The latest on H.R. 1695/S. 1010

Legislation authored by the leaders of the House Judiciary Committee to shift the right and responsibility of appointing the Register of Copyright from the Librarian of Congress to the President (H.R. 1695) was passed by the House of Representatives in May by a vote of 378 to 48 just weeks after it was introduced. Shortly afterwards, an exact replica of H.R 1695 was introduced in the Senate (S. 1010). It was expected to fly through the Senate as well until the Senate Committee on Rules and Administration claimed jurisdiction. The Rules Committee wants to take time to look at Copyright Office modernization holistically and found no reason to immediately act on legislation that, in isolation, would do nothing to further that widely supported objective.

The Library Copyright Alliance (comprised of ALA, ACRL, and ARL) opposed H.R. 1695 on similar grounds and out of concern that it necessarily would slow such modernization. In testimony before the House Oversight and Government Reform Committee in early June, Librarian of Congress Carla Hayden confirmed that the selection process for a new Register has been postponed pending Congressional action on this legislation.

At the hearing, the Librarian, along with the Library's Chief Information Officer (CIO) Bernard Barton and Inspector General (IG) Kurt Hyde, testified about progress made towards the development of a modern information technology (IT) system recommended by the Government Accounting Office (GAO) in a report highly critical of the Library and Hayden's predecessor, published in March 2015.

The good news is that the Library is making great headway and, regardless of controversy over H.R. 1695/S. 1010, Copyright Office IT improvements are integral to the Library's overall IT strategic plan. A modern, fully functioning IT system would allow for copyright transactions—like registration and permission searching—in real time.

Specifically, GAO's 2015 report noted serious problems with IT in the Library and its units. Themes in the report included: a lack of IT leadership, vision, and a strategic plan; the absence of a CIO; and years of mismanagement of funds and resources. GAO made 31 recommendations for improvement. Five have been implemented, with 22 expected to be concluded by the end of 2017. The remaining four problems will take a few years to fully resolve. Hyde said that "changes at the senior most levels of both Library leadership and IT management have resulted in momentum towards developing the foundation for a stable infrastructure."

After confirmation as Librarian of Congress, Hayden hired an CIO Bernard Barton, who directly reports to her. The CIO has full decision-making authority over all IT matters, and works collaboratively with units within the Library to identify needs and implement changes. Hayden applauded Barton and said that "during my confirmation hearing, I mentioned Mr. Barton assuring me that technology would not be a problem. And . . . that has been borne out."

Hayden was congratulated by multiple Members of the Committee for progress made under her leadership. Notably, in closing, Rep. Zoe Lofgren (D-CA) mentioned that staff "morale in the past has been a problem, but I've just had random Library employees come up to me and really express great pride and satisfaction in the work they are doing, and I think it's a real credit to your leadership."

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