other members of the committee have an opening statement?

Okay, I would like now to introduce our witnesses.

David Mao became the 23rd Law Librarian of Congress on January the 4th this year. Before being appointed by Dr. Billington, Librarian Mao had been the Deputy Law Librarian since June of 2010. Prior to coming to the Law Library, Mr. Mao had a 5-year tenure in the Congressional Research Service. He held positions at Georgetown University and practiced law. He earned his library degree from the Catholic University of America.

Dr. Mary Mazanec was appointed Director of the Congressional Research Service on December the 5th, 2011. Dr. Mazanec had been Acting Director of CRS and has advanced degrees in law and medicine.

Congratulations.

From 2002 to 2010, she worked with the United States Department of Health and Human Services, HHS, where she served most recently as a Deputy Assistant Secretary and director of the Office of Medicine, Science, and Public Health. Dr. Mazanec has been a Robert Wood Johnson Health Policy Fellow and a senior policy analyst at the Medicare Payment Advisory Commission, MedPAC. She received her doctor of medicine from Case Western Reserve University Medical School and a juris doctorate from Case Western Reserve University Law School.

Maria Pallante was appointed the 12th Register of Copyrights and Director of the United States Copyright Office last June. Register Pallante has held several key positions within the Copyright Office. She has been Acting Register, the Associate Register of Policy and International Affairs, deputy general counsel, and policy advisor. In addition, she was intellectual property counsel and director of the licensing group at the Guggenheim Museums.

Last but not least, Roberta Shaffer is the Associate Librarian for Library Services. A former Fulbright Senior Scholar, Ms. Shaffer has had a distinguished career as a practicing librarian and as a library science educator. Prior to being appointed, Ms. Shaffer served as Mr. Mao's predecessor as the 22nd Law Librarian. Associate Librarian Shaffer has also been the executive director of the Library's Federal Library and Information Network.

We thank you all for being here today. The committee has received your written testimonies, and at the appropriate time, I will recognize each of you for 5 minutes to present a summary of that submission.

To help you keep time, we have a timing device near the witness table. I don't think I have yet figured out quite how to use it, so I will try to be rather generous in the 5 minutes. The device is supposed to emit a green light for 4 minutes, and then it turns yellow for 1 minute. When the light turns red, it means that your time has expired—the gentlewoman's or the gentleman's time has expired. I have just got kind of a light gavel. I have never used it before, so we will be okay with you.

Law Librarian Mao, we will start with you, and would you please proceed with your testimony.

STATEMENTS OF DAVID S. MAO, LAW LIBRARIAN, LAW LIBRARY OF CONGRESS; MARY B. MAZANEC, DIRECTOR, CONGRESSIONAL RESEARCH SERVICE; MARIA A. PALLANTE, REGISTER OF COPYRIGHTS, U.S. COPYRIGHT OFFICE; ROBERTA I. SHAFFER, ASSOCIATE LIBRARIAN FOR LIBRARY SERVICES, LIBRARY OF CONGRESS

STATEMENT OF DAVID S. MAO

Mr. MAO. Thank you.

Mr. Chairman, Ranking Member Lofgren, and members of the subcommittee, thank you for this opportunity to speak about leadership transition in the Law Library of Congress.

Although only in the position since January, I am nearing 7 years of service in the Library of Congress and have seen a reenergized and revitalized Law Library emerge under the direction of my predecessor, Roberta Shaffer. I have assumed the leadership of a service unit with unique collections and expertise that not only plays a vital role in supporting the work of Congress but also advances the knowledge of laws and legal information worldwide.

The highest priority of the Law Library is to provide the Congress with timely, authoritative, and confidential foreign legal analysis and information. For example, in 2011, the Law Library staff prepared many legal research reports, special studies, and memoranda in response to congressional inquiries. More specifically, foreign law specialists and analysts provided foreign and comparative law reports related to a range of current U.S. legislative issues, including banking, citizenship, immigration, taxation, and terrorism.

Current priorities during this fiscal year include working with other organizations within the Library to design the next-generation Legislative Information System. Additionally, the Law Library is collaborating with other parts of the Library and external entities regarding the digitization of historical legislative documents.

The Law Library's Reading Room is currently undergoing a renovation that will include technologies so that clients may better access virtual collections and utilize improved study space to access physical collections. In the renovated Reading Room, Law Library staff will be able to train Members and staff on THOMAS, give topical seminars and offer briefings on a wide range of foreign legal issues.

Later this year, the Law Library will launch law.gov as it pursues a long-term strategic plan aligned with Library of Congress-wide digital initiatives which will afford Congress and other constituents the benefits of more timely, targeted, and complete legal knowledge.

Going forward, in fiscal year 2013, the Law Library will continue to classify the 800,000 volumes to Class K to the extent the budget will allow.

Working within the broader Library of Congress Web enhancement process, the Law Library will continue to establish law.gov as the vehicle for providing access to digital legal information. Together with other library service units, the Law Library also will continue to coordinate training that the Law Library provides to the Congress and staff.

The Law Library's priorities are not without fiscal constraints and challenges, however. Reduction in the Library of Congress budget hampers creation of a workforce with the skills necessary to implement the envisioned future mission of the Law Library. Because the Law Library relies heavily on contractors, a reduced budget means bids for contractual services with decreased labor hours, which lead to lower collection maintenance activity levels and a decreased ability to preserve a backlog of official foreign nations' laws, regulations, and legal information published exclusively in newspaper form.

The Law Library also lacks storage space for its vast collections, which significantly impedes the Law Library's ability to maintain a comprehensive and current legal collection. Moreover, the Law Library is currently able to house less than 50 percent of its rare items in storage conditions that meet Library of Congress security requirements. To provide proper security as well as environmental controls for this material, a new vault for Law Library rare materials must be constructed in the Madison Building.

Despite the challenges that it faces, the Law Library will continue to provide the Congress with accurate, authoritative, and timely foreign legal analysis and will continue to acquire, preserve, and make accessible world-class legal collections. In a budget-constrained environment, the Law Library will leverage all Library of Congress resources and collaborate both internally and externally to ensure that it maintains the highest-quality staff and delivers products and services efficiently and in a cost-efficient manner. The Law Library of Congress is committed to maintaining its unique role as a leader for the world's legal and information communities.

Mr. Chairman and members of the subcommittee, I thank you again for the opportunity to testify today.

Mr. GINGREY. Thank you, Mr. Mao.

[The statement of Mr. Mao follows:]

Statement of David S. Mao
Law Librarian of Congress
before the
Subcommittee on Oversight, Committee on House Administration
"Library of Congress: Ensuring Continuity and Efficiency During Leadership Transitions"
U.S. House of Representatives
April 18, 2012

Mr. Chairman, Ranking Member Lofgren, and members of the Subcommittee:

Thank you for this opportunity to speak about leadership transition in the Law Library of Congress. I was greatly honored when Dr. Billington appointed me as the Law Librarian of Congress. Although in the position only since January, I am nearing seven years of service at the Library of Congress and have seen a reenergized and revitalized Law Library emerge under the dedicated direction of my predecessor, Roberta I. Shaffer. I have assumed the leadership of a service unit with unique collections and expertise that not only plays a vital role in supporting the work of Congress but also advances the knowledge of laws and legal information worldwide.

Overview

The highest priority of the Law Library is to provide the Congress with timely, authoritative, and confidential foreign legal analysis and information. The Law Library also serves the executive branch agencies, courts, practicing bar, state and local governments, American businesses, scholars, and others with legal research and reference services related to United States federal, state, and local law, and the laws of the world's jurisdictions. Over the years, the Law Library has amassed the world's largest collection of authoritative legal sources, including more than 2.78 million volumes and 2.5 million microform and digital items.

The staff expertise and collections of the Law Library of Congress are unique. Legal specialists with both U.S. and foreign law degrees and practice experience provide expert legal analysis, research, testimony, and reference services and are able to incorporate knowledge of the legal systems, vernacular language, and sociocultural context of their assigned countries and regions of the world. The Law Library holds certain one-of-a-kind materials; no other institution has such a vast aggregation of legal materials for comprehensive legal analysis.

The Law Library acquires, maintains, organizes, preserves, and provides access to a comprehensive legal collection in both analog and digital formats, building collections of necessary research materials that are not available through copyright deposit, exchange, or federal or state transfer. The collections support the legal research that the Law Library and the Congressional Research Service provide to the Congress and that the Law Library provides to the Supreme Court, executive branch agencies, and the nation.

The Law Library also is responsible for the content and future development of THOMAS, the database that makes legislative information freely available to the American public. In addition, the Law Library provides electronic legal information products such as the Century of Lawmaking for a New Nation, which provides access to historic legislative documents; legal

research and collection guides that focus on legal research techniques, events, and issues; and a forum for the exchange of legal sources online through which foreign legislatures, international entities, and multinational organizations contribute laws, regulations, and related legal materials that are accessible through the Internet.

Ensuring accuracy, authenticity, authoritativeness, and comprehensiveness of legal documents is a challenge that the Law Library manages on a daily basis, to enable the highest quality of objective research for the Congress and to maintain legal collections from countries and regions of strategic importance to the Congress.

Recent Highlights

Foreign law specialists and analysts provided members of Congress with foreign and comparative law reports related to a range of current U.S. legislative issues including banking, citizenship, cybersecurity, government procurement, immigration, marriage, mining, nuclear power, taxation, and terrorism. In 2011, the Law Library staff prepared 373 legal research reports, special studies, and memoranda in response to congressional inquiries.

The Law Library served 4,019 congressional users and 39,675 other patrons in its reading room, by phone, or electronically last year. Public Services staff answered a total of 3,591 inquiries through Ask A Librarian, the Library's virtual reference service.

The Law Library expanded its use of social networking to further highlight the services, products, and collections of the Law Library, and to inform users about improvements to THOMAS. The number of Twitter followers increased to over 23,000, a second Twitter account focused on THOMAS has over 10,000 followers, and the Law Library's Facebook readership increased to over 7,700 friends. The Law Library continued to offer RSS feeds and email alerts to notify subscribers about the availability of selected resources. The Law Library's blog, *In Custodia Legis*, had 15,000 email subscribers in its first year.

The *Global Legal Monitor*, a continually updated online publication covering legal news and developments worldwide, now reaches an e-mail readership of 16,097 while THOMAS received 10.3 million visits for the year. In addition, the Law Library implemented numerous improvements to THOMAS, making it significantly easier to find and access legislative information.

Current Priorities

During this fiscal year, the Law Library is working with other organizations within the Library to design a next-generation legislative information system that will include a new technology platform to support enhanced searches of content currently in the THOMAS system. Additionally, the Law Library is collaborating with other parts of the Library and external entities regarding the digitization of historical legislative documents that will eventually be added to the next-generation THOMAS database. It also is continuing to pursue efforts to complete the classification of 800,000 volumes to the Library-mandated Class K standard, albeit at a reduced pace.

The Law Library of Congress Reading Room and legal reference staff, located on the second floor of the James Madison Building, serve the Congress whenever it is in session. The space was configured in 1980 and is now not an optimal space for providing high-quality service to the Congress and to researchers from the legal research community. To address this issue, the Reading Room is currently undergoing a renovation that will include technologies so that clients may better access Library virtual collections and utilize improved study space to access physical collections that are not available online. Space will be allocated for training conducted by Law Library staff on THOMAS as well as topical seminars for the Congress. Foreign legal specialists from the Law Library will also use the Reading Room to brief Members and staff on a wide range of foreign legal issues. Designs are in the process of being finalized and requests for bids will be issued in the next fiscal year.

The Law Library established a reading room management training program in May 2011 to offer legal and legislative research subject matter experts an opportunity to learn about the full spectrum of management theories and techniques and to apply them during an on-the-job management rotation within the Law Library. By developing and enhancing their management skills, the Fellows are also prepared to assume leadership positions within the Law Library of Congress. Selected through a competitive process, each Fellow serves a six-month rotation as the Reading Room manager to gain on-the-job experience. To date, one Fellow has completed a rotation and a second is in place.

Later this year, the Law Library will launch LAW.gov and begin by incorporating content from the Law Library's Guide to Law Online. The Law Library also is pursuing a long-term strategic plan and business plan for multijurisdictional legal information aligned with Library of Congress-wide digital initiatives, affording the Congress and other constituents the benefits of more timely, targeted, and complete legal knowledge.

Priorities Going Forward

In fiscal 2013, the Law Library will continue to classify the 800,000 volumes to Class K to the extent the budget will allow, with the goal of remaining on schedule to classify the entire Law collection by country, subject, and form of material by fiscal 2020. Until classification is complete, legal material is less secure and will not be fully accessible to scholars, practitioners, and the general public. If funding permits, the Law Library will work to reduce a backlog of more than 1.5 million pages of official gazettes (the primary law sources published by governments throughout the world containing legislative, executive and often judicial acts) received on fragile newsprint requiring preservation microfilming to avoid further deterioration and loss.

Working within the broader Library of Congress Web enhancement process, the Law Library will begin to establish LAW.gov as the vehicle for providing access to digital legal information. Through the Library's Web governance protocol, the Law Library will continue to explore implementing state-of-the-industry technologies to provide unparalleled access to Law Library and relevant Library of Congress collections. As technology evolves, concerned and curious citizens will be able use the LAW.gov portal to search for Library and other global legal

resources simultaneously. To promote best practices, the Law Library will assume a leadership role in developing metadata and preservation standards for legal information. These efforts support priorities reflected in the Library of Congress Strategic Plan: Fiscal Years 2011–2016.

Working closely with other Library service units, the Law Library has begun to coordinate training that the Library provides to the Congress and will continue to work toward a Library-wide effort to provide access to training for Members and staff.

Fiscal Constraints and Challenges

The loss of key staff members via the VSIP/VERA Program created gaps in core competencies and deficiencies in mission-critical expertise. The budget reductions hamper creation of a workforce with the skills necessary to implement the envisioned future mission of the Law Library of Congress. The inability to fill critical Law Library positions results in senior-level directors performing technical duties, such as legal research and reference services.

Since the Law Library has limited staff to maintain the law collection, it relies exclusively on contractors to perform this operation. Budget reductions—combined with annually increasing bids for contractual services—result in solicitations with decreased labor hours, which lead to lower collections maintenance activity levels, including a reduced ability to retrieve and shelve law material in a timely manner, and completing the "K" classification of legal material.

Budget reductions constrain our ability to preserve a backlog of official gazettes, as most nations' laws, regulations and treaties are published exclusively in newspaper form. The deterioration of this material over time leads to the destruction of irreplaceable legal material, as newsprint is not a preservation medium.

The Law Library lacks storage space for its vast collections. This lack of space significantly impedes the Law Library's ability to maintain a comprehensive and current legal collection. If legal materials and legal gazettes from nations around the world are not acquired and put in a stable environment, these critical legal resources will quickly disintegrate and be lost forever. To address this issue, in its fiscal 2013 request, the Architect of the Capitol has included partial funding for the Modular 5 storage facility at the Library's storage complex located at the 100-acre campus at Fort Meade, Maryland.

The Law Library is currently able to house less than 50% of its rare items in storage conditions that meet Library of Congress security requirements. Over 50% of the Law Library's pre-1801 material is currently housed in the Madison Building sub-basement stacks. The Law Library does not control access to these collections, as the Architect of the Capitol requires constant access to not only the stacks but also its offices, which adjoin the stacks. In addition, repeated water leaks in this area have increased the potential for damage to these precious collections. To provide proper security as well as environmental controls for this material, a new vault for Law Library rare materials must be constructed in the Madison Building. The Architect of the Capitol has requested funding for this effort in its fiscal 2013 budget request.

Conclusion

Mr. Chairman and members of the subcommittee, I thank you again for the opportunity to testify today. Despite the challenges that it faces, the Law Library will continue to provide the Congress with accurate, authoritative, and timely foreign legal analysis, and will continue to acquire, preserve, and make accessible world-class legal collections that meet the ever-changing research needs of Congress. In a budget-constrained environment, the Law Library will leverage all Library of Congress resources and collaborate both internally and externally to ensure that it maintains the highest quality staff, and delivers products and services efficiently and in a cost-effective manner. The Law Library of Congress is committed to maintaining its unique role as a leader for the world's legal and information communities.

Mr. GINGREY. Dr. Mazanec.

STATEMENT OF MARY B. MAZANEC

Dr. MAZANEC. Mr. Chairman, Ranking Member Lofgren, and members of the subcommittee, I, too, want to thank you for this opportunity to appear before you today to discuss the Congressional Research Service of the Library of Congress.

I am honored to have been appointed the CRS Director by Dr. Billington last December. My transition to the Director of CRS has been seamless, due in large part to the excellent, dedicated, and talented staff working at all levels throughout the Service.

My vision is that CRS remains Congress' primary source for the analysis and information that it needs to perform its legislative functions. As you recall, CRS's work is driven by the core values of timeliness, authoritativeness, objectivity, balance, confidentiality, and nonpartisanship.

CRS recently completed its annual legislative planning process, identifying over 160 issues before Congress and organizing its product line and its Web resources around those issues. We have also met with the leadership offices to ensure that CRS is well positioned to support Congress' legislative agenda.

Additionally, in conjunction with this committee, we are beginning our planning for the CRS Seminar for New Members of the 113th Congress. The last seminar was attended by a record number of new House Members, and we expect another productive exchange with the freshman class of the next Congress.

Looking back over last year, in fiscal year 2011, CRS completed more than 760,000 responses and services for Members and committees. This number includes analysis and information requests, product requests, electronic services, and seminars.

Since becoming Director, I have made it one of my top priorities to meet personally with Members, committees, and senior congressional staff. The purpose of these meetings is to elicit feedback and suggestions about how we are serving the Congress and how we can do our job better and more efficiently. Since the beginning of the 112th Congress, I have held meetings with nearly 30 Members and 85 senior staffers. The meetings have reaffirmed the findings of the 2010 Customer Satisfaction Study, which found that a majority of CRS clients are very satisfied with our products and the services that we provide. But there is always room for improvement, and we can do better.

Since becoming Director, I have also sought the input of CRS staff at all levels, initiating a series of open staff meetings and brown bag lunches, inviting staff to raise questions and concerns and to brainstorm with me and offer ideas about how we can do our work better and more efficiently. In addition, on a regular basis I meet with the president of the Congressional Research Employees Association.

Turning to fiscal considerations, I am continuously examining our budget priorities, and I have directed my senior management team to review our current organization to determine where we can continue to achieve efficiencies and synergies between offices and divisions.

CRS is operating at its lowest staff level in more than 3 decades. As of March 31st, 2012, CRS had 618 employees, a decline of 53 persons in the last 2 years. Although this decrease in manpower means that the service has limited flexibility to develop new analytical capacity in increasingly complex areas such as health care, energy development, military weaponry, and financial regulation, I am focused on maintaining the highest level of service for the Congress. To this end, one of my top priorities is to strategically reshape the workforce, while maintaining broad analytical capacity. CRS will continue to work with its congressional clients to scope out and prioritize needs and to meet these needs in a timely manner.

While we are operating under increased budget pressure, especially in technology and research materials, we recognize that it is not just our analysis that we provide, but it is also how we provide it to a 21st-century Congress. Our technology needs to evolve as Congress has evolved. And we are committed to making improvements in this area.

In closing, I want to thank you once again for this invitation to appear before you. Together with my colleagues at the Library, we are ready to serve the Congress and the legislative process, and I look forward to working with you.

Thank you.

Mr. GINGREY. Thank you, Dr. Mazanec.

[The statement of Dr. Mazanec follows:]

Statement of Mary B. Mazanec
Director, Congressional Research Service
before the
Subcommittee on Oversight, Committee on House Administration
"Library of Congress: Ensuring Continuity and Efficiency During LeadershipTransitions"
U.S. House of Representatives
April 18, 2012

Mr. Chairman, Representative Lofgren, and Members of the Subcommittee:

Thank you for this opportunity to appear before you today to discuss the Congressional Research Service (CRS) of the Library of Congress. I am honored to have been appointed CRS Director by Dr. Billington last December after having joined CRS in August 2010 as Deputy Director. The mandate that Congress gave to CRS is to provide the Congress, throughout the legislative process, comprehensive and reliable legislative research, analysis, and information services that are timely, objective, non-partisan, authoritative and confidential, thereby contributing to an informed national legislature. Every action I take as Director is designed to ensure that CRS not only fulfills that mandate to serve the Congress, but continues to improve upon that service. I want to further a CRS that is responsive at every stage of the legislative process – from the inception of the significant policy idea, to committee markup, to informing the floor debate, and coming to final resolution in conference.

My transition to Director of CRS was seamless due in significant part to the excellent, dedicated, and talented staff working at all levels of the Service. CRS staff are truly dedicated to serving Congress and view themselves as extensions of congressional staff, a pooled resource available to all Members and committees.

My vision for CRS is the vision enunciated at the time of passage of the Legislative Reorganization Act of 1970. I intend to ensure that CRS remains Congress' primary source for the analysis and information it needs to perform its legislative functions and that we continue to explore new and innovative ways to best serve the committees of Congress, Members and their staffs.

Support for Congress

CRS' work is driven by the core values of timeliness, authoritativeness, objectivity, balance, confidentiality and non-partisanship. Our support for Congress spans the entire legislative agenda and our expert and multidisciplinary staff are ready to provide confidential tailored memoranda and personal briefings, CRS Reports for Congress, seminars and programs on the legislative process and topical issues, information, advice in response to a phone call or e-mail, delivery of expert testimony, support for hearings and investigations, examination of legislative options, and legal analysis.

Some of the major areas in which we provided support to Congress in the last year include the economy, the debt and the deficit; banking and financial reform; rapidly

changing events in Egypt, Libya and Syria, as well as U.S. strategy in Afghanistan and Iraq; devastating natural disasters at home and abroad; reauthorization of the USA Patriot Act; FAA reauthorization; as well as the authority of states to legislate in the area of immigration. In all of these cases, CRS analysts worked with Members and congressional staff to inform the national legislative debate.

Many of the issues I have recounted above will continue to be of interest to Congress in this session. CRS recently completed its annual legislative planning process, identifying over 160 issues before Congress and organizing its product line and web resources around those issues. We are also meeting with leadership offices to ensure that CRS is well positioned to support Congress' legislative agenda.

Additionally, we are beginning our planning for the *CRS Seminar for New Members* for the 113th Congress held in Williamsburg, Virginia. The last program was attended by a record number of new House members and we expect another productive exchange with the freshman class next Congress. The program offered in conjunction with the Committee on House Administration and led by CRS and outside experts introduces new House members to the range of issues that they will confront in their initial months in office as well as briefings on the legislative and budget process.

In FY2011, CRS completed more than 760,000 responses and services for Members and committees. This number includes completing over 76,000 requests for analysis, information and research; engaging over 12,000 congressional participants in seminars, institutes, and training sessions; and almost 675,000 client visits to the CRS website home page that resulted in a total of over 3 million hits on CRS.gov. By year's end, over 3,500 CRS Reports were updated, and 566 new CRS Reports were prepared. Through the Legislative Information System (LIS), over 7,700 bill versions were summarized. Of significance, CRS served 100 percent of Member offices, and 96 percent of committees.

The Way Forward

Since becoming Director, I have made it my top priority to meet personally with Members, committees, and senior congressional staff in order to elicit feedback and suggestions on how well we are serving the Congress and what we can do better. I have also made it a priority to personally engage CRS staff at all levels, many of whom have solid and innovative ideas. We are continually examining budget priorities, and in this regard, I have directed my senior managers to examine our current organization to determine where we can continue to achieve efficiencies and introduce synergies between offices and divisions to most effectively serve Congress.

Engagement with Congress and with CRS Staff

Since the beginning of the 112th Congress, I have held meetings with nearly 30 Members, and 85 senior professional staffers. I met with this Committee and with other Members and leadership offices to brief them on CRS' research planning for the second session of the 112th Congress and to solicit their input on CRS products and services.

The meetings I have had with Members and congressional staff have affirmed the findings of the customer satisfaction study undertaken in 2010 pursuant to congressional direction. Overall, the findings were extremely positive. Highlights of the findings included that 91 percent of those surveyed said that CRS is very responsive/ responsive to meeting their requests for information and analysis; 89 percent said that they strongly agree/agree that CRS understands the needs of Members of Congress, committees and their staff; and 88 percent of respondents reported that they were very satisfied/satisfied with CRS products and services.

When looking at products and services, some clients interviewed by LMI (who conducted the study) said that CRS reports are too long and complex. In the areas of communication and feedback, LMI found some suggestions for improvement in the CRS.gov website, and a sense that CRS is lagging in the use of technology and multimedia. There also appears to be a desire for CRS to have a more formal process for obtaining client feedback.

Looking specifically at some of the ways we responded to the client survey, CRS Reports for Congress have become shorter and more succinct with better focused summaries at the beginning of each document. We have enhanced our outreach efforts to address client needs, and to ensure that our clients know when we are available to serve them, and we redesigned the interface for a more streamlined and user friendly process for placing requests and registering for events on the CRS.gov website.

I have also sought the input of CRS staff at all levels since becoming Director. I initiated a series of open staff meetings soon after being appointed Director and invited staff to raise whatever questions or issues they had on their minds. I also invited any staff members who were interested in meeting to "brown bag" lunches where we discussed ideas for improving our service to the Congress, and have welcomed phone calls, emails, and visits from staff who have ideas on improving service to Congress and increasing efficiencies in CRS. On a regular basis, I meet with the President of the Congressional Research Employees Association to discuss the thoughts and concerns of the union. I frequently visit the offices and divisions of the Service to get to know all staff, and to see first-hand the work they are doing in support of the Congress.

Budget Considerations

Since becoming Director, I have looked across the Service to identify measures that will increase efficiency in this period of budget constraints, while maintaining our high-levels of expertise, authoritativeness, and timeliness in order to meet our unique mission to serve the Congress. CRS is operating at its lowest staff level in more than three decades. As of March 31, 2012, CRS had 618 positions currently occupied. (This figure includes permanent and indefinite positions.) Of this number, the composition of the workforce breaks down into 24 senior managers, 336 analysts and attorneys, 103 information specialists, and 155 research and infrastructure support staff. By way of comparison twelve years ago, our workforce numbered 685 staff members.

CRS identified nearly 80 staff positions for possible inclusion in the Library's Voluntary Early Retirement Authority and Voluntary Separation Incentive Payment Program, ultimately offering 40 opportunities. Twenty-two staff members availed themselves of the opportunity in 2011. Of this number, eight were analysts. Some of the individuals CRS has lost over the last year include very senior staff, possessing several decades worth of institutional memory on various public policy issues. This is a loss in capacity to the institution that is not replaced overnight.

The Service has limited flexibility to develop new analytical capacity or extend or expand capacity in increasingly demanding and complex areas such as health care, energy development, military weaponry and financial regulation. Replacing departing analysts and attorneys is limited by the budget; making it necessary for analysts to expand their portfolios where possible. This could result in slower and less comprehensive responses especially in periods of high demand. Professional development expenditures such as training, research-related travel, and recruitment expenses have been reduced by about one-third.

Nonetheless, my focus remains on maintaining the highest analytical capacity that we can for the Congress. My senior managers and I have examined the current staffing configuration and as a result have reassigned some issues, expanded collaborative opportunities to ensure the coverage of issues, looked at cross-training and cross-coverage as ways of meeting Congressional needs during periods of high demand, and engaged when necessary in selective hiring for critical positions. My goal has been to think strategically to reshape the workforce while maintaining analytical capacity. CRS will continue to work with its congressional clients to scope out and prioritize needs and to meet these needs in a timely manner. We understand that we need to work more efficiently and I believe we are well on our way to achieving that objective.

Although almost 90 percent of the CRS budget is devoted to salary and benefits for our staff, I have also looked for savings in non-personnel costs which account for approximately 10 percent of the budget. In May 2011, an internal advisory committee was formed to review the usage and renewal of print and electronic research subscriptions and prioritize requirements. After a detailed evaluation, investment costs were reduced by over 15 percent (about $600,000). To this end, we have taken steps to consolidate and reduce print subscriptions at multiple locations, collaborated with other service units in the Library on joint purchases of high-cost subscriptions, canceled print subscriptions for which there were equivalent digital versions, and sought to leverage efficiencies through collaboration with other legislative branch agencies. These and other cuts made to the non-personnel part of the budget were significant, but they cannot be repeated annually without some likely sacrifice to the quality of service that we provide to the Congress.

While we are operating under increased budget pressures in technology and research resources, we recognize that it is not just the analysis we provide, it's how we transit and

deliver it to a 21'st century Congress. Our technology needs to evolve as Congress has evolved, and we are committed to making those improvements.

CRS.gov is the gateway to all CRS analytical and informational resources, including our analysts and informational professionals. A useful and accessible web site is an efficient way to deliver CRS services and expose clients to all that CRS has to offer. This past year we have introduced customization capabilities which enable users to create accounts and tailor the information they would like to receive from CRS, get updates on new products, programs and changes to the web site, and facilitate their placing specific requests. We have also made it easier for users to focus more quickly on notable CRS products, featured topics that are dominating the legislative agenda, and to have access to basic data resources that complement the analytical content of CRS Reports.

We are currently in the process of examining more robust search capabilities and ways to make CRS subject matter experts more accessible to our clients without incurring significant new costs. We have also enhanced the mobile web site and continue to explore ways to make CRS material more accessible on the variety of mobile devices that have become such an important part of the way Members and staff access information.

Conclusion

In closing I want to thank you once again for the invitation to appear before you today. It has been an interesting transition moving from the leadership of former Director Dan Mulhollan who served the Library for 42 years, 17 of those as CRS Director. But this transition affords new opportunities for CRS. On a personal note, I am gratified knowing that I work with some of the best and brightest policy and legal analysts, information professionals, and infrastructure support staff. My vision for CRS is to see that every major policy issue addressed by the Congress has the support of CRS staff who are ready and able to provide balanced, objective, timely, authoritative and insightful products and services. Together, my colleagues and I are ready to serve Congress and the legislative process, and I look forward to working with you during my tenure as Director.

Mr. GINGREY. Ms. Pallante.

STATEMENT OF MARIA A. PALLANTE

Ms. PALLANTE. Thank you, Mr. Chairman.

Mr. Chairman, Ranking Member Lofgren, Mr. Nugent, I also want to thank you for the invitation to appear today.

I also want to apologize for my voice. I was traveling last week and unfortunately came back with an ill-timed head cold. And——

Mr. GINGREY. It sounds great. Proceed.

Ms. PALLANTE [continuing]. I took a lot of cold medicine, so let's see what that does to me.

I also want to correct a typo in my written statement. It states that my predecessor retired on December 31st, 2011, but in fact it was 2010.

At the outset, I would like to say what a tremendous privilege it is to serve as the Register of Copyrights at this point in time. The registration and the recordation functions of the office have become critically important to the public. At the same time, the legal framework by which authors create and disseminate their works and libraries and members of the public access them requires updating for the online environment.

When Dr. Billington appointed me to the position last year, I was quite honored by his trust in me and deeply appreciative of the opportunity to serve the Library, the Congress, the copyright community, and the public. I am joined at the office by a very talented staff, many of whom have specialized knowledge and training. I respect and admire them for their dedication to the Nation.

I also have tremendous respect for the position that I hold, and I am aware of the legacies of those who have served as Register before me. Ms. Peters directed the office for 16 years and served on the staff for more than 40. Other Registers have served fewer years but during critical periods of policy reform. In fact, every Register since 1897 has had to navigate a complex combination of policy and operations issues, and this has already proven to be the case for me as well.

Since my appointment in June, my colleagues and I have been extremely busy on two fronts: first, meeting the day-to-day demands of our public services and policy duties under the statute; and, second, evaluating our core operations in preparation for the future.

The registration and recordation programs of the Copyright Office form the largest public database of copyright information in the world—information that is helpful to commerce, to innovation, and to licensing. That said, unlike the patent system, registration in the copyright context is not required as a condition of legal protection under the law. It is therefore necessary to review the legal incentives that we provide to authors to entice them to participate in the system and to analyze and properly calibrate the office's fees for services so as not to dissuade registration.

Last October, I released a 2-year plan entitled ″Priorities and Special Projects of the U.S. Copyright Office.″ This document transparently describes our workload, including trade and policy work, and reflects our commitment to prepare for future challenges, including in the registration system.

In addition to our normal workload, we have 10 special committees working on issues that are pertinent to the future, on which hundreds of employees from across departments are working collaboratively. I want to underscore what that really means at a staff level. In an environment where people are already doing more than their share, I have asked them, as the new Register, to do even more. And they have responded with enthusiasm and pride. Many of the projects will require a multiyear commitment and sustained funding if implemented. Others are entrepreneurial and could lead to partnerships with the private sector.

In summary, my vision for the U.S. Copyright Office is to position it to be highly efficient and effective over the next several decades. To do this, we have five challenges. We must first attract and retain a skilled and experienced staff, especially in law and information technology. Second, we must make technical improvements to the registration and recordation systems, while updating the underlying legal incentives. Third, we must redesign both the presentation and the usability of our public databases and records. Fourth, we must fulfill the education and training activities that are expected of the office. And, fifth, we must continue to serve the Congress and departments in the executive branch through policy expertise as required by the Copyright Act.

Thank you very much, Mr. Chairman. I appreciate the subcommittee's interest in the U.S. Copyright Office, and I would be happy to answer any questions.

Mr. GINGREY. Thank you, Ms. Pallante.

[The statement of Ms. Pallante follows:]

Statement of Maria A. Pallante
Register of Copyrights
United States Copyright Office

Before the

Subcommittee on Oversight
Committee on House Administration
United States House of Representatives

Library of Congress:
Ensuring Continuity and Efficiency
During Leadership Transitions

April 18, 2012

Mr. Chairman, Ranking Member Lofgren, and Members of the Subcommittee:

Thank you for the opportunity to appear before you today. It is a tremendous privilege to serve as the Register of Copyrights at this point in time. The role of the Copyright Office in registering creative works and recording related information for the public has reached critical importance. At the same time, the legal framework by which authors create and disseminate their works—and libraries and members of the public obtain access to them—requires updating for the online environment.

When Dr. Billington appointed me to the position last year, I was honored by his trust in me and deeply appreciative of the opportunity to serve the Library, the Congress, the copyright community, and the public. I am joined at the Copyright Office by a talented staff, many of whom have specialized knowledge and training. I respect and admire their dedication to the nation and am proud to be their leader.

I also have tremendous respect for the position I hold and am aware of the legacies of those who have served as Register before me. My immediate predecessor, Marybeth Peters, retired on December 31, 2011, after directing the Office for sixteen years and serving on the staff for more than forty. Among numerous accomplishments, she converted the paper-based copyright registration system of the last century to a digital system. Her predecessor, Ralph Oman, was Register when the United States joined the Berne Convention for the Protection of Literary and Artistic Works. And I am fortunate to have known the incomparable Barbara Ringer, the Register who worked for decades with Congressman Robert Kastenmeier on revisions that have defined the past thirty-five years of copyright law, including the current functions of the Copyright Office. I mention the legacies of these public servants because studying them has helped me to assess the themes and responsibilities that will mark my own tenure.

Overview

Since my appointment in June, my colleagues and I have been extremely busy on two fronts: (1) meeting the immediate, day-to-day demands of the Office's public services and policy duties, and (2) evaluating the core operations of the Office in preparation for the future. We have done this despite significant budget constraints and understaffing, because we believe the Copyright Office must fulfill its statutory responsibilities to the national copyright system.

As part of fulfilling our duties, we have provided policy analysis to Members in the House and the Senate on a routine basis, on a wide variety of issues. We have published three major policy studies in the past eight months and convened a number of meetings and public roundtables to discuss legislative proposals and international developments. At the request of the Chairman of the House Judiciary Committee, I testified three times last year on issues related to the Internet.

We continue to work across the federal government as required by law, providing support to colleagues who work for the President on bilateral and multilateral developments, including trade relationships and negotiations at the World Intellectual Property Organization. We have organized two international trainings in the past year, hosting copyright office directors and other intellectual property experts from foreign countries. And we have spent significant time listening and speaking to diverse parts of the U.S. copyright community through meetings and events with bar associations, industry groups, and public interest organizations. For example, last month I addressed the members of the Association of American Publishers in New York, and last week I delivered the keynote address at a Bay Area symposium convened by the Berkeley Center for Law and Technology. Others on the staff have performed similar outreach.

On October 21, 2011, I released *Priorities and Special Projects of the U.S. Copyright Office*,[1] a comprehensive document that articulates the Office's statutory duties and the expectations of those who benefit from its services—not only creators and users of copyrightable content, but also the public at large. The document sets forth for the public a transparent description of our current policy work for the Congress, assistance to executive branch offices and agencies, implementation of the Library's strategic goals, regulatory practice, registration data, and funding. It also reflects our commitment to address complexities in the copyright system and prepare for future challenges.

The outcome of many of the projects will inform the Office's strategic plan for the next decade. In all, we have ten special committees working on issues that are pertinent to the future, on which hundreds of Copyright Office staff from across departments are serving. I want to underscore what this means at a staff level. In an environment where many staff are already doing more than their share, I have asked them to do even more. I have asked them to believe in and contribute to the future of the Office, and they have responded with enthusiasm and pride. I would also like to note that many of the projects will require a multi-year commitment and sustained funding for successful implementation. Others are entrepreneurial and could lead to innovative partnerships with the private sector.

In summary, my vision for the U.S. Copyright Office is to position it to be highly efficient and effective over the next several decades. To do this, we must: (1) attract and retain a skilled and experienced staff, particularly in law and information technology; (2) make technical improvements to the copyright registration and recordation systems, while updating the legal incentives for these services; (3) redesign both the presentation and usability of the public database of copyright information; (4) fill the gaps in copyright education and outreach through the education and training activities that are expected of the Office; and (5) continue to serve the Congress and departments in the executive branch through policy expertise and assistance, as required by Title 17.

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[1] *See* www.copyright.gov/docs/priorities.pdf.

Status, Observations, and Core Projects

The public services of the Office relate to four key areas and are the focus of my statement today. These are: (1) registering copyright claims in creative works of original authorship and publicly recording documents pertaining to copyrights; (2) providing information and records services; (3) administering the collection and distribution of royalties for certain statutory licenses; and (4) facilitating acquisitions for the Library's remarkable collection. I have summarized the status of each function below, including my observations and current plans.

Registration & Recordation

The copyright registration and recordation systems constitute the largest database of copyrighted works and copyright ownership information in the world. Together, they offer the public a mint record of American authorship and information helpful to licensing and commerce. And they provide certain protections to authors of many genres, including books, motion pictures, software, musical compositions, sound recordings, photography, and fine art, as well as databases, websites, and other online works. That said, unlike the patent system, neither registration nor recordation is required as a condition of receiving copyright protection under the law. It is therefore necessary to review the legal incentives for registration periodically, and to analyze and properly calibrate the Office's fees for services. We are in engaged in both activities at this time.

Very recently, the Office has seen increased awareness of the value of the public registration systems, including by foreign countries that have no experience offering such services. At the same time, there are many urgent and extremely complex questions that require attention. Thus my priorities include technical upgrades to electronic registration and creating a reengineering plan for the recordation system. More than eighty percent of registration claims are filed electronically today through the online registration system implemented by Register Peters. However, the system has many moving parts and, like all systems based on information technology, will require perpetual attention. In recent months, constituents who use the copyright registration system have made it clear to us that upgrades are necessary. Moreover, as a matter of law, the system must keep up with the next generation of digital authorship. As creative standards and practices for dissemination evolve over time, so too must the Copyright Office's systems and processes. On a related note, we are updating and rewriting the extremely complex and technical *Compendium of Copyright Office Practices* (which does not currently reflect the online world). This is the authority on which the staff, the public, and the courts rely.

Processing time will always be a core concern. The Office reached a significant milestone in fiscal 2011 by eliminating a backlog of claims and returning to a reasonable turn around time for the majority of claims. The Office ended the year with a workload of approximately 185,000 claims on hand, of which approximately half were awaiting further action from the claimants and half were awaiting Office action. Online claims in the Office's working queue are now, on average, processed within two to four months, depending on the complexity of the claim. It must be noted, however, that the registration system utilizes a number of legacy systems that allow for paper claims and, in some cases, claims filed in bulk by third-party agents. These are not easily accommodated by the electronic system, take much longer to process, and require attention.

Information and Records Services

The Copyright Office's Information and Records Division serves as the institutional repository for registration deposits that are not selected for the Library of Congress's national collection, as well as the custodian of the Office's public records of copyright ownership. It provides information to the public about copyright law and copyright services and responds to hundreds of thousands of inquiries by phone, email and in-person visits.

A major challenge is how to make historical copyright records searchable and available online. These records—some 70 million in total—date from 1870 through 1977 and are indexed in multiple formats, such as bound volumes of original applications, card catalogs, published indexes, and hand-written ledger entries. Many are fragile and are not suitable for high-volume scanning, and early formats with notes written in pencil do not lend themselves to optical character recognition, which means they will require relatively expensive human keyboarding for metadata capture. To date, the Office has digitized more than seventeen million records from the card catalog, and could complete this portion of the digitization project no later than fiscal 2015 if funding remains available. This would be steady progress, but much work remains.

In addition, the Office is working on a combination of initiatives related to information, including analyses of how historic and current information is categorized and presented in the databases, better utilization of our website, and educational outreach and training.

Licensing

The Copyright Office helps administer certain compulsory and statutory license provisions of the Copyright Act, which pertain to setting royalty rates and terms and determining the distribution of royalties to certain copyright owners. These licenses cover activities including secondary transmissions of radio and television stations by cable television systems and secondary transmissions of network and non-network stations by satellite carriers.

Since the beginning of fiscal 2011, approximately $978 million in royalties covering a number of years have been distributed to copyright owners, according to voluntary agreements among claimants or as a result of orders of the Copyright Royalty Judges, who make determinations with respect to the distribution of the royalties in contested proceedings. The Office also began a multiyear business process reengineering of these services designed to decrease processing times for statements of account, implement on-line filing processes, and improve public access to Office records. This plan will be implemented and refined throughout fiscal 2012 and 2013. Stakeholders have weighed in on the process and have been regularly briefed.

Acquisitions

Separate from the registration system, the Copyright Office also administers the mandatory legal deposit of works published in the United States. In fiscal 2011, the registration system and mandatory deposit provisions yielded more than 700,000 copies of creative works for the Library's collection, which the Library would otherwise have had to purchase, and which are valued at approximately $31 million.

Because more and more journals, magazines, and newspapers are "born digital," the Copyright Office has led a Library-wide effort to obtain and manage serials that publishers

supply only in electronic formats. Although the project currently focuses on mandatory deposit provisions under Title 17—provisions that require publishers to deposit copies of certain works with the Library of Congress within three months of publication—it serves as a test bed for the intake of online works by the Library through other mechanisms, including the registration system. The Office's current work sets the stage for the Library's electronic acquisition strategy, which will ultimately expand to include other "born digital" works and will enhance and diversify the Library's collections to capture and reflect American Internet culture.

Challenges of the Current Fiscal Environment

At a time when copyright law is increasingly ubiquitous, Congress is wrestling with complex policy questions, and demand for public records of copyright information are on the rise, the Office is working with a skeletal staff and an increasingly challenging budget. Since fiscal 2010, it has absorbed a 22.7% reduction in direct appropriations (resulting in a 7% overall reduction in total budget when taking into account offsetting authority from the collection of fees). In fiscal 2012, a reduced appropriation, as well as fees that were lower than expected, required the Copyright Office to make significant cutbacks. In general, the Office receives two-thirds of its budget from fees (and the authority to spend them) and one-third from appropriations.

To absorb the combination of reduced appropriations and reduced fees, the Office reduced its workforce by forty-four staff members—approximately 10% of the Office's total workforce—by executing VERA and VSIP separations. The Office has also taken steps to delay and reduce new hiring, training, travel, supplies, and new equipment expenditures, as well as critical upgrades (including security-related patches) related to the Office's registration program. The Office operates with precious little reserve, a situation that does not reflect the fact that in a business that runs seven days a week, emergency funds are necessary. Nor does it reflect the reality that the Office must remain nimble with its policy priorities. These frequently shift in response to decisions of Congress or the courts, and may require additional, expert staffing and resources for travel or public meetings.

It is clear to me that continued funding limitations could have long-term effects on the Office's ability to execute and improve the registration and recordation programs. In the short term, we are concerned about a lack of sufficient staff and technology failures due to aging infrastructure. We must also be sensitive to avoid another backlog of copyright claims—a result that would negatively affect the legal rights of authors and negatively affect copyright commerce. Perhaps more importantly, the quality and accuracy of the Office's public services could be compromised. Federal courts rely on the Office's assessment of copyrightability and ownership, and we must ensure that speed does not come at the expense of an accurate and legally dependable certificate of registration. Finally, as mentioned above, constituents of the Office have expectations that far exceed our current capabilities in registration and recordation, and long-term improvements to the legal benefits and technical interfaces will not be possible under current funding levels.

Conclusion

Mr. Chairman, Ranking Member Lofgren, and Members of the Subcommittee, thank you for your support of the U.S. Copyright Office and please do not hesitate to let me know if my team or I can be of further service.

Mr. GINGREY. And, Ms. Shaffer, tell us about Library Services.

STATEMENT OF ROBERTA I. SHAFFER

Ms. SHAFFER. Thank you, Mr. Chairman. I will gladly do that.

Mr. Chairman, Ranking Member Lofgren, subcommittee members, thank you for the opportunity to discuss my transition to Associate Librarian for Library Services and an overview of my unit.

I am no stranger to the Library. Preparation for my current position began over 30 years ago when I first came to the Library as a law student. At that point, I resolved that I would someday return in a leadership role. Now, as Associate Librarian for Library Services, I am humbled by the responsibility of the job I have held for just over 100 days and always try to harken back to my own experiences as a library customer.

I am grateful to Dr. Billington, Librarian of Congress, for his confidence in my leadership abilities, the Library Services staff for their support and commitment to the Library, and my peer group here for their collegiality. We all work closely together with the Librarian and Chief of Staff to provide services to the American people, your constituents, and to position the Library for its long-term viability.

Library Services is the largest organizational unit, with a staff of approximately 1,500, 40 percent of the total headcount, and 42 divisions. It is responsible for the Library's vast collections. Four-point-seven million items were just added within the year. As well, Library Services selected from copyright receipts, one important source of collections, more than 700,000 copies of works with a net value of $31 million.

Some 11,000 new items from all sources come into the Library each day. Library Services acquires materials, catalogues them, makes them accessible, and preserves them. Staff helps the Library's users navigate these collections. They answer questions in person, over the phone, via the Internet, mail, virtually all means of inquiry.

In 2011, we provided reference services directly to more than half a million individuals. The high demand for our resources is also underscored by the fact that the Library's Web site had 512 million page views last year.

Part of planning for the future is anticipating needs of users within the context of a rapidly changing technological landscape. As the world's best source of authoritative and authentic information, the Library of Congress can be an integral part of everyday life wherever and whenever information is deployed, except when driving.

From my perspective, I see a number of challenges before us. First, space: finding and properly managing space for our constantly expanding collection and format. Second, acquiring material that spans the ages and all disciplines in almost all languages—over 460 at last count—and collecting from remote but strategic regions, where our six overseas offices play a critical role. Third, retaining a topflight staff with appropriate subject matter, technical, and linguistic expertise in sufficient number to meet the ever-growing need for their unique knowledge.

The Library has always operated in a no-frills environment, where the love of learning and its mission are our best recruitment and retention levers. But we must be able to give staff the necessary tools to do the best job possible and to keep their knowledge and skills at the cutting edge. Fourth, we must be opportunistic when unique materials are made available to us and mindful that gaps in knowledge are difficult to fill after the fact and even more so in a digital age.

Finally, we must be able to protect the collections from vulnerabilities, including threats from environmental degradation caused by improper housing conditions and barriers caused by changes in technology. Played any eight-track tapes lately?

Meeting these challenges is crucial to remaining on the visionary course Dr. Billington has set for us and the United States Congress has encouraged and enabled for over 200 years. The idea of the Library of Congress began with Thomas Jefferson and our other Founding Fathers, James Madison and John Adams, who envisioned even in our Nation's infancy the uniquely American concept of a universal collection that embodies the Library of Congress as we know it today.

Thomas Jefferson said, "There is in fact no subject to which a Member of Congress may not have the occasion to refer." At a time when this concept is increasingly prophetic, it would be impossible to sustain for Congress and the Nation the knowledge base needed to be creative and competitive in this information-driven, globalized century as budget reductions affect, but we hope only temporarily, our ability to acquire, make available, and preserve our collections.

Thank you.

Mr. GINGREY. Ms. Shaffer, thank you.

[The statement of Ms. Shaffer follows:]

Statement of Roberta I. Shaffer
Associate Librarian for Library Services, Library of Congress
before the
Subcommittee on Oversight, Committee on House Administration
"Library of Congress: Ensuring Continuity and Efficiency During Leadership Transitions"
U.S. House of Representatives
April 18, 2012

Mr. Chairman, Ranking Member Lofgren, and Members of the Subcommittee:

I am pleased to have this opportunity, as the head of the Library of Congress organizational unit called Library Services, to report to you on its programs and operations during my time of leadership transition.

Library Services is the Library's largest organizational unit. It encompasses 38 percent (1,431) of the Library's 3,746 full-time equivalents and has the largest number of the Library's divisions (42). It is responsible for acquiring, managing, and organizing access to collections, and preserving the Library's unparalleled research materials—regardless of their format, material, age or topic.

Library Services provides services to Congress in large part by supporting the Congressional Research Service (CRS), the Law Library and the U.S. Copyright Office, as well as directly to Members and staff. Last year, the Library circulated directly to congressional offices nearly 30,000 books and other materials. We also serve millions of Members' constituents by providing them with access to information they can use to realize their hopes and dreams for themselves and their families.

My immediate priority is to assure proper management of the Library's collection for use today and long-term viability. In addition, I want to focus on staff recruitment, development and retention in order to ensure that we will have a workforce of the highest caliber that is fully committed to the Library's mission. And I want to promote information literacy by helping people become more discriminating about the validity of the information they are consuming by better understanding its sources and contexts.

Overview

Library Services has a framework for program management that is aligned with five strategic goals set out in the Library's Strategic Plan. These are:

- Collect and preserve the record of America's creativity and the world's knowledge.
- Provide the most effective methods of connecting users to the collections.
- Deepen the general understanding of American cultural, intellectual, and social life and of other people and nations.
- Provide leadership and services to the library and information community.
- Manage for results.

Collecting Materials

In order to maintain the Library's position as America's center of knowledge and the world's leading research library, it is necessary to ensure that its collections contain the latest in authoritative materials, and also take advantage of opportunities to fill gaps in the collection.

Our most important source of collections continues to be the U.S. Copyright Office. Last year, Library Services selected from copyright receipts more than 700,000 copies of works with a net value of $31 million. Of these items, more than 330,000 were received from publishers under the mandatory deposit provisions of the Copyright Law. The Library also received almost 300 electronic serials through mandatory deposit. They were obtained through the eDeposit program, now in its start-up phase, which provides for the receipt of serials published only in electronic format, under a new arrangement cooperatively developed by Library Services and the Copyright Office.

The Library's six overseas offices represent another highly important source of collections. Located in Cairo, Islamabad, Jakarta, Nairobi, New Delhi, and Rio de Janeiro, these offices acquire, catalog and preserve materials from parts of the world where the book and information industries are not well developed. In addition, materials from these regions are often not available in authenticated electronic form. Last year, these offices brought in and distributed more than 291,000 items to the Library of Congress and, on a cost-recovery basis, provided more than 385,000 items to other U.S. research libraries that depend upon the Library to acquire, on their behalf materials otherwise inaccessible to them.

In addition to acquiring publications, the Library is also involved in ongoing projects that add significant newly created documentary materials to its collections. A notable example is the Veterans History Project, which was established by Act of Congress in 2000. The project's collection of recorded interviews with American war veterans now totals more than 80,000 and it receives an average of 125 more every week. New programs to collect 9/11 first responders' and civil rights activists' oral histories have been modeled on this successful program.

Protecting Materials

Last year, the Library preserved 10.7 million items in its collections. This work entailed using cutting-edge scientific methodologies to slow the aging process that occurs for all containers of knowledge, from the earliest codex to the latest digital formats. We are committed to assuring perpetual access to our collections. Thus, it is imperative that information not be lost as the result of container decay or obsolescence of technology.

Outreach; Connecting Users to the Collections

The Library prides itself on our ability to connect your constituents to our collections. This work is carried out in a number of different ways, and we constantly seek improvements. To give a few prominent examples, we share our collections through direct access in our reading rooms, through the circulation of Braille and recorded books and magazines (25 million items circulated to more than 800,000 individuals), and through online access to primary sources and related materials (73.4 million visits and 512 million page views on the Library's website).

Libraries throughout the United States and abroad use our expertise to acquire and organize their own materials. The Library's Acquisitions and Bibliographic Access Directorate's services to publishers and libraries include leading the 799-member Program for Cooperative Cataloging, acquiring library materials from developing countries for U.S. libraries on a cost-recovery basis, managing the Cataloging in Publication (CIP) and Dewey Decimal Classification programs, and distributing surplus books to nonprofit institutions throughout the nation. This work saves libraries millions of dollars and significantly speeds the time it takes to bring resources to people. We also provide extensive education and training services for federal librarians; national reading-promotion programs for students and educators; and distribution of cataloging records and other resources for libraries and information-service providers, and to specific communities, for example the blind and physically handicapped and veterans.

Observations And Changes

During my short tenure, a number of key changes in leadership have taken place within Library Services. In addition to my own transition from the Law Librarian of Congress to Associate Librarian for Library Services, new heads have been named to the American Folklife Center, the Asian Division, the National Library Service for the Blind and Physically Handicapped, and the Preservation Directorate. I have also reinstated the position of Collections Development Officer. This brings more structure, guidance and coordination to staff involved in acquiring materials for the Library's collection, and thereby helps sustain, in the most optimal manner, a 212-year legacy of collection building.

Within the context of recent transitions at the Library, I should also point out that 186 retirements took place in the fall in response to the VERA/VSIP program, and more than half of them (97) took place in Library Services, distributed across the service unit. These retirements have resulted in a number of recalibrations of positions and responsibilities, a rethinking of workflow and more proactive thinking about future hiring.

Another conspicuous kind of change is that which is occurring in the technology arena. The Library continues to receive and acquire digital items at an increasing rate. However, it is clear that for many years to come the Library will need to function in both the traditional analog world and the new world of born-digital research materials. We will need to find ways to provide researchers with materials in all formats that will give them the most current and complete access to information. These materials may include things we did not acquire in the past, such as data sets and social media. In order to be prepared for this hybrid world, we are developing a new way to describe and organize materials; capturing and tracking more granular statistics and analytics; participating in the creation of international standards; and focusing more research and development on the preservation of emerging formats, particularly in the digital realm.

Positioning for the Future

In response to a significant increase in born-digital content, Library Services has increased its acquisition of e-resources, and technical staff have investigated new ways to receive, process, and manage digital materials.

The Preservation Directorate has completed the first part of transitioning our conservation documentation system from an analog workflow to a digital workflow. Mandated by the

profession's code of ethics, this documentation keeps track of conservation work that has been performed over time. The Preservation Directorate is consulting with other institutions that are also developing approaches to digital conservation documentation. Through collaboration we help foster standardized documentation protocols that can be shared by the broader cultural heritage community.

Work by the Library and its Federal Library and Information Network (FEDLINK) staff resulted in significant savings for the House of Representatives. Staff of the Chief Administrative Office (CAO) of the House met with FEDLINK staff in order to explore obtaining unified or enterprise-wide subscription and data services, like those provided to over 1,000 federal libraries, for House offices. On the basis of information that was gathered and analyzed, CAO saved the House approximately $1.5 million.

Impact of Budget Reductions

The idea of a comprehensive, universal collection began with Thomas Jefferson. While the Library is determined to continue to follow its policy of universal acquisitions, budget restrictions have impacted, we hope temporarily, access to and preservation of our collections.

Collection Storage

The proper management of our physical collections is a critical challenge that promises to be with us for years to come. Because the construction of Fort Meade Module 5 is not yet funded, the Library has had to establish an interim storage facility at the Landover Center Annex, taking advantage of space vacated by collections that have moved to the Packard Campus and to Fort Meade Modules 3 and 4. Temporary funding of $1.041 million is required in fiscal 2013 and 2014 for contract staff to supplement our workforce of the Collections Access Loan and Management Division in order to implement the Landover transfer program.

Centralized management, such as the Fort Meade plan, is clearly still the most effective way to meet physical-space challenges that will continue well into the future. Fort Meade serves all the Library's collections, including Law and Copyright.

Collection Care

The mission of the Preservation Directorate is to ensure long-term, uninterrupted access to the intellectual content of the Library's collections in original or reformatted form. Due to budget reductions, certain of its core activities have been scaled back, including conserving, binding, repairing, reformatting and testing collection materials, and providing training for staff and users. Also scaled back are the Directorate's efforts to coordinate and oversee Library-wide activities related to the preservation and physical protection of Library materials in all formats. Deferring preventive care could ultimately result in more costly reactive responses to collection vulnerabilities or, potentially, irreversible collection damage.

In summary, budget reductions severely limit choices in terms of collection management (space), thereby potentially hampering mission-critical functions, including: (1) the ability to acquire new collections, (2) the ability to serve collections to researchers efficiently, and (3) the ability to protect and preserve the collection.

Long-term impacts from ongoing budget cuts include:

- A reduction in the Library's ability to sustain its unparalleled collection of national and international significance for current and future generations and quickly undermine over two centuries of collecting by creating gaps and missed opportunities for unique acquisitions.

- The elimination of in-person research and reference services and reductions in the hours of services and levels of service, including reductions in digital and "distant" reference services, which could impact the usefulness of the Library to America's businesses, innovators, scholars and the general public.

- Reductions in cataloging/classification and curatorial services, which would affect the quality and quantity of access to our unique resources that facilitate access to knowledge for every American, from school children to scholars.

- The lack of sufficient space for collections could mean that the Library would have to cease bringing new items into its collection or cherry pick its existing universal collection.

Looking Toward the Future

In addition to identifying and attempting to fulfill priorities that make sense within the present context, the Library diligently monitors emerging local, national and international trends of various kinds that may have significant implications for the Library's enterprise in the future. It also seeks input from people in various fields who can keep us informed about the changes they are experiencing and the concomitant changes they are seeing for the Library of Congress in the future.

As the pace, volume and nature of information creation continue to grow, the Library's challenge is two-fold. It must understand and assess how the global information industry, creative communities, and others are adopting new methods for the creation, aggregation and distribution of knowledge. And it must address how it can meet its acquisitions goals within the expanding digital universe.

Thank you for the opportunity to discuss with the Subcommittee the ways I endeavor to address current challenges and envision exploiting opportunities that Library Services, and the Library as a whole, will encounter in the future.

Mr. GINGREY. And I thank all of the witnesses.

We now have time for committee members to ask questions of the witnesses. Each Member is allotted 5 minutes to question you. To help us keep track of time, we will also use the timing device on the witness table. We will alternate back and forth between the majority and minority. And I will begin and recognize myself for 5 minutes.

Excuse me. Ms. Pallante, I think I must have caught the same bug that you did. We won't copyright our voices this morning.

Thank you.

Ms. Lofgren has just given me a good little lozenge, so maybe that will help me through.

And I will ask this question to start, and, Ms. Shaffer, with you, since you are warmed up and all ready to go. From fiscal year 2011 to fiscal year 2012, the Library of Congress absorbed a 6.6 percent budget reduction. I don't have to tell you guys that. The Library conducted a voluntary separation incentive program to achieve this reduction.

In this fiscal environment, how is your service doing more with less? That is a question for each one of the four of you. And have you observed from your position that the budget cuts are affecting your ability to produce the quality of work required by us, the Congress?

Ms. Shaffer.

Ms. SHAFFER. I would say that these budget cuts, at least at this time, have had the effect of causing us in a very good way to collaborate more with each other as well as with entities around the country and around the world. And so they have enabled us to step into more leadership roles within Library of Congress, helping to set standards and work in collaborative and cooperative acquisition programs.

One of the things that we have noticed, however, is that the impact could very soon appear in our collections. As I mentioned in my testimony, both written and oral, it is very difficult, once you are unable to acquire materials, to then fill in those gaps. And this is our biggest concern for a short-term, hopefully, reduction that could actually have a very long-term impact.

Mr. GINGREY. Ms. Shaffer, thank you.

Ms. Pallante. Turn on your mike, please.

Ms. PALLANTE. We have had a 22.7 reduction over the last couple of years and lost about 10 percent of our workforce. So, in some ways, that is never a good result. In other ways, because I am new and would have undertaken an evaluation regardless, the timing is acceptable, in that I need to figure out how to plan for the future.

So we have kept our heads above water, in that we have kept the backlog at bay with registrations. What we are not doing is effectively maintaining our IT system, which underpins the entire electronic registration system. And we are not doing a lot of innovative projects that we are expected to do going forward.

Mr. GINGREY. Thank you, Ms. Pallante.

Dr. Mazanec.

Dr. MAZANEC. First of all, I am committed to maintaining the quality of service to Congress.

We are taking measures to work through the budget cuts. We are maintaining our analytical capacity on all the issues by asking analysts and attorneys and IPs (information professionals) to broaden their portfolios, take on new issues. But it does take time to get up to speed on those issues. We are also looking to take advantage of technology and to use it to create efficiencies and to make our service to Congress as effective as what it has been in the past.

Longer term, we will have to strategically think about how we want to reshape the workforce for a 21st-century Congress.

Mr. GINGREY. Thank you, Dr. Mazanec.

Mr. Mao.

Mr. MAO. Thank you.

As Ms. Shaffer mentioned, the collections are of utmost importance to us in the Law Library and Library as a whole. And, yes, declining budgets will have an effect on the ability for us to acquire materials from around the world. That is one of the last places we would look to cut if we had to, because it is so important to keep that consistency and maintain the collections.

The difficulty for us has been in retaining staff in certain areas. Last year, as part of the retirement program, for example, we had a senior specialist covering the area of Canadian law for us retire. And in the meantime, we have not been able to hire behind him to fill that position. So we have been relying on others among our foreign law specialists who have similar jurisdiction——

Mr. GINGREY. Mr. Mao, thank you. I don't mean to cut you off, but in my remaining time I did want to ask a question of Dr. Mazanec.

Dr. Mazanec, CRS serves as the research arm of Congress and is tasked with providing objective, authoritative, and timely research. You state in your written testimony that one of the core values of CRS is nonpartisanship.

Dr. MAZANEC. Uh-huh.

Mr. GINGREY. How do you, as head of CRS, attempt to ensure that the analysts are preparing reports that are, to the greatest extent possible, objective and free of any bias, any partisanship?

Dr. MAZANEC. Thank you for this question.

CRS takes several steps throughout the preparation of our products to ensure objectivity and to be true to our core values. At the very start, during the conceptualization phase, we involve analysts from across the service so that we get all the issues, all the different options identified. We then seek out and only use authoritative source material, which we draw from the Library. We leverage the Library resources.

And, finally, we have a very rigorous review process that consists of four different levels, starting with peer review, then research section review, then division review, and then finally agency review. As an additional check, on some reports we ask experts outside of CRS to look at near-final text to make sure that it is technically accurate.

We also try to foster a culture of objectivity and balance, both in how we train and work with our colleagues but also in some of the policies that we have in place.

Mr. GINGREY. Dr. Mazanec, thank you. I have been a little generous with myself there and went over.

Before I yield to the ranking member, let me tell my colleagues, since there are only three of us here—hopefully more Members who had conflicts with other committee hearings and markups going on simultaneously to this hearing—if we don't have any other Members come, we will have a second round. So be thinking about that as you frame your questions.

I now yield to the ranking member, my colleague, Ms. Lofgren, for 5 minutes.

Ms. LOFGREN. Thank you, Mr. Chairman.

Ms. Pallante, according to the information provided to the committee by the Library, you took a trip to Los Angeles in November of last year, and during that trip you met with motion picture studio lawyers. Now, 1 day after you returned from L.A., you testified before the House Judiciary Committee about the Stop Online Piracy Act and essentially endorsed the bill.

SOPA was an extreme measure which blindly pursued copyright enforcement at the expense of many other considerations. And, of course, as we are all aware, the bill sparked massive protests from, some have said, 14 million Americans, and the bill did not proceed.

Did you discuss SOPA in your meeting with the motion picture studio lawyers? Who attended the meeting? What subjects were discussed? What was the substance of the discussion?

Ms. PALLANTE. Thank you, Ranking Member.

Yes, in fact, that trip was cut short because of the hearing; I had to return early. I was out there for a bar association meeting, and whenever I am out anywhere in any city other than Washington, I try to do side meetings to maximize my time.

So, in that case, that was a meeting that we set up—my general counsel and my associate register were with me—for the purpose of reaching beyond the trade associations that normally visit us in Washington. So this is something that I have been advised to do in getting advice as a new Register. Make sure you meet with the members of associations, not just the associations and the government relations people.

So, in that meeting, we talked primarily about the Priorities and Special Projects document——

Ms. LOFGREN. Who attended the meetings?

Ms. PALLANTE. There were member company business lawyers there. So the lawyers of Warner Brothers, the lawyers of Paramount, the lawyers of major studios.

Ms. LOFGREN. Would you provide later—obviously you don't recall the names, and that is fine. If you could provide a list of all the attendees at that meeting after this hearing, that would be helpful.

Ms. PALLANTE. Yes, certainly.

Ms. LOFGREN. Now, did you discuss SOPA at that meeting?

Ms. PALLANTE. Well, again, we discussed the Priorities and Special Projects document and rogue Web sites because it was a priority for the leadership of Judiciary as one of the priorities that I have had to make my own. And so, yes, in that context it would have been one of many things we discussed.

Ms. LOFGREN. In recent remarks published by the American Bar Association, you said the following: "Copyright is for the author first and the Nation second,".

Now, this comment attracted quite a bit of attention among some people, especially my constituents in Silicon Valley. And it seems to me, when you look at the Constitution, which empowers Congress to grant exclusive rights in creative works in order, and I quote, "to promote the progress of science and the useful arts," it seems to me the Constitution is very clear that copyright does not exist inherently for the author but for the benefit of society at large.

Now, I am concerned when any public official, especially one in charge of regulation of a particular industry or area of law, seems to favor particular stakeholders in that very industry. We would be alarmed, for example, if the Chairman of the FCC said the Telecommunications Act was for the telecom companies first and the Nation second. And it is not clear to me how your statement, if it was accurately reported, is any different.

So could you tell us what you meant by this statement and how this principle guides your work as Register?

Ms. PALLANTE. I would be delighted to. Thank you.

So when I took the job, I was required to take an oath to uphold the Constitution and the laws of the United States. The constitutional clause to promote the progress of science and the useful arts, works in part by, "securing for limited times to authors their respective writings and discoveries."

What I was doing in that interview—and you have extracted one sentence from a four-page interview—was making the point that the Supreme Court has interpreted that clause, including in two recent decisions, Eldred and Golan in the last year, that the limited monopoly goes first to authors so that they will produce so that, in the end, the public will benefit.

Ms. LOFGREN. I think that is a real misstatement of the Eldred case. The Eldred case basically had to do with the jurisdiction of Congress. It didn't find that the benefit was to authors instead of society. It basically was a finding that Congress was not limited by the words "for limited periods" for the extreme measure that we have done now, life of the author plus 70 years.

Let me ask you this. According to the information—well, my time has expired, Mr. Chairman. I will ask my other questions at the second round.

Mr. GINGREY. I thank the ranking member for yielding back. And I will now call on my colleague from Florida, Mr. Nugent, for 5 minutes.

Mr. NUGENT. Thank you, Mr. Chairman.

And I want to thank you all for being here today. What a great group that we have, particularly with your background and experiences.

But CRS, obviously, to Members of Congress—I was first initiated back as a freshman during that training period. And we have reached out to CRS on a number of issues, and we have been very satisfied with the response from the Library of Congress and CRS in particular.

But my question to you is, as we move forward, your relationship, CRS's relationship with the executive branch, have you been receiving all the information that we request in a timely manner?

Dr. MAZANEC. The simplest answer is no. In a month's period, approximately two to four times we have difficulty getting information from executive branch agencies. They either refuse to provide us with the information or they give us incomplete or out-of-date information. Or they will ask us who the information is for and how it is going to be used, and we feel that by revealing that to them that would breach our value of confidentiality.

Right now, the current status of our authority is derived from the chair of the committee. We are agents of the committee, and that is how it has been interpreted. So that leaves out the ranking member and the other members of the committee and Members in their own right.

So there is—Representative Schock has a pending bill that would give the Director of CRS the authority to seek information directly from the executive branch agencies if it is to respond to a request from a Member and if the Member approves. We think that this would make us better able to serve the Congress so that we can continue to provide a comprehensive, authoritative product to the Congress.

Mr. NUGENT. I would think that it shouldn't matter what Member it is for or who it is for, because you are really trying to give an independent, nonpartisan response. And that is all I ask for. And I would think, no matter what side, whether it is majority or minority, we want to make sure that we get authoritative, you know, in regards to a response, so we can make decisions as we move forward on legislation. And that really is a nonpartisan issue.

And I know this is Mr. Schock's area, you know, in his wheelhouse right now, and he is not here, so I wanted to make sure to ask that question. But I would hope that the legislation that he is putting forward would receive bipartisan support because this is a bipartisan issue. We depend upon CRS's objectivity to give us just good, solid information. Because we can get information on a partisan side of it, and we don't want to necessarily make a decision based upon that. And so it really is about CRS's ability.

The question that was directed to you, Ms. Pallante, it is sort of like the chicken and the egg. And my take on it is that if authors or folks that provide a document or an idea and put it in writing, they want to make sure that there is some protection out there for them. Because if it wasn't for that, all of us, we wouldn't receive the information. It is possible they could do something different to keep it secretive, but we want it to be public knowledge.

So is that kind of where you were leading in regards to trying to keep authors and those that—you know, freedom of getting that out there and protection for them?

Ms. PALLANTE. Absolutely. And I think in terms of copyright owners, you know, they are not a monolith, right? You have individual creators—the authors, songwriters, artists. And then you have big multinational companies who may also acquire copyrights. So in the context of the interview that I was questioned about, I was talking about authors and how not to lose them in the system. And I do believe that that is an important point for the Register of Copyrights to keep in mind.

Mr. NUGENT. I would think so, so we all have the ability to read particular information.

So I want to thank all of you for being here today, and I will yield back the balance of my time.

Mr. GINGREY. Mr. Nugent, thank you.

You know, we have time for a second round, so why don't we go ahead and get started on that. And let me ask the first question of the second round in my 5 minutes allotted to Mr. Mao of the Law Library.

The Law Library, Mr. Mao, appears to be utilized more by the other two branches of government than by the Congress. Of all those who utilize the Law Library, what community is the greatest user?

Mr. MAO. It depends on the type of questions we receive. For the analytical and legal analysis provided by the foreign law specialists, when we serve the government, it is approximately one-third to the Congress—I am sorry, one-third to one-half to Congress and one-third to one-half to the executive branch, with a small minority of that remaining part to the judicial branch.

Now, for the general reference questions that we receive in the Reading Room, a majority of those are for the public. We get a lot of questions, whether they be walkup, through the telephone, or through electronic means. And we serve the public here in Washington, D.C., across the country, and around the world.

Mr. GINGREY. So the majority of inquiries are from the general public?

Mr. MAO. From those that are given to the Reading Room, yes.

Mr. GINGREY. All right.

Ms. Shaffer, the Technology Policy Directorate of the Library is housed within Library Services, right?

Ms. SHAFFER. It is.

Mr. GINGREY. In 2010, the LOC acquired the rights to the entire Twitter archive. Do you feel like it is necessary to archive all Twitter traffic? And are you concerned that these limited resources that we have been talking about will be diverted to this archive that could be better used elsewhere?

Ms. SHAFFER. Mr. Chairman, yes, I do. And I feel rather strongly that social media is an emerging media that we need to pay attention to. I believe that if we had forgotten about motion picture at the turn of the 20th century, we would deeply regret it today. And I don't want us to be in a position or our legacy to be considered that we totally did not think about important resources.

In Twitter, there are enormous social trends that can be mined out that, frankly, might not be derived from any other resources. And so I think it would be highly irresponsible for the Nation's library not to look at social media sources, data sets, and emerging new fields of knowledge.

Mr. GINGREY. Well, thank you for that honest and forthright answer. It just seems to me that making sure that we preserve "Mr. Smith Goes to Washington" rather than a bunch of Twitter gossip by teenagers is—you are not comparing apples to apples there. And if you want to comment on that, I will give you a little more time to respond to my opinion on the issue.

Ms. SHAFFER. Well, it may be very important as a social trend to know what teenagers were speaking about. We are always concerned about the knowledge base in America, and it may help us

understand better things about civic education or preparing for a future generation of voters.

So I do believe that these are important resources not to be excluded and——

Mr. GINGREY. Thank you very much.

Let me go to Ms. Pallante. The registration system is integral to the Copyright Office, is it not?

Ms. PALLANTE. It is.

Mr. GINGREY. Right now, around 87 percent of the claims are done electronically. Do you feel prepared to adapt to an increase in electronic claims? And have you taken steps to prepare for an increase in electronic claims?

Ms. PALLANTE. Thank you for the question.

Yes and no. So the answer is, yes, we have taken steps to prepare, but we do not believe that we are in shape to have the kind of technology and services that the copyright community expects of us.

So, for example, we can register what comes in. We are not sure the legal incentives for registration have kept pace with the law, meaning that we are not sure people are sure why they are registering anymore. If people don't register, the public databases won't be robust, and then the public and users and those who rely on the information won't have the information that they need.

And the databases need major upgrades in searchability, including through the Web, and the presentation of material that people want.

Mr. GINGREY. Ms. Pallante, thank you.

Dr. Mazanec, in my remaining few seconds, almost 90 percent—you talked about this, actually, in the 5 minutes that you gave us of your written testimony—almost 90 percent of your budget is directed toward personnel. Recently, you have not filled several vacancies and had 22 others leave through this voluntary buyout program.

CRS is currently operating at its lowest staff level in more than 3 decades. In fact, I think those were your words. How would you enact further reductions, given the already low staff level, if that be necessary in these tough times?

Dr. MAZANEC. That is a very good question.

I think at this point what we are asking—as I said, what we are asking staff to do is take on additional issues and responsibilities. But we can only expand portfolios so far.

I think the next, or one of the things we will have to consider is our breadth of services and which services or how can we prioritize our services to make sure that Congress gets what they need or what is most valuable to them. And that is one of the reasons why I have been going around and speaking with Members and senior staff.

We are also looking at our operations, looking for——

Mr. GINGREY. Well, let me—and my time has expired. Just real quickly, just getting back to the personnel issue, do you think you can continue in this environment with the current level of personnel, and thinking maybe for the next couple or 3 years that it is not going to get any better, that we can still get the quality of

work out of CRS that we have become accustomed to, certainly in the 9 years that I have been here?

Dr. MAZANEC. I think we can. Now, I want to caveat that by the fact that it really depends on the issues that we are being asked to work on. And as the issues get more and more complex, we may need additional analytical capacity or we may need to hire people that have specific expertise that we need.

Mr. GINGREY. Thank you all.

And I thank my colleagues for indulging me with a little bit of overtime there.

Let me turn to the ranking member, Ms. Lofgren, for her second round of 5 minutes.

Ms. LOFGREN. Thank you, Mr. Chairman.

Ms. Pallante, according to the information provided to the committee, you had a meeting with the Authors Guild and the Association of American Publishers in New York between December 7th and December 9th of last year. Can you tell me who attended that meeting? What was the substance of the discussion? And was SOPA a topic of the meeting?

Ms. PALLANTE. Yes, thank you.

I remember the trip, because my family came up to join me in New York, and we went to the Empire State Building at midnight on Saturday night, and Representative Goodlatte was there with his family. And my children said, "I can't believe we can't even go to the Empire State Building without you running into people you work with."

At that meeting, I had been asked by the Publishers' Lawyers Committee, the in-house counsel for lawyers, people who work every day in copyright transactions and litigation, to come and speak. And, again, whenever I take a trip, I try to do additional meetings to maximize my time. And so I met again with the businesspeople who are in the Association of American Publishers, so not the lawyers but the CEOs and businesspeople, to talk again about the priorities of the Copyright Office. Then went and met with the Authors Guild, again, just to go over my priorities and special documents.

Ms. LOFGREN. And was SOPA a subject of the discussion?

Ms. PALLANTE. SOPA and PIPA were introduced at that point, so it would have been discussed in those terms. But in general, rogue Web sites have been a topic for the Copyright Office for a year.

Ms. LOFGREN. Let me ask you to do this. You haven't mentioned the names of the people you met with. So let me ask you, in addition to the names of the people you met with in Hollywood, that you provide the names of the people you met with in New York. And if you could, please, a summary of the topics discussed at each meeting.

Ms. PALLANTE. Yes.

Ms. LOFGREN. You know, like you, I love books, I love reading. But I am also mindful that technological changes are evolving the dominant forms of creative work throughout—they have throughout our history, and they certainly are today.

In recent remarks to the American Association of Publishers, you said that—and I assume this is correctly quoted—you cannot imagine the future without books and without publishers.

Now, do you believe that the preservation of a particular form of copyright works or a particular industry business model is part of your mission as the Register of Copyrights? And if not, what did you mean by that comment?

Ms. PALLANTE. Thank you. I was not discussing a particular format of books; I was talking about books. And in that speech I had been asked to trace the history of copyright through books. It was the annual meeting of the members of the Association of American Publishers. And so I traced it from the time of the first Copyright Act in 1790 to the Golan decision, in which Justice Ginsburg repeated that her decision was based, in fact, on the Framers' intent that dissemination of works was part of the copyright bundle. That was the point of my remarks.

Ms. LOFGREN. Let me ask all of the witnesses about discrimination. We are aware, we have seen in the newspaper of an allegation of an individual who asserts that he was fired because of his sexual orientation. Now, I won't get into that particular case because it is being investigated.

But we have no tolerance here for discrimination in employment in violation of our laws. So I would like to know, what are each of you doing to make sure that the employees within your purview are not discriminated against based on race, religion, gender, or sexual orientation?

We will start with you, Mr. Mao.

Mr. MAO. Thank you.

The Law Library of Congress and, indeed, the Library of Congress believes very firmly that there should not be any discrimination and believes in its mission to provide an environment where there is no discrimination.

Now, specifically in the Law Library, one thing that I have done since taking on the position of Law Librarian is to ensure proper training for the staff. So I have encouraged the staff to participate in the classes that are available through the Library of Congress. And, indeed, at one of the first management team meetings I held in the Law Library, I invited representatives from our Office of Opportunity, Inclusiveness, and Compliance to come and brief our staff about the issue. And we are planning on making that session available to the staff, as well. And——

Ms. LOFGREN. Thank you.

Dr. Mazanec.

And, all of you, if you could be brief, that be would be good because I am running out of time.

Dr. MAZANEC. Very specifically, we try to address any issues around discrimination as rapidly as we can. We also try to educate our employees about workplace discrimination and also educate our managers. Diversity is highly valued at the Library. It makes us do our job better.

Ms. PALLANTE. I would just repeat everything that my colleagues have said. I have also instituted supervisory training. And I have an open-door policy, which my staff have taken advantage of.

Ms. SHAFFER. And I guess I will add a fourth voice to all of that. But I will also say that I think it is important that our collections are so diverse. And they reflect such diverse cultures that, in a sense, we have the environmental underpinning for diversity there.

Ms. LOFGREN. Thank you, Mr. Chairman. My time has expired.

Mr. GINGREY. Thank you, Ms. Lofgren.

Second round for 5 minutes for Mr. Nugent.

Mr. NUGENT. Dr. Mazanec, you had mentioned that you forecast. I would like to hear more about how you forecast in regards to the needs of Congress and how do you get that——

Dr. MAZANEC. I think you are referring to our legislative planning process.

Mr. NUGENT. Right.

Dr. MAZANEC. We do this on an annual basis. We rely on our analysts and attorneys who have been working with the committees and with congressional staff to help identify the issues that Congress will be focused on in the upcoming session. We then vet that list with leadership offices and with our oversight offices to make sure that we have captured all the issues, that we haven't missed anything.

So that is how we start our planning process for our research materials, the products, and the services that we provide.

Mr. NUGENT. Does that translate into how many folks you are going to wind up putting in a particular area based upon the complexity of the issue, or——

Dr. MAZANEC. We try do that to the best of our ability, but people come in with specific expertise, so they can't always move very easily from one issue area to another issue area. And some of the expertise has been developed over decades.

But we are looking at creating more surge capacity, more cross-coverage, so that we can supplement the lead analysts in a given issue area that is really hot.

Mr. NUGENT. And this is to all of you. You know, given the cutbacks that you have all faced in regards to personnel and retirements, how are you growing leaders within specific areas?

And, you know, Mr. Mao, I don't know that you have a second in command at this point in time, but how are you going to grow leaders, particularly in this austere budget time? Yes, sir.

Mr. MAO. We have various training programs available. One of the ones that we have started is, for example, in our Reading Room. We have what we are calling our Reading Room Management Training Fellowship, where we are encouraging the Reading Room staff to gain supervisory experience.

We have also encouraged our members to take details. For example, we have one member of the Law Library staff who is working with the House Appropriations Committee currently on a detail to gain supervisory experience in a context outside of the Library but still related to the Library.

Mr. NUGENT. Dr. Mazanec.

Dr. MAZANEC. Very quickly, I would echo all of that. We also have some recruitment programs where we target bright, young individuals coming out of school—the law recruit, grad recruit, and the PMF program, the Presidential Management Fellows program. We bring them on board, educate them, train them, give them opportunities to develop their skills.

Mr. NUGENT. Ms. Pallante.

Ms. PALLANTE. And I have a lot of cross-departmental projects at the moment and am using those to identify leaders. And I have ac-

tually had several people retire after many decades at the Copyright Office, and so younger people will be stepping up to fill those jobs.

Mr. NUGENT. Thank you.

Ms. Shaffer.

Ms. SHAFFER. We are doing a lot of what our colleagues are doing in Library Services, but we are also creating now a very robust mentoring and coaching program within the service unit.

And then we are reaching out to colleges and universities all over the country to help us identify people who are graduating from college and might be interested or have knowledge of cultures and language skills, because that is a critical issue for Library Services.

Mr. NUGENT. One more question. As it relates to the Legislative Information System, which it is now in its 16th year of existence, and THOMAS, which has been around now 18 years, how do they fit within Library of Congress information architecture strategies as you move forward? Is there talk about merging the two, or is there some other way?

Mr. Mao.

Mr. MAO. Yes, the data underneath is essentially the same. And right now the Library of Congress is working very hard on updating the information architecture for the THOMAS system and is looking forward to launching a new system that will integrate all of this information in one place.

Mr. NUGENT. Very good.

Dr. MAZANEC. I don't have anything to add except that CRS has been actively involved in collaborating with the other service units to modernize our Legislative Information System.

Mr. NUGENT. I would think that would definitely be the way forward, particularly in these times where we have lost personnel. Any time we can collect information and then disseminate it in a way that is useful would be great.

I yield back the balance of my time.

Mr. GINGREY. Thank you, Mr. Nugent.

And I will now yield to the gentleman from Indiana. And this is his first round. So, Todd, you can go beyond the 5 minutes and take up to 10, if you wish.

Mr. ROKITA. Oh, my.

Mr. GINGREY. Mr. Rokita from Indiana.

Mr. ROKITA. It is wonderful to be on House Admin and be treated this way.

My apologies for being late, with multiple hearings today that I was scheduled to attend. I thank the witnesses for their testimony, and my apologies for not being able to hear it all.

If I ask a question that has already been addressed by another Member, would you please tell me so I can move on? And I will go back to the transcript to get that answer. That requires a two-way street, right? You have to think of that as if being answered in my mind, not yours. But I think we can accomplish that today.

First, to Ms. Pallante, do the Library's costs to process a claim vary depending upon the type of work?

Ms. PALLANTE. Oh, that is a great question. Meaning does it cost more to register a motion picture than it does a song, for example?

Mr. ROKITA. Yeah, a book versus a movie or a piece of software or something like that.

Ms. PALLANTE. Yes. So that is one of the focal points of a fee study that we are undertaking right now——

Mr. ROKITA. Okay.

Ms. PALLANTE [continuing]. Which is something that I am in the middle of in my first year as Register. I would suspect the answer is yes.

Mr. ROKITA. And when is that fee report going to be due then, or that analysis going to be done?

Ms. PALLANTE. It will be done and delivered to Congress this summer.

Mr. ROKITA. Okay.

Ms. PALLANTE. And then if Congress approves, it would be implemented in fiscal 2013.

Mr. ROKITA. Okay. Thank you.

Ms. PALLANTE. You are welcome.

Mr. ROKITA. Another question. According to your recent fee report notice, in fiscal year 2011 fee receipts covered 59 percent of the costs. You said this was insufficient by any standard. Certainly, it would be in the private sector. What standard would be sufficient?

Ms. PALLANTE. Again, that is a really good question. As I understand it, the office fees for services have never covered the entire cost. And, in part, that is because, at least in recent decades, copyright registration is a voluntary system, meaning that as an author or as a motion picture company you don't have to register to get legal protection under copyright law. It is automatic.

There are benefits, and we try to entice people to register, but we do that because the public database is actually good for other industries who may rely on that information for innovation and for the public who needs to find a copyright owner.

So it is a little bit of a circle, and we have to hit the sweet spot, essentially, with the fee study. But I do believe that we have not been recovering enough of the fees for services.

Mr. ROKITA. And just so I am clear, do you have a solution for that or not? You are saying no. Is there a—I can't believe I am asking you this. Do you think there would be a legislative solution to that?

Ms. PALLANTE. Well, I rely on the law when I do the fee study. I have parameters that are set in the Copyright Act. And they require that I be fair and equitable and give due consideration to the objectives of the copyright system, which in the discussion that you missed is that in part the copyright system is for authors and in part it is for the public.

So we need to take all of that into account. And, therefore, I think one answer is, we probably will never be 100 percent fee recovery, but we need to do better.

Mr. ROKITA. Okay. I will look at the transcript, as well. Thank you.

According to I think that same fee report notice, you recovered 64 percent of the cost to process an online claim but only 58 percent of the cost to process paper applications. So with adoption of

a new fee structure, what percentage of the costs are you anticipating recovering in both those categories?

Ms. PALLANTE. I am hesitant to give you an answer only because we are in the middle of a public fee Federal Register process, and I have to wait for the results of that before we do the final analysis for Congress. So I don't want to prejudge what the public's comments are going to be in terms of what the right result should be.

Mr. ROKITA. That would imply that you actually weight the comments——

Ms. PALLANTE. Yes.

Mr. ROKITA [continuing]. Which is something that——

Ms. PALLANTE. I actually read them and analyze them and——

Mr. ROKITA. Wow.

Ms. PALLANTE [continuing]. Incorporate them.

Mr. ROKITA. I don't mean to be flippant, but I am finding—and this comes from a guy who used to run a couple agencies in the State of Indiana at one time. When I ask other agency heads or decision-makers about their formula or their process for analyzing comments, they don't have one. Which you can come back and say, "Well, that is our discretion under the Constitution," but I think that is an insufficient answer. So I appreciate that non-answer you gave me.

What planning—I am trying not to just pick on you, but I think this will be the last one for you—what planning has the Copyright Office engaged in in the event the copyright royalty judges are deemed unconstitutional? Something I am just learning about. Do you have a plan? What if these judges are found unconstitutional?

Ms. PALLANTE. Well, I don't have plan, but there would be implications for the Register for sure.

Mr. ROKITA. Yeah. Well, do you think you need to start thinking of one, or are you pretty confident that they are constitutional? And if so, why?

Ms. PALLANTE. Well, I know the Department of Justice is representing the Library in that ongoing litigation. And I probably shouldn't comment on pending litigation.

Mr. ROKITA. Anyone else want to comment? No? Okay.

Ms. Shaffer, currently, 17 studio and movie-related entities store materials at the Library's National Audiovisual Conservation Center in Culpeper. You are familiar, obviously.

Assuming the center had authority to charge depositors for cost recovery storage and preservation fees, what do you envision for the center? Are there other institutions who have offered to collaborate? Is there available space if more entities want to establish a relationship with Culpeper?

Ms. SHAFFER. Well, let me start by saying that we would be able to create the space. We don't currently have it, but we have some fixed shelving in Culpeper, and our plan for this deposit program would be to install compact shelving, movable shelving. So that would create a significant increase in our available space. We have——

Mr. ROKITA. Are you promoting this relationship opportunity?

Ms. SHAFFER. We are trying to. We have a number of registries that you created for us. And we have spoken to people who participate in the deliberations on those registries. Often they are con-

nected to or coming from industry. And so we have been trying to explain to them what our plan is in a very objective way, thinking that this will provide service not only to them but also assure the longevity and preservation of many of the materials that they possess and really don't have the technical ability to handle. I think that is the key issue.

Mr. ROKITA. Well, and just so I am clear on your answer, if you had the authority to charge depositors for cost recovery, how would you handle that?

Ms. SHAFFER. Well, we would use it as—we would institute it under a revolving fund so that we could then use the monies that we would collect to improve the preservation and conditions of the materials that we would be taking in.

Mr. ROKITA. A hundred percent?

Ms. SHAFFER. Yes, I believe it would be. We would include in that, however, a number of staff positions so that they could be dedicated to preserving these materials as well as developing scientific know-how for all other materials.

Mr. ROKITA. Have you thought about fee structure and fees and percentages of recovery, that kind of thing?

Ms. SHAFFER. We are actually right now in the process of looking at what the marketplace might bear. And we expect to have that, again, by the summer. So we are looking at it as we speak.

Mr. ROKITA. I would expect the marketplace would bear a lot.

Ms. SHAFFER. Well, it would be cost recovery, so——

Mr. ROKITA. I am not asking you to profit, but getting to 100 percent would be nice, or closer to.

Ms. SHAFFER. Oh, it would be lovely, for sure.

Mr. ROKITA. All right. Thank you very much.

I yield back.

Mr. GINGREY. Thank you, Mr. Rokita.

Let me say to our witnesses, first of all, thank you. I want to thank each and every one of you. And I thank the Members, as well. Ms. Lofgren had a conflicting markup, so she had to leave a few minutes early.

Before I adjourn the committee, though, let me just say that it is possible the committee members, maybe even some that couldn't attend at all, they may have some follow-up questions for the witnesses. And would you all please respond to these written questions, assuming there are some, in a timely manner? The committee members would greatly appreciate that.

Mr. GINGREY. But I do thank each and every one of you. The positions that you hold—four of, what is it, seven or nine? But you represent 40 percent or more of the budget for the Library of Congress. And certainly we, the Members, understand the importance and do realize the constraints that you are under and are very likely to continue to be under in regard to being able to provide the same level of service with fewer people and with a tightened budget. I know that is very, very difficult for each and every one of you.

And what you do is hugely important. And I think that was pointed out pretty clearly during the hearing in your testimony and the Q&A, two rounds of Q&A. So I feel, as chairman of the Subcommittee of Oversight and Investigation, that we certainly have

had a very good hearing in regard to the Library of Congress. And, again, thank you all.

At this point, I will declare that this hearing is adjourned. Thank you.

[Whereupon, at 11:29 a.m., the subcommittee was adjourned.]

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May 9, 2012

The Honorable Phil Gingrey
Chairman, Subcommittee on Oversight
Committee on House Administration
U.S. House of Representatives
1309 Longworth House Office Building
Washington, D.C. 20515-6157

Dear Chairman Gingrey:

Thank you for the opportunity to testify at the April 18, 2012, Committee on House Administration Subcommittee on Oversight Hearing on "Library of Congress: Ensuring Continuity and Efficiency During Leadership Transitions." In response to the six questions in your letter dated April 25, 2012, I am providing the following answers, which I understand will become part of the Committee record.

1. *The Library has been undergoing a comprehensive institution-wide IT review. How has each service unit sought to enhance its IT capabilities? Can your service unit point to current or future realized efficiencies or cost savings because of collaborative IT-related efforts?*

Answer: The Law Library is developing information technology solutions that will leverage the collective resources of the Library of Congress. These technology solutions will enhance capability and improve research and reference products with nominal cost adjustments, stay current with technology refreshment, and avoid software/hardware obsolescence. As an example, the Law Library is leveraging a collaborative effort headed by the Office of Strategic Initiatives (OSI) to provide a better interface and user experience for foreign law research by presenting legal information and collections through a universal Library of Congress gateway. Future realized efficiencies will accrue to Congress and other Law Library patrons through foreign law research that not only uses the latest digital technologies, but also incorporates related non-legal material content involving law (e.g., economic, social, cultural, and demographic).

2. *LIS (Legislative Information System) is now in its 16th year of existence. THOMAS is in its 18th year of existence. How do they fit within the LOC's information architecture strategy? Do you anticipate a possible merger between the two at some point? If so, what are the specifics of this merger? When will it take place? How will it be implemented? How will the end product be similar to or different from THOMAS and LIS? What costs savings can be anticipated from this merger?*

Answer: Building a single, new, and modern legislative information platform to serve Congress and the nation and to replace LIS and THOMAS is a priority of the Library of Congress and documented in the Library of Congress Strategic Plan Fiscal Years 2011-2016. With oversight by the Library's Web Governance Board, experts from across the institution are working together to develop the modern legislative information platform while also providing for significant user enhancements and advanced search capabilities. The mission and purpose remain the same: to provide access to integrated legislative information that is timely, accurate, and complete.

The effort to replace the two existing systems is aligned with and reflective of the Library's information architecture strategy to renew its overall Web presence cost-effectively. The approach is user centered and includes a powerful search and faceted navigation capability to serve the majority of end user needs. In also includes an extended advanced search interface to meet the needs of expert and analyst-level users who impose sophisticated demands on the existing systems on a daily basis.

The most notable difference between the modern legislative information platform and the two existing systems is that both Congress and the nation will be served effectively through a single legislative interface. The modern information architecture will enable many efficiencies: converging underlying architecture of the two interfaces into a single system to ensure that future additions and enhancements will be more efficient; improving mobile device access; providing well-formed URLs and permanent links for sharing; improving user interface and a single design for Members, staff, and constituents; and improving scalability, stability and performance. Congressional users will continue to have integrated access to CRS reports, proprietary commercial resources, and other House and Senate internal-only content. The overall results will be significantly enhanced access to and usability of legislative information.

The initial beta release of the new system will be launched in the late summer of 2012 and will be used to gather user feedback that will continue to inform future development. While the initial release will include some significant new improvements, the primary focus for this fiscal year is to establish the necessary technical foundation to enable the Library to provide for the years to come the legislative information Congress and the public want on the technology devices they prefer and in a cost-effective manner. In fiscal 2013, the primary focus will be to meet the legislative research needs of experts. During this same timeframe, the congressional aspect will be integrated into the new modern platform. By the close of fiscal 2014, the modern system will have replaced all of the existing functionality within LIS and THOMAS so that the two existing systems can be retired.

The Library's aggregation and enhancement of legislative information that feeds both the LIS and THOMAS websites continue to be a single integrated operation. As the modern legislative information platform is developed, the Library will continue to work with its legislative information partners in the House, Senate, and GPO to identify additional efficiencies and potential savings through collaboration. In addition, once the modern legislative information platform is in place, incremental enhancements and maintenance will become less costly due to a streamlined architecture and elimination of the need to make duplicative changes in the two existing systems.

3. *What is the status of Law.gov and the future One World Law Library? According to your Strategic Plan, a pilot site is supposed to launch by April 30th. Is that still on track?*

Answer: Law.gov is currently under active development as part of the Library of Congress Project ONE initiative. The Law Library is working with the Library's Office of Strategic Initiatives (OSI) to enhance access to our legal and legislative information in several ways. To start, the Law Library and OSI are working to widen the Law Library website template in order to take advantage of the increased screen space of modern monitors. In addition, we are working on enhancing the local search capability on the Law Library pages; the pages will default to the new Library of Congress search system, thereby making it easier for users to find content through detailed facets. These first two improvements are currently available internally on a test website. The Law Library is also in the process of a comprehensive review of its websites to enhance the metadata to match the detailed facets available through the new search.

After the above three items are complete, the Law Library of Congress homepage will be updated to focus on the beta release of the new legislative information system and the Guide to Law Online. At that point, the Law.gov URL will be activated to direct people to the updated site.

The pilot is internal for now, with a public launch planned by the end of this fiscal year.

4. *Given that LOC scaled back its commitment to the Global Legal Information Network (GLIN), what other initiatives and resources at the Law Library exist to ensure Congress will have the adequate internationally-related legal resources it needs to inform its deliberations? What is the status of your Global Legal Research Center?*

Answer: The Law Library is committed to furthering the objectives of the Global Legal Information Network (GLIN), albeit through revised means. The GLIN Executive Council is in the process of recommending to its members a successor entity to assume responsibility for the GLIN management function (GLIN Central). The Law Library expects the GLIN database to transition intact to this successor entity and believes the new GLIN Central will not only retain and keep accessible all the records of the database, but also invest in needed system enhancements. The Law Library will continue to rely on this legal resource and continue to supply the GLIN database with U.S. laws, statutes, and other legal information.

As the Law Library has noted previously, the GLIN database alone is not sufficient to allow the Law Library to fulfill its mission to support the diverse and extensive jurisdictional needs of the

U.S. Congress. In addition to GLIN, the Law Library relies on a multitude of sources such as authentic information from foreign legal database subscriptions, Law Library collections, and authoritative websites of the jurisdictions in question. The Law Library is developing the portal Law.gov, which will integrate a variety of legal assets to enable researchers to make informed decisions and facilitate access to relevant legal information. The Law Library also relies heavily on its Global Legal Research Center (GLRC) to fulfill its foreign, comparative, and international law research mission for Congress. Although a challenge in a time of budgetary constraints, the Law Library is continually investigating ways to expand its GLRC resource. Among other approaches the Law Library is cross-training existing GLRC staff, seeking opportunities to host interns, and developing new contractual relationships to augment its traditional staffing model.

5. *Please provide a list of all travel conducted on behalf of the Law Library by you since your appointment as Law Librarian. Furthermore, please provide the itinerary of each trip, including meeting participants. Finally, please provide the cost for each individual trip and a total cost of all trips taken on behalf of the Law Library.*

Answer: As of April 18, 2012, and since assuming my position in January, I have traveled twice outside of Washington D.C. on behalf of the Law Library. The first trip's itinerary was from Washington, D.C. to Brussels, Belgium to London, England, and back to Washington, D.C. The cost for this trip was $4,498.30. In Brussels I attended a conference, "Access to Foreign Law in Civil and Commercial Matters," that was jointly sponsored by the European Commission and the Hague Conference on Private International Law. Approximately 130 legal professionals (judges, notaries, lawyers, public sector officials, legal academics, and law librarians) from 35 foreign states attended the meeting. I was a panelist for the panel titled "Availability of Online Legal Information on National Laws: Some of the Existing Systems and Challenges Addressing Language Barriers, Interoperability, Reliability, Authenticity, Up-datedness and Historical Information." In London, I attended an Outsell Leadership Council meeting. The leadership council allows participants to learn about the latest information industry developments and benchmarks. Following is a list of meeting participants:

Vipul Nakum, Ascend Worldwide
Alan Edmunds, BNA International
Shirley Bailey-Wood, BSI Group
Gerry Murray, Dods (Group) PLC
Trevor Fenwick, Euromonitor International Ltd.
Emmanuel Benoit, Jouve
Stephen Stout, Landmark Information Group
David Wormald, MarkLogic Corporation
Katharine Jackson, Sage Publications
Gehan Talwatte, Sage Publications
Anthea Stratigos, Outsell, Inc.
David Worlock, Outsell, Inc.

The second trip's itinerary was from Washington, D.C. to Richmond, VA and back to Washington, D.C. On this one-day trip, I attended the Virginia Association of Law Libraries 2012 Spring Meeting and provided the participants with an update on the Law Library of

Congress. Approximately 40 law librarians from Virginia law firms, law schools, and courts attended the meeting. Because a Library vehicle was used, there were no reimbursable costs associated with this one-day travel.

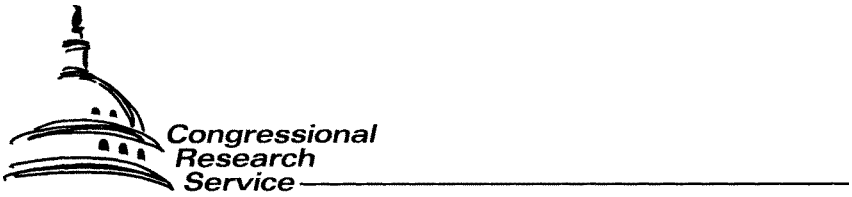
6. *According to information from the Library's Congressional Relations Office, the Law Library staff has knowledge of the laws of over 240 nations and legal systems. With recent budget reductions and retirements, how will the Law Library maintain expertise and timeliness in reports to Congress and cover jurisdictions throughout the world?*

Answer: These two factors, budget reductions and retirements, present considerable challenges for the Law Library in maintaining the timely and authoritative products and services that the Congress expects. The loss of key staff members via the VSIP/VERA Program created gaps in core competencies and deficiencies in mission-critical expertise. For example, a Senior Foreign Law Specialist for Canadian law retired last year. In addition to this jurisdiction of great importance to Congress, he covered other jurisdictions, including islands in the Caribbean (e.g. Bahamas, Bermuda, the Cayman Islands) that generate many congressional questions, especially related to tax and corporate laws, and U.S.-related entities such as American Samoa, Guam, and the Northern Mariana Islands. His retirement requires the Law Library to use other foreign law specialists and legal analysts with expertise in comparable but sometimes divergent legal systems to cover all of the aforementioned workload of the retired foreign law specialist. The Law Library has also looked to cross-training staff, internships, and contractual relationships to provide temporary assistance for jurisdictions without full-time coverage and support. To ensure completing work in a timely manner, the Law Library will continue to prioritize its tasks. The Law Library's highest priority is to provide Congress with timely, authoritative, and confidential foreign legal analysis and information.

I will be happy to answer any additional questions you may have.

Sincerely,

David S. Mao
Law Librarian of Congress



May 9, 2012

Honorable Phil Gingrey
Chairman
Committee on House Administration
Subcommittee on Oversight
U.S. House of Representatives
1309 Longworth House Office Building
Washington, D.C. 20515

Dear Mr. Chairman:

In response to your request of April 25, 2012, I am providing responses to the questions posed by the Committee following my testimony before the Subcommittee on Oversight. I understand that the responses will be made part of the hearing record.

1. *The Library has been undergoing a comprehensive institution-wide IT review. How has each service unit sought to enhance its IT capabilities? Can your service unit point to current or future realized efficiencies or cost savings because of collaborative IT-related efforts?*

Answer: During the past year CRS, in a joint venture with the Library's Information Technology Services (ITS), has implemented several security enhancements including migrating to the Windows 7 operating system, and implementing the McAfee Host Based Security System and Microsoft's SCCM for Enterprise System Management. CRS has provided a single laptop to each user to support various functions including on-site work, Continuity of Operations (COOP), and telework, without having to deploy additional equipment. In addition, CRS has virtualized three of its primary systems: Authoring and Publishing, Mercury, and CRS.gov. Virtualization saves on hardware, energy, and data center space and will reduce the time to activate systems in a COOP scenario. CRS provides Blackberry devices to staff (currently 410 devices have been provided) for COOP purposes and for provision of direct support to Congress. CRS is working with ITS to migrate the email system from Groupwise to Outlook/Exchange. One hundred and twenty-five users have already been migrated and the entire organization will be migrated by May 28, 2012.

CRS leverages Library infrastructure to achieve efficiencies and cost-savings. For example, in addition to the security and email projects referred to above, CRS uses the Library's network infrastructure, Internet access, telecom systems, Security Operations Center and ITS managed

data centers. CRS also uses ITS for development support and hosting of several applications including the Legislative Information System (LIS) and CRSX, the archive of CRS reports and memoranda. During the upcoming year CRS will be working closely with ITS to implement a help desk management system, and an infrastructure for supporting non-BlackBerry mobile devices.

2. *What policies and practices does the Congressional Research Service (CRS) have in place to ensure that information exclusively available to the House community is used only for official purposes by CRS analysts?*

Answer: Confidentiality is a core value for the Service, and is instrumental in the way we carry out our mission. Staff understand that the relationship CRS has with its congressional clients, and the trust that Congress places in CRS as a safe haven for floating ideas, asking questions, and exploring issues, stem directly from the confidentiality that is promised to all clients. CRS policy has for decades instructed staff that the confidentiality accorded to all Congressional requests, and the responses provided thereto, is as critical to the CRS mission as is objectivity and non-partisanship. Staff are instructed from their first day on the job that the duty of all CRS staff is to preserve and protect confidentiality, and this message is reinforced at all levels of the Service including section, division, and senior management levels.

Various CRS policies establish standards for the treatment of confidential information. For example, CRS carefully reviews questions involving the outside activities of staff members (e.g., speaking and writing on the outside), examining each on a case-by-case basis, weighing the competing interests of the First Amendment rights of staff with the institutional needs of CRS to fulfill its statutory mandate to serve the Congress with objectivity, non-partisanship and confidentiality. CRS "Policy on Outside Employment Activities" and related Library of Congress regulations reinforce the need for employees to avoid engaging in activities that may result in or create the appearance of a conflict between their private interests and their official duties, and to avoid using information secured as a result of their employment for preferential advantage. CRS staff are fully aware that they will be held accountable for any breach.

CRS policy on "Interacting with the Media" stresses that when CRS staff receive requests from the media for background information on legislative policy matters, they must maintain complete confidentiality at all times if they choose to speak with the media.

Guidance on the distribution of CRS Products to non-Congressional persons emphasizes that Congress has historically reserved to itself control over the dissemination of CRS products to the public, and has consistently sought to preserve its confidential relationship with the Service. In keeping with the guidance that CRS has received from Congress over the years, the policy reiterates that CRS is to refrain from making its products directly available to non-congressional requesters, save for a few exceptions based on principles of reciprocity.

Looking to the physical protection of information for Congress, appropriate safeguards are applied to the Library's computer network, the database repository for congressional inquiries known as Mercury, and the physical storage of CRS work product for Congress.

Finally, it has been long-standing practice that staff leaving the employment of CRS may not remove print or electronic copies of confidential records, including congressional inquiries, or responses prepared for Members and committees of Congress (memoranda, analyses, fact sheets, studies). Employees were last reminded in writing of this practice before the deadline in 2011 for taking voluntary early retirement or departure from service.

3. *In CRS' description in the Library's FY13 Budget Justification, it states that, "[d]uring the transition to lower staff levels, it was also necessary to reduce investments in information technology." Is CRS where it needs to be in terms of IT security?*

Answer: CRS follows the ITS Security Group guidance and policy on security. CRS has not reduced investments in IT security. By working closely with ITS and utilizing the Library's Security Operations Center, CRS has been able to leverage centralized staff expertise and resources rather than duplicating them.

4. *LIS (Legislative Information System) is now in its 16th year of existence. THOMAS is in its 18th year of existence. How do they fit within the LOC's information architecture strategy? Do you anticipate a possible merger between the two at some point? If so, what are the specifics of the merger? When will it take place? How will it be implemented? How will the end product be similar to or different from THOMAS and LIS? What cost savings can be anticipated from this merger?*

Answer: Building a single, new, modern legislative information platform to serve Congress and the nation and replace LIS and THOMAS is a priority of the Library of Congress and documented in the *Library of Congress Strategic Plan Fiscal Years 2011-2016*. With oversight by the Library's Web Governance Board, chaired by the Library's Chief of Staff, experts from across the institution are working together to develop the modern legislative information platform while also providing for significant user enhancements and advanced search capabilities along the way. The mission and purpose remain the same, to provide access to integrated legislative information that is timely, accurate, and complete.

The effort to replace the two existing systems is completely aligned with and reflective of the Library's information architecture strategy to cost-effectively renew its overall web presence. This includes an approach which is user-centered, with a powerful search and faceted navigation capability to serve the majority of end user needs, as well as an extended advanced search interface which will meet the needs of expert and analyst users who impose sophisticated demands on the existing systems on a daily basis.

The most notable difference between the modern legislative information platform and the two existing systems is that both Congress and the nation will be effectively served through a single core legislative interface. The modern information architecture will enable many efficiencies: converging underlying architecture of the two interfaces into a single system, ensuring that future additions and enhancements will be much more efficient; improved mobile device access; well-formed URLs and permanent links for sharing; improved user interface and a single design for Members, staff, and constituents; and improved scalability, stability and performance. Congressional users will continue to have integrated access to CRS reports, proprietary

commercial resources, and other House and Senate internal-only content. The overall results will be significantly enhanced access to and usability of legislative information.

The initial beta release of the new public legislative system will be launched in the late summer of 2012 and will be used to gather additional user feedback that will continue to help inform future development. While the initial release will include some significant new improvements, the primary focus for this fiscal year is to establish the necessary technical foundation to enable the Library for the years to come to cost-effectively provide the legislative information Congress and the public want on the technology devices they prefer. In FY2013, the primary focus will be meeting the legislative research needs of experts, including those in CRS responding to Member's requests, often for sophisticated analysis. During this same time frame, the congressional aspect will be integrated into the new modern platform, and with the new technology infrastructure, the Library will also be positioned to develop an app for legislative information. It is envisaged that by the close of FY2014, the modern system will have replaced all of the existing functionality within LIS and THOMAS to be able to retire the two existing systems.

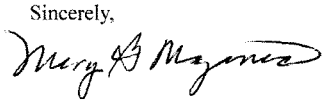
The Library's aggregation and enhancement of legislative information that feeds both the LIS and THOMAS websites continue to be a single integrated operation. CRS recently consolidated into one of the unit's of this integrated operation the function of maintaining accurate congressional client information, reducing combined staffing by one-third. Continued quality service has been maintained through prioritization of tasks, cross-training of personnel, and enhanced automation support. As the modern legislative information platform is developed, the Library will continue to work with our legislative information partners in the House, Senate, and GPO to identify additional efficiencies and potential savings through collaboration. In addition, once the modern legislative information platform is fully in place, incremental enhancements and maintenance will be less costly to make, due to a more streamlined architecture and elimination of the need to make duplicative changes in the two existing systems.

5. *Please provide a list of all travel conducted on behalf of the Congressional Research Service Office by you since your appointment as Director. Furthermore, please provide the itinerary of each trip, including meeting participants. Finally, please provide the cost for each individual trip and a total cost of all trips taken on behalf of the Congressional Research Service Office.*

Answer: Since being appointed Director on December 5, 2011, I have not undertaken any official travel on behalf of CRS.

I hope you will find these answers responsive to your questions. I appreciated the opportunity to represent CRS before the Committee on Oversight.

Sincerely,



Mary B. Mazanec
Director

The Register of Copyrights of the United States of America
United States Copyright Office · 101 Independence Avenue SE · Washington, DC 20559-6000 · (202) 707-8350

May 9, 2012

The Honorable Phil Gingrey
U.S. House of Representatives
1309 Longworth House Office Building
Washington, D.C. 20515

Dear Chairman Gingrey:

Thank you for inviting me to testify on April 18, 2012 before the Committee on House Administration, Subcommittee on Oversight Hearing on "Library of Congress: Ensuring Continuity and Efficiency During Leadership Transitions." I was pleased to appear at the hearing and provide an overview of the Copyright Office (the "Office") and how it has transitioned since my appointment as Register on June 1, 2011.

This letter is in response to the Subcommittee's April 25, 2012 formal written questions, the answers to which are provided below. I also direct your attention to my submission on May 2, 2012 in response to questions raised by Ranking Member Lofgren during the hearing. *See* Attachment A.

1. *The Library has been undergoing a comprehensive institution-wide IT review. How has each service unit sought to enhance its IT capabilities? Can your service unit point to current or future realized efficiencies or cost savings because of collaborative IT-related efforts?*

A robust information technology infrastructure is an essential foundation for a twenty-first century copyright registration and recordation system. The Office successfully transitioned to an electronic processing system as part of a broader business process reengineering effort that was implemented in 2007. Today, more than eighty percent of incoming registration claims are processed through the Office's primary electronic registration system. This requires a system that is sufficiently nimble to accommodate, ingest, and maintain (on a twenty-four hour basis) a variety of new forms of digital authorship, whether websites, databases, electronic books, or other digital files, and one that meets contemporary standards for data security and information assurance. While cost efficiency will always be an important aspect of the Office's operations, it is critical that our system meet the demands and expectations of the copyright community and the American consumer. Moreover, the system cannot be static. To run the business of copyright registration and related services properly, we must expect to constantly migrate and improve our IT system.

The Office recently began a comprehensive evaluation of its electronic processing capability across several divisions as described in my October 25, 2011 *Priorities and Special Projects of the U.S. Copyright Office* document (available at http://www.copyright.gov/docs/priorities.pdf). Many of these projects were developed in response to public demands for a better and more up-to-date system that accurately reflects how consumers currently use Office services. Specifically, the following five Office priorities and/or special projects relate to enhancement of the Office's IT capabilities: (1) electronic administration of statutory licenses; (2) technical upgrades to the electronic registration system; (3) revision of the Office website; (4) business process reengineering of the recordation division; and (5) enhanced public access to historical records.

The Office's business process reengineering for the recordation division is in the early stages of what will be a multiyear project designed to decrease processing times for statements of account, implement an online filing process, and improve public access to Office records. Moreover, since November 2011, staff from across Office divisions have held a series of targeted meetings with business and information technology experts in the copyright industries to discuss overall enhancements and improvements to the electronic registration and recordation services. The Office is also engaging with the technology sector and consumer groups to gain insight into how to improve the nature, accuracy, and searchability of the Office's public databases. Through outreach with a diverse array of stakeholders and organizations that also operate digital asset management systems similar to ours, the Office will develop a comprehensive and technologically driven plan for the future of the registration and recordation systems.

The Office is also proud to participate in information technology projects with other Library departments, where appropriate, to create efficiencies and cost savings. In fiscal 2011, for example, the Office led a Library-wide initiative to evaluate possible mechanisms by which to demand, receive, process, and store born-digital serials (journals that exist only online) under the mandatory deposit provisions found in Section 407 of the Copyright Act. The "proof of concept" pilot system was launched successfully in early fiscal 2012 and represents the first in a series of collaborative projects to enhance and grow the Library's digital collections.

Another "proof of concept" pilot, the Television Program Project, will be launched this fall in cooperation with the Library's Motion Picture, Broadcast and Recorded Sound Division ("MBRS"). Trusted pilot partners will submit deposit copies of digital files of television shows directly to a shared MBRS server rather than as a separate file to the Office. A copyright specialist will then access the file internally through a link provided by MBRS for the purpose of examining the work for registration. An automated method for submission of moving image copyright content directly to the Library will substantially reduce manual processing by both Office and Library staff and will ensure a higher-quality deposit for these born-digital works.

2. *At the end of 2009, the number of workable copyright claims to be processed reached a peak of over 450,000. Today, what is the status of the backlog? If the backlog is indeed gone, what preventative steps are necessary to keep it from returning?*

The Office reached a significant milestone in fiscal 2011 by eliminating its backlog of copyright claims. The backlog was an expected result of the Office's transition to electronic processing in 2007. The Office ended fiscal 2011 with a normal workload of approximately 185,000 claims on hand, of which approximately half were awaiting further action from the claimants and half were awaiting Office action. The Office now processes online claims in the working queue within two to four months, on average, depending on the complexity of the claim. Because the electronic filing system allows for hybrid submissions (when the application and fee, submitted online, are followed by a hard-copy deposit mailed or hand-delivered separately), and because some claims require the Office to correspond with the applicant, the Office will always have categories of work that take longer to process. These claims are an anticipated and routine part of the Office's business operations.

The current fiscal environment, however, continues to present challenges for the Office. We have fewer staff and less funding at a time when registration is increasingly important and the system requires more resources. While the Office has developed training programs and other tracking measures to ensure the accuracy of its claims process, reduced funding and low staffing levels affect both the speed of review and quality of the Office's claims process. Moreover, aging information technology infrastructure could lead to increased system downtime, which, in turn, could lead to process inefficiencies and declining productivity, including a reemergence of a backlog. In addition, registration claims are at a historic low, but they are expected to increase as the economy improves. As this happens, and without corresponding increases in both funding and staff, the likelihood of another backlog becomes greater. Thus, the Office is committed to increasing efficiencies at current funding levels wherever possible and to working with Congress to ensure adequate funding levels for required technical upgrades and staffing needs.

3. *Right now the standard registration fees established in 2009 are $35 and $65, respectively, for electronic and paper submissions. What can we anticipate in your new report to be submitted to Congress either next month or later this year?*

The Office is funded through a combination of fees for services (collected on a partial cost-recovery basis) and federal appropriations. The Office revisits its fee schedule approximately every three years in accordance with procedures specified in Title 17 U.S.C. § 708(b). Moreover, in the fiscal year 2012 budget process, language in the House Appropriations Committee Report directed the Office to review the current fee structure and analyze whether registration fees cover the entire cost, including overhead, associated with the registration process.

Determining the relationship between the cost of services and pricing is a sophisticated process that must take into account both the cost of delivering services and the objectives of the national copyright system. Although copyright registration and the recordation of copyright assignments and licenses provide a significant benefit for the public record, neither is required of authors or other copyright owners as a prerequisite for copyright protection. Moreover, while there are certain legal and evidentiary benefits for copyright owners who register or record in a timely manner, pricing is a key factor in whether they will choose to do so — particularly for independent creators. Thus, the Office's goal in setting fees is to establish a schedule designed to recover reasonable costs at a level that will support the registration system's continued growth.

The Office announced the initiation of its current fee study in the October 2011 *Priorities and Special Projects* document. As part of the study, the Office published an initial Notice of Inquiry on January 24, 2012 seeking comments from the public on key issues (*see also* Response to Question 4). After review and analysis of the public comments, on March 28 the Office published its proposed fee schedule for registration and other services. The preliminary proposed fee schedule includes an increase for registration of copyright claims from $35 to $65 for a claim filed online and an increase from $65 to $100 for a paper application. Additionally, the Office proposed a new lower fee of $45 for online registration claims made by a single author of a single work that is not a work for hire.

When the comment period closes on May 14, the Office will reexamine its proposed fee schedule with due consideration for concerns expressed by the public. Once the Office has completed its analysis, a final report will be issued for Congressional review. The Office's final report will contain a recommended fee schedule that could vary from the proposed schedule based upon cost determinations as well as policy and economic factors such as fairness and equity, the objectives of the copyright system, projected inflation, elasticity relating to fees, and public comments.

4. *As part of the upcoming fee report and recent notice in the Federal Register, how did you seek input from those who file claims with you on how fee increases would affect them? Are there filers who account for a disproportionate amount of the fees paid? If so, please specify.*

Because public comments are an important part of the fee adjustment process, the Office sought such comments at multiple points throughout its fee study. At each point, the Office provided the public an opportunity to comment on a number of topics, including fees for expedited services and fee structures that accommodate large and small claimants. For example, the Office sought input from the public informally in a variety of fora, including individual meetings with stakeholders, bar association events, and other dialogues with the copyright community. The Office also sought formal public comments on two occasions. First, on January 24, 2012, the Office published a Notice of Inquiry requesting public comment on two fee-related issues: (1) whether special

consideration should be provided to individual author-claimants registering a single work; and (2) whether there are special services and corresponding fees the Office should expand, improve, or add to its offerings. The Office requested comments on these issues to gain insight into new areas not covered by the current fee schedule. Based on comments received in response to this Notice, the Office proposed the new $45 online registration fee for registration by a single author of a single work that is not a work for hire.

Second, on March 28, 2012, the Office published another Notice requesting public comment on its proposed fee schedule. This Notice of Proposed Rulemaking explains the fundamentals of the rate setting process, discusses the reasons for certain fee adjustments, and requests comments from the public on any of the proposed fees. Comments are due on May 14, 2012.

The filers who utilize Office services represent a broad spectrum of authors and creators, from poets to film companies to major aggregators, and cover multiple genres and subjects. In our experience, the most frequent filers are those who perform services and bundle claims, as with dissertations and databases. These kinds of business-to-business functions are part of our current evaluation of the registration and recordation systems.

5. *How do you measure satisfaction of the copyright community?*

It is unclear whether this question is about satisfaction regarding policy or the law in general, or satisfaction regarding our own public services (*e.g.*, registration). However, in all cases the Office takes very seriously the views of all members of the copyright community, including copyright owners, users, and the public at large (each a diverse and complex group of stakeholders). The Office often holds meetings and roundtables with a wide range of stakeholders, and senior members of the staff regularly participate in discussions across the country in venues like bar association meetings and intellectual property related public events. In addition, the Office frequently publishes notices in the Federal Register and on the Office's website requesting public comment on numerous topics. The Office also has a blog and issues requests for information. These outreach activities provide the Office insight into the copyright community's views on issues and an opportunity to receive feedback about the Office and its procedures. The Office also uses information it receives from the public and copyright stakeholders to inform its views for reports and studies for Congress, as well as in preparing for testimony before Congress and issuing regulations.

For example, as part of one recent study for Congress – the Office's report on market-based alternatives to statutory licensing (available at http://www.copyright.gov/reports/section302-report.pdf) – the Office requested formal public comments through a notice in the Federal Register, engaged in direct meetings with key stakeholders, and conducted public roundtables. Similarly, as part of its

ongoing study of the obstacles facing small copyright claims, the Office requested formal public comments through the Federal Register, will participate in a public symposium on the issue at George Washington University School of Law, and plans to hold public roundtables and stakeholder meetings over the next several months.

Several items included in the Office's *Priorities and Special Projects* document are focused specifically on outreach and engagement with the copyright community. The Office plans to meet regularly with participants in the marketplace (including, for example, individual creators of all types of works, publishers, producers of audiovisual works and sound recordings, Internet service providers, distributors and aggregators, educators, libraries, archives, museums, and end-users, such as consumers and bar associations). The purpose of these meetings is to discuss developments in business and technology and the role of copyright law in facilitating the creation and dissemination of creative works. The Office's other outreach activities for the benefit of the public and copyright community include revision of the Office website and development of a business plan for copyright education, including opportunities for on-site exhibitions, events, and collaborations. Through these types of outreach events and activities, the Office maintains a close relationship with the communities that it serves, and is better able to address changing demands and needs for improved services.

6. *In June of this year, your office is scheduled to participate in the Diplomatic Conference on the Protection of Audiovisual Performances in Beijing. What resources does this require of your office? How closely do you work with the Office of the United States Trade Representative?*

These questions address both the Office's international policy work in support of the development and implementation of treaties administered by the World Intellectual Property Organization ("WIPO"), and its specific work with the United States Trade Representative ("USTR"), which are two distinct Office functions. Section 701 of Title 17 tasks the Office with a variety of responsibilities, including "[a]dvis[ing] Congress on national and international issues relating to copyright, other matters arising under this title, and related matters," and "[p]rovid[ing] information and assistance to Federal departments and agencies and the Judiciary on national and international issues relating to copyright, other matters arising under this title, and related matters." Section 701 also requires the Office to "[p]articipate in meetings of international intergovernmental organizations and meetings with foreign government officials relating to copyright, other matters arising under this title, and related matters, including as a member of United States delegations as authorized by the appropriate Executive branch authority." The Office's international work and involvement in the development of multilateral intellectual property agreements are thus very important parts of what we do to serve the copyright community and the American public at large.

As part of this mandate, the Office will assist the goals of the United States by participating in the Diplomatic Conference on the Protection of Audiovisual Performances in Beijing in June to review proposals and provide expert technical analysis on copyright matters. The United States delegation, which is headed by the Office of the Under Secretary of Commerce for Intellectual Property, requires necessary resources for travel and hotel expenses, and applicable per diem reimbursements from the cross section of agencies that will participate in the negotiations. In preparation for the Beijing conference, the Office will continue to work closely with the Patent and Trademark Office and the interagency team on copyright issues relating to the audiovisual treaty. If a treaty is adopted by the WIPO member states, the Office will work with Congress and other agencies on ratification and implementation, including an analysis of how the treaty corresponds with U.S. copyright law.

With respect to the question about USTR, the Office provides technical expertise to U.S. negotiators in multilateral trade and treaty deliberations. *See* 17 U.S.C. § 701. The Office works closely with USTR on official delegations and negotiating teams, including negotiations for the proposed Trans-Pacific Partnership, the implementation of existing and pending Free Trade Agreements, and various bilateral trade initiatives. The Office also serves on the "Special 301" Subcommittee, which is part of the Trade Policy Staff Committee that provides recommendations for USTR's annual Special 301 review of the global state of intellectual property rights protection and enforcement.

7. *In terms of the Copyright Royalty Judges (CRJs), do they have full independence in setting royalty rates and determining the distribution of royalty fees? Other than the matters of royalty rates and royalty fees, the Copyright Royalty Judges are supposed to consult with you on novel questions of copyright law and on determinations that impose operational responsibilities on the Copyright Office. Do they?*

Under Chapter 8 of Title 17 of the United States Code, and subject to subparagraph (B) and clause (ii) of Section 802(f)(1), the Copyright Royalty Judges have "full independence in making determinations concerning adjustments and determinations of copyright royalty rates and terms, [and] the distribution of copyright royalties . . . except that the Copyright Royalty Judges may consult with the Register of Copyrights on any matter other than a question of fact."

Copyright Royalty Judges are given the discretion to seek interpretations from the Register of Copyrights on "any material questions of substantive law that relate to the construction of provisions of [title 17] and rise in the course of a proceedings" and are required to do so in the case of a "novel material question of substantive law." *See* 17 U.S.C. § 802(f)(1).

Consistent with this statutory construct, the Copyright Royalty Judges have referred questions to the Register of Copyrights on four occasions.[1] In each case, the Register provided a written determination to the Copyright Royalty Judges within the statutory timeframe.

Title 17 requires the Copyright Royalty Judges to apply the legal conclusions of the Register in their ratemaking and distribution determinations. The Register may also review all final determinations by the Copyright Royalty Judges for legal error and may correct any such legal errors in the Judges' reasoning or conclusions. These corrections are binding legal precedent on the Judges in future cases. 17 U.S.C. § 802(f)(1)(D). Under this structure, Congress reserved to the Register the authority to interpret the copyright law while providing the Copyright Royalty Judges with full authority to establish rates and terms for the statutory licenses and make allocations of royalty fees based upon the factual record and the applicable law.

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[1] The four questions were:

(a) Does a ringtone, made available for use on a cellular telephone or similar device, constitute a delivery of a digital phonorecord that is subject to statutory licensing under 17 U.S.C. § 115, irrespective of whether the ringtone is monophonic (having only a single melodic line), polyphonic (having both melody and harmony), or a mastertone (a digital sound recording or excerpt thereof)? If so, what are the legal conditions and/or limitations on such statutory licensing? *See* Mech. and Digital Phonorecord Delivery Rate Adjustment Proceeding, 71 Fed. Reg. 64,303 (Nov. 1, 2006).

(b) Is the Judges' authority to adopt terms under the section 115 license solely limited to late payment, notice of use, and recordkeeping regulations? If the answer is no, what other categories or types of terms may the Judges' prescribe by regulation? *See* Division of Authority Between the Copyright Royalty Judges and the Register of Copyrights under the Section 115 Statutory License, 73 Fed. Reg. 48,396 (Aug. 19, 2008).

(c) Do the Copyright Royalty Judges have authority under the Copyright Act to subpoena a nonparticipant to appear and give testimony or to produce and permit inspection of documents or tangible things? *See* Copyright Royalty Judges' Authority to Subpoena a Nonparticipant to Appear and Give Testimony or to Produce and Permit Inspection of Documents or Tangible Things, 75 Fed. Reg. 13,307 (Mar. 19, 2010).

(d) Does the Register of Copyrights have the authority under Chapter 7, or any other provisions of the Copyright Act, to determine the constitutionality of 17 U.S.C. 114(f)(5)? Do the Copyright Royalty Judges have the authority under Chapter 8, or any other provisions of the Copyright Act, to determine the constitutionality of 17 U.S.C. 114(f)(5)? *See* The Register of Copyrights' and the Copyright Royalty Judges' Authority to Determine the Constitutionality of 17 U.S.C. 114(f)(5), 75 Fed. Reg. 26,278 (May 11, 2010).

8. *Do you think the Copyright Royalty Board process has been effective in determining royalty rate levels and distributions? Are there things that could be done to make it more efficient or effective?*

From the Office's perspective, the current system appears to be operating as intended, although the Office has only a limited role in the process of establishing rates and allocating royalty fees to copyright owners, as discussed above. Chapter 8 of Title 17 sets forth a two-step process for setting rates and distributing royalty fees. First, participants negotiate to try to reach a mutually acceptable settlement without the need for a formal hearing. This process has been successful for some participants who have been able to reach agreement on certain rates and distribution allocations. *See, e.g.*, Rate Adjustment for the Satellite Carrier Compulsory License, 75 Fed. Reg. 53,198 (Aug. 31, 2010). Rates and distribution allocations determined in this manner are both efficient and effective because they do not incur the high costs associated with formal hearings and they conform to participants' expectations.

Second, if participants cannot negotiate an agreement, the Copyright Royalty Judges will hold a formal hearing and consider the written and oral hearing evidence. Although hearings are likely to be more expensive than negotiations, they do provide participants with a full hearing on the record in accordance with a strict timeline set forth in the law. Moreover, participants can appeal any Copyright Royalty Judge determination to the United States Court of Appeals for the District of Columbia. This process provides all participants an opportunity for review by another neutral judicial body.

Advantages to having a sitting administrative body of experts to establish rates and distribute royalties include maintenance of institutional expertise and consistency in decision-making practices. Section 802 of Title 17 requires each judge to have expertise in one of three areas: adjudications, arbitrations, or court trials; economics; or copyright. This ensures that the panel has the requisite knowledge to make informed determinations. Moreover, terms for the judges are staggered so there will always be two judges who have served for a considerable time, which helps to ensure consistency in the decision-making process.

9. *What steps is the Copyright Office taking to preserve electronic copyright deposits? Is the Office properly invested in appropriate preservation technology to access those claims if necessary decades from now?*

This is a point of primary concern for me as the new Register. The Office's current electronic platform, implemented in 2007, represents the first generation of the Office's digital processing and storage systems. Like any system based on information technology, ours will require perpetual attention. In recent months, I have confirmed that upgrades are necessary. Moreover, it is critical that the Office develop long-term

solutions to address the complex needs of the registration and recordation systems in the twenty-first century. This requires Office systems that are able to adequately maintain, preserve, and protect public data as technology develops. The Office thus recently commenced an in-depth evaluation of its current information technology platform by holding targeted meetings with business and information technology experts in the copyright industries to discuss enhancements and improvements to the Office's electronic processing and storage systems. The Office is also looking to the technology sector and consumer groups for guidance on how to improve the nature, accuracy, and searchability of the Office's public databases.

During these discussions, the Office will explore a wide range of questions. For example, what kind of interface is optimal for applicants who apply for registration through a portal on the Office website? What kind of information should be captured on the application and made searchable? What are the repository standards for acquiring and migrating electronic copyright deposits? How long should the Office retain deposits and under what practices and cost structure? What security measures are necessary? What kind of metadata capture, optical character recognition, and crowdsourcing should the Office pursue? The Office also will explore the feasibility of connecting its registration and recordation database to private sector data to facilitate the further licensing and use of copyrighted materials.

10. *Please provide a list of all travel conducted on behalf of the Copyright Office by you since your appointment as Register. Furthermore, please provide the itinerary of each trip, including meeting participants. Finally, please provide the cost for each individual trip and a total cost of all trips taken on behalf of the Copyright Office.*

The total cost of my travel since appointment as Register of Copyrights in June 2011 was $13,564.15. Additional information responsive to this question is included in the attached chart. *See* Attachment B.

11. *Please provide a full list of all attendees and issues discussed during your November 2011 meeting in Los Angeles, California, with motion picture studio lawyers. Please provide a full list of all attendees and issues discussed during your meeting in New York, New York on March 14, 2012, with the Authors Guild and business staff of the Association of American Publishers.*

Per an earlier request from Ranking Member Lofgren, I provided my answer to this question in a letter on May 2, 2012. A copy of this letter is attached for your reference. *See* Attachment A.

12. *In August 2007, the Copyright Office implemented a digital online system of registering copyright claims. This transition was probably a little rockier than expected. Can you give us an update on the current status of the registration of claims and what effect the change has had on the public and on your staff?*

As the new Register, evaluating the Office's 2007 transition to electronic processing is a major priority. Built within responsible budget constraints using commercial, off-the-shelf software, the system is a first generation success. It is also the subject of a twenty-four month work plan addressing a host of information technology issues as described above. My staff and I are currently six months into that project.

Although the transition to electronic processing has not been without its challenges, public response to the new system has been positive. Today, more than 80% of the Office's claims are filed electronically and those who file through our online system enjoy a lower processing fee. Our staff has enjoyed the benefits of the electronic system as well, and through increased use of telework we have enhanced morale and improved productivity.

Despite its successes, as noted previously, there remains much work to be done on our electronic processing platform. The 2007 system represents just the beginning of a long-term, ongoing project to continually evaluate our systems and migrate and upgrade them when necessary. We understand that the system must grow and adapt to accommodate the next generation of digital authorship. As creative standards and practices for dissemination evolve over time, so too must the Office's systems and processes. To succeed, the Office will need to attract, grow, and retain a highly skilled and experienced staff to help build, migrate, and evolve the systems that support the national registration system.

13. *Recently, there was a notice in the Federal Register on proposed fee increases. What feedback have you received on the idea of a fee increase and how would the proposal affect small authors?*

As discussed in response to Question 3, the Office is currently conducting a study of costs it incurs and the fees it charges with respect to the registration of claims, recordation of documents, and other public services. As part of that process, the Office published a Notice of Inquiry on January 24, 2012, to elicit public comment on two specific fee related issues: (1) whether special consideration should be provide to individual author-claimants registering a single work; and (2) whether there are special services and corresponding fees the Office should expand, improve, or add to its offerings at this time.

After reviewing public comments, the Office published a proposed schedule of fees for services, including a new, separate fee for a single author for online registration

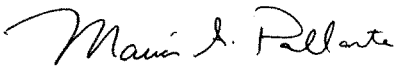
claims in a single work that is a work not made for hire. The schedule also includes two basic fees, one for online claims and another for paper applications. The new proposed fee for a single author filing online is set at $45, a moderate increase over the current fee that is well below the $65 proposed fee for all other basic online registrations.

Commenters to the January Notice of Inquiry fully supported a lower fee for single authors of single works. They noted that such applications are easier to process, that registration provides important remedies for the author, and that registration benefits the public by creating a more robust public record. Moreover, the Office is cognizant of the need to set fees at a level that will continue to serve as an incentive to authors to register their works.

The comments received in response to the January Notice of Inquiry were only the first opportunity for the public to engage in the fee adjustment process. Subsequently, the Office published a second notice on March 28, 2012 for the purpose of eliciting public comment on any of the proposed fees. These comments are due on May 14, 2012. Once the Office has received the comments, it will evaluate the proposed fees in light of the public comments, the statutory guidelines and policy considerations for establishing these fees, and make any necessary adjustments before submitting the proposed fee schedule to Congress.

I trust that my responses above answer your questions. If you have any further questions, however, please feel to contact me.

Respectfully submitted,



Maria A. Pallante
Register of Copyrights

Enclosures

Attachment A

The Register of Copyrights of the United States of America
United States Copyright Office · 101 Independence Avenue SE · Washington, DC 20559-6000 · (202) 707-8350

May 2, 2012

The Honorable Phil Gingrey
The Honorable Zoe Lofgren
U.S. House of Representatives
1309 Longworth House Office Building
Washington, D.C. 20515

Re: Hearing of the Subcommittee on Oversight,
Committee on House Administration

Dear Chairman Gingrey and Ranking Member Lofgren:

This letter is in response to the questions raised by Ranking Member Lofgren during the course of the Subcommittee's hearing on April 18, 2012, entitled "Library of Congress: Ensuring Continuity and Efficiency During Leadership Transitions."

At the request of the Committee's minority staff, we are responding to these oral questions earlier than, and separately from, the written questions that followed the hearing, for which you requested a response by May 9, 2012. We do note, however, that although the oral and written questions overlap to some degree, their wording is not identical. Therefore, to avoid any confusion, we are providing comprehensive answers in our response today.

During the hearing, Representative Lofgren asked questions about travel information that I had submitted upon request in advance of the hearing. Representative Lofgren highlighted trips that I had taken to Los Angeles and New York in November and December 2011, and asked me to identify the topics and names of attendees from certain stakeholder meetings. She also asked whether I had discussed the Stop Online Piracy Act (SOPA) with these stakeholders. We have fully addressed these questions below, and in an effort to be as responsive as possible, have also listed the meetings we held in Washington, D.C. and discussions we had by phone during this time period in which SOPA was a topic of discussion.

As the Register of Copyrights, I interact with copyright stakeholders on a routine basis. This is an important part of my job and part of the responsibilities vested in the staff of the Copyright Office under Title 17 of the U.S. Code. Congress has by statute charged the Office with certain legal and policy functions, including administering the national copyright registration system, conducting copyright studies and public programs, and advising Congress on matters of national and international copyright policy. The Office carries out this work in many ways. We organize public roundtables, request

public comments, and meet with a wide variety of stakeholders such as authors, publishers, producers, libraries, consumer groups, and technology companies on a routine basis. For example, we are currently preparing a study on small claims mechanisms and we are engaged in outreach regarding measures that might improve the public availability of copyright ownership records. In all, the Office is focused on twenty-seven work priorities at this time (from upgrades in copyright registration to legislative policy). In the interest of transparency, the Office publicly announced these work priorities on October 25, 2011 in *Priorities and Special Projects of the United States Copyright Office,* a document available at http://www.copyright.gov/docs/priorities.pdf.

When Congress specifies a particular copyright priority, as it has done with the subject of online piracy and enforcement measures, that subject naturally becomes a major focus for the U.S. Copyright Office as well. Indeed, these issues have been the subject of discussion within the U.S. Senate and the U.S. House of Representatives and among the public for more than a year. My colleagues and I therefore questioned interested stakeholders on these issues throughout 2011, making a point to meet with many groups and companies with diverse and often opposing views. This information informed my congressional testimony on three occasions last year, and helped us to serve the Congressional offices that called upon us throughout the legislative process, asking for impartial technical assistance on related questions, both general and specific. I previously submitted for the record (following Representative Lofgren's request at the March 14, 2011 Hearing of the Subcommittee on Intellectual Property, Competition, and the Internet, House Judiciary Committee) a list of the more than fifty stakeholder meetings that the Office held earlier in 2011, prior to the introduction of legislation in either the House or the Senate.

Once the SOPA bill was introduced (October 26, 2011) my Office had some follow-up discussions with stakeholders, focusing specifically on the language and operation of both SOPA and the Senate's pending bill, PIPA (the Preventing Real Online Threats to Economic Creativity and Theft of Intellectual Property Act). These discussions took place in November 2011 and were as follows:

Date: November 4, 2011
Meeting with NetCoalition and Google:
Jonathan Band, Erik Stallman, and (by phone) Fred von Lohmann

Date: November 8, 2011
Meeting with Public Knowledge and the Center for Democracy and Technology:
Sherwin Siy and David Sohn

Date: November 8, 2011
Conference call with the Business Software Alliance:
Emery Simon and Jesse Feder

November 10, 2011
Conference call with Microsoft:
Thomas Rubin and Jule Sigall

As Representative Lofgren noted at the hearing, I was also in California for several days in November 2011, but SOPA was neither the impetus nor the focus of my trip. The primary point of the trip was to speak to members of the California State Bar Association on November 11, 2011 about the activities of the Copyright Office, along with the Copyright Office General Counsel, David Carson, and the Associate Register for Policy and International Affairs, Michele Woods. Once the trip was planned, I requested an opportunity to meet some of the staff attorneys who work at U.S. motion picture companies. This meeting took place on November 10, 2011. Both meetings in California were planned months in advance of the trip.

As I stated during the hearing, I made a decision when I was appointed to my position (based on advice that I received from experienced policy experts) to engage in meetings outside of Washington from time to time, in order to make connections with those who have on-the-ground experience within the many diverse industries that form the copyright community. In other words, my November meeting with the motion picture companies was part of a more general commitment on my part to meet with stakeholders across the country, but for budgetary purposes it was scheduled to coincide with the bar association event. Similarly, I reached out to Microsoft while I was in Seattle for a meeting concerning copyright and print disabilities last July, and I met with representatives of the independent film and television industry while I was in Los Angeles for a Copyright Society meeting last February. I should note that all of my travel (and the travel of all staff of the Copyright Office) is governed by the Federal Travel Regulations and therefore reviewed in advance by appropriate Library personnel for compliance with applicable fiscal and ethical policies.

In the case of both meetings in California, the focus of my remarks, and those of the Office's General Counsel and Associate Register, were the same: the *Priorities and Special Projects* document mentioned above. Thus, topics covered in the meetings are as follows:

(1) The three studies the Office is conducting or has recently conducted for Congress (*i.e.*, small claims, legal treatment of pre-1972 sound recordings, and mass book digitization, discussed at page 5 of the *Priorities* document);

(2) The six policy issues that relate to copyright legislation (*i.e.*, rogue websites, illegal streaming, public performance right in sound recordings, orphan works, copyright exceptions for libraries, and market-based licensing for cable and satellite retransmission, discussed at pages 6-8 of the *Priorities* document);

(3) Our international work in support of the Patent and Trademark Office and Office of the U.S. Trade Representative (*i.e.*, intergovernmental work at the World Intellectual Property Organization and trade agreements, discussed at pages 8-10 of the *Priorities* document);

(4) The six priorities in administrative practice (*i.e.*, section 1201 rulemaking, DMCA agents, group registration option, registration and deposit of digital authorship, electronic upgrades to the Office's administration of statutory licenses, and technical recordation of terminations of copyright transfers, discussed at pages 10-12 of the *Priorities* document); and

(5) The ten special projects I mentioned in my oral statement during the hearing (*i.e.*, a fee evaluation, upgrades to the registration and recordation programs, revision of the Compendium of Copyright Office Practices, dialogues regarding the copyright marketplace, partnerships with the academic community, revision of the Copyright Office website, copyright education, public access to historical (and sometimes fragile) copyright records, and skills training for Copyright Office staff, discussed at pages 12-16 of the *Priorities* document).

I do not know the names of those who attended the California State Bar's conference, as that is a multiday, state event at which I was one speaker of many. We have confirmed that participants in the motion picture meeting were as follows: Jeremy Williams, Dean Marks, Dale Nelson, and David Kaplan of Warner Brothers; Catherine Bridge, Steve Ackerman, Gary Lim, and Jonathan Whitehead of Disney; Tom Kennedy, Mary McGuire, and Elizabeth Valentina of Fox; Dan Cooper of Paramount; Aimee Wolfson, Keith Weaver, and Gayle McDonald of Sony; Stacey Byrnes, Larry Liu, and Ian Slotin of Universal; and Karen Thorland of the MPAA. As I was meeting all but two of these individuals for the first time, the discussion was wide-ranging and questions flowed in both directions. Given the active legislative focus and impending hearing on rogue websites and online piracy enforcement measures, we received a number of questions about SOPA and PIPA, and we asked a number of questions of the participants. But, in fact, the discussion was briefer and less focused on SOPA and piracy than the meetings and calls we held during that same period with NetCoalition, Google, the Center for Democracy and Technology, Public Knowledge, the Business Software Alliance, and Microsoft.

Representative Lofgren also asked about my trip to New York in December. From December 8 to 11, I was in New York to accept an invitation to speak to a group of publishing lawyers, called informally the Publishers Lawyer Committee. While there, in the interest of maximizing the usefulness of the trip, I scheduled meetings to talk with some of the business staff (the publishers) of the member companies of the Association of American Publishers (AAP) and with the staff of the Authors Guild.

The AAP meeting was held on the afternoon of December 8, 2011, with the following attendees: Tom Allen of AAP, Allan Adler of AAP; Kyran Cassidy of HarperCollins Publishing Worldwide, Inc.; YS Chi of Reed Elsevier (via telephone); Brian Crawford of the American Chemical Society; Angela D'Agostino of the Cambridge Information Group; Ron Dunn of Cengage Learning, AAP Vice Chair; John Isley of Pearson Education North America; Susan King of the American Chemical Society; Carolyn Reidy of Simon & Schuster; Mark Seeley of Elsevier; Kathy Trager of Random House; and David Young of Hachette Book Group, AAP Chair. Again, we had a general discussion regarding the active work of the Copyright Office and an informal exchange of questions and answers.

On the morning of December 9, 2011, I met with Paul Aiken and Jan Constantine of the Authors Guild. I questioned them about the pressing concerns of authors, and they asked me questions about the small claims study, pending SOPA and PIPA legislation, orphan works solutions, and copyright registration fees.

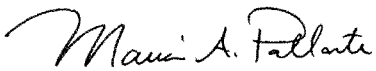
On the afternoon of December 9, 2011, I delivered remarks to members of the Publishers Lawyer Committee, again focusing on the *Priorities and Special Projects* of the Office. The Committee, which includes many in-house lawyers, had reached out to me many months before, and this again was a long-scheduled event. We have confirmed that the following individuals attended: Benjamin Marks of Weil; Michael Bamberger of SNR Denton; Victor A. Kovner of Davis Wright Tremaine LLP; Elizabeth McNamara of Davis Wright Tremaine LLP; Elise Solomon of Hachette Book Group; Leslie Steinau of Wilk Auslander LLP; Paul Sleven of Macmillan; Audrey Feinberg of Macmillan; Rick Kurnit of Frankfurt Kurnit Klein & Selz PC; Trina Hunn of HarperCollins Publishers; Kyran Cassidy of HarperCollins Publishers; Barbara Cohen of Oxford University Press; William Adams of Random House; Steven Weissman of Time Inc.; Roy Kaufman of Wiley-Blackwell; Jonathan Bloom of Weil; Mark Seidenfeld of Scholastic; Gloria Phares of Patterson Belknap Webb & Tyler; Richard Dannay of Cowan Liebowitz & Latman; Robert Solomon for Health Communications; Jeremy Goldman of Frankfurt Kurnit Klein & Selz; Linda Steinman of Davis Wright Tremaine LLP; Edward Rosenthal of Frankfurt Kurnit Klein & Selz; and Tricia Kallett of Abrams Books. Once again, this was my first time meeting all but a few of the attendees and I found the informal discussion that followed my remarks very useful.

In the written questions submitted to my office following the hearing, there are references to meetings with the Authors Guild and the Association of American Publishers on March 14, 2012. Although I presented a keynote address at the Association of American Publishers' annual meeting on March 14, at which hundreds of people and the press attended, I did not have any private meetings with the association or its member companies and I did not meet with the Authors Guild on that date.

Accepting invitations to speak about current copyright topics is of course part of my responsibilities as the Register of Copyrights and topics can be as varied as the

workload of the Copyright Office. For example, my speech for the publishers traced the origins of copyright protection from the birth of the nation to the Supreme Court's recent opinion in *Golan v. Holder*, discussed the importance of fair use and freedom of expression, and noted the importance of public participation in policy debates. As another example, last month I delivered a conference keynote address at the Berkeley Center for Technology, in which I spoke about the need for a balanced legal framework for mass digitization, including orphan works solutions and updated exceptions to copyright law for libraries. As with the California State Bar Association event, we were not the organizers of these events and I was but one invited speaker of many. We are therefore unable to provide names for the hundreds of people who may have attended. These engagements, and the speaking engagements of my colleagues in the Office, are an expected and important part of our public outreach.

Respectfully submitted,



Maria A. Pallante
Register of Copyrights

Maria A. Pallante
Register of Copyrights and Director
U.S. Copyright Office

Travel Dates	Location(s)	Itinerary and Participants	Copyright Office Costs
6/4/2011 to 6/8/2011	Bolton Landing, NY	6/6: Speaker at the annual meeting of the Copyright Society of the USA	$ 657.08
7/10/2011 to 7/12/2011	Seattle, WA	7/10 to 7/12: Meeting of the Advisory Commission on Accessible Instructional Materials in Postsecondary Education for Students with Disabilities	$ 851.09
		7/11: "Meet and greet" with Microsoft while in Seattle to touch base about legal and business issues	
10/10/2011 to 10/15/2011	London, England	10/11: Co-panelist with EU government official on legal and business issues in music	$ 6,028.98
	London, England	10/11: Meeting with UK Intellectual Property Office	
	Brussels, Belgium	10/12: Meeting with Intellectual Property Directorate, European Commission	
	Geneva, Switzerland	10/13 to 10/14: Speaker at the World Intellectual Property Organization's conference on the importance of copyright registration systems (two panels)	
10/21/2011	Philadelphia, PA	Speaker at the New York State Bar Association Intellectual Property Law Section's Fall Meeting	$ 338.82
10/30/2011 to 11/1/2011	Santa Monica, CA	10/31: Speaker at the 10th American German Copyright Law Summit	$ 748.86
11/10/2011 to 11/15/2011	Los Angeles, CA	11/10: "Meet and greet" with motion picture companies while in Los Angeles to touch base about legal and business issues	$ 593.56
		11/11: Speaker at the California Bar's 36th Annual Intellectual Property Institute	
12/7/2011 to 12/9/2011	New York, NY	12/8: "Meet and greet" with book publishers while in New York to touch base about legal and business issues	$ 1,971.82
		12/9: Meeting with Authors Guild while in New York to touch base about legal and business issues	
		12/9: Remarks to the Publishers Lawyers Committee	

Maria A. Pallante
Register of Copyrights and Director
U.S. Copyright Office

Travel Dates	Location(s)	Itinerary and Participants	Copyright Office Costs
2/2/2012 to 2/5/2012	Los Angeles, CA	2/4: Keynote address at the Copyright Society of the United States' Midwinter Meeting	$ 1,072.20
		2/4: Meeting while in Los Angeles with Independent Film and Television Alliance to touch base and legal and business issues	
3/14/2012	New York, NY	Keynote address at the Association of American Publishers Annual Meeting of members	$ 814.53
		Meeting while in New York with BMI staff to touch base and legal and business issues	
4/9/2012 to 4/13/2012	San Francisco and Berkeley, CA	4/10: Speaker at the Copyright Society of the United States' Northern California Chapter Meeting	$ 487.21
		4/11: Meeting while in Berkley with Professor Pamela Samuelson	
		4/12: Keynote address at the Berkeley Law and Technology Symposium on Orphan Works and Mass Digitization	

Total: $ 13,564.15

THE LIBRARY OF CONGRESS
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OFFICE OF THE ASSOCIATE LIBRARIAN
FOR LIBRARY SERVICES

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May 8, 2012

The Honorable Phil Gingrey, Chairman
Committee on House Administration
Subcommittee on Oversight
U.S. House of Representatives
1309 Longworth House Office Building
Washington, DC 20515

Dear Mr. Chairman:

Enclosed please find the responses to the questions from the Committee on House Administration, Subcommittee on Oversight following the April 18, 2012, hearing "Library of Congress: Ensuring Continuity and Efficiency During Leadership Transitions." I appreciate the opportunity to provide information, through my responses to the questions, that augments statements I made during the hearing and also addresses additional topics of interest to the Subcommittee.

I will be pleased to clarify any statements made in the enclosed document and provide any additional information about Library Services that would be of value to the Subcommittee.

Sincerely,

Roberta I. Shaffer
Associate Librarian for Library Services

Enclosure

RESPONSES TO QUESTIONS FROM THE COMMITTEE ON HOUSE ADMINISTRATION

BY
ROBERTA I. SHAFFER
ASSOCIATE LIBRARIAN FOR LIBRARY SERVICES

1. The Library has been undergoing a comprehensive institution-wide IT review. How has each service unit sought to enhance its IT capabilities? Can your service unit point to current or future realized efficiencies or cost savings because of collaborative IT-related efforts?

ANSWER:

Under the chairmanship of the Chief Information Officer, the Library formed an Information Technology Steering Committee (ITSC) with representation from Library Services and all other service units. The ITSC is charged with reviewing all significant IT investments, and recommending approval of those projects which best address the Library's prioritized needs.

This ITSC has made noticeable progress as a collaborative governance body. The service units still have their own distinct business interests, but there is a new willingness to discuss IT needs, costs and priorities frankly and make decisions in the best interests of the Library as a whole.

This comprehensive institution-wide IT review promotes new ways of identifying and relating individual items in the Library's collections on a web-based platform. Instead of continuing to "silo" content within individual websites hosted by the Library, one of the many recent efforts involves deploying a new search protocol. The Library's "meta-search" tool promotes more efficient discoverability of content regardless of subject or format so that relationships among relevant items are strengthened thereby expanding research outcomes. This approach reinforces the Library's preeminent role as an authoritative and reliable source of global information for Congress and curious and concerned citizens worldwide. Library Services will continue partnering with its sister service units to ensure researchers are able to productively navigate the growing world of digital content.

The collaborative IT-related efforts are resulting in new efficiencies such as improved mobile device access, well-formed URLs and permanent links for sharing content, improved user interface and improved scalability, stability and performance. Further, service units are being encouraged to work more efficiently in a collaborative fashion to promote information discovery. For example, Library Services and the Law Library have been collaborating to identify emerging technologies, such as a linked data protocol, that could promote enhanced access to law and related information through the Library's classification schedules.

Hard choices are more likely to be made than previously. I, in my capacity as the Associate Librarian for Library Services, recently decided that a long-running development effort in my unit's Technology Policy Office should be terminated in favor of an alternate solution which had

been adopted by the Library's Web Governance Board. It was clear that the two efforts were duplicative, and in the spirit of collaboration and in the best interests of the Library, Library Services ceased development of its solution. This decision is indicative of a more mature approach to IT resource management and a concerted effort to maximize the use of available resources.

2. What do you envision for the National Library Service for the Blind and Physically Handicapped Program? By utilizing technological innovation, will it be able to do more with less in the future?

ANSWER:

The National Library Service for the Blind and Physically Handicapped (NLS) is envisioned as a program that will rely increasingly on technological innovation in fulfilling its statutory mandate to provide a free national reading program for eligible Americans.

As directed by the House Committee on Appropriations (H.R. 112-148), NLS has undertaken a study to inform its funding requirements and services for the future. The results of the study are to be submitted to the Committee by September 30, 2012.

The study will address the following: (1) descriptions of current NLS products and services and the logic for continuing, modifying, or eliminating them; (2) descriptions of new products and services and the logic for implementing them; (3) the changing program customer base and its impact on demand for program products and services; and (4) the impact of technological changes on current and future operations.

Audio and Braille books will continue to be a staple of the program. The elderly population served by NLS will continue to grow, requiring an ongoing focus on simple, easy-to-deliver and easy-to-use books and magazines, primarily in audio formats. Downloadable audio books will increase in popularity, including smartphone apps. Investments in technical infrastructure will be required to keep up with the demand for downloading materials.

Advances in technology have made Braille materials easier to produce and access. It is possible that ways will be found to reduce the production costs for some Braille books and magazines as well as to enhance access.

In time, the delivery system for NLS materials may shift from U.S. Postal Service handling to electronic delivery systems. These new systems will be more efficient at the delivery level, but will require bandwidth and a different kind of infrastructure and support.

There are many possibilities for expanded content and more efficient delivery of content through technological innovation. The study that is currently underway will help to inform the priorities for investment of NLS funding resources in the future.

3. The Library's Technology Policy Directorate is within your service unit. What role, if any, do you see Library Services playing in making bulk data available to the public in the future?

ANSWER:

The Technology Policy Directorate supports Library Services' mission by developing and maintaining technical standards for library communities worldwide, and coordinates technology requirements relating to acquiring, cataloging, preserving and providing online access to bibliographic information about the Library's collections. The directorate works closely with the Library's Office of Strategic Initiatives and Information Technology Services, thus ensuring successful management and completion of information technology projects supporting Library Services, effective functioning of information technology systems, and Library Services' compliance with library-wide information technology security measures.

For decades, Library Services has played a major role in the international library and information community through its creation and dissemination of cataloging data. In the future, LS will continue to make its cataloging data, or bibliographic metadata, publicly available in a variety of ways to suit the needs of different constituencies. Since the late 1960s, Library Services' cataloging data files have been distributed in bulk in a standard record format called MARC (MAchine Readable Cataloging) on a cost-recovery basis under the authority of 2 USC 150. This same cataloging data is also available to the public through the Library's online public-access catalog, where data are searchable and available for selective download.

As new technology and data standards emerge, Library Services will continue to adapt its dissemination methods to match the needs of the library and information communities. Most recently, LS has made its bibliographic metadata publicly available in bulk through a protocol called OAI-PMH (Open Archives Initiative-Protocol for Metadata Harvesting) and a linked open-data service called ID.loc.gov.

4. Please provide a list of all travel conducted on behalf of Library Services by you since your appointment as Associate Librarian. Furthermore, please provide the itinerary of each trip, including meeting participants. Finally, please provide the cost for each individual trip and a total cost of all trips taken on behalf of Library Services.

See attached document.

5. The staff of the Library of Congress is well regarded because of its subject matter expertise in a variety of fields. We understand that, according to the LC Human Capital Management Plan (Dec. 2010), over 30 percent (32%) of the staff hold master's degrees. Given that the average age of the staff is over 50, and many are near retirement, how will the Library retain the knowledge, skills and abilities needed for the future?

ANSWER:

The Library lost 186 staff as a result of the VERA/VSIP retirement incentives. Ninety-six of those retirements came from Library Services with additional staff loss due to regular retirements.

The loss of staff knowledge, skills and abilities is of great concern to the Library. Library Services engages in mentoring activities, offers detail opportunities, and other training to assist in retaining and rebuilding the staff knowledge-base that is needed now. Certain assignments have been strategically moved to remaining staff in order to help fill gaps. However, subject and language expertise is not as easily transferable. Without the funding to recruit, hire and assist staff in keeping their skills current, the Library Services' operations that depend on the unique subject matter and linguistic expertise will be severely impacted.

6. In the coming years the Library will need to attract and retain young people who will want to build their careers while raising a family. How does the Library stack up in regards to family-friendly programs and policies like day care, leave policies, flexible scheduling and the like?

ANSWER:

The Library compares very favorably to other federal agencies in providing family-friendly programs and policies to its employees.

Many Library offices offer flexible work schedules to allow employees to adjust their arrival and departure times to help balance work and family or personal responsibilities. These may include flextime schedules, which permit a staff member to choose his/her own work hours on a daily basis within established constraints, working eight hours each day; compflex schedules, by which a staff member may work more or less than 40 hours per workweek, provided that the total work hours for the two-week pay period equals 80 hours; and credit hours, given for authorized work performed by a staff member in excess of his/her regularly scheduled tour of duty on any workday in order to vary the length of a subsequent workday.

As federal employees, Library staff are governed by federal leave policies. In addition, the Library offers a voluntary leave bank program, under which the unused accrued annual leave of an employee may be contributed to a leave bank for use by a bank member who needs the leave because of a medical emergency.

Many Library employees also participate in its telework program. This program helps improve the recruitment and retention of high-quality employees.

In addition, the Little Scholars Child Development Center, located on Capitol Hill near Eastern Market, is dedicated to providing children with an environment that fosters a love of learning and a curiosity about the world around them. Operated by the Library of Congress Child Care Association, a non-profit affiliate of the Library, Little Scholars provides high quality child care for employees of the Library and other legislative branch and federal agencies.

Finally, the Library's employee assistance program provides a comprehensive suite of onsite and offsite services. These include monthly seminars for staff on diverse topics such as elder and child care, time management, and wellness.

7. With all the emphasis on digital libraries, we sometimes lose sight of the fact that we still rely on printed books. The Library's collection is so large and comprehensive. Can you tell us how the Library is dealing with storage issues and what will happen to the collection if the storage facilities in Fort Meade are not expanded?

ANSWER:

The Library is addressing the critical space shortage through a number of short-term initiatives, none of which fully and satisfactorily resolves this critical issue. Among these initiatives currently underway:

- Repurposing space at the Landover Center Annex made available by the transfer of collections to the Packard Campus and Ft. Meade to serve as interim storage. Approximately 750,000 items from the severely overcrowded Jefferson and Adams buildings book stacks will be transferred to Landover over a period of several years. With approximately 1 million items already on the floor or on overflow book trucks in the Jefferson and Adams book stacks, presenting significant preservation, safety and retrieval concerns, and with collections growing at the rate of 250,000 annually, the Landover space represents only a partial and temporary solution.

- Transitioning from a classified arrangement to fixed location shelving (shelving by size and by a one-up acquisition number) for the majority of newly received monographs. By adopting fixed location shelving, the Library is able to: maximize the number of shelves per section; fill each shelf to 100% once the acquisition number sequence is complete; and reduce the growth throughout the classified collection, thus reducing the need to leave expansion space on each shelf and extensive shifting when collections grow beyond shelf capacity. However, this comes at the high cost of not maintaining the collection in a subject-based arrangement.

- Exploring off-site storage options in addition to Ft. Meade and Landover. For example, hard copies of public domain, digitized items appearing in the Hathi Trust catalog are being transferred to a NARA-managed storage location in Illinois, and researchers will be provided with a link to the digitized copy to access content rather than being served the actual hardcopy version.

If the storage capacity at Ft. Meade is not expanded, the Library will be required to pursue one or a combination of the following options:

- Rent temporary storage space in the Landover/Ft. Meade corridor as an interim Module 5. While essential if we are to continue to acquire new collections, the cost of this option is not only in the initial rent and outfitting of the facility, but also presents inefficiencies in duplication of staff, security, truck delivery. Several years ago, a requirements document was developed for a 50,000 sq ft facility to house 1 million items, or about four years growth in the book collections. However, given subsequent delays in funding for Module 5, the capacity will have to be increased significantly, or multiple warehouses will have to be rented, thus increasing the inefficiencies noted above.

- Reduce acquisitions. As the national library of the United States, and as the research library of last resort, the Library of Congress has, for more than two centuries prided itself on acquiring, preserving and making available a universal collection, freely available to the Congress, other libraries, researchers, businesses and citizens, both on- and off-site. However, given safety and preservation concerns, the Library can not continue to develop and ensure the longevity of this universal collection absent satisfactory collections storage space. If collecting current material is reduced, it is very costly and complex to acquire, if even possible, these materials retrospectively. Also, since much of our material is acquired through Copyright, the process of reducing acquisitions through this source will add complexity to the Copyright Office retention program.

Overview and Current Status

- The Library, with its tradition of acquiring collections and content in many media, will need to manage materials in myriad formats for years to come. We continue to rely on printed books as well as actively developing programs to acquire and make available content in digital media. Indeed, as with the introduction of other media over time, new media have traditionally complemented rather than replaced existing media.

- For many years, the Library has been fortunate in being able to add storage space as needed, whether on or off-site. Ft. Meade has been incredibly successful, both in providing a state-of-the-art preservation environment for the collections, and in allowing for the secure storage of fully inventoried collections, result in a 100% success rate when requests are generated for items stored at that facility, which is within easy geographic distance from Capitol Hill.

- The delay in construction and availability of additional storage space at Ft. Meade has resulted in a critical space shortage, resulting in damage to improperly housed collections, significant safety concerns as cited by the Office of Compliance, Library's Safety Services Office and the AOC structural engineer, increased likelihood of loss of materials, and unavailability of items when requested by researchers.

- Currently, there are an estimated one million volumes that are not properly housed.

- Book collections continue to grow at the rate of 250,000 net additions annually, or approximately 1,000 items every work day.

Impact of Additional Delay in Funding Additional Modules at Ft. Meade

Despite the Library's best efforts to address the delay in additional storage at Ft. Meade, the situation continues to deteriorate. As collections continue to grow in all formats, temporary measures become more unachievable or impractical. One possible avenue open to the Library is to rent temporary storage space until additional storage at Ft. Meade becomes available.

The benefits of this approach are:

- It can be achieved in a matter of months. The Library, in coordination with the AOC, has developed a requirements document that can be used to rent a 50,000 square foot facility that will accommodate 1 million items (roughly four years growth).

- The price is affordable compared to the cost of a module - $1.5 million for the first year; $700,000 for each additional year compared with $16 million for Module 5.

- There are many spaces which will meet our needs within the Landover – Ft. Meade corridor.

The disadvantages of this approach are:

- Fragmented. Need separate staff, security, maintenance, etc. as opposed to shared staff at one facility.

- Likewise, delivery trucks will have to make multiple stops.

- Expense for a short term facility that will not provide a permanent solution.

- Any temporary space fails to provide environmentally optimal storage conditions, the purpose of which is to maximize the long-term viability of the collections.

ROBERTA I. SHAFFER
ASSOCIATE LIBRARIAN FOR LIBRARY SERVICES
LIBRARY OF CONGRESS:

Trips Taken outside of D.C. Metro Area

Dates of travel	Destination/ Itinerary	Purpose	Cost of Trip	Attendees
1/20-23/12	Tucson, AZ/ Dallas, TX/ Washington, DC Note: On Personal Business prior to 1/20/12	Attend the American Library Association (ALA) Midwinter Meeting and gave four presentations in the Library of Congress exhibit booth	$1,701.32	There were 10,088 professional librarians in attendance from all kinds of libraries (public, school, university, etc.).
2/21-22/12	Washington, DC/ New York, NY/ Philadelphia, PA/ Washington, DC	Meeting with the Jewish Theological Seminary to continue discussions on potential acquisitions by the Library of Congress from the Seminary's collection (New York, NY).	$ 399.57	Library of Congress Attendees: Peggy Pearlstein, Hebraic Section; Holly Kreuger/ Preservation; Roberta Shaffer Jewish Theological Seminary attendees: Chancellor Arnold Eisen, Abby Joseph Chen, David Kraemer, Fred Schnur and Sandra Lamb
		Meet with members of the Salvation Army to conduct a continuing dialogue regarding projects between the Salvation Army Ray and Joan Kroc Centers serving youth and families with an emphasis on literacy (Philadelphia, PA)		Library of Congress Attendees: Sue Siegel, Director of Development; Roberta Shaffer Salvation Army Attendees: Commissioner Larry Moretz and Darryl Leedom, National Director for Public Policy
		Meet with Dean of iSchool at Drexel University – David Fenske--to discuss collaborative projects (Philadelphia, PA)		Library of Congress Attendee: Roberta Shaffer iSchool Attendee: David Fenske, Dean of iSchool at Drexel University; Eileen Abels, professor

2/28-29/12	Washington, DC/Culpeper, VA/ Washington, DC	Conducting business meetings with the Chief of Culpeper/Packard Campus and his staff.	$ 234.37	Roberta Shaffer; Patrick Loughney, Chief of the Packard Campus and his Library of Congress Staff.
		Met with James Milton Adams/Vice Provost for Academic programs and Bradley Daigle/Director of Digital Curation Services, University of Virginia. They discussed the new university of Virginia/Library of Congress Internship program.		Library of Congress Attendees: Roberta Shaffer; Sabrina Thomas/Library Services UVA Attendees: James Milton Adams/Vice Provost for Academic Programs and Bradley Daigle/Director of Digital Curation Services
3/1-6/12	Washington, DC/ Paris, France/ Washington, DC	Attended the 2012 ICSTI Annual members' Meeting and Workshop. The International council for Scientific and Technical Information (ICSTI) fosters cooperation among all stakeholders engaged in the scientific communication process with the aim of improving the effectiveness of scientific research. Ms. Shaffer is the sole Library of Congress representative to ICSTI, the convener of the meeting, and is President through 2013. She conducted the membership and Exec. Board meetings during the conference.	$3,308.50	Please see Attachment A
3/9/12	Washington, DC/ Baltimore, MD/ Washington, DC	Meeting with the National Federation of the Blind to discuss their priorities for the Library's National Library Service for the Blind and Physically Handicapped.	$ 0.00	Library of Congress Attendees: Kathryn Mendenhall, Director of Partnership and Outreach Directorate; Roberta Shaffer National Federation of the Blind Attendees: Dr. Marc Maurer, President; Mark Riccobono, Executive Director/Jerigan Institute; John Pare, Executive Director for Strategic Initiatives; Chris Danielsen, Director of Public Relations

4/2/12	Washington, DC/ Baltimore, MD/ Washington, DC	Attended one day of the Coalition for Networked Information (CNI) Spring 2012 Membership Meeting in Baltimore, MD. CNI acts as an important and respected voice on behalf of the library community in a wide range of national and international policy venues. This is accomplished through participation in the ongoing scholarly dialogue; through collaboration with key funding agencies.	$0.00	Please see Attachment B

Total Cost of all travel: $5,643.76

ATTACHMENT A

03/03/2012

ICSTI ANNUAL MEMBERS' MEETING & ONE-DAY WORKSHOP 2012 - Paris, France - LIST OF PARTICIPANTS

Mr.	ATSUSHI	ARAKAWA	JST Paris Office	Paris	France
Mr.	YURI	ARSKIY	VINITI	Moscow	Russia
Mrs.	PAM	BJORNSON	NRC Canada	Ottawa	Canada
Mr.	GEOFFREY	BOULTON	University of Edinburgh	Edinburgh	UK
Mr.	JAN	BRASE	TIB/DataCite	Hannover	Germany
Mr.	IAN	BRUNO	Cambridge Crystal. Data Centre	Cambridge	UK
Mr.	TODD	CARPENTER	NISO	Baltimore	USA
Mrs.	KATHLEEN	CASS	CODATA	Paris	France
Mr.	MICHAEL	DIEPENBROEK	PANGAEA, University of Bremen	Bremen	Germany
Mr.	FRED	DYLLA	American Institute of Physics	College Park	USA
Sir	ROGER	ELLIOTT	IUPAP	Oxford	UK
Mr.	CRAIG	EMERSON	ProQuest	Bethesda	USA
Mr.	NICHOLAS	EVERITT	Taylor & Francis	Abingdon	UK
Mr.	DOMINIC	FARACE	Greylist International	Amsterdam	The Netherlands
Mrs.	JENNY	FIELD	Cambridge Crystal. Data Centre	Cambridge	UK
Mr.	NOBOYUKI	FUKASAWA	JST	Tokyo	Japan
Mrs.	FRANCOISE	GENOVA	University of Strasbourg/CNRS	Strasbourg	France
Mr.	TOBY	GREEN	OECD	Paris	France
Mr.	HERBERT	GRUTTEMEIER	INIST-CNRS	Vandoeuvre-lès-Nancy	France
Mr.	RAY	HARRIS	University College London	London	UK
Mr.	JOHN	HELLIWELL	IUCr	Manchester	UK
Mr.	BRIAN	HITSON	DOE/OSTI	Oak Ridge	USA
Mr.	MICHAEL	JUBB	Research Information Network	London	UK
Mr.	PATRICK	KREMER	INIST-CNRS	Vandoeuvre-lès-Nancy	France
Mr.	RUNDA	LIU	ISTIC	Beijing	China
Mr.	TONY	LLEWELLYN	ICSTI	Petersfield	UK
Mrs.	ELISABETH	MAITRE-ALLAIN	ICSTI	Paris	France
Mr.	IGOR	MARKOV	VINITI	Moscow	Russia
Mr.	BRIAN	McMAHON	IUCr	Chester	UK
Mr.	CARLOS	MORAIS-PIRES	European Commission	Brussels	Belgium
Mrs.	WILMA	MOSSINK	SURFfoundation	Utrecht	The Netherlands
Mrs.	FIONA	MURPHY	John Wiley & Sons	Chichester	UK
Mr.	WOLFRAM	NEUBAUER	ETH	Zurich	Switzerland
Mrs.	INGA	NIKOLSKAYA	VINITI	Moscow	Russia
Mrs.	FRANCOISE	PELLE	ISSN International Centre	Paris	France
Mr.	ROB	PENNINGTON	NSF-Office of Cyberinfrastructure	Urbana-Champaign	USA
Mr.	ED	PENTZ	CrossRef	Oxford	UK
Mrs.	ARLETTE	PIGUET	ETH	Zurich	Switzerland
Mr.	XIAODONG	QIAO	ISTIC	Beijing	China

Mrs.	NICOLE	QUITZSCH	GESIS	Cologne	Germany
Mr.	NIGEL	ROBINSON	Thomson Reuters	York	UK
Mr.	DOBRICA	SAVIC	IAEA	Vienna	Austria
Mrs.	ROBERTA	SHAFFER	Library of Congress	Washington	USA
Mr.	DANIEL	SHALLOE	European Patent Office	Vienna	Austria
Mrs.	EEFKE	SMIT	STM	Amsterdam	The Netherlands
Mr.	TIM	SMITH	CERN	Genova	Switzerland
Mrs.	KAITLIN	THANEY	Digital Science	London	UK
Mr.	WILLIAM	TOWN	Kilmorie Consulting	London	UK
Mrs.	KIRSI	TUOMINEN	VTT	Espoo	Finland
Mrs.	TITIA	VAN DER WERF	OCLC	Leiden	The Netherlands
Mr.	TODD	VISION	University of North Carolina	Chapel Hill	USA
Mr.	ALEX	WADE	Microsoft Research	Cambridge	UK
Mrs.	WENDY	WARR	Wendy Warr & Ass / IUPAC	Crewe	UK
Mr.	STEFAN	WINKLER-NEES	German Research Foundation	Bonn	Germany
Mrs.	ALICIA	WISE	Elsevier	Oxford	UK

ATTACHMENT B

CNI: Coalition for Networked Information (http://www.cni.org/)

Members

American Library Association
American University
Andrew W. Mellon Foundation
Arizona State Library,
Archives and Public Records
Arizona State University
ARTstor
Association of College and Research Libraries
Auburn University
Baylor University
Binghamton University,
State University of New York
Boise State University
Boston College
Brandeis University
Bridgepoint Education
Brigham Young University
Brown University
Bryn Mawr College
Bucknell University
California Institute of Technology
California Polytechnic State University
California State University,
Office of the Chancellor
Cambridge Information Group (CIG)
Carnegie Mellon University
Case Western Reserve University
Center for Research Libraries
Clemson University
Colby College
College Center for Library Automation
Colorado State University
Columbia University
Connecticut College
Copyright Clearance Center
Cornell University
Council on Library and Information Resources
Dartmouth College
Denmark's Electronic Research Library (DEFF)
Deutsche Forschungsgemeinschaft (DFG)
Duke University
EBSCO Publishing
Elsevier Science Publishers B. V.
Emory University
Ex Libris (USA), Inc.
Florida Atlantic University
Florida State University
Gale Cengage Learning
George Mason University
George Washington University
Georgetown University
Southern Methodist University
Stanford University
State & University Library (Aarhus, Denmark)
State University of New York at Albany
State University of New York,
System Administration
State University System of Florida
Stony Brook University
SURF
Syracuse University
Temple University
Texas A & M University
Texas Christian University
Texas Tech University
Thomson Scientific
Tufts University
United States Department of Education,
National Library of Education
United States Government Printing Office
Universiteit van Amsterdam
University at Buffalo, State University of New York
University College Dublin
University of Alabama
University of Arizona
University of Arkansas
University of British Columbia
University of Calgary
University of California, Berkeley
University of California, Davis
University of California, Irvine
University of California, Los Angeles
University of California, Office of the President
University of California, Riverside
University of California, San Diego
University of California, San Francisco
University of California, Santa Barbara
University of California, Santa Cruz
University of Central Florida
University of Chicago
University of Colorado at Boulder
University of Connecticut
University of Delaware
University of Denver
University of Florida
University of Georgia
University of Hawaii
University of Houston
University of Idaho
University of Illinois at Chicago
University of Illinois at Urbana-Champaign
University of Iowa
University of Kansas
University of Kentucky

Georgia Institute of Technology
Georgia State University Library
Harvard University
IMS Global Learning Consortium
Indiana University
Indiana University-Purdue University at Indianapolis
Internet Society
Internet2
Iowa State University
ITHAKA
J. Murrey Atkins Library-University of North Carolina at Charlotte
J. Paul Getty Trust
Johns Hopkins University
Joint Information Systems Committee
Kansas State University
Kent State University
Lafayette College
Libraries, Claremont University Consortium
Library and Information Technology Association
Library of Congress
Los Alamos National Laboratory Research Library
Loyola University Chicago
Marquette University
Massachusetts Institute of Technology
Mayo Clinic
McGill University
McMaster University
Metropolitan New York Library Council (METRO)
Michigan State University
Microsoft Corporation
Mississippi State University
National Archives and Records Administration
National Center for Atmospheric Research (NCAR)
National Institutes of Health Library
National Library of Australia
National Library of Medicine
New Media Consortium
New York Public Library – Research Libraries
New York State Library
New York University
North Carolina State University
Northeastern University
Northwestern University
Occidental College
OCLC, Inc.
Ohio State University
Ohio University
Oklahoma State University
Oregon State University
Pennsylvania State University
Pepperdine University
Pomona College
Portland State University
Princeton University
University of Louisville
University of Manitoba
University of Maryland at College Park
University of Massachusetts Amherst
University of Miami
University of Michigan
University of Minnesota
University of Missouri-Kansas City
University of Nebraska at Lincoln
University of Nevada, Las Vegas
University of New Mexico
University of North Carolina at Greensboro Libraries
University of North Carolina, Chapel Hill
University of North Dakota
University of North Texas
University of Notre Dame
University of Oklahoma
University of Oregon
University of Pennsylvania
University of Pittsburgh
University of Richmond
University of Rochester
University of San Diego Copley Library
University of San Francisco
University of South Carolina
University of South Florida
University of Southern California
University of Tennessee
University of Texas at Arlington
University of Texas at Austin
University of Texas at San Antonio
University of Toronto
University of Utah
University of Vermont
University of Victoria
University of Virginia
University of Washington
University of Waterloo
University of Wyoming
University of Wisconsin at Madison
University System of Georgia
Utah State University
Vanderbilt University
Virginia Commonwealth University
Virginia Polytechnic Institute and State University
VTLS, Inc.
Wake Forest University
Washington University
Wayne State University
Wichita State University Libraries
Yale University

Purdue University
Queen's University
Rhodes College
Rice University
Rutgers University
Simon Fraser University Library
Smithsonian Institution
Southern Illinois University at Carbondale
Southern Illinois University Edwardsville

213 Total Members
Charter members are listed in *italics*.

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Contact us

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