

5 February 2026

Dear Esteemed Members of the Committee,

I am the Executive Director of Library Futures, a project of NYU Law's Engelberg Center on Innovation Law & Policy. Overdrive CEO Steve Potash's recent testimony regarding B26-0490: Library E-book Pricing Fairness Amendment Act of 2025 contained a number of factual inaccuracies about Library Futures, including: (1) our role in advocating for the bill, (2) our organization's mission, and (3) the bill's relationship to the practice of Controlled Digital Lending (CDL). I would like to take this opportunity to provide the Committee with more information about our organization, the work we do, and the importance of B26-0490.

Library Futures is a nonprofit organization uncovering and confronting the fundamental policy issues that threaten libraries in the digital age. Our work has convened hundreds of librarians in person around the country and thousands online. We maintain broad support among library practitioners for our practical, common sense approach to dealing with contractual access and licensing issues; unique and underrepresented perspective on digital censorship and book banning; extensive research and internship programs; engagement with digital rights; and our grassroots support for libraries and the communities they serve. We were founded in 2020 by a small group of concerned practitioners, including myself and Kyle Courtney of Harvard University. Mr. Courtney, who was integral in the founding and positioning of Library Futures, stepped away from the organization several years ago to pursue other volunteer projects. Library Futures has a staff of four full time employees and administrative support from the Engelberg Center.

Library Futures' work is funded by a number of foundations and individuals, most notably the Andrew W. Mellon Foundation, the Arcadia Foundation, and the Richard Lounsbery Foundation. These major foundations, which all have diverse portfolios, have invested in us as a result of our service to the library profession as well as our coalition building work at the forefront of digital rights in libraries. We are active members of many organizations and initiatives that include Mr. Potash, including the American Library Association (ALA) and United Against Book Bans. Despite Mr.

Potash's assertion that our organization is trying to undermine copyright, I was chosen by the ALA to chair the Copyright Legislation and Advocacy Committee, which I have proudly led for three years.

In 2021, we posted Model Legislation on our website that individual libraries could independently adapt for use in their state. Very occasionally, library leaders will consult our team in early exploration of legislative remedies to their contractual concerns. That was not the case with B26-0490. Library Futures played no direct role in its development beyond providing the model legislation on our website. Given this context, we were surprised by such an extensive set of unsubstantiated claims and antagonistic tone in Mr. Potash's testimony.

In his testimony, Mr. Potash claims that the bill is "rooted in Controlled Digital Lending" (CDL) This claim misunderstands the purpose of the bill and CDL itself. CDL is a process involving materials that a library has purchased and digitized. This bill, in contrast, focuses on materials that libraries license or rent from publishers. He conflates these two distinct issues in order to claim that CDL is unlawful, and also to lob the insult of "copyright deniers" at hardworking librarians in your state. Invoking CDL injects an unrelated issue into the discussion of this bill.

Although we have not been directly involved in advocacy for this bill until this point, we encourage the passage of B26-0490, which supports fairer, library-driven terms around the licensing of digital materials in libraries. This bill, supported by a broad coalition of librarians, is a bold step forward in regulating the pricing and availability of digital materials for the public and ensuring good use of public money. As an advocacy organization, we support further discussions with those same librarians around what language will best benefit libraries moving forward.

We commend the legislators who have supported this bill and would be happy to discuss it at any time.

Best regards,

A handwritten signature in black ink that reads "Jennie Rose Halperin". The signature is written in a cursive, flowing style.

Jennie Rose Halperin, MLIS/MPP

Executive Director of Library Futures, Engelberg Center on Innovation Law & Policy at NYU Law