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# United States Senate

WASHINGTON, DC 20510

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## VIA ELECTRONIC TRANSMISSION

August 27 2019

Dr. Carla Hayden  
Librarian of Congress  
The Library of Congress  
101 Independence Ave, SE  
Washington, DC 20540

Ms. Karyn Temple  
Register of Copyrights  
United States Copyright Office  
Washington, DC 20559-6000

Dear Dr. Hayden and Register Temple:

As Chairman of the Senate Judiciary Committee's Subcommittee on Intellectual Property I am very interested in the current status of IT modernization at the Copyright Office. Millions of Americans enjoy the benefits of a robust copyright system, and the development and use of copyrighted materials, including movies, music and books, fuel our economy. According to the International Intellectual Property Alliance's (IIPA) 2018 report, "*Copyright Industries in the U.S. Economy*," copyright intensive industries contribute \$1.3 trillion to the U.S. gross domestic product, representing almost 7% of the entire American economy.

Unfortunately, America has fallen behind in one crucial aspect of the copyright system: ensuring that the American people have a nimble, state-of-the-art, and efficient Copyright Office at their service. I was very pleased to have Register Temple testify before the Subcommittee in late July - the first time in a decade that the Copyright Office leadership appeared before the Senate Judiciary Committee for an oversight hearing. I recognize that the Office has tried to adapt over time, but it has been limited by outdated statutory authorities, the lack of adequate appropriated funds, antiquated legacy IT systems, and other structural issues. As a result of these ongoing issues, I was pleased to announce at my oversight hearing a bipartisan, bicameral effort to legislatively modernize the Office.

While I intend to move quickly to legislatively modernize the Copyright Office, I am aware that such an effort will take time. In the interim, I know that your offices are working to modernize the Copyright Office through the Copyright Office's Strategic Plan. I am pleased that key aspects of the Strategic Plan include: (1) implementing a new enterprise copyright system (ECS), (2) updating the public recordation system, and (3) modernizing the registration system. The goals are laudable, but I am troubled by the purported time it may take to implement these goals.

For instance, the "*2018 Year in Review*" report on the Copyright Office Modernization provides a timeline for the recordation phase of the program that indicates that development will start in Q4 of 2019 and finish in 2023. This seems unnecessarily long in the current age of agile IT. Based on input from the IT field, I am concerned that the Library's current contracting process may be contributing to the delays - with longer review and implementation timelines than are necessary in the current IT landscape.

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I believe it is in the public's interest to speed up the modernization process so that users of the copyright system can get the service they deserve without having to wait years. I am not suggesting re-working any of the existing modernization efforts of the Copyright Office. Rather, I urge you to ensure a more competitive process in the future for accelerated development of the new systems that will be necessary to achieve the dual goals of modernization and improved customer service. To that end, I ask that you answer the following questions by no later than September 30, 2019:

1. What steps are the Library of Congress and the Copyright Office taking to support a more advanced, agile and flexible approach to IT modernization?
2. What is the Library of Congress doing to ensure the new enterprise copyright system is continually updated to remain current and doesn't become outdated within a few years of implementation?
3. I understand there are now newer and faster approaches to IT system development. For example, "low-code platforms" can apparently accelerate development, improve existing IT capabilities, innovate products and services, and become more agile - leading to new systems being implemented ten times faster than traditional methods. To that end, what steps are the Library of Congress and the Copyright Office taking that could enable business users and IT developers to collaborate more effectively and produce updated systems in just weeks?
4. Will the Library of Congress and Copyright Office conduct a full and open competition for the future development of its strategic plan goals, rather than continue to work exclusively with existing LOC and CO staff and legacy Library of Congress contractors? I believe a more competitive process in the future for accelerated development of the new systems will be necessary to achieve the dual goals of modernization and improved customer service.
  - a. If the answer is no, please explain why. If the answer is yes, please explain how your offices will go about implementing such a full and open competition.
5. Will any portions of modernization of enterprise systems be performed internally by the Library instead of by contactors? If so, why?
6. What role will the Copyright Office have in selecting contractors to implement modernization? Will the Library of Congress give the Copyright Office autonomy to select and hire contractors that it believes will best serve the copyright community? If not, why not?
7. I understand from conversations that I have had with IT specialists that the Copyright Office could likely implement a pilot program in 8-12 weeks to modernize the registration system. Under this more advanced approach to modernization, the Copyright Office would have real-time data about what was working and what needs to be tweaked within weeks, not months or years. Will your offices explore the feasibility of implementing a registration pilot program?

I look forward to continuing to work with you, your staff, and other interested parties, throughout the ongoing Copyright Office modernization effort. If you have any questions, please do not hesitate to contact me. Thank you again for your attention to this matter, and I look forward to your responses on September 30, 2019.

Sincerely,



Thom Tillis  
United States Senator

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