

Stenographic Transcript
Before the

COMMITTEE ON
RULES AND ADMINISTRATION

UNITED STATES SENATE

OVERSIGHT OF THE LIBRARY OF CONGRESS

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1 OPENING STATEMENT OF SENATOR KLOBUCHAR

2 The Chairman. Good afternoon. We are looking forward
3 to this hearing. And I call to order the hearing on
4 oversight of the Library of Congress.

5 I would like to thank Ranking Member Fischer for her
6 work, as well as the Librarian of Congress, Dr. Carla
7 Hayden, for again, appearing before this committee, this
8 time not for confirmation, but for talking about, as you
9 have done in the past, your work.

10 And there is just a lot of interest, as you know, from
11 past hearings in this building about the Library of
12 Congress, especially now that people are going back, and I
13 am sure you have many visitors to the Library again.

14 Several Senators, we had a dinner with -- a bipartisan
15 dinner last night, and a number of Senators mentioned that
16 they were fans of you and your work, including people from
17 both sides of the aisle, so just putting that out there
18 first. And I think I have mentioned this before, maybe
19 Senator Fischer doesn't know, but my dream when I was
20 growing up was to be a librarian.

21 Yes, I actually had a Dewey Decimal System set up with
22 the books that I read in a recipe box. But instead, we are
23 here. And we are here, in fact, to discuss the largest
24 Library in the world and the oldest Federal cultural
25 institution in the United States, the Library of Congress.

1 Two weeks ago, the Library celebrated its 223rd birthday.

2 And as we know, the Library holds over 175 million
3 books, manuscripts, and other materials. It has the
4 world's largest collection of films, sheet music, and sound
5 recordings, something I was reminded of very memorably when
6 Joni Mitchell got the Gershwin Award, and Speaker McCarthy
7 and I were there and several others, and it was an
8 incredible actually two evenings for the dinner and then
9 for the major production afterward with so many great
10 artists.

11 And I want to thank you for having the wisdom to
12 decide to honor Joni Mitchell. And I am sure it was with
13 the committee, but in the end, Dr. Hayden, you had a major
14 role in making that decision and making that event work for
15 so many people.

16 Dr. Hayden, you and your dedicated staff play a
17 critical role in collecting, preserving, and making this
18 vast collection in the Library of Congress accessible to
19 the American people. And I learned that you have had
20 370,000 people visit the Library last year and a 75 percent
21 increase in events from the Fiscal Year before, while even
22 more Americans accessed your collections online. That is
23 more than 151 million visits online.

24 So, I think I am sure we will hear about how the
25 pandemic had a silver lining. Not a lot of good stuff, but

1 at least am sure more people started visiting the Library
2 online. I mentioned the Joni Mitchell event, but your
3 efforts also included celebrating our culture, including
4 Lizzo, who lived in my State for many, many years. That is
5 where she kind of got her start, and she played the James
6 Madison crystal flute at the Library last fall.

7 And as we approach the end of the Library's five year
8 strategic plan and 2019 digital strategy, you have also
9 dedicated significant effort to modernizing the Library's
10 technology and infrastructure. I know that we will want to
11 hear about that.

12 One topic that I look forward to hearing more on is
13 the Library's visitors experience master plan, a multiyear
14 proposal which Congress approved on a significant
15 bipartisan basis in 2019 to improve the visitor experience
16 at the Library.

17 The plan includes an orientation gallery to guide
18 visitors through the Library, learning resources for
19 younger visitors, and new displays. As the project moves
20 forward, it is essential that it is done, as you and I have
21 discussed, in a way that respects and preserves the
22 Library's historic buildings. I know that changes have
23 been made to the plan for the main reading room, including
24 removing the oculus window from the design.

25 And you are working closely with the acting Architect

1 of the Capitol on these efforts, as you note in your
2 testimony. The Library also oversees something pretty
3 significant to all of us right now, soon to be even more
4 significant, I believe, with the advent of artificial
5 intelligence, and that is the U.S. Copyright Office, which
6 safeguards the work of artists and creators across the
7 country, critical to the vitality of our economy.

8 According to a study released last year, businesses
9 and artists who rely on copyrights contribute more than 1.8
10 trillion to our economy. That translates to 8 percent of
11 total U.S. GDP and 9.6 million jobs.

12 Modernizing the Copyright Office to keep pace with the
13 latest technology and the content that it supports is a
14 priority for our nation, and I appreciate the office's
15 progress in updating its procedures and reducing the
16 average processing time for copyright registrations.

17 Another part of the Library that we will hear about is
18 the nonpartisan support provided to members of Congress and
19 staff by the Congressional Research Service, or CRS, which
20 responded to more than 73,000 requests in the last Fiscal
21 Year from members of Congress, and its impact extends far
22 beyond Congress, with thousands of CRS reports then
23 available to the public.

24 Finally, the National Library Service for the Blind
25 and Print disabled, as the primary provider of reading

1 material for Americans who cannot read print, helps to
2 ensure that the Library's resources are available to
3 everyone.

4 Ensuring access to modern Braille devices has always
5 been one of my top priorities for the Library when I early
6 on got on this committee, started working on that, and I
7 look forward to hearing more on its ongoing work, including
8 providing Braille e-readers and its growing Library of
9 nearly 164,000 downloadable Braille and audio reading
10 materials.

11 In the end, the Library, I think we know, has this
12 incredible celebrated history, and the work that you are
13 doing, Dr. Hayden, is vital to the success for generations
14 to come. And that obviously includes your team, some of
15 whom are sitting behind you.

16 I now recognize our Ranking Member Fischer, for her
17 opening statement. Thank you, Senator Fischer.

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1 STATEMENT OF SENATOR FISCHER

2 Senator Fischer. Thank you, Madam Chair, for calling
3 this oversight hearing regarding the Library of Congress.
4 And thank you, Dr. Hayden, for being with us this
5 afternoon. I love visiting the Library, and I want to tell
6 you that my staff recently was able to take a field trip
7 and visit the Library. They had a tour there and they told
8 me about what a wonderful experience they had as well.

9 So, thank you for that. I am pleased to be here on
10 the dais for my first Library of Congress oversight hearing
11 as ranking member of this committee. I have been a member
12 of the committee since 2017, and in the intervening years,
13 the committee has made a point to regularly discuss the
14 Library's modernization efforts during oversight hearings.
15 In my view, that is a clear testament to the importance of
16 these efforts.

17 The Library of Congress should strive to be a global
18 leader in the management and preservation of information,
19 while also providing free and open access to its
20 collections for all. Keeping up with technological
21 developments is a key to accomplishing these goals. Dr.
22 Hayden, you have been serving as the nation's librarian
23 since 2016.

24 Certainly, you have been busy as the Library works to
25 improve its services and increase access for its many

1 customers, including the Congress, copyright users,
2 researchers, visitors, and the American public.

3 At the forefront of these efforts is the Library's
4 push to modernize its enterprise wide information
5 technology systems. Shortly before you arrived at the
6 Library in 2016, the Government Accountability Office
7 issued a critical report that highlighted serious gaps in
8 the Library's information technology infrastructure, and
9 they provided a long list of 107 recommendations.

10 I know that over the last six years, the Library has
11 made great strides in centralizing its IT systems and
12 closing out nearly all of the GAO's recommendations. I am
13 also aware that the Library has been leading an exciting
14 project in the Thomas Jefferson Building to improve visitor
15 access to its priceless collections.

16 I want to congratulate you, Dr. Hayden, on recently
17 hitting \$20 million in private pledges for this visitor
18 experience project. I look forward to hearing more about
19 the details of this endeavor. My hope is that the Library
20 will be able to create a visitor experience that best
21 serves its customers, while also ensuring that the costs
22 are controlled.

23 Finally, I understand that the Library has made
24 significant efforts to increase digital access to its
25 collection for members of the public. I look forward to

1 hearing more about these efforts and about the Library's
2 many other ongoing initiatives during this hearing today.
3 Thank you, Madam Chair.

4 The Chairman. Thank you very much, Senator Fischer,
5 and thank you for your really good opening statement. Our
6 witness today, as I noted, is Librarian of Congress Dr.
7 Carla Hayden.

8 Dr. Hayden was sworn in as the 14th Librarian of
9 Congress in September 2016, after being appointed by
10 President Obama and confirmed by the Senate in a vote of 74
11 to 18. That is pretty good by today's standards. And she
12 is the first woman and the first African American to lead
13 our nation's Library.

14 Dr. Hayden previously served as the CEO of Enoch Pratt
15 Free Library in Baltimore, Maryland, beginning in 1993.
16 Earlier in her career, she held positions with the Museum
17 of Science and Industry in Chicago, University of
18 Pittsburgh, and Chicago Public Library. Dr. Hayden
19 received her undergraduate degree from Roosevelt
20 University, and her Master of Arts and Ph.D. From the
21 University of Chicago, where I also went for graduate
22 school.

23 So, Dr. Hayden, if you could please stand and raise
24 your right hand. Do you swear that the testimony you will
25 give before the committee shall be the truth, the whole

1 truth, and nothing but the truth, so help you God?

2 Dr. Hayden. I do.

3 The Chairman. Thank you. You can be seated. And we
4 will proceed to your testimony and recognize you for a
5 five-minute opening statement.

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1 STATEMENT OF DR. CARLA HAYDEN, LIBRARIAN OF CONGRESS,
2 LIBRARY OF CONGRESS, WASHINGTON, D.C.

3 Dr. Hayden. Thank you, Madam Chairwoman and Ranking
4 Member Fischer, for this opportunity to provide an update
5 on the Library of Congress and its operations.

6 The Library of Congress is the largest Library in the
7 world, with the collection of more than 175 million items.
8 And now in the fifth and final year of our current
9 strategic plan, the Library is looking ahead to a new plan
10 that will build upon our ongoing efforts to expand access,
11 enhance services to Congress and the public, and become
12 more digitally enabled.

13 We appreciate the support and interest of this
14 committee as we continue on our more than 220-year history
15 as a steward of the national collection and a repository
16 for our shared cultural heritage.

17 In Fiscal Year 2022, the Library responded to hundreds
18 of thousands of reference requests from Congress, the
19 public, and other Federal agencies. The Congressional
20 Research Service, or CRS, published nearly 1,100 new
21 products.

22 The U.S. Copyright Office issued more than 484,000
23 registrations, a 16 percent increase over Fiscal Year 2021,
24 while bringing the average processing time down from 3.4
25 months to about 2 months currently, or as little as 1.2

1 months for electronic claims requiring no correspondence.

2 And the National Library Service for the Blind and
3 Print Disabled, or NLS, circulated more than 22 million
4 copies of Braille, audio, and large print material to
5 patrons throughout the country. The Library returned to
6 normal operations for the visiting public in Fiscal Year
7 2022, welcoming approximately 370,000 visitors to our
8 buildings, which are once again buzzing with researchers,
9 visitors, school groups, and tourists.

10 Onsite events are back at a very robust level, and we
11 have launched a new public event series, Live at the
12 Library, which extends our hours on Thursday evenings to
13 provide new opportunities for people to visit our exhibits
14 and connect with our programing.

15 In support of our goal to expand access, the Library
16 is moving forward in an exciting way to enhance our
17 physical space. In partnership with the Library's
18 Authorization and Appropriations committees of jurisdiction
19 and the Architect of the Capitol, the Library is creating
20 an all-new visitor experience that will invite visitors to
21 discover more of our treasures, our programs, and services.

22 The Visitor Experience Master Plan, which was approved
23 by Congress in 2019, includes an orientation gallery that
24 will feature the restoration of Thomas Jefferson's Library,
25 a youth learning center where young learners and families

1 can interact with our collections, and for the first time,
2 a treasures gallery to display the wonders, scope, and
3 history contained within our special collections.

4 The Library remains committed to ensuring this project
5 is implemented for the America 250 celebrations in 2026.
6 We are on or under budget in nearly all Library specific
7 components, and in some instances have had to make
8 difficult decisions to simplify design elements to ensure a
9 judicious project schedule.

10 While the timeline in the significant AOC construction
11 budget increases recently identified by the AOC are
12 impacted by a number of factors, including general
13 construction escalation costs, the committee's direct
14 involvement and unwavering support of the project, and that
15 of the Acting Architect of the Capitol, will continue to
16 ensure critical milestones are reached and that we are able
17 to open these wonderful offerings to the public for the
18 250th anniversary of the United States.

19 In addition to our in-person offerings, we have a
20 robust and expanding online presence. Virtual programing
21 and live streaming at the Library signature events like the
22 National Book Festival have meant that we can reach more
23 people in their homes even as we return to hosting large
24 scale in-person programs. Our web properties recorded over
25 151 million visits in Fiscal Year 2022.

1 One of our most popular programs, the Veterans History
2 Project now has more than 114,000 individual collections
3 accessible online through a new modern website. And our By
4 the People transcription program increased its outreach
5 footprint, enlisting members of the public to complete over
6 500,000 transcriptions since 2018, and all of this serves
7 to make items in the collection more discoverable online.

8 Yes, modern IT initiatives are underway in several key
9 Library service units. This includes efforts to upgrade
10 the technology in CRS, and to develop a modern Library
11 collections platform to manage our holdings.

12 And I am pleased to report that we have launched two
13 key components of the new enterprise copyright system, a
14 new copyright public records system, and the first ever
15 electronic system to record and update information about
16 copyright ownership. They are all alive to the public and
17 we are receiving positive feedback.

18 The development for the next generation copyright
19 registration system has begun, and we have also released a
20 major upgrade of the Braille and audio reading download
21 Bard System for the blind and print disabled readers.

22 So, to conclude, the Library is excited about the
23 progress that has been made and we are moving steadily
24 ahead with the work that remains to be done. And as
25 always, we remain committed to providing you, Congress,

1 with excellent service.

2 So, I thank you for your continued interest and
3 support, and I would be pleased to take any questions you
4 may have.

5 [The prepared statement of Dr. Hayden follows]

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1 The Chairman. Well, thank you very much, Dr. Hayden.
2 We have been joined by Senator Welch, who has moved up from
3 his new guy slot down there, and figured since he has been
4 in Congress as long as I have, he was just over in the
5 other House, and we are pleased that he is here for his
6 first oversight hearing of the Librarian of Congress.

7 So why don't we start with the visitor experience
8 master plan, which I noted has bipartisan support in
9 Congress, this new exhibit space. We were excited to hear
10 about some of the new projects you mentioned.

11 Can you talk about the goals of the plan? If it is
12 progressing on time? And in your written testimony, you
13 said that the projects in the plan will not impact the
14 historic Great Hall main reading room, nor the Library's
15 support of onsite research.

16 What steps is the Library taking to ensure that any
17 changes are consistent with historic preservation standards
18 and are you committed to ensuring that any concerns in this
19 areas are fully considered?

20 As you know, my own husband asked me about the
21 historic circulation desk. He doesn't usually inquire
22 about matters of oversight in the Rules committee. I felt
23 that I should ask that question.

24 So, as you know, he is a big user of the Library as a
25 law professor and author. So anyway, mostly just how is

1 the plan going, and talk a little bit about the historic
2 standards.

3 Dr. Hayden. We continue to be very excited about this
4 project because it will transform the constituents'
5 experience in visiting the Library, at the same time
6 respecting and preserving the historic Thomas Jefferson
7 building. And the project has three parts.

8 The current gift shop will be converted into an
9 education center. Back of house space that is no longer
10 needed for its original purpose will be converted to an
11 orientation gallery. And both of these spaces are
12 designated by the AOC as renovation zones rather than
13 historic restoration or preservation zones, unlike the
14 Great Hall or the main reading.

15 The Chairman. So the orientation spaces for like
16 -- that is going to be for groups that are coming in to --?

17 Dr. Hayden. Groups, individuals. This will be
18 -- there will be a welcome area. There also will be a
19 gateway --

20 The Chairman. Yes --

21 Dr. Hayden. -- from the Capitol Visitor Center.

22 The Chairman. Okay. Oh --

23 Dr. Hayden. Because we receive thousands of visitors
24 coming directly from the Capitol Visitor Center and we have
25 been seeing them recently with the reopening of the Capitol

1 Visitor Center. So, you have groups, individuals that will
2 be coming --

3 The Chairman. Keep going. Where is the gift shop
4 going? Not that I would ever care shop. Just, you know,
5 for the record.

6 Dr. Hayden. Well, the gift shop will actually be on
7 two sides of the Great Hall, and that will be the
8 structures that will be the same glass. And we were
9 working with the and have worked with the Architect of the
10 Capitol.

11 They will sit on the floor of the room. So, they are
12 not attached to anything on the walls or anything like
13 that. So, the gift shop will move in. Where that gift
14 shop is currently, will be converted into the education
15 center.

16 And then the third space and the third part is the
17 Treasures Gallery, which uses existing exhibit space. It
18 is directly across from where we put in exhibits that are
19 temporary, like the current exhibit, Join In, about
20 voluntary or associations. So, the Treasurer's Gallery, a
21 learning center, and also --

22 The Chairman. Okay. And what is the timetable for
23 all of it?

24 Dr. Hayden. The timetable, the Treasurer's Gallery is
25 scheduled to be one of the first of the three elements to

1 open in 2024, and exhibit fabrication has begun on the
2 exhibit cases. The gift shop will also open in 2024 on
3 both wings of the first floor of the Great Hall.

4 The Youth Center is scheduled to open in the fall of
5 2025, and we have been working very closely with focus
6 groups of young people, including a number of Congressional
7 kids and grandkids, and they have been directly involved in
8 this project and very candid about their thoughts.

9 And they have selected the name for the center to be,
10 The Source.

11 The Chairman. That is good.

12 Dr. Hayden. Resource --

13 The Chairman. Like it.

14 Dr. Hayden. Very good. It is targeted for basically
15 ages 7 to 11 in particular. The orientation space is
16 scheduled to open in 2026 in tandem with the celebration of
17 America 250, and that will include Thomas Jefferson's
18 Library. A look into the stacks for the visitors who often
19 say, where are the books when they come into the Library.

20 So, they will get a chance to see one of -- one
21 section of the 836 miles of shelving that the Library of
22 Congress has. And so there will be talk about that. And
23 new space to tell the story of the Library Congress, and
24 those are the main components.

25 The Chairman. Okay, very good. Well, I have some

1 copyright questions that are a little less fun than this,
2 but I will save those and allow my colleagues to go
3 forward. Senator Fischer.

4 Senator Fischer. Thank you, Madam Chair. Dr. Hayden,
5 the Visitor Experience master plan, it requires a crucial
6 partnership with the Architect of the Capitol, as the
7 Architect is responsible for the maintenance of all Library
8 buildings and grounds, as well as major projects.

9 Can you speak to the Library's working relationship
10 with the Architect of the Capitol and the AOC staff on the
11 Visitor Experience Project? And what does your partnership
12 look like?

13 Dr. Hayden. You are correct that we have worked very
14 closely with the AOC on this project from the very
15 beginning, and I am in regular contact personally with the
16 Acting Architect of the Capitol, the two and a half months
17 that she has been in the position.

18 She has opened lines of communication that we really
19 needed to have. We are very concerned about projected cost
20 and schedule overruns, as I was giving the projections of
21 when things would open.

22 We are very concerned because we feel we have given
23 the Architect of the Capitol needed information to start
24 some of their pre-construction and construction work, and
25 we haven't increased the scope or complexity of any of the

1 designs in any way.

2 And so, when we were given, for instance, a cost
3 estimate on the AOC side last month and it has changed
4 significantly in one month, we are really looking forward
5 to working even more closely to find out what the details
6 are. On the Library side, we are on or near budget.

7 And so, this is the major concern and sometimes
8 frustration that we are having. But we are pleased that
9 our Acting Architect of the Capitol has taken hold of it.

10 Senator Fischer. Great. I hope that you will feel
11 that you can discuss some of the challenges that you may
12 have in the future. This is such an important project. It
13 would be great to get it done on time to be able to
14 celebrate our 250th anniversary with it.

15 And if -- my recommendation would be, and of course,
16 we would have to work with the chair on this as well, to be
17 able to find if there are any ways that the committee and
18 staff could be of help to you in moving forward on this
19 when you may reach those big bumps in the road and those
20 challenges ahead.

21 So, I certainly want to see this project completed and
22 done in a responsible way, because I believe your past
23 leadership has shown you capable of doing that, and we want
24 to be helpful.

25 Dr. Hayden. We would certainly deeply appreciate your

1 support in this effort, because to have -- before the
2 pandemic, the Library had in-person visits of over 2
3 million people coming and they are starting to come back.
4 And to be able to welcome them with the Library's story and
5 history -- America 250 is our goal. We would love to have
6 it, so thank you.

7 Senator Fischer. Right. And it is -- the Library is
8 such a treasure for us all. A couple quick answers. The
9 Library, or who at the Library is responsible for
10 overseeing the day to day coordination and management of
11 the master plan project? And is there a project management
12 officer?

13 Dr. Hayden. There are a number of staff members that
14 are involved, including our operating officer and the staff
15 that works regularly with the Architect of the Capitol and
16 the management of the buildings there.

17 The chief exhibit designer and the person who has
18 bridged not only Library internal workings, but also
19 working with the Architect of the Capitol and the design
20 firms for exhibits, is David Mandel. And he came to us
21 from the Civil Rights Museum in Atlanta, and previously he
22 had worked with the New York Historical Society.

23 So, he is -- well versed in that.

24 Senator Fischer. Okay. Thank you. My time is up. I
25 hope to ask you more questions on our next round. Thank

1 you.

2 The Chairman. Okay. Very good. Thank you, Senator
3 Fischer. That Atlanta Museum is well known. It is a
4 really amazing experience to go through that. So, that is
5 great. And I also want to mention Senator Fischer's
6 questions and the Architect of the Capitol. We have been
7 working together to make sure there is more accountability
8 there than there has been in the past, including
9 partnership with you.

10 We are pleased with the work of the Acting Architect
11 of the Capitol. And we are actually introducing
12 legislation today that is bipartisan and bicameral with the
13 House leaders, Representatives Steil and Morelle, to take
14 the Architecture of the Capitol and back -- well, it never
15 was, in the jurisdiction of the Capitol, as it should, so
16 that we will be making the decisions of who is hired for
17 that job and also have accountability to us, which makes
18 sense.

19 And we think that will help with some of the
20 coordination issues that you are referring to. So, the
21 fact that it has such broad support from our leaders and
22 from all of us I think is a good sign. So, thank you.
23 Next up, Senator Welch.

24 Senator Welch. Thank you very much. Welcome. And,
25 you know, all of us here have the benefit of access to the

1 Library and have been the beneficiaries of some
2 extraordinary experiences there. The exhibits -- also,
3 what was that area you took us on a tour of, of
4 preservation? Remarkable people --

5 Dr. Hayden. Preservation and conservation --

6 Senator Welch. Yes --

7 Dr. Hayden. -- laboratories.

8 Senator Welch. Right. And you are talking about the
9 visitors that are coming, 2 million, and have been there.
10 But the digital program is what makes this within reach for
11 lots of Vermonters, lots of folks in rural America, lots of
12 folks who just don't have the opportunity to make the trip
13 here.

14 So, I wanted to talk to you a little bit about that,
15 because I do think that that is such a tremendous mechanism
16 by which to expand the reach and access of the
17 extraordinary collections at the Library to Vermonters and
18 folks all across the country.

19 So, can you just elaborate a little bit on that, what
20 is involved, what we can do to enhance it, and what kinds
21 of things are within reach through the digitization
22 process? Thank you.

23 Dr. Hayden. One of the lessons learned and
24 opportunities during the pandemic was our ability to have
25 virtual programming that had a certain level of excellence

1 as well.

2 And we were able to perfect our -- and use some of our
3 existing multimedia staff to record videos to be able to do
4 live programing, and that is continuing. And we have seen
5 an uptick, particularly with programs like the National
6 Book Festival.

7 A one-day event, before the pandemic, of 200,000
8 people in the convention center. During the pandemic, we
9 were able to still have programing and we reached people in
10 every State and worldwide, and so we will continue August
11 the 12th with the in-person, but also the virtual
12 programing.

13 That, Thursday Evening Live at the Library, that I
14 mentioned before is a new way to do it. And that is also
15 being able to be live streamed and then watched on our
16 website afterwards. And we are making sure that we push
17 out through social media the different programs that are
18 available, the concerts that the Library has, the classical
19 concerts and jazz and those things.

20 They are also being broadcasted out. So, the digital
21 access and the programing has really expanded our reach,
22 and we have seen such an uptick in people viewing online,
23 viewing whenever they can, and they don't have to be there
24 in person. And so, it has been a wonderful --

25 Senator Welch. I mean, how does that work? You mean

1 for like a program, you can go on the link, and you can
2 call it up, and see a recording of it?

3 Dr. Hayden. For different programs, some you can
4 watch simultaneously, some you can watch later, and they
5 will be -- and they are on the Library's website. So, if
6 you missed an author, you can go on to the website and view
7 the author talk.

8 Senator Welch. But you are digitizing some of your
9 products -- the collections --

10 Dr. Hayden. Now the collection -- right, and that is
11 another aspect. And the programming --

12 Senator Welch. Just go on about that a little bit.
13 Explain that.

14 Dr. Hayden. At this point of the 175 million items
15 that the Library has, we have digitized 61 million items
16 that are available, and that includes something that we
17 were able to do during the pandemic, and that is to
18 digitize the collections of 23 Presidents, early Presidents
19 from George Washington to Calvin Coolidge, the papers of
20 Rosa Parks.

21 And so those collections are available for anyone to
22 look at. We also have some collections that are rights
23 free that are on -- so what we are not putting on are
24 things that are covered by copyright or that have rights
25 restrictions. But the manuscript collections are the ones

1 we are prioritizing.

2 I would also mention that we had during the pandemic,
3 and then continued, a transcription project with the
4 public. And over thousands, hundreds of thousands of items
5 were transcribed and put up, like letters to Abraham
6 Lincoln that hadn't been seen.

7 So now you can go and get, see the -- what he wrote,
8 but also a transcription that you could probably read. So,
9 all of this makes the collections come alive and we are
10 putting up and making sure we digitize the unique things --

11 Senator Welch. Right.

12 Dr. Hayden. Teddy Roosevelt's diary. Clara Barton's
13 diaries. Those are the things that you would have to come
14 in person to see.

15 Senator Welch. Great. Thank you. I yield back,
16 Madam Chair. Thank you very much.

17 The Chairman. All right. Well, thank you. The votes
18 being called but Senator Fischer is going to ask the one or
19 so questions, and then I will finish up with a few more.
20 So, thank you, Senator Welch. Senator Fischer.

21 Senator Fischer. Thank you. Just a short question
22 for you, Dr. Hayden. The Library is looking at the final
23 year of the current five year strategic plan.

24 Can you talk about the success of the implementation
25 and what benefits are the Library and its users going to be

1 able to see as a result of this?

2 Dr. Hayden. Well, this is the fifth and final year of
3 our current plan, enriching the Library experience. And it
4 put the users in every part of the Library, the Congress,
5 the creators, the connectors, the learners at the heart of
6 what we do, and it guided us in terms of how we reach out
7 to our customers, how we measure success, and also how we
8 bring in the digital aspect to reach them.

9 We have started this past summer on the new strategic
10 plan, and one exciting part about it is that we have come
11 so far with the digitally enabling aspect from the previous
12 plan. We had a separate digital strategy from the
13 strategic plan -- it was a separate.

14 Now the digital strategy is going to be integrated in,
15 and it has been really exciting as our Chief Information
16 Officer, Judith Conklin, who is here with us and a
17 cybersecurity expert, I have to mention that.

18 Technology is baked into everything we do, and so that
19 will be a wonderful part of synergy. And so, we will be
20 ready to launch the new strategic plan, new five-year plan,
21 Fiscal Year 2024 to 2028, on October 1st. And we will be,
22 of course, briefing the committees and everything before
23 that. But it is really an exciting time because --

24 Senator Fischer. Thank you.

25 Dr. Hayden. -- digital is part of everything now.

1 Senator Fischer. It is. It is. Well, thank you very
2 much, doctor.

3 The Chairman. Thank you very much, Senator Fischer.
4 I promise copyright questions that I know you have been
5 waiting for. Very simple area. Last year, the copy
6 -- that was sarcastic.

7 Last year, the Copyright Office fully rolled out its
8 online filing system as part of its effort to improve
9 processing times for those seeking a copyright. Since you
10 last testified before this committee, the Office further
11 reduced average processing times, which was one of the
12 major goals for many of us, for copyright applications by
13 nearly a month, down from 3.4 months to 2.7 months.

14 What steps is the Copyright Office taking to continue
15 reducing the amount of time it takes to process
16 applications? And can you briefly explain the importance
17 of the Copyright Office's ongoing work to make all of its
18 public services, including records and licensing, available
19 online?

20 So, you can take the online question first, and then
21 go into the amount of time and what you are doing to try to
22 reduce time.

23 Dr. Hayden. The reduction in the processing times was
24 significant and was major effort because the processing
25 time, and this is even during the pandemic, decrease from

1 those 3.4 months down to 2.7, and it has fallen even more
2 during this, and currently is 2 months, and 98 percent of
3 the applications are now being filed electronically and 85
4 percent of the applications for registration were received
5 with electronic deposits.

6 And so, the backlog of physical deposit claims that
7 existed before the pandemic have been eliminated. The
8 recordation pilot and the public records were made
9 available to the public. And we have had an opportunity to
10 make millions of record book pages available online. And
11 that was before totally in print.

12 And we released hundreds of thousands of application
13 cards. And so, when you think about the outreach and what
14 the Copyright Office has been able to do in terms of using
15 technology, they are well on their way with their IT
16 modernization, and they have a public advisory board that
17 has been reviewing along the way their efforts and being
18 part of the testing.

19 So, we are looking at that as a model, too, for the
20 CRS efforts.

21 The Chairman. I know that keeping the staffing on the
22 CRS side as well. I was going to mention that -- you
23 brought up CRS -- is going to be really important and maybe
24 I will end with that, but I just have another copyright
25 question.

1 In March, the Copyright Office launched a new
2 initiative to examine copyright law and policy issues
3 raised by artificial intelligence. I assume that means you
4 are going to solve all our artificial intelligence issues
5 for the nation.

6 But in truth, if you could talk about this. I have
7 actually been pushing people from the White House to our
8 -- my fellow members of Congress in briefings, both closed
9 door and open, that we want to make sure one of the major
10 goals of any rules that we adopt, whether it is the
11 Administration or through Congress, which I think we will
12 have to pass laws as soon as possible, that we also clarify
13 and include some of the protection of intellectual
14 property.

15 And then whether that is copyrighted news stories or
16 whether that is movies or whether that is any kind of
17 copyrighted material, especially since while there is an
18 exception under Section 230 so that there can be lawsuits
19 regarding copyrighted material, there has been a lot of
20 fast and loose playing when it comes to our content online
21 in the past by some of these major platforms, not to
22 mention minor platforms.

23 And I am very concerned about that going forward since
24 innovation and ideas and American leadership in that area
25 has been one of the keys to the success of our incredible

1 American economy. And losing that, no matter how desirable
2 leading an AI is, which we understand the importance of
3 that, but losing that right over new ideas and innovation
4 could be devastating to our economy and to our way of life.

5 So, in your view, how is the office doing in terms of
6 keeping pace with technology challenges posed by copyright
7 applications involving artificial intelligence? How can we
8 be helpful?

9 Dr. Hayden. The Copyright Office is very aware of the
10 developments with AI technology. They are reviewing more
11 and more applications for works created by AI. They also
12 have rejected claims for copyright protection on works or
13 portions generated by AI, on the grounds that copyright
14 requires human authorship.

15 And so, they are also looking at how AI is going to
16 affect the entire copyright system, including the issues
17 with authorship, ingestion of large volumes of work for
18 machine learning, and the register of copyright.

19 Chair Perlmutter joined the Director of the U.S.
20 Patent and Trademark Office in a letter last December to
21 two Senators describing their initiatives and activities.
22 Their -- both agencies are working very hard. And just
23 this march, the Office of Copyright launched a
24 comprehensive initiative, including guidance that they
25 provide to those seeking to register works created with AI

1 tools.

2 They hosted a series of events, and the Register of
3 Copyrights has been a keynote at several of these events,
4 assessing it and the copyright issues. And they are
5 soliciting public comments and a notice of inquiry. They
6 are making use in their own office of using artificial
7 intelligence, like how they can extract data.

8 And so, they know that the speed of AI is going to
9 affect their work, so they have also been involved with
10 some Federal litigation, and they even have issued a letter
11 canceling a registration for a graphic novel that was later
12 found out not to have been authored by that.

13 So, they are very involved, and they have said that
14 they know that this is going to make marriage a part,
15 because of what you have said.

16 The Chairman. Thank you. Let me just have my last
17 question here. Senator Hagerty has arrived, and it is
18 fitting, given his home State of Tennessee in Nashville.

19 My question is about music, and that is the Music
20 Modernization Act, bipartisan legislation I supported that
21 became law in 2018 to update the music licensing process
22 and make it easier for songwriters to receive compensation
23 from digital streaming services.

24 Last October, the Copyright Office proposed a new
25 rule, which is supported by artists and songwriters, to

1 clarify that songwriters should be the ones to receive
2 royalties from streaming services if they have regained the
3 rights to their music, not their former publishers.

4 What do you expect the Copyright Office -- when you
5 expect a correction? When do you expect the Copyright
6 Office to issue a final rule on this matter?

7 Dr. Hayden. Well, thank you for the question, because
8 it is an open rulemaking, and the Copyright Office must
9 follow the rulemaking procedures set out under the
10 Administrative Procedure Act.

11 So, I won't be able to give any definitive on a timing. I
12 would like to refer you, though, to the Copyright Office
13 for the response, so they can provide a response for the
14 record.

15 The Chairman. Okay. Thank you. I will do that.
16 Thank you very much, Dr. Hayden. Senator Hagerty.

17 Senator Hagerty. Thank you, Senator Klobuchar. And
18 thank you for opening on my favorite topic of the music
19 industry. And, Dr. Hayden, thank you for joining us today.
20 It was nice to be with you at last night's leadership
21 dinner. I think everybody had a wonderful time. And thank
22 you for the hospitality.

23 And I also want to compliment your Youth Leadership
24 Council, too. It is an excellent organization. To go back
25 to the topic of music, talk with you about the United

1 States Copyright Office. It is housed in the Library of
2 Congress, and it has a unique role in ensuring the
3 responsible implementation of new technologies such as
4 artificial intelligence.

5 And while artificial intelligence offers many
6 promising benefits, its increasing prevalence doesn't come
7 without certain drawbacks. Tennessee is home to so many
8 performing artists and songwriters who have the potential
9 to be greatly impacted by artificial intelligence.

10 And I am sure you are aware, last month, artificial
11 intelligence was used to clone the voices of two artists,
12 Drake and the Weekend, and it was used to produce a song
13 that went viral on social media.

14 So, my first question, Dr. Hayden, is given the
15 growing pervasiveness of AI, how does the Copyright Office
16 plan to protect the copyrighted works and use of voices of
17 performing artists?

18 Dr. Hayden. I mentioned that the Copyright Office is
19 very aware of the impact of AI, and they are now rejecting
20 claims to copyright protection for works or portions of
21 works generated by AI. And that is on the grounds that
22 copyright requires human authorship.

23 They also are looking at the impact of AI on the
24 broader system, and they are working with the U.S. Patent
25 and Trademark Office as well on regarding these

1 initiatives. It is something that they are keenly aware
2 of, and the Register of Copyrights, Chair Perlmutter, is
3 very involved.

4 Senator Hagerty. Could we go just into a little bit
5 more detail on what you just mentioned, the decision by the
6 Copyright Office that a work cannot be registered if it is
7 made without any creative contribution from a human being,
8 from a human actor? Just clarify that for us.

9 Dr. Hayden. Well, I might not be able to clarify it
10 as carefully as the Register, and she can provide that for
11 you, for the record. We understand that the current
12 copyright law requires human authorship, and the level is
13 what is also a concern.

14 Senator Hagerty. Okay. I appreciate coming back,
15 getting more detail, but again, thank you for the
16 leadership of the Copyright Office in this front. Also in
17 March, the Copyright Office issued a statement of policy to
18 clarify its practices for examining and registering works
19 that contain the material that is used by AI.

20 And undoubtedly it is going to play a significant role
21 in the creative process. I very much appreciate the
22 activity there at the Copyright Office of launching its new
23 artificial intelligence initiative in March of this year.
24 And my hope is, Dr. Hayden, that you will continue to
25 maintain your attention to this important matter.

1 I am sure that you will. And I would like to point
2 out that it isn't an issue that nearly applies to the music
3 industry. Indeed, I think it represents a much larger and
4 more complex set of issues that we are going to have to
5 address as a nation when we deal with artificial
6 intelligence and as it proliferates across every aspect of
7 our culture, society, our economy.

8 But I think that you have an incredibly important role
9 to play and an important leadership role to play that
10 affects my State in an industry that is very important.
11 So, thank you for your leadership there. Madam Chairman.

12 The Chairman. Well, thank you very much, Senator
13 Hagerty. I think I have to go vote at this moment, but I
14 wanted to thank you, Dr. Hayden. It has been -- I think we
15 have covered many of the topics I introduced. I will put
16 some questions on the record about your work with the
17 blind, as well as the work that we -- I mentioned on
18 staffing with CRS.

19 But I am grateful for you for being here today and
20 sharing all that you have done and are continuing to do to
21 modernize and increase public access to the nation's
22 Library while preserving its rich history.

23 It makes clear to me that the Library is a place for
24 everyone, whether they are many of the ones of the many
25 visitors, and I loved your goals of getting those numbers

1 up. Of course, we have seen a major increase since last
2 year, but we want to share that with even more people.

3 And I hope that the changes that you are making, which
4 Senator Fischer was so positive about, as I am as well,
5 with the Treasures, and with the changes to have a Welcome
6 Center, and the Source and the like, will be viewed as a
7 reason for even people who haven't been there for a while
8 to return to the Library of Congress.

9 We also, as noted by Senator Hagerty, artists and
10 songwriters, protect their work in the Library of Congress
11 and with the Copyright Office. Researchers delve into our
12 history, like maybe my husband has done a few times,
13 writing some books as a law professor. And visitors come
14 to see the Library's beautiful exhibits, like Thomas
15 Jefferson's collection of books.

16 I look forward to continuing to work with my
17 colleagues on this committee to support the Library, as
18 noted by our ranking member. I thought that was very
19 important what she said about that is, you want to proceed
20 with this project, and we are there with you and want to do
21 anything to get whatever obstacles out of your way so you
22 can get it done.

23 As we always say, the obstacles aren't obstacles.
24 Sometimes the obstacles are the path, which means coming to
25 us for help, and so we can support your Library and your

1 dedicated employees. Thank you very much. The hearing
2 will remain open for a week, and we are adjourned.

3 Dr. Hayden. Thank you.

4 [Whereupon, at 3:45 p.m., the hearing was adjourned.]

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