

Statement of Saul Schniderman
President, Library of Congress Professional Guild
AFSCME Local 2910
For the Subcommittee on Legislative Branch Appropriations
U.S. House of Representatives
Fiscal Year 2017 Budget Request – Library of Congress
March 22, 2016

Chairman Graves, Ranking Member Wasserman Schultz, and Members of the Subcommittee:

Thank you for providing us with this opportunity to comment on the fiscal year 2017 budget request for the Library of Congress submitted by the Acting Librarian, David S. Mao. Our organization – the Library of Congress Professional Guild, AFSCME Local 2910 – represents over 1350 professional employees throughout the Library of Congress including Library Services and the newly formed National and International Outreach service unit, the Copyright Office, the Law Library, and units within the Librarian’s Office, including the Office of the Chief Information Officer.

On June 1, 2016 the Guild will celebrate its fortieth anniversary as the exclusive representative of all Library of Congress professional employees, except those working in the Congressional Research Service. We are dedicated to providing the best possible service to Congress and the American people and we appreciate this opportunity to present you with our concerns.

Copyright Office: In 1870 the copyright functions in the United States were centralized, by law, in the Library of Congress at a time when the Library consisted of twelve staffers crowded into the west front of the Capitol Building. Librarian of Congress Ainsworth Rand Spofford became exasperated by the immediate increase in the number of registration applications and wrote to the Congress asking for help because, “I have been obliged to employ two of the library force constantly upon the business of recording copyrights and preparing certificates,” and, “I am devoting more than half of my time” on the project.

In 1897 the first Register of Copyrights was appointed and the Copyright Office was established as a separate department within the Library of Congress. Since that time Congress has wisely provided the Office with needed appropriations which has resulted in the registration of millions of claims, the maintenance of a public record and the creation of programs advising the Congress and the nation on copyright related matters.

For over a century, the copyright registration process was essentially paper-based until the purchase and implementation of the Siebel system in 2007 which became the electronic registration system (eCO) for the Copyright Office.

Since 2008, the Guild has reported on the core shortcomings of the eCO system as the tool to register works for copyright. These deficiencies were detailed in full by GAO in March 2015. Today, it is widely recognized that eCO cannot be adapted to meet the office’s future needs. The Guild wishes to recognize the hard work and perseverance of Copyright Office staff – specifically examiners in the Registration Program – who continue to accomplish their important job of registering and refusing claims to copyright in books, music, movies, artwork, and

computer programs, using a system that makes opening a file or reading an email a complex task. Given this reality, the Guild strongly supports critical improvements to Copyright Office IT infrastructure so the office can better fulfill its public-service mission and improve the worklife of Copyright Office employees.

While we lack the technical expertise to comment on specific IT infrastructure needs, clearly the success of any technology project requires careful linking of IT planning and design, human capital, and oversight; and we know that the staff who perform the work have much to offer in shaping the new system. One of the lessons learned from the implementation of eCO is the need for these employees to shape the final product.

As a labor organization we have attended various committee hearings and thank the Register for keeping Copyright Office staff apprised of current events and future plans. The Guild also supports the Acting Librarian's request to develop the Copyright Office workforce by providing more FTEs in the areas of registration, public records, public information, mandatory deposit, and digitizing historical records.

We are watching carefully as Copyright Office and Library of Congress management, working together, define and lead us toward shared goals.

Sustaining a universal collection: Throughout our history, mandatory deposit has enabled the Library of Congress to become the largest and most comprehensive collection of cultural and intellectual heritage ever assembled. The copyright law bestows authors/creators, publishers, and copyright holders with legal protection for their intellectual property, and preservation of their work in a nationally supported cultural institution. It's been a pretty good deal for all concerned. We thank the Subcommittee for sustaining a universal collection for the equitable benefit of all citizens and urge Congress to uphold this value while deliberating on what changes are needed to modernize the Library of Congress and the Copyright Office.

In establishing statutory obligations for deposit of best edition copies, Congress adopted a system of legal deposits common throughout the world and dating back to the sixteenth century in France. National libraries and legislative libraries, such as our own Library of Congress, by these means have collected, recorded, organized and made freely available their cultural and intellectual heritage. This is not a mere convenience and cost-saving measure. Knowledge-based societies are sustained by universal and equitable access to information, and express this value in national policy.

The Copyright Office is responsible for administering the Copyright Law. Part of the Copyright Law is a requirement for the "mandatory deposit" of the "best edition" of every copyrightable work published in the United States. Best edition copies submitted as part of the copyright registration process satisfy the mandatory deposit requirement and these copies have been essential to building the collections of the Library of Congress for over a century. The Library also acquires collections through gift, exchange, and purchase, but Copyright deposits have always been the core of its collections. In fiscal 2014 alone, the Copyright Office transferred more than 700,950 copies of works to the Library, with a net value of nearly \$32 million. More than 407,100 of those works were received from publishers through mandatory deposit. These deposits are not just books and serials, but all the creative output already mentioned in this testimony.

A gap in the Library's ability to meet its mission must be noted. Digital works have posed new challenges. To begin with, the process of identifying "best edition" is complex and driven in part by computing capacity. Due to current capacity restrictions at the Library of Congress, the majority of our digital collections remain in a "dark archive." Today the size of the Library's digital collections is growing at a rate similar to its physical collections and yet only a fraction of the digital collection is accessible to staff, to Congress, and to the public. We urge the Subcommittee to fund the Library's requests to increase computing capacity and address IT deficiencies identified in recent GAO reports.

Library Services: Building a universal collection through tools like the mandatory deposit system is only one facet of the Library's mission. In addition to acquiring print and electronic media from around the world, the Library must also make these works accessible and useable for both the Library users of today and those of future generations. This work of organizing, cataloging, servicing, and preserving the Library's collections is the work of the largest Library unit, Library Services (LS). The Guild fully supports Library Services' budget request for a modest increase in funds to cover mandatory pay related and price level increases. Following are two priorities for FY 2017 in Library Services: Digital collections management, and a two-year study to replace the ILS.

Digital collections management: Over the last twenty years, the rise of the internet has made easy access to digital content of all types almost an afterthought to most Americans. And yet for libraries, no challenge is more daunting than that seeking to cope with the explosion of digital media and digital content. Digital resources come in an array of types and formats, all with their own unique needs and requirements for access, storage and use. The Library of Congress faces this challenge every day as the amount of digital resources acquired by the Library doubles ever few years and this is a trend that will only continue to accelerate. The Library's FY 2017 budget request contains a provision seeking funding for the creation and management of a digital content management unit within Library Services. Although the creation of this unit is only a first step, it is an important one because it will establish a firm foundation to improve the efficient and effective handling of electronic resources throughout Library Services and, through staff training and the promotion of best practices, throughout the entire Library of Congress. This unit is a foundation that the Library can build upon to meet the expanding demands for the ready accessibility and ease-of-use that most Library users expect regarding digital resources. The Guild strongly supports the Library's request for the necessary funding to establish a new digital content management unit within Library Services. The Guild also encourages Library Services to continue working with the Office of the Chief Information Officer to develop the kinds of mutual support, project coordination, and cross-organizational communication that are essential if the launch and growth of the digital management unit is to be a success.

Two-year study to plan for the ILS replacement: Since the days of James Madison and Thomas Jefferson, a key tenet of the Library's mission has been the acquisition, organization, and public use of the world's scholarship and literary creation. Over the last fifty years, modern automation and computer systems have become the key tools that allow all libraries and especially large research institutions like the Library of Congress, to accomplish this work in a timely and accountable way. The fundamental automated system which supports all of the Library's operations relating to its' collections is the Integrated Library System (ILS). Since its' implementation in 1999, the ILS has served as the Library's key automated system for acquiring,

cataloging, retrieving and circulating, and preserving the millions of items in the Library's collections. But like all automated systems, the ILS has a limited life span and its limitations in dealing with the evolving types of data structures and requirements used in modern libraries are becoming apparent. To cope with these limitations, Library Services is requesting an appropriation to support a two-year study to analyze the Library's current and anticipated needs in order to develop the requirements for a next generation library management system. The Guild supports this request for a two-year study. This is an essential first step in the process of ensuring that a replacement for the Library's key automated system, which supports its' most vital operations, will be available. Additionally, whenever the Library's transition to a next generation system comes, this study will help ensure that the transition will be a smooth one.

Law Library: The Library of Congress is home to many highly specialized and unique collections. Of these collections, none has a finer pedigree than that of the Law Library, which holds almost 3 million items, including approximately 25,000 rare books and bound manuscripts, many issued prior to 1801. The Law Library's collection of primary and secondary sources constitutes the largest legal collection in the world.

But even the finest collection is of limited value if it cannot be fully accessed and easily consulted. Given the age and wide diversity of the Law Library's collection, many of the items were acquired before modern methods of cataloging and classification were developed and in use. This means that only minimal or sometimes no information for thousands of items appears in LC's online catalog system and these items are still classified under the generic "LAW" system using country names and only a general indication of subject and content. Having these thousands of items under less than full cataloging and classification means that they cannot be easily identified or accessed by Library users or researchers. Consequently, the difficulty of accessing this material is a burden for not only the public and scholars but also for the many foreign law specialists in the Law Library who are often called upon to produce in-depth reports on foreign legal developments.

The current budget request includes a provision by the Law Library requesting funding for a seven-year classification project, including the hiring of specialized staff, to remedy this deficiency in the Law Library's collection. This project would create modern cataloging and classification data in the Library's online system for the items processed and would support needed inventory and preservation efforts. This work would vastly increase the accessibility of a significant portion of the Law Library's collection resulting in better service to the public and to Congress. The Guild fully supports this request as a necessary step in restoring this vital collection to full and complete service to scholars, the public, and Congress.

Library service to persons with print disabilities: The National Library Service for the Blind and Physically Handicapped (NLS) administers the only free national public library service for persons with blindness, low vision or physical disabilities who are unable to read conventionally printed materials. NLS supplies U.S. residents and U.S. citizens living abroad with audio and braille books, magazines, and music-instructional materials through a network of libraries that includes 55 regional, 32 sub-regional libraries and 14 advisory and outreach centers serving over 500,000 patrons. NLS circulates more than 21 million books annually.

Due to the rapid, ongoing evolution of accessible technologies and the expansion of international library cooperation, access to materials by the print disabled community is improving. NLS

launched an Android version of the BARD Mobile AP which allows patrons to download books and magazines directly to their mobile devices. NLS successfully negotiated with various U.S. commercial book publishers to allow use of their digital files for the preparation of accessible copies; the hardworking employees of NLS were able to use existing technology to create new workflows for this content which resulted in an increase of close to 1,000 new audio titles.

NLS rightly enjoys a reputation as a global leader in the provision of library service for persons with print disabilities and serves a diverse patron base that includes veterans, children, the elderly, and an ever-growing Spanish-speaking population. We thank the committee for its continued support of this vital service which is an informational lifeline for many persons with disabilities across the U.S.

In closing, we thank the Congress for granting Dr. James Billington the honorary designation of Librarian of Congress Emeritus. As we await the appointment of a new Librarian of Congress, we are pleased to see the achievements of Dr. Billington acknowledged. His broad vision for this Library inspired us and his ideals will always be a benchmark for service to the nation.

###