

114TH CONGRESS
1ST SESSION

S. 2176

To expand the use of open textbooks in order to achieve savings for students.

IN THE SENATE OF THE UNITED STATES

OCTOBER 8, 2015

Mr. DURBIN (for himself, Mr. FRANKEN, and Mr. KING) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To expand the use of open textbooks in order to achieve savings for students.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Affordable College
5 Textbook Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

8 (1) The high cost of college textbooks continues
9 to be a barrier for many students in achieving high-
10 er education.

1 (2) According to the College Board, during the
2 2014–2015 academic year, the average student
3 budget for college books and supplies at 4-year pub-
4 lic institutions of higher education was \$1,225.

5 (3) The Government Accountability Office
6 found that new textbook prices increased 82 percent
7 between 2002 and 2012 and that although Federal
8 efforts to increase price transparency have provided
9 students and families with more and better informa-
10 tion, more must be done to address rising costs.

11 (4) The growth of the Internet has enabled the
12 creation and sharing of digital content, including
13 open educational resources that can be freely used
14 by students, teachers, and members of the public.

15 (5) Using open educational resources in place of
16 traditional materials in large-enrollment college
17 courses can reduce textbook costs by 80 to 100 per-
18 cent.

19 (6) Federal investment in expanding the use of
20 open educational resources could significantly lower
21 college textbook costs and reduce financial barriers
22 to higher education, while making efficient use of
23 taxpayer funds.

24 **SEC. 3. DEFINITIONS.**

25 In this Act:

1 (1) EDUCATIONAL RESOURCE.—The term “edu-
2 cational resource” means an educational material
3 that can be used in postsecondary instruction, in-
4 cluding textbooks and other written or audiovisual
5 works.

6 (2) INSTITUTION OF HIGHER EDUCATION.—The
7 term “institution of higher education” has the
8 meaning given the term in section 101 of the Higher
9 Education Act of 1965 (20 U.S.C. 1001).

10 (3) OPEN EDUCATIONAL RESOURCE.—The term
11 “open educational resource” means an educational
12 resource that either is in the public domain or is
13 made available under a permanent copyright license
14 to the public to freely adapt, distribute, and other-
15 wise use the work with attribution to the author as
16 designated.

17 (4) OPEN TEXTBOOK.—The term “open text-
18 book” means an open educational resource or set of
19 open educational resources that either is a textbook
20 or can be used in place of a textbook for a postsec-
21 ondary course at an institution of higher education.

22 (5) RELEVANT FACULTY.—The term “relevant
23 faculty” means both tenure track and contingent
24 faculty members who may be involved in the creation
25 of open educational resources or the use of open

1 educational resources created as part of the grant
2 application.

3 (6) SECRETARY.—The term “Secretary” means
4 the Secretary of Education.

5 **SEC. 4. GRANT PROGRAM.**

6 (a) GRANTS AUTHORIZED.—From the amounts ap-
7 propriated under subsection (i), the Secretary shall make
8 grants, on a competitive basis, to eligible entities to sup-
9 port pilot programs that expand the use of open textbooks
10 in order to achieve savings for students.

11 (b) ELIGIBLE ENTITY.—In this section, the term “el-
12 igible entity” means an institution of higher education or
13 group of institutions of higher education.

14 (c) APPLICATIONS.—

15 (1) IN GENERAL.—Each eligible entity desiring
16 a grant under this section, after consultation with
17 relevant faculty, shall submit an application to the
18 Secretary at such time, in such manner, and accom-
19 panied by such information as the Secretary may
20 reasonably require.

21 (2) CONTENTS.—Each application submitted
22 under paragraph (1) shall include a description of
23 the project to be completed with grant funds and—

24 (A) a plan for promoting and tracking the
25 use of open textbooks in postsecondary courses

1 offered by the eligible entity, including an esti-
2 mate of the projected savings that will be
3 achieved for students;

4 (B) a plan for evaluating, before creating
5 new open educational resources, whether exist-
6 ing open educational resources could be used or
7 adapted for the same purpose;

8 (C) a plan for quality review and review of
9 accuracy of any open educational resources to
10 be created or adapted through the grant;

11 (D) a plan for disseminating information
12 about the results of the project to institutions
13 of higher education outside of the eligible enti-
14 ty, including promoting the adoption of any
15 open textbooks created or adapted through the
16 grant; and

17 (E) a statement on consultation with rel-
18 evant faculty, including those engaged in the
19 creation of open educational resources, in the
20 development of the application.

21 (d) SPECIAL CONSIDERATION.—In awarding grants
22 under this section, the Secretary shall give special consid-
23 eration to applications that demonstrate the greatest po-
24 tential to—

1 (1) achieve the highest level of savings for stu-
2 dents through sustainable expanded use of open
3 textbooks in postsecondary courses offered by the el-
4 igible entity;

5 (2) expand the use of open textbooks at institu-
6 tions of higher education outside of the eligible enti-
7 ty; and

8 (3) produce—

9 (A) the highest quality open textbooks;

10 (B) open textbooks that can be most easily
11 utilized and adapted by faculty members at in-
12 stitutions of higher education;

13 (C) open textbooks that correspond to the
14 highest enrollment courses at institutions of
15 higher education; and

16 (D) open textbooks created or adapted in
17 partnership with entities, including campus
18 bookstores, that will assist in marketing and
19 distribution of the open textbook.

20 (e) USE OF FUNDS.—An eligible entity that receives
21 a grant under this section shall use the grant funds to
22 carry out any of the following activities to expand the use
23 of open textbooks:

24 (1) Professional development for any faculty
25 and staff members at institutions of higher edu-

1 cation, including the search for and review of open
2 textbooks.

3 (2) Creation or adaptation of open educational
4 resources, especially open textbooks.

5 (3) Development or improvement of tools and
6 informational resources that support the use of open
7 textbooks.

8 (4) Research evaluating the efficacy of the use
9 of open textbooks for achieving savings for students.

10 (5) Partnerships with other entities, including
11 other institutions of higher education, for-profit or-
12 ganizations, or nonprofit organizations, to carry out
13 any of the activities described in paragraphs (1)
14 through (4).

15 (f) LICENSE.—Educational resources created under
16 subsection (e) shall be licensed under a nonexclusive, per-
17 manent license to the public to exercise any of the rights
18 under copyright conditioned only on the requirement that
19 attribution be given as directed by the copyright owner.

20 (g) ACCESS AND DISTRIBUTION.—The full and com-
21 plete digital content of each educational resource created
22 or adapted under subsection (e) shall be made available
23 free of charge to the public—

1 (1) on an easily accessible and interoperable
2 website, which shall be identified to the Secretary by
3 the eligible entity; and

4 (2) in a machine readable, digital format that
5 anyone can directly download, edit with attribution,
6 and redistribute.

7 (h) REPORT.—Upon an eligible entity’s completion of
8 a project supported under this section, the eligible entity
9 shall prepare and submit a report to the Secretary regard-
10 ing—

11 (1) the effectiveness of the pilot program in ex-
12 panding the use of open textbooks and in achieving
13 savings for students;

14 (2) the impact of the pilot program on expand-
15 ing the use of open textbooks at institutions of high-
16 er education outside of the eligible entity;

17 (3) educational resources created or adapted
18 under the grant, including instructions on where the
19 public can access each educational resource under
20 the terms of subsection (g); and

21 (4) all project costs, including the value of any
22 volunteer labor and institutional capital used for the
23 project.

24 (i) AUTHORIZATION OF APPROPRIATIONS.—There
25 are authorized to be appropriated such sums as are nec-

1 essary to carry out this section for each of the 5 suc-
2 ceeding fiscal years after the enactment of this Act.

3 **SEC. 5. PRICE INFORMATION.**

4 Section 133(b) of the Higher Education Act of 1965
5 (20 U.S.C. 1015b(b)) is amended—

6 (1) by striking paragraph (6); and

7 (2) in paragraph (9);

8 (A) by striking subparagraphs (A) and
9 (B); and

10 (B) by striking “a college textbook that—
11 ” and inserting “a college textbook that may in-
12 clude printed materials, computer disks, website
13 access, and electronically distributed mate-
14 rials.”.

15 **SEC. 6. SENSE OF CONGRESS.**

16 It is the sense of Congress that institutions of higher
17 education should encourage the consideration of open text-
18 books by faculty within the generally accepted principles
19 of academic freedom that establishes the right and respon-
20 sibility of faculty members, individually and collectively,
21 to select course materials that are pedagogically most ap-
22 propriate for their classes.

23 **SEC. 7. REPORT TO CONGRESS.**

24 Not later than 2 years after the date of enactment
25 of this Act, the Secretary shall prepare and submit a re-

1 port to the Committee on Health, Education, Labor, and
2 Pensions of the Senate and the Committee on Education
3 and the Workforce of the House of Representatives detail-
4 ing—

5 (1) the open textbooks created or adapted
6 under this Act;

7 (2) the adoption of such open textbooks; and

8 (3) the savings generated for students, States,
9 and the Federal Government through the use of
10 open textbooks.

11 **SEC. 8. GAO REPORT.**

12 Not later than 3 years after the date of enactment
13 of this Act, the Comptroller General of the United States
14 shall prepare and submit a report to the Committee on
15 Health, Education, Labor, and Pensions of the Senate and
16 the Committee on Education and the Workforce of the
17 House of Representatives on the cost of textbooks to stu-
18 dents at institutions of higher education. The report shall
19 particularly examine—

20 (1) the change of the cost of textbooks;

21 (2) the factors that have contributed to the
22 change of the cost of textbooks;

23 (3) the extent to which open textbooks are used
24 at institutions of higher education; and

- 1 (4) the impact of open textbooks on the cost of
- 2 textbooks.

