



B26-0490, Library E-book Pricing Fairness Amendment Act of 2025

Council of the District of Columbia or Ohio House of Representatives

Committee on Human Services

Testimony from:

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Table of Contents

1.	Introduction and Background.....	1
2.	District of Columbia Ebook and Audiobook Performance and Engagement Data.....	3
A.	District of Columbia Public Library (DCPL).....	3
B.	District of Columbia Public Schools (DCPS)	7
3.	Additional insights and questions for the committee	9
A.	Ebooks and audiobooks are fundamentally distinct from traditional print books and audio CDs	9
B.	Books are purchased for many different reasons.....	13
4.	Opinion: The proposed law will not produce the outcomes proponents seek on behalf of DCPL.....	22
A.	The bill will not achieve its intended outcomes because it is flawed in several irreparable ways.	24
B.	If this law goes into effect, it will be disastrous for the District of Columbia Public Library.....	25
C.	DCPL active patrons will stop using the library. Many will never return.	26
D.	Loss of content will devalue the library catalog for discovery and relevance	29
5.	Closing.....	35

Chairperson Matthew Frumin, members of the Committee on Human Services, and library administrators, staff, and educators from the DCPL and DCPS:

Thank you for the opportunity to submit written testimony regarding B26-0490, the “Library E-book Pricing Fairness Amendment Act of 2025.”

I appreciate the Committee’s attention to the important and evolving issues surrounding access to digital materials in public libraries and schools and the thoughtful consideration being given to how best serve District residents in a rapidly changing digital marketplace.

I am grateful that DC Public Library Director Richard Reyes-Gavilan, who testified on this matter, invited me to offer my perspective and insights on this matter with the Committee. Director Reyes-Gavilan’s focus on the role of public libraries in providing equitable access to digital and print resources is invaluable. His commitment to serving the residents of the District is deeply appreciated. I join in congratulations to everyone at DCPL for winning the Urban Library Council’s Top Innovator Award for Library Operations and Management.

1. INTRODUCTION AND BACKGROUND

I am Steve Potash, CEO of OverDrive, Inc., a Cleveland, Ohio corporation I formed in 1986 with Loree Potash. I am offering this testimony, data, and opinions for the committee's consideration relating to this important matter.

I earned my B.A. in Journalism from The Ohio State University, and a Juris Doctor from Cleveland State University College of Law. I am admitted to practice in the State Courts of Ohio, US Federal Courts, and the Supreme Court of the United States. Prior to and while launching OverDrive, I practiced law, primarily working for business clients on a wide variety of commercial matters. During these years I also served my local community as an acting municipal court judge, as well as Special Counsel for several Ohio Attorney Generals over a 15-year span. For more about my background, see Appendix A.

My testimony in this matter is solely based on my role as the chief executive officer of OverDrive and our working relationship with the professional staff at DC Public Library (DCPL) and DC Public Schools (DCPS). This is not being offered in any legal capacity. For the committee to better understand my perspective, included is a summary of our journey and learnings from hands-on experience that have been part of the services in use by both DCPL and DCPS.

OverDrive is a mission-based company that supports libraries and schools. Named a Certified B Corp in 2017, OverDrive serves more than 90,000 libraries and schools in 115 countries with the largest digital catalog of ebooks, audiobooks, magazines, video and other content. Award-winning apps and services include the Libby library reading app, the Sora student reading app, the Kanopy video streaming app, and TeachingBooks.

As CEO of OverDrive, I lead our mission-based company to achieve our vision of a "World Enlightened by Reading". With the support of over 100 in-house public and school librarians, we prioritize access to content and resources that support and align with the mission of our school and library partners. As a Certified B Corp, we hold ourselves accountable to higher standards of transparency, giving back to all communities, and supporting the mission of community institutions of learning and opportunity.

OverDrive co-founder Loree Potash (BA in English, The Ohio State University), earned her master's in library and information science degree (MLS) from Case-Western Reserve University (CWRU) in 1975. She began her library career as a Catalog Librarian at CWRU Law School Library, while earning her J.D. from Cleveland State University College of Law in

the evenings. For more background about OverDrive co-founder Loree Potash, see Appendix B.

Since our earliest meetings with the librarians from Cleveland Public Library in 2002 through today, our journey has been guided by north star principals for our role in this industry. The educator, school librarian, and public librarian represent our nation's greatest and most proven resources for improving lives in all communities. We serve librarians. We challenge ourselves to improve the value we deliver to every partner and their end-users. Our achievements and the progress in growth of adoption of digital book usage at the library and in the classroom are because of librarians who shared their challenges and opportunities with us. We constantly engage with our library partners inviting them to help us navigate, advocate with our suppliers, and experiment and pilot new content access models, innovations that delight readers, acquire new patrons and card holders for every institution, and most importantly, maximize the value of their relationship with OverDrive through evolving and data-driven practices and results that matter.

We are presenting our data and perspective today because of OverDrive's deep dedication to continue to improve and develop increasingly more cost-efficient solutions to support the dramatic growth of digital books. This has been ongoing, and I am proud of our established track record of advocacy and support for all libraries and all librarians. We are recognized as the lead Library Champion by the American Library Association (ALA). OverDrive's ongoing investments in the profession include financial and resource support for the Public Library Association (PLA), and the American Association of School Librarians (AASL), among others. OverDrive's culture of community service and philanthropy is also a source of pride for our team. A report on our company's deeds, values, and investments that benefit readers and libraries can be found in our 2025 Corporate Social Responsibility Report.¹

¹ https://static.od-cdn.com/company/OVERDRIVE_CSR_REPORT_2025.PDF

2. DISTRICT OF COLUMBIA EBOOK AND AUDIOBOOK PERFORMANCE AND ENGAGEMENT DATA

A. District of Columbia Public Library (DCPL)

In 2007 under the leadership of Former Director Ginnie Cooper, the District of Columbia Public Library introduced ebook and audiobook lending to the community. For 19 years, OverDrive has been proud to partner, learn from, and grow the value of digital books to all patrons in the District as a core component of the library's mission.

OverDrive has greatly benefited from the learnings and priorities set by the DCPL Collection Development leadership over the years. DCPL launched its digital library service the same year as Amazon introduced its Kindle ebook reader and store and 3 years before the iPad (2010) was launched, soon followed by waves of tablets.

OverDrive is deeply grateful to DCPL's leadership for shaping our platform. **Elissa Miller** (former Head of Collections) joined our team post-retirement, where her expertise in Latino/SA cultures was vital in building our inclusive Spanish and Portuguese catalogs. Between 2004 and 2010, **Sheryl Katzin** (former Associate Director) and colleagues from New York's public libraries were instrumental in refining our unit cost analysis and streamlining librarian workflows. Today, we continue this successful partnership with **April DeRome**, who expertly manages DCPL's electronic resources.

The performance charts that follow show the success in growth for patron acquisition, engagement, and circulation of materials. While there is more progress to achieve, key objectives are met when more patrons are served, at a lower cost per circ. DCPL librarians select the materials, curate collections for each target audience, train staff and patrons, provide support for seniors, accessibility users, and support all DCPL users.

For this committee's consideration, data for the prior 16 years (2010–Dec 2025) is provided to show trends over time. It should be noted that the data contained in these reports is **solely** from digital content from the OverDrive platforms and apps. These reports do not include digital content data from any 3rd party digital provider to DCPL.

DCPL 2010-2025 Digital Content Spend

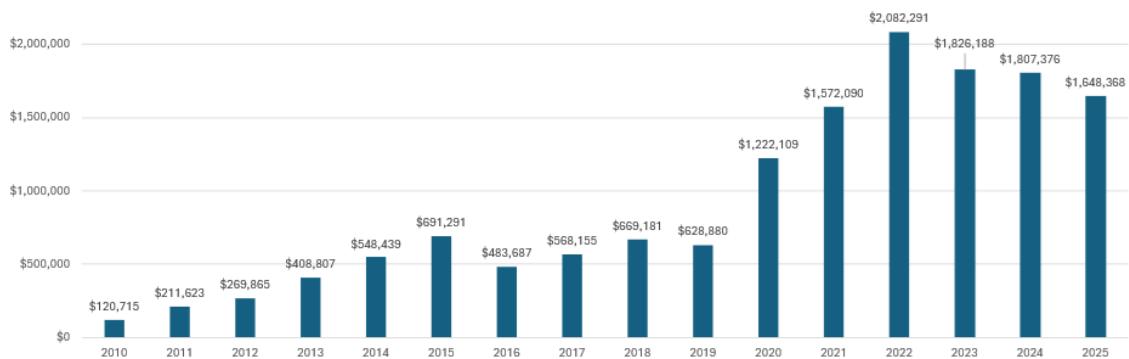


Table 1: DCPL Digital Content Spend 2010-2025²

At the time of this report, the DCPL digital collection from OverDrive contains **95,000+ unique titles (about 70,000 ebooks, 19,000 audiobooks, 1,000 juvenile read-alongs, 6,000 magazines)**. Not included in this data is viewing or usage of films and video (Kanopy) or other digital materials and resources made available to DCPL. These include regular Book Club, Big Library Reads, Together we Read, and other promotional collections made available to DCPL, often at no cost.

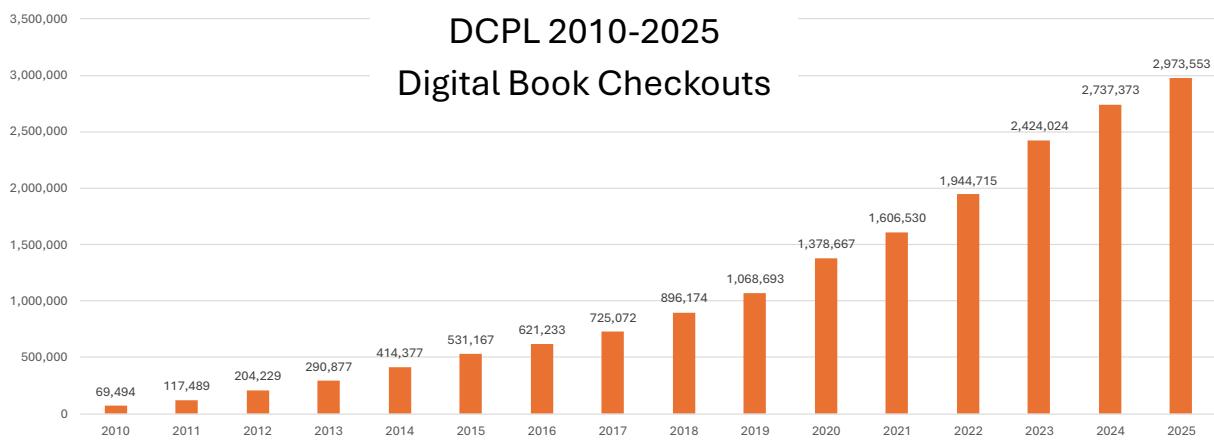


Table 2: DCPL Digital Book Checkouts 2010-2025

² Tables in this testimony represent data available to OverDrive and may not include data from other library digital resources. Data included is from Libby and Marketplace systems, through December 26, 2025.

DCPL 2010 - 2025 Digital Content Spend & Checkouts

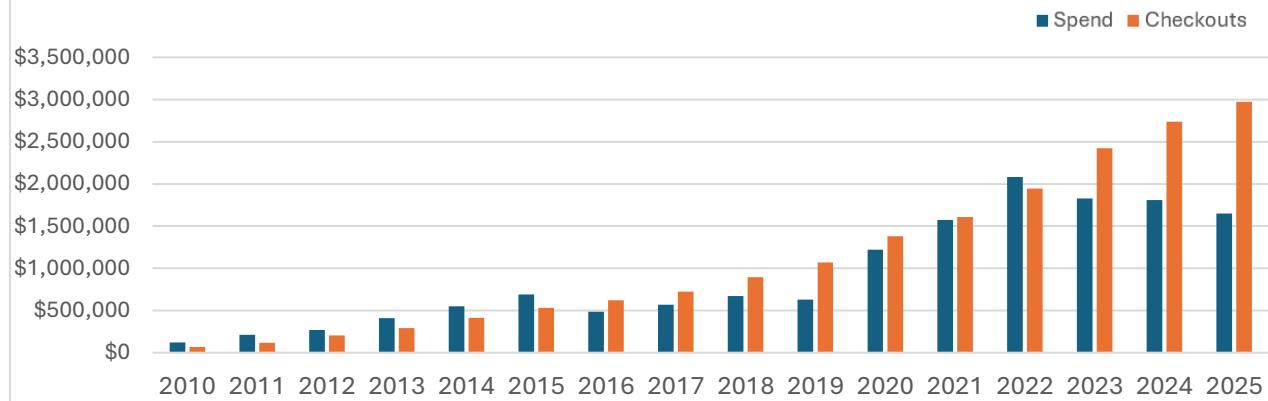


Table 3: DCPL Digital Content Spend & Checkouts 2010-2025

DCPL 2010 – 2025 Cost per Circ



Table 4: DCPL Cost per Circ 2010-2025

Except for 2022 (COVID impact), for **15 of the 16 years reported here, DCPL has served year-over-year, an increasing number of patrons, at a lower cost per circ.**

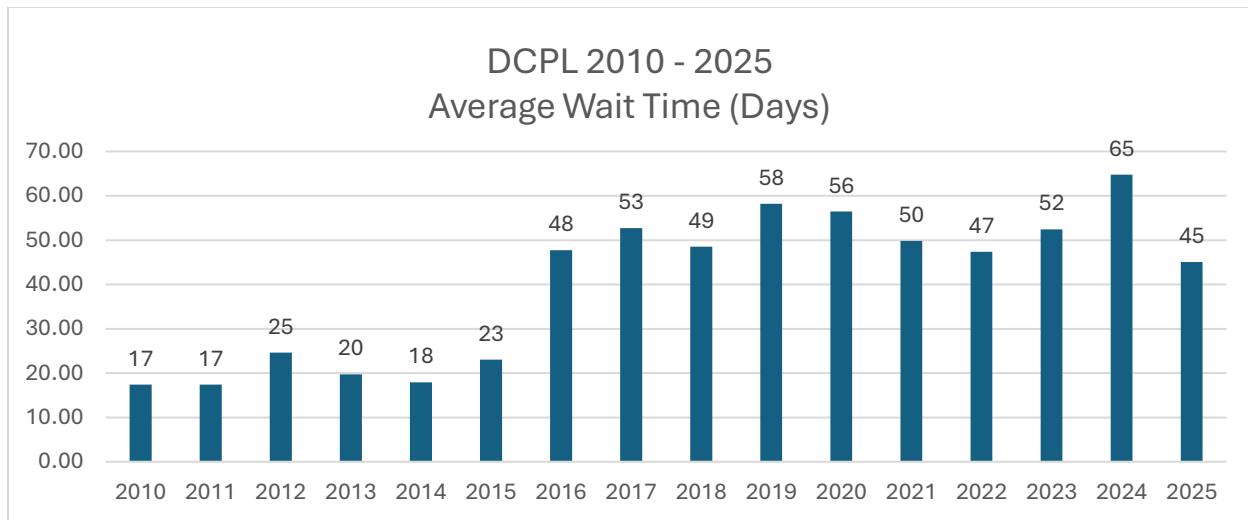


Table 5: DCPL Average Wait Time (Days) 2010-2025

In 2025 DCPL reduced patron average wait times from 2024 in a meaningful way because of DCPL collection development practices and updates to the Libby app.

B. District of Columbia Public Schools (DCPS)

Sora, the student reading app, launched at DCPS on May 26, 2020, with 3 pilot schools. As a result of the successful pilot combined with COVID impact, DCPS rolled out Sora districtwide to all their schools in July 2020. DCPS enrollment grew from 47,000 in 2020 to over 51,000 students today. DCPS has grown its Sora digital book collection over the past five years to include 12,500+ unique ebook titles and 700+ unique audiobook titles.

Dr. Kevin Washburn, former director of DCPS Library, established guiding principles for the digital library's introduction and adoption. Central to these principles is the belief that when a student wants to read, access should be immediate. The DCPS digital collection was developed using a variety of licensing models—Cost per Circulation, Subscription, On-Demand “*Class Sets*” (uniquely available to K-12 libraries offering extended access and lower cost per student), and high-capacity concurrent user options.

Dr. Washburn oversaw the implementation of Sora's Public Library CONNECT feature within DCPS. This technology allowed students to instantly toggle between the DCPS digital collection and the much larger DCPL juvenile and young adult collections. The ability for students using Sora to discover and access digital books from DCPL using their Sora student credentials without the need for a separate DCPL library card removed a major access barrier for many DC families.

Note: DCPS owes recent gains in literacy outcomes to Dr. Washburn whose achievements also include establishing a certified librarian position in every school. He was honored with a "*Standing Ovation Award*" for outstanding service in 2022.

As a result of these initiatives, DCPS saw steady growth in student digital circulation. Students were empowered to read "every day, everywhere," leading to the district's recognition for building a modern "culture of reading" that extended beyond the physical walls of the school building.

District of Columbia Public Schools Sora Checkouts and Sora Unique Users

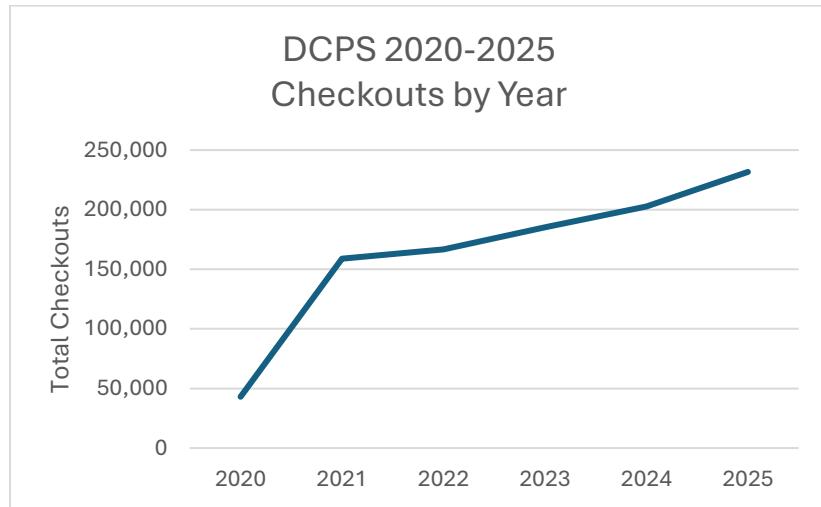


Table 6: DCPS Checkouts by Year 2020-2025

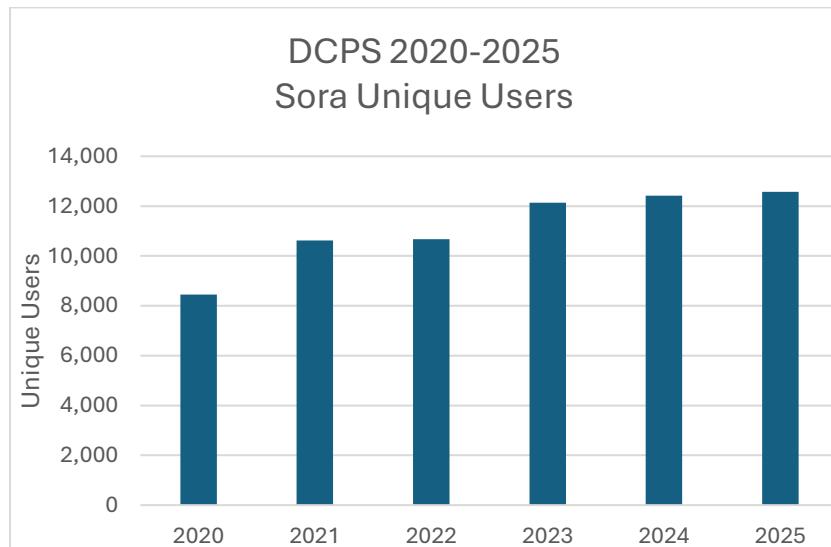


Table 7: DCPS Sora Users 2020-2025

Circ grew by 438% between 2020-2025

- Average titles used per active user grew from **~5 to ~19 titles**
- Active Sora users rose from **8,454 in 2020 to 12,417 in 2025 (47% increase)**
- Adoption grew across the District from **8% to 24% of the entire student population**
- Since launch, students opened **975,874 books for @24 million minutes of literacy engagement**
- In 2024, DCPS started tracking individual reading behaviors. DCPS students gained **one additional minute per day reading**, a measurable gain in sustained reading habits.

3. ADDITIONAL INSIGHTS AND QUESTIONS FOR THE COMMITTEE

A. Ebooks and audiobooks are fundamentally distinct from traditional print books and audio CDs

Supporters of the bill claim libraries get different prices, rights, and permissions for ebooks compared to print books. This is accurate. They are not buying the same product, a significant detail the bill conveniently overlooks.

Everyone who buys a print book, including schools and libraries, enjoys tremendous benefits from their purchase. Print books are fantastic and provide unique, special, educational, literacy, healthy, and tactile properties that an ebook does not offer.

OverDrive's mission celebrates all forms of reading, literacy, lending, bookselling, sharing, gifting, and donating books, because print books are essential.

Yet for all the wonderful things every print book offers, every ebook and audiobook made available from the public library inherently delivers a uniquely different experience from its print counterpart. Advancements in library science, discovery platforms, instant hold and circulation data, plus feedback from Libby users, all dynamically provide a completely distinct set of benefits for the library and all users of DCPL ebook and audiobook collections.

For over 20 years, the measurable ROI received by DCPL year-over-year continues to improve. It's the result of constant and increasingly more costly investments in optimizing every aspect of the librarian's workflow and readers' experience with the library. OverDrive has invested tens of millions of dollars annually to maintain, upgrade, protect, and fulfill its trusted role for DCPL and DCPS. We are committed to delivering world-class, high-performing digital library solutions, enabling the public library to grow its audience with new patrons and better ways to keep them coming back. OverDrive has also earned its relationship with the content owners with 35+ years of performance as a reliable, competent and trustworthy partner. Advances in permissions for digital lending are regularly improving. For a summary recap of the milestones on this journey please see Appendix E.

OverDrive, just like public libraries, honors and supports US and all national copyright laws that protect the interest of the owners and those investing in content creation and access. A cornerstone of our success is that all our business models, pilots, mass reading events, and more are permission based.

Our role as library advocates seeks lower cost of content and more efficient and patron-centric and cost/usage permissions. We invite publishers, authors, and librarians to join us in piloting new access models and value propositions.³

Authors, agents, and publishers all recognize ebooks and audiobooks as not the same products as print or CDs. I still marvel at extraordinary value and the ‘magical experience’ that occurs when an author’s content, presented from their trusted source (local library), is then enjoyed on Libby. For some suppliers, an increasingly more frequent comment I hear is that the library and Libby have taken out all the “friction” to borrow a new best-seller (sorry, not sorry).

This past year, public libraries nationwide recognized the exceptional success in taking advantage of the permissions granted from the owners to offer “always available” ebook and audiobook collections with no waitlists. This simultaneous access to all the books, as permitted by the owners, complemented other recent “value based” offers that benefit all libraries. OverDrive’s frequent face-to-face meetings with publishing partners and authors continue to drive progress toward better pricing and usage options for both U.S. and international content providers.

Supporters of this bill overlook the importance of reader satisfaction and fail to consider the cost and performance differences involved in circulating print books, such as staff time, transportation, and overhead, compared to the growing benefits of ebooks and audiobooks. The unique advantages of digital formats should be recognized by the Committee and documented.

They dismiss the library’s differing perspective because it contradicts their narrative. Rather than offering factual details or evidence to support their plan, they avoid delving into the many complex aspects of roles, rights, and permissions that are truly significant. It’s certainly easier for them to simply assure lawmakers that they’re protecting consumers from so-called “exploding” books. This reaction is predictable. Lacking any proof of genuine negotiation or advocacy with rights holders, they cast anyone skeptical of Controlled Digital Lending (CDL) as the antagonist in their story.

³ In partnership with Kent District Library (MI), with support from Executive Director, Lance Werner, we piloted a program last year testing the influence of the library to drive consumer traffic to author fan sites and newsletters. For 2026, we are preparing to test a service that connects KDL patrons that opt-in with a designated bookstore.

Publishing insulting cartoons may be part of their approach to building trust with publishers, authors, and vendors. While it doesn't bother me, I'm a bit surprised they portray public librarians as helpless, wide-eyed, passive victims.

Libraries entrust OverDrive with their reputation, budgets, time, and resources to achieve today's success. Working public librarians helped nearly every advance in the service. Along with our peers and competitors, public librarians have been an active part of the evolution of how real progress helps drive where this service is today.

Every week we respond to dozens of special requests by a librarian to either solve a problem or take advantage of an opportunity where *only* a digital book makes it possible. In every case, we work at the direction of the library yet remain responsive to the owners of copyright. Common examples include replacing cover images (i.e. now a major motion picture), correction or content updates or new edition when supplied by the rights owner, support for special need patrons (accessibility, non-English readers, incarcerated learners, etc.), and frequent ad-hoc requests to enable or drive success for hundreds of author, book club, or special reading events.

To argue that libraries are entitled to "Magical Library Books" at the same price of a Kindle ebook from Amazon, ignores the fact that print and digital library books are not the same product. Yet the bill's proponents want to strongarm their CDL contracts on every public librarian. It bans them from acquiring the digital content they want and their patrons need. According to my reading of the bill, librarians are banned from acquiring an ebook unless it is priced like a retail ebook, AND the content in the book must, by contract, grant unprecedented owner-like rights as articulated in Mr. Courtney's CDL Whitepaper.

The shell game they are proposing looks rigged to me. It is reported that the primary source of funding for Library Futures, Mr. Courtney's "non-profit", now comes from the same source of funding that funded Internet Archive's CDL permitted mass digitization efforts.

CDL has been declared unconstitutional by two federal judges. But it is reported that the vast majority of Library Futures funding (\$2.5 million in 2025) comes from the Arcadia Fund. This is the same Arcadia Fund reported in [Hachette v Internet Archive](#), as a key donor (\$1 million grant in 2018) to Internet Archive ("IA) specifically to digitize university book collections for the IA's Controlled Digital Lending (CDL) program.

While the Library Future squad portrays images of doom and gloom, everyday working public librarians are reporting stories of remarkable outcomes and success in service to their patrons and their staff. Librarians have called today's digital library offerings and

support “a dream come true”. For many underfunded libraries struggling to serve their communities often in remote villages, or small towns, they lean into either state sponsored or regional consortia to reach all corners of the underserved markets, all with permission from the content owners. According to the CDL-copyright deniers, they are entitled to every right to the “content” of the digital book, in perpetuity, for undisclosed, un-auditable, uses. Property owners interested in protecting their valuable asset from government control and forced to “relinquish” their owner rights, should vehemently protect their treasure.

I suggest the Committee take the time to recognize the extraordinary value both the library and every reader enjoys from the magical experience of today’s ebooks. This includes magazines, comics, manga, read-alongs, and accessible books, often available in dozens of languages. Today, library patrons using Libby experience multimedia, interactive, rewarding engagement with their local library.

For a summary of the key differences in value and benefit to the library, staff, and all readers comparing print books to ebooks and audiobooks please see Appendix C, Select Feature Comparison of Print and ebooks/audiobooks that Relate to DC Library Lending Efficiencies.

B. Books are purchased for many different reasons.

Public libraries and school libraries purchase both print books and digital content for a growing list of specific reasons and numerous purposes. This is possible by another magical quality of ebooks and audiobooks, their versatility. For the public library, access and compatibility are common priorities. But public librarians diligently evaluate, select, curate, promote, enhance, and manage their catalogs of digital content in line with their policies and practices.

As widely recognized in these proceedings, DCPL librarians are very well qualified to make their own decisions to acquire a digital book in the format and under the access model that they decide best serves their mission.

To suggest that the current list of CDL-inspired requirements satisfies every current and future opportunity for an ebook or audiobook to solve a problem is foolish. This bill blocks a librarian from removing the straitjacket it imposes on DCPL selectors. I can only imagine the frustration when they are banned from acquiring ebook and audiobook bundles, special promotional offers, or test new subscription plans that will deliver an absolute homerun for the library's digital collection.

This is not hypothetical. The following are 2 examples of the potential loss of opportunity and value if the CDL straitjacket bill suffocates public librarians.

1. A consortia member of a shared Libby collection purchased a series of specific books for their local Advantage account. They no longer have the present demand or need for these ebooks or series. They want to transfer the units to their Consortia shared collection to share the titles with all member libraries (Advantage Plus).

Annoying buzzer sound: Unless the consortia policies permit and accept the responsibilities of titles, understanding they may never be able to fill holds or acquire additional units for the unit they chose to display and generate demand for. The loss of this option to benefit and receive full value for a purchased digital book or unit (or balance of a subscription term, unused checkouts as paid for) may all go to waste. This is a no-win position for the public library.

2. A publisher, as part of a promotional offer with author permission, wants to make an offer to support a “citywide” reading program or campaign. The goal - provide every card holder in the service area access to their newly released hot ebook or audiobook title. They are willing to accept a cost per circulation at an unbelievably valuable price (\$.01 - \$.05 per circ). The title will bring communities together for a special event, seasonal promotion, or other opportunity to promote the library and its leadership role in the community for books and reading.

Annoying buzzer sound: No. Banned by law. Unless the specific unit comes with CDL owner-like permissions, you remain trapped in the straitjacket. It's a painful loss for the library's readers and mission.

This is just one of many negative outcomes of the ill-advised BBb⁴, which will hinder best practices in consortia and disproportionately impact smaller, rural, or remote libraries with fewer resources. At OverDrive, we've consistently observed that timely access to the right book can improve lives. This can only be optimized if the public librarians and their teams of information professionals are not strapped into a DC straitjacket.

If this BBb goes into effect, public libraries impacted will be in an awful series of no-win situations. A DCPL librarian may have to guide the disappointed patron to try to qualify in another state or region for a library card. Does the librarian have authority to recommend to a tax paying, loyal patron...you can go buy it at Amazon? Should public librarians become sales teams for Audible and Spotify premium, recommending monthly charges for access to audiobooks and be prepared to discuss every subscription plan they offer?

Books are not interchangeable consumer products when a student, senior, soldier, or any person or family, in the opinion of the librarian, is best served by the “one book” that they know will offer comfort, relief, guidance, or the answers the patron is seeking.

The librarian will be left with less options to solve the dilemma. A print copy or CD audiobook unit, if it exists, may work. I expect the same dilemma as reported by school and public librarians around the country. New policies should be considered. Should DCPL recommend patrons join libraries other than DCPL to obtain access to the titles prohibited by this legislation?

Public librarians had to deal with this difficult situation during a change in ebook permissions over a decade ago. One of the hottest topics at the 2017 Digipalooza,

⁴ For purposes of my testimony, I've decided to call this a Book Banning bill. As such, it's my opinion that this bill doesn't deserve “capital B” status. This should not be confused with another “BBB”.

OverDrive's bi-annual user group conference, was the challenges presented when Penguin (pre-Penguin Random House merger) significantly modified pricing and terms. Public libraries found themselves with large numbers of Penguin ebook titles they decided they would not or could not repurchase. These ebooks were branded "zombie penguins" because the titles were essentially "walking dead" books. Yes, bibliographic records were live in the catalogs, but librarians decided to cut their losses and wanted best practices to hide books from their patrons to avoid use or any additional patron joining a wait list. They had a small fraction of the angst, customer disappointment, interruption of workflows, and pain points that I predict are destined for public librarians forced to experience this challenge.



*Image is from visual notes captured during session discussions at the 2017 Digipalooza Conference for collection development library partners from around the US and the world.

The implications of holding inventory with the knowledge that the library is unable to purchase additional units will create daily havoc for many public librarians. Should any digital book that lives in the library's catalog from past purchases enjoy a spike in demand

and interest (a common occurrence) - tough luck. Under these terms, libraries cannot purchase additional units, including filling holds, a proven excellent use of material budget.

Managing and controlling a library holds ratios demonstrates a professional command of the library's collection, budget, lending policies and more. It is a very cost-effective way to show love to your loyal, and often patient, patrons. If a public library decides it wants to invest the cost of reducing 100 holds using the best "On Demand" unit costs available, it's unconscionable that as a matter of law, it can't. This is in direct contradiction to the goals and mission of most public libraries.

I urge the Committee to recognize the fact that today's public libraries purchase books in different formats, under different access and cost models, for different uses and purposes.

We are testing better ways to educate content owners on what public libraries are requesting. We are advocating that enabling libraries to acquire more books to be seen by more readers will advance economic interests for both authors and publishers. Everyone who is part of the ecosystem is best served when we collaborate to simplify the public library digital book permission matrix. To aid this effort, we are promoting an easier to understand framework for publishers and rights holders.

To simplify supplier onboarding and motivate authors and publishing partners to authorize more permissions and engage with public library partnerships, we have organized access model options. These options are grouped into three digital book inventory categories.

1. Circulating Collection
2. On-Demand Inventories
3. Reserve Units

These groupings align with many of the attributes of the purpose and permissions sought by the library or school. Most of the content access models we offer today fall within one of these categories.

This framework is already helping educate rights holders and reluctant publishers to learn more about the purpose, fair dealings, and permissions needed for the public librarian. We are receiving positive publisher and supplier feedback on this approach following dozens of meetings. When you approach the owner of intellectual property to educate them on the reason, purpose, and use cases, along with the data to provide evidence it protects their interests while growing sales and value, it starts the process of building and earning trust.

All this effort is under a north star mission for OverDrive. We serve and support the front line and back-office librarians in this quest. Our goal is and has been to create a Marketplace of digital content, specifically optimized for institutional buyers. We seek to provide an efficient path to acquire digital lending rights to every premium, in-copyright book, a collection development specialist seeks in digital format.

This will aid in our efforts to not only streamline and scale select processes that will benefit all public libraries, but we hope will accelerate access to potentially millions of foreign and global high-quality, premium digital books sourced from over a hundred nations, languages, and cultures. It's hard enough to locate any Haitian Creole ebooks/audiobooks or fulfill the many requests for quality materials from Central and Eastern Africa.

There is already a Catch 22 challenge here, even without the uncertainty and differentiation from several states creating a variety of "state-specific BBb straitjacket laws⁵". Often, it's a leap of faith for a rights holder to agree to accept our help to enter the new digital book formats. OverDrive is investing in and educating "these future partners" on how to create ebooks and audiobooks. As many may be inexperienced in dealing with libraries, we step them through or perform the duties to package, create MARC and other bib records, and prepare books to be sold to libraries. And of course, they will earn reasonable fees for the rights granted for digital library lending permissions. It's a long and arduous process to gain trust and permission from hundreds of the most important sources of books on history, culture, and native voices for our neighbors' homeland.

A reluctant author or publisher often wants proof that OverDrive has ready library buyers. For many of these sought after materials, they are not familiar with any ebooks or audiobook products. When I ask our DCPL librarians which non-English language catalogs they are hopeful might provide the languages and books requested by their patrons, they all have a list. Now the handcuffs are on OverDrive. The conundrum is, content owners want proof of sales potential and revenue before they agree to accept a proposal and grant rights and permission for US public library lending. We always seek to gain the best set of cost options; we recommend they agree to all the access models we currently support. Unfortunately, unlike the US, UK, and most of the western world or English-speaking world, these content owners are extremely reluctant to grant any rights until a successful "proof of concept stage" is completed.

⁵ Acknowledged by the proponents of this bill, the states and this District are creating distinctively different variations of this confusing set of prohibitions. This is why, in the interest of all parties, trying to use a state-by-state patchwork approach will have other detrimental impacts.

The reality is, should this ill-advised BBb go into effect, a large portion of international publishers and reluctant rights owners will be unavailable to DCPL. The flawed strategy to bully the owners of major trade authors to submit to their fantasy copyright world not only impacts the diversity of options for DCPL, but it also punishes every other research, academic, school, and public library worldwide. I fear this will contribute to many of these culture and literacy treasures never being produced as an ebook or audiobook in the first place.

The real impact of the DC BBb will be a smaller collection of foreign works. I have been seeking to unlock remarkable catalogs from leading authors and publishers in dozens of nations and languages. It's a challenge to convince foreign publishers, with no current library business, to step into the digital library marketplace. The outcome of this ill-advised bill will provide clear justification for rights holders to say, no thank you. This is not conjecture, I have witnessed firsthand the disastrous negativity still influencing the view of "eLending" in Europe and Asia. They all pay extraordinary attention to this, and the prior Maryland effort. The outcome was ugly. In one case, it galvanized an entire nation's creative community against the public libraries promoting it.

I cannot leave this section on how libraries purchase ebooks and audiobooks for different reasons and purposes without mentioning the effect on DCPS. While the DCPS is not specifically within the scope of the current draft of this DC BBb, our schools are explicitly within the scope in the different flavors of CDL-inspired prohibitions for schools. At a time when our nations' public education and school libraries are in great peril from defunding, private interests, and other content challenges, I appreciate even more the brilliant leadership that led the way into the classroom. Dr. Washburn's values, leadership, and advocacy for all school libraries contributed to OverDrive's ability to obtain special permissions from authors and publishers (including Scholastic and the Big 5 - Penguin Random House, HarperCollins, Simon & Schuster, Hachette Book Group, and Macmillan) to agree to enable special pre-K – 12 educational access models.



Reference: libraryfutures.net/post/e-books-for-us

This is how Library Futures portrays publishers and library vendors, including OverDrive.

This cartoon should be updated to reflect the realities of what the DC bill seeks to force upon every DCPL professional.

Who is really trying to force public libraries to purchase ebooks under a take-it-or-leave contract?

I'm no expert, but this looks like a classic example of psychological projection, a common defense mechanism. I am guessing that the authors of this CDL-based bill know they have neither the facts nor the law on their side. They should be concerned. Many public librarians had an open mind when first hearing about their simplistic, unfounded promises of ebook nirvana. Upon study and evaluation, they have likely appropriately rejected this ill-advised, CDL-based gamble. I have no personal beef with any of the supporters of this bill, I just refuse to ignore the facts, the law, and abandon my evidence-based belief. This is NOT in the best interests of the public libraries and the patrons they serve, but it's predictable from the CDL fantasizers. They want a clear path – to avoid the law, to create a new fictitious loophole that grants the public library (for the benefit of their team of

Copyright law deniers) control to the entirety of the author’s work in digital form to transmit, reproduce, and out of view of the rights holder, do who knows what.

The access models and purchase options support both the library’s need to provide traditional inventory and lending models that mirror the print book but benefit from several “On Demand” models. These provide the most cost-effective tools to meet spikes in demand or to support a variety of library programming needs (book clubs, summer reading, etc.). The most cost-efficient of these flexible purchasing models is often best provided by the many “Simultaneous Access” plans permitted by the rights holder. The success of “All Access” no-wait list collections have been celebrated by public librarians since their introduction by OverDrive and popularity over the past few years. In addition to these All Access plans, for the HarperCollins massive ebook catalog, huge quantities of titles are available for library buyers often with 4, 5, or even 6 lending permission options.

It is convenient that the current version of the bill does not explicitly reference Controlled Digital Lending or CDL. Yet, the prohibitions it seeks handcuff librarians with requirements that align with the key principles as articulated in the CDL White Paper.⁶ This is the same CDL that has been resoundingly rejected as having no basis in law. In *Hachette v. Internet Archive* two different levels of the federal court systems provided detailed reasoning for why Controlled Digital Lending (CDL) constitutes copyright infringement, particularly for books currently available for license as ebooks. Arguments in support of CDL have been widely characterized as audacious and unconvincing, often described in legal commentary as exhibiting “legal chutzpah”.

⁶ <https://www.controlleddigitallending.org/whitepaper>

Captured image, OverDrive Marketplace

The image contains two screenshots of OverDrive Marketplace product pages. The top screenshot is for 'The Adventures of Captain Underpants' by Dav Pilkey. It shows two pricing options: 'MA: 24 months (one user) \$9.99' and 'MA: 100 checkouts (concurrent users) \$19.99'. The bottom screenshot is for 'You're Making Me Six' by Jim Benton. It also shows two pricing options: 'MA: 24 months (one user) \$8.99' and 'MA: 100 checkouts (concurrent users) \$17.99'. Both pages include standard library metadata like language, street date, publisher account, ISBN, and BISAC.

For additional examples of pricing models available on popular titles for DC Public Library, see Appendix D.

- Examples of 2 titles that DCPS may acquire for its needs.
- OverDrive negotiated permission from the publisher for multiple options for the school library.
- Librarians praising MA:100 Concurrent bundle (OverDrive Max) where DCPS can buy in bulk digital units.
- Units never expire – in the catalog until students use all units. NO EXPIRATION DATE.
- OverDrive Max: "***The Adventures of Captain Underpants***, can delight 100 students with each student receiving their own ebook. Cost \$19.99 (\$.19 per student)
- \$0.18 for ***CATWAD***. OverDrive Class Set permissions from the publishers enable school librarians the option for every student to have a copy of the book for the entire semester or school term (versus 7-21 day loan period).

NOTE: If the proposed law is passed, these and millions of other much needed and new books will become illegal for a librarian to purchase.

4. OPINION: THE PROPOSED LAW WILL NOT PRODUCE THE OUTCOMES PROPONENTS SEEK ON BEHALF OF DCPL.

The stated goals of the bill are to help the DC Public Library (DCPL) and other libraries increase district residents' access to electronic books and materials. Presenters state this will drive more efficient use of library material funds.

It is my opinion that this bill will not achieve any of its stated goals. It is based on a faulty set of assumptions. Yet they claim, unsupported by studies or evidence, that this ill-advised strategy will produce beneficial results (OKRs). I am unaware how they define success. In my opinion, a responsible approach to asking for massive changes to a successful business decision starts with an agreed upon set of clearly defined objectives, and key outcomes. I recommend this Committee allow us to suggest that a true assessment of how DCPL and others approach this matter would be a series of objective data points that measure the actual "**Value Received**" by DCPL for its investments in digital books.

If the law goes into effect, librarians will be banned from purchasing ebooks or audiobooks unless each title contains all CDL-based terms in the bill. By the clear language of this restriction, most book-based streaming services in use today and tomorrow may be banned at DCPL. Most educational platforms that are accessed by a connection to their service offer valuable and very cost-effective solutions of proven value. Many are offered on tiered, per-user cost basis, while others offer the library a fixed annual flat fee for unlimited patron access and use.

From my reading of this DC BBb, the library is banned from purchasing access to entire categories of special education tools, career platforms, SAT & other test prep programs. This also includes online foreign language learning as the content comes from audiobook and digital book products which are also sold in print or as physical media. This is not hypothetical. Today, DCPL offers special support for students, parents, teachers, and all by offering a series of streaming book resources.

In my opinion, a predictable unintended consequence of this act will force the removal of numerous digital books that are relied upon for educational support. Under my reading of the bill, these streaming products will be illegal for DCPL to purchase and continue to offer as "Electronic books" and "Electronic literary material" are currently defined.

At the December 18, 2025 hearing on this matter, the Chair and the Committee engaged with the presenters in a thoughtful and insightful manner. But unfortunately, the

Committee was not provided with accurate, reliable data and testimony to make an informed decision. Portions of the testimony were accurate. I compliment Mr. Courtney for stating the obvious:

“The bill does not compel publishers to license anything.”

Agreed. This admission is at the heart of why this is going to fail. If the owner of the rights is not compelled to license anything, how will it come to fruition? They ask the public librarians for trust. They are asking many of the most productive, efficient public libraries in history to step off a cliff and gamble on a theoretical set of academic pursuits. They handcuff the librarians and imagine it will create an economic whammy to publishers' business and one-by-one; the trade publishers will just decide to reverse their position.

My expectation is the opposite. My prediction is based on my firsthand understanding of the position on this bill from numerous authors, book and audiobook publishers.

Additionally, the fact is that at every ill-fated attempt by the CDL team to finagle a path to the content ownership, they have been effectively defeated. This bill will produce the same unified resistance and same result. Privately, public librarians who have been tracking this process have shared similar concerns with me. Some surmise public librarians involved may just be participating to shine a spotlight on the issue. Sentiments shared with me by multiple public library leaders when referring to Mr. Courtney and Library Futures is that they didn't ask for their help, and they don't need their help.

This bill is doomed already. Groups like the AAP and Authors Guild, along with their supporters, will strongly oppose any effort to force authors to give up ownership-like rights to their work. The supporters of the bill know this. But since they feel they can razzle-dazzle public librarians with a convoluted plan, they went with it. Mr. Courtney simplifies his response to the question of what's different in the DC BBb from the failed Maryland law. Not much detail in response.

Instead of good faith negotiation (which has been proven to deliver success over the past two decades) they recommend a series of combative state-by-state skirmishes. This plan has such glaring major flaws and failures it will not deliver results that matter or work. But without any evidence of a roadmap, milestones, underlying projections and forecasts, they may claim success if it just gets triggered and into effect. No one wins. Except the publisher and author will proclaim that this effort, supported by public libraries, is another attack on their property, trying to get at the “content” of their books, and not pay them fairly.

A. The bill will not achieve its intended outcomes because it is flawed in irreparable ways.

Among its many flaws, this DC BBb fails to recognize the distinctive roles and real dynamics of the various parties in the publishing, bookselling, and library supply chain. The bill decided to include in its definition of “Publishers” any retail bookseller, supplier, distributor, or library service vendor. It is illogical and a flawed strategy to throw a blanket definition over all parties working together in a series of commercial terms and permissions that result in a library ebook being ready and available for lending.

This confounding strategy sends a clear signal to every current and future bookseller, library supplier, entrepreneur, and tech startup. If you step into the library ebook space, you are now at risk of being named by untold legions of disgruntled claimants seeking civil damages under a state’s “variation” of one of these Book Banning bills. It will take years to navigate through the havoc created by this vague, ill-advised DC Book Banning bill. The open-ended risk and exposure to potential civil damages, legal fees, and expected litigation, not only is a tremendous disincentive for investments in this space, but the library, in my opinion, will be dragged into litigation, along with the author and publisher.

Should any civil suits be filed under this bill against any of the publishers or aggregator defined parties, I expect defendant’s counsel to recommend available counterclaims (only if justified and supported by the facts and law). Libraries will not be able to avoid being dragged into the litigation either as a third-party defendant, or at minimum be straddled with the resource draining, costly compliance with depositions and discovery requests.

While they should never be granted, it’s predictable that claimants will seek to subpoena library patron borrowing records, ILS data, and more as a routine part of discovery that accompanies all such civil actions. And yes, it could be a situation where a patron attorney decides to, in the suit against the public library, name county, city or state funders. It’s a proven playbook for plaintiff lawyers to threaten or file litigation to create either a sensational local headline or simply to press for a quick payday. Either way, parties must evaluate the actual pros and cons of whether to settle or fight. Every day, thousands of unwarranted claims and lawsuits are filed and settled for convenience or are justified to pay to settle for its nuisance value. Regardless of provisions that may be included, plaintiff lawyers are often not discouraged from filing suit, even if the BBb law states no claims may be brought against the library.

One of the clearly stated prohibitions handcuffing librarians includes how they interact with local retail booksellers and any intermediary including the book distributors (OverDrive, Hoopla, Follett Content, Mackin, etc.). The Library Futures CDL team celebrates this strategy (labeling rights holders and vendors as all bad actors⁷) and broadly ignores different roles and abilities as it relates to the complex service. Without empirical studies or documented cases supporting this approach, it remains unclear whether involving more parties leads to effective conflict resolution.

B. If this law goes into effect, it will be disastrous for District of Columbia Public Library.

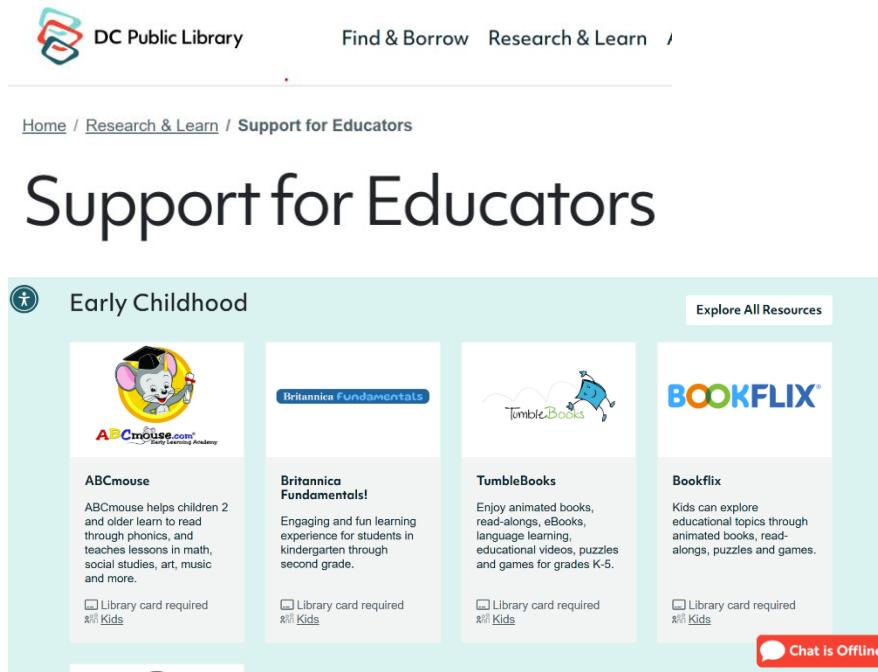
This bill will directly produce negative consequences for DCPL and significantly impair its reputation and value to its patrons. Based on my experience, I expect the major US publishing houses, the most in-demand authors, and most international authors, publishers, and aggregators will refuse to comply with the bill's requirements.

For the ebook and audiobook catalogs we offer DCPL today:

- 80+% of new best-selling titles will not be available to purchase
- An estimated 80+% of DCPL present inventory will be blocked from filling holds or purchasing additional units – this will represent tens of thousands of zombie titles
- DCPL and DCPS will be prohibited from acquiring some of the most affordable and cost effective “All Access” collections that enable every patron or student to access titles that are provided with unlimited simultaneous or concurrent users. Yes, these options are available today with the permission and support of participating publishers and authors.

⁷ Question to Library Futures: Two years ago, when you designed and published the cartoon on Page 19, who is represented by the two gentlemen in the image? I'm curious, what is in the case being held by the shorter man?

Today DCPL offers special support for students, parents, teachers, and all by offering streaming book resources. In my opinion, a predictable unintended consequence of this act will force the removal of numerous digital books that are relied upon for educational support. Under my reading of the bill, these streaming products will be unavailable for DCPL to purchase and offer.



The screenshot shows the DC Public Library website with a navigation bar for 'Find & Borrow' and 'Research & Learn'. Below this, a breadcrumb trail shows 'Home / Research & Learn / Support for Educators'. The main title 'Support for Educators' is displayed in a large, bold font. Below the title, there is a section titled 'Early Childhood' with four resource cards: ABCmouse, Britannica Fundamentals!, TumbleBooks, and Bookflix. Each card includes a logo, a brief description, and a note indicating 'Library card required' and 'Kids'. A 'Chat is Offline' button is located at the bottom right of the section.

Screenshot of DCPL website: dclibrary.org/research-learn/support-educators

Based on book content, these streaming educational products would be illegal under the CDL permissions required by the DC BBb.

C. DCPL active patrons will stop using the library. Many will never return.

DCPL librarian April DeRome expertly makes digital book purchasing decisions. April and the DCPL team regularly monitor performance data for every unit purchased and the ROI each unit delivers. One of the goals for DCPL is to grow its active user base by acquiring new card holders. From recent DCPL data, over 100,000 unique cardholders (1/3 of DCPL total cardholders) use DCPL for ebooks, audiobooks, read on Kindle, and more.

DCPL's digital lending data shows continued growth in the number of unique users for overall circulation. These gains are attributed to several factors including the newer cost-per-circulation options the library is utilizing. For 2025, DCPL digital library circ grew by

14% over 2024. This tracks with better cost and bundled subscriptions of ebooks and audiobooks made available during 2025. DCPL patrons are benefitting from the growing catalogs of popular, in demand titles, with no wait lists ever. These cost-conscious options are credited with driving the growth of Libby users and usage.

This trend of serving more books to more readers, at a lower cost per circ is well documented. Collection development librarians are taking advantage of every incremental advance in access models, better terms and cost options, while taking advantage of the most cost-effective models.

In my opinion, if the bill goes into effect, DCPL will immediately experience a dramatic slowdown in new library card signups, and many loyal patrons will just go somewhere else for their reading pursuits. Public library directors all confirm that customer acquisition, engagement, and retention of active card holders is a very high priority. In many cases, it is directly tied to its funding. If libraries report less users, less circulation, and less engagement with readers, it may create other pressures for funders to justify the material budgets.

Besides total number of patrons served, and the record setting items circulated, a high priority for every public library includes campaigns to drive new cardholders. Other priorities are to drive foot traffic and in-person visits to central and library branch locations and attendance and support for library programming.

Chairman Frumin's thoughtful insights are appreciated by the question he presented at the hearing:

Question: “But one of the things you said is, this won't affect publishers, that libraries will still spend the same number of dollars in purchasing books and e-books. But I'm not I'm sure that's completely true, because I think if you put yourself in the shoes of the publishers-- and I'm curious if you've had conversations with the publishers-- my expectation is that they would worry that if more people get access to an e-book through a library, fewer of them will purchase them individually, and so there will be an impact.

And I don't think we can think there's no impact when you when you change market dynamics. To what extent have you looked at that, the potential impact?”

And I guess this all gets into, once there's a negotiation, is where you would see it. But I would think that along the way, and to the extent you have conversations with publishers, that would be a topic. Can you speak to that dynamic?”

Matthew Frumin, Ward 3 Councilmember and Chairperson of the Committee on Human Services for the Council of the District of Columbia

The response was a deflection and avoidance of the chairman's direct interest in the real commercial interest this involves:

Response from Mr. Courtney: "They haven't brought up the monetary topic in negotiations typically, and they've just made their way through New Jersey recently and said, this is in violation of copyright. They're really still towing that particular line. Again, publishers, libraries will spend up to their budgets, right? We're not supposed to spend over to our budgets. So libraries are not asking for discounts, which we have great discounts on print products. They'll continue to spend 100% of e-book budget."

Commentary: In my experience, all discussions and negotiations over permissions **always** include the "monetary topic". This is another tell...**it's always about the money**. This is not surprising from an academic copyright scholar who I don't believe has been in any negotiations, to the best of my knowledge, with the real parties of interest in this matter. The reality is, yes, libraries will spend 100% of their budget. What Mr. Courtney may be less familiar with is that library funding of their budget is often directly tied to performance metrics including the number of patrons using its services, number of new library cards issued, and delivering growth in circulation. Public library content and digital material budgets may be slashed as a reward for playing spin the CDL wheel. If circs dramatically drop, less new patrons are issued cards to offset the loss of others, public libraries are placed in peril. Public librarians will continue to professionally navigate these new challenges, but is it a win if a library spends 100% of the budget, **but it's a fraction of where it was?**

When speaking of the cost of renting books – Mr. Courtney stated, "...the libraries are sort of punished financially for their public-facing mission by having to **pay 5 to 10 times as much to rent and re-rent these books more than the average consumer.**"

This statement is without context. Today over 50% of DCPLs 95,000 unique ebook and audiobook titles in its digital collection are **circulating with no time limits, no limits on number of circ, no additional expense for the life of the title**. The comparison data and the response to the question is not supported by the data.

D. Loss of content will devalue the library catalog for discovery and relevance

I have learned the hard way to be very careful about what you ask for. There are numerous reasons why this bill should not be enacted; however, should it become law, it is likely that the DCPL staff will face additional responsibilities related to managing confusion, disappointment, uncertainty, workflow disruptions, and potential impacts on the quality and value of the library OPAC and bibliographic records.

As an example, I recall the great success and value for public libraries when OverDrive offered audiobooks from Brilliance Audio from 2004 to 2007. These included bestselling author Nora Roberts (aka J.D. Robb) and others. In 2007, Amazon purchased Brilliance Audio and promptly shut off any availability of libraries to purchase the digital audiobooks for the robust and growing catalog going forward. For the next 5 years almost every public library had to try to answer the questions from Nora Robert fans, why did you not purchase the next book? One thing is for certain—the librarians are blamed. They receive unfair criticism, alleging they are unaware that popular and prominent authors have put out new releases. At help desks, reference counters, and online, loss of this one author's work produced thousands and thousands of negative interactions from avid library patrons. “Why don’t you buy them?” is a frequent complaint and question from patrons. It puts the burden on the librarian to explain why it cannot.

A significant limitation in assessing both the value and expected timeline for potential results arises from the absence of data or impact forecasts provided by Mr. Courtney and Library Futures. Statements from his testimony conflict with my experience working with authors, publishers, and librarians. Library Futures proclaims this will work and bring relief to the public library and the readers they serve. It seems to suggest that authors and publishers, faced with the passage of several different state laws, will reverse their position.

It won’t. In my opinion, even if the multiple states’ actions trigger the DC and other bills, it won’t deliver the results. This is not speculation. The realities of the timeline for any positive outcome from this bill, assuming best case for its passing, everything is upheld and enforceable, it will take years⁸. Immediately, the public library catalog will suffer major negative consequences from this plan.

⁸Since Cleveland Public Library pioneered ebook lending in 2003, for the next decade Harry Potter was always the most requested and unavailable series of ebooks and audiobooks to libraries. OverDrive and I worked to build a trusted relationship with the rights owner through years of dialog and negotiation. Finally, permissions were granted from the author, her agent, and Pottermore, the author’s digital publishing

The Authors Guild is the leading voice for authors whose interests align with public libraries. Through ongoing advocacy, authors and publishers regularly grant new rights and permissions for tens of thousands of ebooks and audiobooks, resulting in more cost-effective options for libraries. Ongoing and good-faith, arm's length negotiations, with authors, agents, and publishers have expanded options, lowered the cost per circ, and granted sought after permissions and terms. If your library ever participated in any of the numerous Big Library Reads, Together we Read, community reading events, it is thanks to the publisher and or author who agreed and gave permission to offer the equivalent of tens of thousands no-cost unlimited access and circ for the selected ebooks and audiobooks during the length of the program.

An anticipated result should this bill go into effect is a chilling impact on innovation. It sends a clear signal to the entrepreneur, startup, potential investor - not here. Why would energy and resources for the future of digital books be invested in a state where regulators can amend and modify the laws for how a library can buy content? Should libraries fall under the impact of this bill, they will lose untold opportunities to test, pilot and experiment with new forms of digital media (based on a book), innovative partnerships and more. It's simply not a good business decision for the library to handicap their future due to a speculative, unsubstantiated plan that will have a chilling effect on innovation.

One current program slated for piloting and testing for public libraries is offering digital college textbooks. This will be a wonderful safety net option for higher-ed students in need knowing that their local public library is investing in giving them access to the textbook they need when they need it. But, the higher education publishers, each with years and millions of dollars in textbook development, are now in dialog seeking permissions for public libraries to make textbooks available in digital format for their patrons. Just like the other streaming educational materials that will be banned (see page 26), DCPL would be prohibited from benefiting as these electronic literature options do not comply with any CDL-inspired BBb. Other new categories of digital content being pursued for the public libraries to evaluate include bookazines, shortform content, self-publishing, and various innovative uses of the owner's property rights.

I am traveling today to the Consumer Electronic Show (CES) for a week of meetings with several of the most forward-looking new technologies, tools, services, and solutions. I also

company. In 2012 the world began to discover and enjoy Harry Potter 1 -7 in 40 languages from their local public library. Harry Potter remains one of the most circulated series worldwide. If the DC bill had been in effect during those years, public libraries and school collections may never have had the option to collect and circulate a series of truly magical books.

spend time with several major tech platforms. I always enjoy engaging with every new solution for seniors, evaluating how the newest tech for seniors may permit access to your digital library from everything from what you wear, sleep on, and spend time with or around. Many of the miraculous and exciting advances relate to accessibility challenges such as for the vision impaired. Every year, I come back to Cleveland to engage with our Blue Sky Campus team to explore opportunities to test forward-looking solutions. It always includes approaching one or more public libraries to help us evaluate, test, and partner with OverDrive for R&D or proof of concept opportunities.

I fear those public libraries, if subject to state regulations that limit their ability to acquire digital book content, will be boxed out of these opportunities. A special shout-out to one of the most future-minded public library leaders, Kelvin Watson. We all benefit from his mind blowing, idea-generative talents, yes-we-can-attitude, and willingness to try a project or experiment with permission to fail. Sincere congratulations to Director Watson, the Library Journal Librarian of the Year for 2026. His track record speaks for itself.

From the December 18 hearing, the Chairman presented the following question and its response.

Question by Chairman Frumin: “But I'm curious what you're hearing from the author community.”

Answer from Mr. Courtney: “So there is no one group that represents all authors, right? Authors Alliance is one of the groups that we work with that is a nonprofit. It's similar in the nonprofits that you've talked about with today...”

My take: This statement seems to be offered as evidence that yes, Library Futures or Mr. Courtney is working closely with authors' representatives for this important matter. But the facts seem to dictate otherwise. It is true that Authors Alliance is a non-profit organization with author members. But their membership, goals, and strategies are driven by academic and intellectual issues that do not reflect the authors that DCPL and DCPS seek to benefit from.

Founded by Berkeley Law professors, the Alliance was created specifically as an open access advocate seeking to support archive, preservation, and other noble concepts. Authors Alliance members are typically legal scholars or historians. While their work is vital to research, it's significantly less relevant to understand the position of the issues at hand. In my opinion, Mr. Courtney's response was not helpful in educating the Committee on the sentiments of authors the public library most needs to win over. If this committee wants to

understand the real position of the authors that matter to DCPL and DCPS, it needs to hear from the leadership and members of the Authors Guild.

Mary Rasenberger (J.D. Harvard) is CEO of the Authors Guild and a leading expert in U.S. copyright law, with experience in private practice, government, and non-profit sectors. She has represented authors and publishers in copyright matters, led the National Digital Preservation Program at the Library of Congress, taught copyright law at Columbia and Fordham, and advises the American Law Institute's *Restatement of Law, Copyright*. She is also a former council member of the ABA's Intellectual Property Section.

Mary Rasenberger (CEO) and Umair Kazi (Director of Policy) have articulated strong opposition to this bill for well-articulated reasons and the real risks and injury it would cause authors and free market commerce⁹.

Yet, the BBb gamble is an ill-advised strategy with a copyright avoidance goal being justified in the so-called “best interest of the consumer”. The result will put collection development librarians in a straitjacket. This Committee needs more accurate information as the presentation of Mr. Courtney simplifies, makes unsubstantiated claims of great outcomes, and responds to the Chair with questionable intent on the position of the authors impacted.

This proposed law is so poorly designed that it is incapable of being modified to correct these multiple failings and flaws. I predict it will make things significantly worse for every librarian if it becomes law.

So, we are left with a proposed law that the collection development librarians don't want, without any data or studies to provide a reasonable assessment of its impact. It is doomed to fail because the owners of the works oppose it and will not buckle. It is very predictable what the AAP, Authors Guild, allies, and rights holders will do.

My preferred approach to make progress is to find common ground, educate your potential future partner, offer to pilot and test, and prove your case with the data. None of that is presented here. I prefer earning trust and always prefer the carrot over the stick.

⁹ The Authors Guild in CT submitted formal testimony warning the CT General Assembly that the law is “unenforceable” and would likely result in expensive litigation that the state would lose, similar to the Maryland case.

Risks of the legislative process

In a widely cited statement, Ellen Paul, Exec Dir. of the Connecticut Library Consortium said: *"The law we passed is not the law we wanted."*

Before discussing other failings of any BBb, its flawed strategy recommends a public library should now put itself under possible control of its collection development policies by a partisan set of regulators. What disturbs me the most about this illogical plan is the following:

In what universe is the practice of coaching and training local regulators on how they can pass laws to mandate what books a library can buy a great idea?

It's terrible and a potential nightmare for any public library under any form of the Library Future's BBb plan. My family, OverDrive and every ally of the library market has invested years of recent investment to block this unthinkable scenario.

But Mr. Courtney recommends we urge local councils, state reps, and other lawmakers to rescue librarians with new laws that ban them from buying a book. What will happen should the next set of elected or appointed officials decide (potentially under political pressure) that *they* are the now the "new experts" of the librarian's business? I can imagine scenarios where efforts to tack on amendments with very important implications. We have already seen many national, state, and municipal government agencies scrambling to be in compliance with anti-DEI mandates. A headline-seeking politician may suggest other intrusions into a public library's affairs. I hope none of these risk-factors come to pass such as a proposed "America First BBb" amendment. What if a leader wants to mandate that their state's taxpayer and government funds may not be used to purchase books from non-US authors or US publishers? This is why this failed strategy is so disturbing.

The dangers here are very serious. It may also provide the book banners with a roadmap to sidestep recent state Freedom to Read laws passed. Most public leaders I speak with recognize the absolute risk of unintended consequences this may produce. Remember, the law you get is not the law you want. I listened to Ellen Paul's presentation at ALA Annual this past June, and she issued a clear warning from her experience. The takeaway advice she shared was once your proposed bill gets into the legislative process, the librarians are sidelined and the sausage making can get ugly.

Unlike the supporters of this bill, our strategies and practices are informed by the real parties through organizations such as The Authors Guild. The Authors Guild does not publish a directory of all 14,000+ members, but membership is confirmed for most of the

year's top names through their leadership roles, public advocacy with the Guild, or appearance in Guild member spotlights. To learn more, see Appendix F.

The unspoken and true objective of the proponents of this measure is NOT to improve the value proposition in service of the actual working objectives of the public library, it's to circumvent US Copyright law (Kyle Courtney created Library Futures).

This committee is without the benefit of evidence relating to the real issue at hand. Good faith efforts have been underway that have produced regular, constant improvements in the options, costs, and flexibility for libraries.

I respectfully oppose this legislation as drafted. The bill risks oversimplifying a complex national marketplace for digital content, raises serious legal concerns, and will trigger unintended consequences that produce only negative outcomes for the library communities impacted.

My interactions as a representative of OverDrive with executive directors, chief librarians, library board members, and funders all have the same goal – advocate for fair, reasonable, and FLEXIBLE purchase options for libraries. This is the same goal we focus on in our advocacy work with national organizations such as the American Library Association (ALA), Public Library Association (PLA), American Association of School Librarians (AASL), Association of College and Research Libraries (ACRL), Association for Rural & Small Libraries (ASRL), Chief Officers of State Library Agencies (COSLA), and Freedom to Read Foundation.

While metaphors of real estate (landlord-tenant) provide an image and commercial relationship familiar to most, it has nothing to do with the business issues, costs, and most importantly negative impact to the institutions and their stakeholder that this will create. Similar language labelling works of literature as “exploding books” seems to be for dramatic and visual effects rather than explaining the real issues at hand.

I find it ironic that many of the supporters of this legislation are clearly aligned with OverDrive, our support of ALA's Unite Against Book Bans, Freedom to Read Foundation, and more – where a clear American trait is freedom of choice – and to prevent state legislators from regulating decision of its citizens and those impacted. Yet here they are proud to promote a law that invites legislators to create new laws regulating what books a library or schools may purchase.

5. IN CLOSING

In 2003 & 2004, public libraries had access to ZERO titles from the Big 6 (at the time), and 100% of the New York Times best-sellers were unavailable. Fast forward to Jan 2026, every new trade book released is instantly available, and most with options for multiple purchase models. See Appendix E – Summary of Select Milestones for Digital Library Platform and Content Models that relate to DC Public Library Lending Efficiencies

Recently, publishers (both domestically and abroad) are engaging in a variety of expanded permission negotiations. This Committee should be familiar with the real progress for public library options that was accomplished by the American Library Association (ALA). Under the leadership of its Public Policy and Advocacy Office, ALA launched sustained efforts to improve library lending terms for digital materials.

From 2012 to 2014, ALA led efforts to review publisher licensing, unify library positions, and become a prominent advocate for digital lending. From 2015 to 2018, ALA negotiated with major publishers for better pricing and access. In response to Macmillan's ebook embargo in 2019, ALA's #ebooksForAll campaign gathered over 160,000 signatures and helped overturn the policy in 2020. Since then, ALA has expanded its advocacy to federal and state levels, contributing testimony and research that have driven fairer licensing and greater awareness of barriers to digital lending.

The bill's supporters continue to mask their true intent for this ill-advised plan. It requires that every single digital book purchased by a library MUST comply with a grant of CDL inspired intellectual property permissions that effectively bestow "ownership rights" of the content to the purchaser. All while demanding unreasonably vague cost of goods compliance. This most recent ruse to circumvent copyright law is being attempted again by positioning public librarians as helpless and untrustworthy, and suggesting local legislators take action that will alienate all parties the library relies on and needs for its success today and forever.

Their approach, which has been deemed a clear infringement of an author's owner rights, is to ask state officials to now regulate library content purchasing in the name of "consumer protection". A more appropriate label for this ill-advised, roll-the-dice, gamble for DCPL is the proposed "copyright avoidance law".

It should worry every educator and librarian that the supporters of this bill believe that by placing the selectors of public library ebooks in a straitjacket, it will help them perform

their duties. Real pain and dramatic consequences will surely follow if enacted, but the most troubling part of this recipe for disaster is this:

Do public librarians really want local legislators to write and pass laws that specifically prohibit which books public libraries can buy?

Are we really feeling confident that we will be better off by encouraging locally elected or often politically appointed representatives to write and pass ***laws that tell a public library which books it may not purchase?*** This will be The DC Book Banning bill.

This bill is also very offensive if viewed in the larger context of what our nation's schools and libraries are struggling with. OverDrive and I, and every public librarian I know, have strongly stood to protest the wave of state-specific laws that regulate which books an institution may purchase. Yet this bill is not too different in its effect. Opponents of intellectual freedom go to state houses and proclaim it's justified in the name of protection of minors. Here the flawed logic of encouraging local legislators to write laws to ban purchase of library books is introduced under the guise of "consumer protection". Both are false and misleading as to their true intent.

The proposed bill today refers to CDL-aligned permissions and terms for handcuffing librarians. According to information shared by Ellen Paul, once these types of decisions get into the hands of the legislature, the librarians lose all control over the process. She shared a detailed, first-hand account of the challenges and unexpected developments that occurred throughout the legislative process for the original bill proposed by librarians. As the bill advanced, she described the overwhelming sense of helplessness brought on by the numerous modifications imposed during the so-called legislative "sausage making" process. This account is not merely a personal perspective but has been widely documented and reported based on her experience in Connecticut.

The current legislative proposal represents a significant and risky gamble for both librarians and the communities they serve. By embracing the framework of CDL as mandated by the bill, libraries are being asked to take an "all in" gamble which places the autonomy of institutions like DCPL at considerable risk. If enacted, this measure would effectively strip DCPL of the ability to independently shape and manage its own collection.

Moreover, the bill sends a clear message that libraries are endorsing increased governmental intervention in collection development. By codifying restrictions on what books libraries can and cannot purchase, the proposed legislation opens the door to further intrusive amendments. A future amendment could, for example, mandate the removal of all references to Diversity, Equity, and Inclusion from public institution

collections. Such scenarios highlight the dangerous precedent set when legislative bodies assume authority over library content decisions.

While the current BBb in CT and DC are centered on CDL-like permissions, what prevents local councilmembers or state representatives from introducing future amendments or updating the "Not Allowed to Buy Book Criteria"? Once such legislation is enacted, it opens the door for additional book banning measures to gain legal legitimacy under the guise of consumer protection or other rationales. The core issue is that passing this kind of law effectively restricts the professional discretion of librarians, placing unnecessary constraints on their ability to curate collections that best serve their communities. The situation, which they likened to a landlord-tenant dispute over rent charges, can have far-reaching and unintended consequences. By passing laws that interfere with the independent selection of library materials, legislators may unintentionally put public libraries at great risk. This undermines the very foundation and principles of protecting our public libraries and our intellectual freedoms, with effects that will impair access to needed and diverse resources from the local public library.

For the benefit of all the patrons of the award-winning District of Columbia Public library, I strongly urge you to kill this bill. Or in the words of Shark Tank Kevin O'Leary, "Stop the madness!"

APPENDIX

Appendix A

Background on Steve Potash, co-founder of OverDrive

In the late 1970s and 1980s, as both a law student and then as a practicing attorney, I was highly reliant on print books. (i.e. rule books, statutes, case law, and dozens of legal handbooks and practice guides). I began to experiment with how I might “unlock” the content from the books. I wanted access to the content, every word and all the content within the spine. I envisioned a future where the content of every book would generate a new, more valuable “electronic” book line of media products.

Using 1970s-era mini-computers and dedicated word processing systems, I started to digitize law book content to explore digital solutions. This was when word processing was performed on dedicated hardware and software solutions from manufacturers such as DEC, Wang, Lanier, NBI, and IBM. By the early 1980s, the “personal computer” era began. I began developing PC software for hundreds of electronic book and content applications working directly alongside the owners of the copyrights, most often the book publisher. Starting in the mid-1980s OverDrive and our publishing partners (including retail booksellers) began selling a variety of commercial book-based digital titles both on floppy disks followed by CD ROM.

By 1983 I became known in legal profession as the “PC lawyer” and was credited with being one of the first attorneys to fully automate his legal practice. I authored a regular tech column for *The American Bar Association Journal* and was a frequent contributor to the ABA’s *Law Practice Management* magazine, authoring “how-to” guides for lawyers seeking to benefit from software and digital book tools. As a member of the ABA’s Legal Technology Advisory Council (LTAC) I contributed to technical standards and was credited with authoring a roadmap for the ABA for a “Paperless Practice”.¹⁰

What began with digitizing law books for my own personal use led to me approaching West Publishing Company, the nation’s largest law book publisher. We joined forces and during the 1980s produced hundreds of electronic law books that were commercially sold on 5 1/4” and eventually 3.5” floppy disks. In partnership with West Publishing, OverDrive developed and grew an innovative series of floppy-disk based interactive law books. At that time, it offered logic and rule-based automation software, that helped manage and efficiently

¹⁰ 2009 PW profile of Steve: <https://www.publishersweekly.com/pw/by-topic/industry-news/people/article/166-steve-potash.html>

generate complex legal documents and forms, utilizing content sourced from a corresponding law (print) title.¹¹

Following the commercial success of early OverDrive software products, including “OverDrive for WordPerfect,” I was invited by Bill Gates (CEO Microsoft) to work with Microsoft as they were preparing to introduce Microsoft Office 1.0. Specifically, Microsoft wanted OverDrive to develop and sell “OverDrive for MS Word” to entice lawyers as power users of word processing, to utilize the new MS Word software along with OverDrive “power tools.” I had the pleasure of working side-by-side with Melissa French, who was assigned as Product Manager for this new Word product.

During the late 1990s, as a staunch advocate for open industry standards, I was a founding member and served for a decade as President and Board Member of the International Digital Publishing Forum (IDPF), formerly the Open ebook Forum. I am a co-author of the original Open ebook Publication Structure 1.0 technical specification that would evolve to and be renamed EPUB. Over the course of the next several decades, I participated, led, or contributed to many of what would become key advances and milestones in the evolving electronic publishing industry, leading to the ebook and digital audiobook industry and market of today. For an excellent book on the history and twists and turns that led to today’s ebook market, I recommend the newly published title from author, ebook pioneer, literary agent, and entrepreneur (founder of eReads) Richard Curtis, Digital Inc.¹²

Outside of OverDrive, the Steve and Loree Potash Family Foundation has been donating funds and materials supporting the efforts of educators and librarians. (See BelieveinReading.org). For the past 5 years, our family has responded to national, state, regional, and local library leaders by providing funding, advocacy, and support for causes all centered around access to content, book bans, and other challenges impacting literacy in every form.

Fun fact: Steve is also a proud alum of Cleveland Heights High School, Cleveland Heights, OH and a member of its Hall of Fame. He shares this honor with Travis Kelce (congrats on your recent engagement!) and his brother, Jason Kelce.

¹¹ (United States Patent # 5,222,236 granted to Steven Potash, Inventor, for the “Multiple Integrated Document Assembly Data Processing System (MIDAS).”

¹² Richard Curtis, Digital, Inc.: How e-Commerce Is Transforming American Industry, 2025 ed. (Boston: Harvard Business School Press, 2025), available in print and digital from all major retailers and Libby.

Appendix B

Background on Loree Potash, co-founder of OverDrive

Loree Potash was admitted and practiced before the Ohio Bar and admitted by the Supreme Court of the United States. During her years of service at CWRU, Loree was promoted to senior roles including Reference Librarian, Head of Public Services, and eventually as the Acting Director of the CWRU Law School Library. Loree, as an adjunct professor, taught Law Librarianship at CWRU's School of Library and Information Science. During these years she served as President of the Ohio Regional Association of Law Libraries, which immersed her in the unfolding opportunities for the future "digitization" of libraries.

Loree practiced law in the 1980s before joining Steve Potash to launch OverDrive and grow the business. For 20 years at OverDrive, she helped foster a company culture of community service with a focus on literacy and improving access to information. Following her retirement from OverDrive, she was recruited by and continues to serve as a Board Member and Board Secretary for the City of Cleveland Law Library and the Cuyahoga County Law Library. Her library expertise has been relied upon for decades by judges, administrators, advocates, and the courts as a reliable, trusted, source of research and information. Her library experience would turn out to be a critical factor that influenced our work to create a service and become a trusted partner to our nation's school and public libraries enable new forms of access, reading, and literacy tools springing from the content of a book.

Appendix C

Select Feature Comparison of Print and Ebooks/Audiobooks that Relate to DC Library Lending Efficiencies

Collection Development Feature Comparison of Print and Ebooks/Audiobooks

Collection Development	Print Books	Ebooks & Audiobooks
Ability to Review an Entire Title for Collection Evaluation	Not always available. 3 rd party options with variable costs.	\$0 Instantly available for all ebooks in OverDrive Marketplace to DCPL staff 24/7/365
Circulation Cost Overhead (excluding content cost)	\$1.50–\$2.50 per circ average for labor/handling costs of human labor and logistics for moving and maintaining physical inventory	\$0 Never lost, never late, never damaged, presenting “pristine” book to each reader
Processing & Setup	Physical processing (barcodes, labels, jackets) Cataloging and shelving	Seamless MARC record management and system integration
Distribution & Access	Physical handling and shelving Patron must visit branch or wait for delivery	Instant remote access 24/7
Equity & Access Considerations	Accessible without internet or device Patron must have a library card	Requires device, internet connectivity, and platform literacy

Inventory Management Feature Comparison of Print and Ebooks/Audiobooks

Inventory Management	Print Books	Ebooks & Audiobooks
Condition of Book & repair/replace costs	\$20–\$35/ hardcovers \$8–\$20/ paperbacks \$5–\$10 processing cost	\$0 Never lost, never late, never damaged, presenting a “pristine” edition to each reader
Shipping	Potentially long lead times; added costs	Titles are live for checkout within 4-6 hrs. of purchase
Interlibrary Loans	\$15 – \$30 per item for shipping/admin labor	\$0 Limitations set by publishers. Proven support for purchasing and collection sharing via consortia, and reciprocal lending agreements
Advantage Plus	No options for priority access for your patrons	Benefit of consortia buying with priority access for your community’s patrons
Binding / Re-binding	Requires periodic rebinding; added cost	\$0
Reduce Loss, Damage, and Wear	Physical books wear out and can be lost	Cannot be lost or damaged
Shelf-ready Services	Processing, cataloging, and labeling required	\$0
Immediate Content Updates	No options; new inventory must be purchased	New jacket covers, forwards, book reviews, awards, etc.

Data & Performance Metrics Feature Comparison of Print and Ebooks/Audiobooks

Data & Performance Metrics	Print Books	Ebooks & Audiobooks
Check Outs / Circulation Performance	Circulation tracked through ILS reports; updates often delayed and less granular	Real time checkout statistics, holds, tags, and patron interest dashboard
Use of Programming (Book Clubs)	Physical copies needed; limited by inventory and shipping time; harder to scale	Customized program options in Libby: featured titles, shelf talkers, and campaigns
Sora – Public Library Connect	Unavailable	Access to school and library collection sharing

User Engagement with Content Feature Comparison of Print and Ebooks/Audiobooks

User Engagement with Content	Print Books	Ebooks & Audiobooks
Instant Access across Entire District	Limited to physical location	Can access even when not in service area, anytime anywhere
Searchable Text	No	Yes
Built-in Dictionaries	No	Yes
Highlighting and Note-taking	Physical notes only; alters book for next user	Allows for highlights and note taking without altering text for other users
Saved Search Preferences and Borrowing History	No	Yes
Self-paced Learning	Limited to reading speed	Adjustable reading speeds
Text-to-speech	No	Yes
Adjustable Font Size, Spacing, and Style	No	Yes
High-contrast and Dyslexia-friendly Fonts	No	Yes
Screen Reader Compatibility	No	Yes
Closed Captions and Transcripts	No	Often available on devices using audiobooks
Read-along Highlighting	No	Yes
Reduces Stigma	Limited accommodations; requires special copies	Universal access for patrons/students who may or may not require accommodations
Built-in Translation and Dual-language Support	No	Yes - Selections can be translated and read aloud in translated language
Vocabulary Scaffolds and Glossaries	No	Yes - Defined words are maintained in Sora

User Engagement with Content Feature Comparison of Print and Ebooks/Audiobooks
Cont.

Independent Learning without Waiting for Adult Support	Limited to classroom library or media center access	Available 24/7 with existing student credentials/library card
Interactive Features	No	Yes - Badges, reading goals, and reading competitions can encourage more time reading
Supports Remote and Hybrid Learning	No	Yes
Building Reading Lists with Tagging for Titles not in Collection	Creates extra workflow or a separate service to capture patron recommendations for print copies. Spotty support for ILS integration/ease of ordering.	Users can tag titles of interest and seamless integration with review and ordering of tagged titles in OverDrive Marketplace
Review of Annotations	Manual; requires physical book	Easy process for digital review of notes and highlights
Reduces backpack weight	No	Yes
Differentiated Instruction within One Text	Requires multiple physical editions	Easier access to multitude of standard, YA, graphic novel, or audio editions
Builds Digital Literacy Skills	No	Yes
Prepares Students for Postsecondary Learning Platforms	No	Yes - Digital reading tools common in higher learning environment
Supports Research and Citation Skills	Limited	Yes
Supports IEPs and 504 Accommodations	Requires special copies or devices	Digital tools often only option to provide students with needed accommodations
Adjustable Brightness and Night Mode	No	Yes - More comfortable reading experience for user

Operating Costs & Expenses Feature Comparison of Print and Ebooks/Audiobooks

Operating Costs & Expenses	Print Books	Ebooks & Audiobooks
Real Estate Cost	Requires physical shelving and storage space	\$0
Storage	High Physical Cost. Requires climate-controlled shelf space, cleaning, and security	Low Physical Cost. Zero shelf space; managed on servers or via third-party platforms
Portable Libraries without Physical Constraints	No – limited to physical location	Yes
Access for Children & Families Experiencing Housing Instability	Can rarely take physical books with them	Can access via reading device, smartphone, or PC
Consistent Access Across School/Home	Limited to physical presence	Yes
Environmentally Friendly	Requires paper, ink, adhesives, and shipping; contributes to deforestation and emissions	No paper or shipping, reducing waste; however, relies on servers and data centers that consume energy and water for cooling. Many providers offset impact with renewable energy and carbon-neutral initiatives.
Rapid Deployment	Requires ordering, shipping, and processing	App updates and bug fixes made weekly, and innovative new features quarterly

Library Cataloging Feature Comparison of Print and Ebooks/Audiobooks

Library Cataloging	Print Books	Ebooks & Audiobooks
MARC Records	Often purchased from vendors or created/edited by staff; local customization and authority work required; batch loads via ILS	No cost MARC records and full MARC with enhanced fields and local options available for a minimal fee
API Integrations	Primarily batch imports (MARC), Z39.50/SRU for record retrieval; availability not updated in real time	Integrates with many ILS/discovery layers via modern APIs (e.g., real-time availability, holds, metadata enrichment) from discovery to full circulation integration
Patron Limit - Access	One copy = one user at a time; physical holds/returns; damaged/lost items reduce access until replaced	Licensing-based access: one-copy/one-user, metered access (copies or time), or simultaneous-use models for high-demand/club titles; instant delivery and auto-returns reduce wait times
Checkout Limits	Libraries can set checkout limits but risk is high. Patrons could check out many items and never return them, leading to loss and replacement costs.	Libraries can also set checkout limits, but digital reduces risk. If a patron checks out high number of titles, items auto-return at end of lending period, ensuring no permanent loss.

Appendix D

Pricing Examples of Popular Juvenile and Young Adult Titles Available to DC Public Library

Selection of Popular Young Adult & Adult Fiction - ebooks

Title & Author	Publisher	Pricing Models Available
Lightlark by Alex Aster	ABRAMS	OCOU ("One Copy One User": \$11.69 OD Max: (Concurrent Use) \$22.99 CPC (Cost per Checkout): \$1.16
My Life with the Walter Boys by Ali Novak	Sourcebooks	OCOU: \$17.99 CPC: \$1.79
The Scammer by Tiffany D. Jackson	HarperCollins	MA26 ("Metered Access for 26 circulations"): \$33.23 CPC: \$1.81
The Hunger Games by Suzanne Collins	Scholastic, Inc.	MA24: \$14.99 OD Max: \$29.99 CPC: \$1.49
The Secrets We Buried by Becca Day	Bonnier Publishing	MA26: \$7.99 OD Max: \$11.98 CPC: \$0.99
Remarkably Bright Creatures by Shelby Van Pelt	HarperCollins	MA26: \$48.92 OD Max: \$139.00 CPC: \$2.49
A Court of Mist and Fury by Sarah J. Maas	Bloomsbury	OCOU: \$53.00 OD Max: \$84.99
Before the Coffee Gets Cold by Toshikazu Kawaguchi	Hanover Square Press	MA26: \$29.90 OD Max: \$139.00 CPC: \$2.49
The Perfect Divorce by Jeneva Rose	Blackstone Publishing	OCOU: \$45.99 OD Max: \$73.99
The Handmaid's Tale by Margaret Atwood	HarperCollins	MA26: \$39.71 OD Max: \$139.00 CPC: \$2.49

Selection of Popular Juvenile Fiction - ebooks

Title & Author	Publisher	Pricing Models Available
The Adventures of Captain Underpants by Dav Pilkey	Scholastic, Inc.	MA24: \$9.99 OD Max: \$19.99 CPC: \$0.99
Diary of a Wimpy Kid: Partypoooper by Jeff Kinney	ABRAMS	OCOU: \$14.39 OD Max: \$28.99 CPC: \$1.43
Boy-Crazy Stacey (Babysitters Club) by Gale Galligan, Ann M. Martin	Scholastic, Inc.	MA24: \$10.99 OD Max: \$21.99 CPC: \$1.09
Inky the Octopus by Erin Guendelsberger, David Leonard	Sourcebooks	OCOU: \$8.99 CPC: \$0.99
Five Flying Penguins by Barbara Barbieri McGrath, Stephanie Fizer Coleman	Charlesbridge	OCOU: \$15.99 OD Max: \$31.99 CPC: \$1.59
Minecraft (2019), Volume 1 by Sf ^é R. Monster, Sarah Graley	Random House, Inc.	OCOU: \$8.99 CPC: \$0.90
Scaredy Squirrel by M ^é lanie Watt	Kids Can Press	OCOU: \$10.92 OD Max: \$21.85 CPC: \$1.09
Ivy and Bean by Annie Barrows, Sophie Blackall	Chronicle Books	OCOU: \$4.87 OD Max: \$12.99 CPC: \$0.49

*Note re: Pricing Models:

OCOU = One copy, one user with no expiration date

OD Max = Metered access, 100 circulations

MA26 = Metered access, 26 circulations

MA24 = Metered access, 24 months

CPC = Cost per circulation

****This data is based upon titles available to DCPL and pricing as of January 2, 2026.**

Appendix E

Summary of Select Milestones for Digital Library Platform and Content Models that relate to DC Public Library Lending Efficiencies

Date	Digital Library Milestones
April 2003	One Copy, One User (OCOU)
February 2005	Simultaneous Use (SU)
September 2009	Advantage Consortium Inventory Sharing
November 2009	LibraryBIN (Buy It Now)
March 2011	Harper 26
September 2011	Read on Kindle for US public libraries
March 2013	Metered Access, 12 months (MA12)
October 2013	Metered Access, 24 months (MA24)
December 2014	Cost per Circulation (CPC)
April 2016	Advantage Plus
May 2016	Big Library Read
March 2017	OverDrive Book Clubs
October 2017	Single Title Simultaneous Use (STSU)
June 2019	Skip the Line
March 2020	Hold Redelivery
September 2020	OverDrive Max
December 2020	All Access Comics
July 2022	Shelf Talkers
January 2023	Notify Me
August 2023	All Access Kids
September 2023	Magazine Rack
December 2023	CTA Campaigns
September 2024	All Access Cornerstone
November 2024	All Access Romance
August 2025	Inspire Me
September 2025	All Access Mystery
September 2025	Holds Efficiency Updates

To learn more about the features and benefits of each of these milestones, you can learn more from the DCPL Collection Development team members.

Most public librarians involved with their ebook or audiobook service with OverDrive, service can provide the value of each.

Appendix F

Sample List of Top Authors and their Professional Membership

Author	2025 Top Circulating ebook titles in Libby	 Member	 Member
Kristin Hannah	<u>The Women</u>	Yes	No
James Patterson	<u>The Texas Murders</u>	Yes	No
Emily Henry	<u>Great Big Beautiful Life</u>	Yes	No
Rebecca Yarros	<u>Onyx Storm</u>	Likely	No
David Baldacci	<u>Strangers in Time</u>	Yes	No
Suzanne Collins	<u>Sunrise on the Reaping</u>	Yes	No
Erik Larson	<u>The Demon of Unrest</u>	Yes	No
Percival Everett	<u>James</u>	Yes	No
Liz Moore	<u>The God of the Woods</u>	Yes	No
John Grisham	<u>The Widow</u>	Yes	No
Freida McFadden	<u>The Housemaid</u>	To be confirmed	No