

ALA

AmericanLibraryAssociation

I am Lisa R. Varga, the Associate Executive Director for Public Policy and Advocacy for the American Library Association (ALA). The ALA is the largest library association in the world and advocates for the 123,000 libraries in the United States. We support S2525, and we thank Senators McKenney, Murray, LaMountain, Gallo, Urso and Zurier for addressing this important issue.

S2525 is intended to enable libraries to continue in the digital age to fulfill their mission of providing the public with access to information. Libraries provide equitable access to information to all. Libraries increasingly are providing residents of Rhode Island with access to digital content, such as e-books and digital audio books. Digital content is particularly useful for older Americans, people with disabilities, and others who may find it more accessible and manageable than paper books.

Libraries can purchase physical books from any outlet at the same price as any other customer, and then lend them to users. In contrast, the lending of digital books requires licensing of the content by the library to enable lending to our patrons. As the digital book licensing market has evolved, libraries have encountered several distinct problems.

First, some publishers have released some titles only as digital books, and they have refused to license these titles to libraries—at any price. Because these titles are not available in physical copies, libraries have simply not been able to provide these titles to their users in any form. This undermines library collections and discriminates against residents who cannot afford to purchase the titles themselves.

Second, many publishers impose a significantly higher price on library digital licenses than on consumer licenses: often three to five times as much or more. Forcing libraries to pay a higher price for a license of limited duration is excessive, enabled by the publishers' market power over digital books—extraordinary market power that does not exist with physical books

Third, the digital licenses typically prohibit libraries from making copies or other uses permitted under exceptions in the Copyright Act, for multiple purposes such as preservation or accessibility for people with print disabilities. In effect, the

publishers use license terms to override rights given by Congress—and the First Amendment—to libraries.

This Rhode Island legislation rightly targets these problems and will help restore the equilibrium that digital technology has disrupted and thereby improve access to information for all.

Respectfully submitted,

A handwritten signature in black ink that reads "Lisa R. Varga". The signature is written in a cursive, flowing style.

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