

Testimony in the Form of a Letter on the FY-1995 Appropriation for the Library of Congress (in Connection with the Hearing of Public Witnesses)

Presented to the Honorable Vic Fazio, U.S. House of Representatives, Chairman, Legislative Subcommittee, Committee on Appropriations, by John Hammer, Director, National Humanities Alliance

February 2, 1994

The Honorable Vic Fazio
U.S. House of Representatives
Chairman, Legislative Subcommittee
Committee on Appropriations
H-302 Capitol Building
Washington, DC 20515
In Connection with its Hearing of Public Witnesses
2 February 1994
Dear Mr. Chairman:

I write in support of the Library of Congress's appropriations request for FY-1995.

As you know, witnesses for the National Humanities Alliance have appeared before the subcommittee frequently over the years with the intention of strengthening the members' understanding of the critical importance of the Library of Congress not only for scholars, students, librarians, but also for the entire nation. Outstanding members of our community including Louis Harlan (University of Maryland, the American Historical Association), Phyllis Franklin (Modern Language Association), and Stanley Katz (Princeton University and the American Council of Learned Societies) have provided the subcommittee with examples of the importance of the Library's collections for research and its critical support for the entire network of libraries -- from neighborhood branches of city libraries to the unique collections within the great research libraries.

The National Humanities Alliance, in collaboration with a number of its library members, has followed the progress of the Copyright Reform Act -- especially its possible impact on the Library of Congress and its collections -- with interest and concern. I write today to share some of those concerns and to draw your attention to the likely cost implications of the legislation should it become law in the form in which it passed the House of Representatives in November.

The missions of the Library of Congress and the Copyright Office have been closely linked for more than a century. A key factor in making Congress's library the national library was the Congressional designation of the Library of Congress as the repository for U.S. copyright deposits. The central fact of the Library's acquisition policy is its repository role. While it has been noted, sometimes as a reason for change, that the Library of Congress/Copyright Office relationship is unique among countries, the spectacular strength and breadth of the Library is clear evidence that the relationship is beneficial to the U.S.

The Copyright Reform Act (HR 897) proposed to significantly alter the relationship between the Library of Congress and the Copyright Office by a) removing two of the three incentives for registration and deposit, b) transferring appointment of the Register of Copyrights from the Librarian of Congress to the President, and c) removing from the Librarian of Congress any authority over Copyright regulations and staff. We are not opposed to change -- especially if the change offers promise of improvement. The changes contained in HR 897 offer the potential to weaken the Library's future collections in terms of the breadth and timeliness of its acquisitions. In the case of the Law Library, if dependent on demand and its enforcement, the additional delay in the receipt of could undermine the ability of the Research Service to fulfill basic legal materials, we believe Law Library and Congressional missions to Congress.

There are many other implications of HR 897 for scholars, libraries, and publishers in terms of a chilling effect on the ability of scholars to reference unpublished materials, diminishment of the copyright system, and so forth that are of concern to the National Humanities Alliance but here we are focusing on the potential effect on the Library's budget.

First, we recognize that the decision to down size the Library is a fact. Mr. Chairman, we appreciate the care, attentiveness, and sensitivity to the importance of the Library that has characterized the subcommittee's actions in this regard. The changes that HR 897 would bring about in this atmosphere are troubling indeed.

In 1992, the Copyright Office transferred to the Library of Congress materials valued at more than \$12 million. The costs to develop and carry out a revised acquisitions process that would approximate the inflow of materials under the present system are difficult to estimate but seem likely to vastly exceed the costs of the present arrangement. Under HR 897, provision for mandatory deposit of published works would remain in effect under the bill. However, with removal of incentives for voluntary registration, enforcement of demand deposit would be expensive, less timely, and much less comprehensive. To identify and demand publications and other works from the many small publishers and producers would not be practical. The impact of the Library's collections of published works would be significant, resulting in a less stable, less comprehensive, less valuable, and potentially more costly record of the national's creative and intellectual heritage. In this current budget climate, it is not at all certain that funds would be available to make up the difference.

One provision of HR 897 calls for the Librarian to publish "in the Federal Register a statement of the categories or works of which the Library of Congress wishes to acquire copies or records under this section during the next calendar year. The Librarian shall review such statement annually in light of the changes in the libraries policies and procedures, changes in technology and changes in patterns of publication and dissemination". This provision is likely to require significant staff time for review and for procedural purposes just at a time that the Library is moving deeper into a downsizing mode.

We recommend that the subcommittee take two actions with regard to the concerns raised here:

- 1) Inclusion of report language urging that if HR 897 becomes law, the implementation should be phased in slowly so that necessary appropriations will be available, and
- 2) Specifically indicate in the report that passage of HR 897 would require supplemental funds for the Library.

If you or your staff would like more information on the issues raised in this letter, I would be happy to assist in arranging a briefing.

Sincerely,
John Hammer
Director