

111TH CONGRESS
1ST SESSION

S. 1714

To authorize grants for the creation, update, or adaption of open textbooks,
and for other purposes.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 24, 2009

Mr. DURBIN introduced the following bill; which was read twice and referred
to the Committee on Health, Education, Labor, and Pensions

A BILL

To authorize grants for the creation, update, or adaption
of open textbooks, and for other purposes.

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 “Open College Textbook
5 Act of 2009”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

8 (1) The growth of the Internet has enabled the
9 creation and sharing of open content, including open
10 educational resources.

1 (2) The President has proposed a new, signifi-
2 cant Federal investment in the creation of online
3 open-source courses for community colleges that will
4 make learning more accessible, adaptable, and af-
5 fordable for students.

6 (3) The President has challenged the United
7 States with a goal of having the highest college
8 graduation rate in the world by 2020.

9 (4) More than 80 percent of the 23,000,000
10 jobs that will be created in the next 10 years will re-
11 quire postsecondary education, but only 36 percent
12 of all 18- to 24-year-olds are currently enrolled in
13 postsecondary education.

14 (5) The high cost of college textbooks continues
15 to be a barrier for many students in achieving high-
16 er education, and according to the Advisory Com-
17 mittee on Student Financial Assistance, 200,000
18 qualified students fail to enroll in college each year
19 due to cost.

20 (6) The College Board reported that for the
21 2007–2008 academic year an average student spent
22 an estimated \$805 to \$1,229 on college books and
23 supplies.

24 (7) Making high quality open textbooks freely
25 available to the general public could significantly

1 lower college textbook costs and increase accessibility
2 to such education materials.

3 (8) Open textbooks can improve learning and
4 teaching by creating course materials that are more
5 flexible, adaptable, and accessible through the use of
6 technology.

7 **SEC. 3. DEFINITIONS.**

8 In this Act:

9 (1) DIRECTOR.—The term “Director” means
10 the Director of the National Science Foundation.

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

15 (3) OPEN LICENSE.—The term “open license”
16 means an irrevocable intellectual property license
17 that grants the public the right to access, customize,
18 and distribute a copyrighted material.

19 (4) OPEN TEXTBOOK.—The term “open text-
20 book” means a textbook or set of course materials
21 in electronic format designed for use in a college
22 course at an institution of higher education that is
23 licensed under an open license.

24 (5) SECRETARY.—The term “Secretary” means
25 the Secretary of Education.

1 **SEC. 4. GRANT PROGRAM.**

2 (a) GRANTS AUTHORIZED.—From the amounts ap-
3 propriated under subsection (i), the Secretary is author-
4 ized to award grants, on a competitive basis, to eligible
5 entities to carry out the activities described in this section,
6 including creating, updating, or adapting open textbooks.
7 The Secretary shall award grants in a manner that will
8 result in the creation of a comprehensive slate of high
9 quality course materials for introductory courses in a vari-
10 ety of subject areas.

11 (b) ELIGIBLE ENTITY.—In this section, the term “el-
12 igible entity” means—

- 13 (1) an institution of higher education;
14 (2) a professor or group of professors at an in-
15 stitution of higher education; or
16 (3) a nonprofit or for-profit organization that
17 produces open textbooks.

18 (c) DURATION.—Grants awarded under this section
19 shall be 1 year in duration.

20 (d) APPLICATIONS.—

- 21 (1) IN GENERAL.—Each eligible entity desiring
22 a grant under this section shall submit an applica-
23 tion to the Secretary at such time, in such manner,
24 and accompanied by such information as the Sec-
25 retary may reasonably require.

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

4 (A) a plan for quality review and review of
5 accuracy of content;

6 (B) a plan for access to ensure the widest
7 possible availability of the digital version of the
8 open textbook;

9 (C) a plan for distribution and adoption of
10 the open textbook to ensure the widest possible
11 adoption of the open textbook in postsecondary
12 courses, including, where applicable, a mar-
13 keting plan or a plan to partner with for-profit
14 or nonprofit organizations to assist in mar-
15 keting and distribution; and

16 (D) a plan for tracking and reporting for-
17 mal adoptions of the open textbook within post-
18 secondary institutions, including an estimate of
19 the number of students impacted by the adop-
20 tions.

21 (e) 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 produce—

1 (1) the highest quality and most marketable
2 open textbooks;

3 (2) open textbooks that correspond to the high-
4 est enrollment courses at institutions of higher edu-
5 cation;

6 (3) open textbooks that are easily utilized by
7 faculty members at institutions of higher education;
8 and

9 (4) open textbooks created in partnership with
10 for-profit or nonprofit organizations to assist in
11 marketing and distribution.

12 (f) USES OF GRANTS.—

13 (1) OPEN TEXTBOOKS.—An eligible entity that
14 receives a grant under this section shall—

15 (A) create a new open textbook for use in
16 postsecondary coursework;

17 (B) update an open textbook for use in
18 postsecondary coursework; or

19 (C) adapt a textbook into an open format
20 for use in postsecondary coursework.

21 (2) LICENSE.—An open textbook created, up-
22 dated, or adapted under paragraph (1) shall be li-
23 censed through an open license.

1 (3) ACCESSIBILITY.—The full and complete dig-
2 ital content of each open textbook created, updated,
3 or adapted under paragraph (1) shall be—

4 (A) posted on an easily accessible and
5 interoperable website, which site shall be identi-
6 fied to the Secretary by the eligible entity; and

7 (B) made available free of charge to, and
8 may be downloaded, redistributed, changed, re-
9 vised, or otherwise altered by, any member of
10 the general public.

11 (g) REVIEW PROCESS.—The Secretary shall develop
12 a peer review and evaluation process in consultation with
13 the Director to ensure that open textbooks created, up-
14 dated, or adapted under this section are of the highest
15 quality, accurate in content, and meet or exceed market
16 quality and accessibility standards.

17 (h) REPORT.—Upon an eligible entity's completion of
18 a project supported under this section, the eligible entity
19 shall prepare and submit a report to the Secretary regard-
20 ing all project costs, including the value of any volunteer
21 labor and institutional capital used for the project.

22 (i) AUTHORIZATION OF APPROPRIATIONS.—There
23 are authorized to be appropriated \$15,000,000 to carry
24 out this section for fiscal year 2010 and such sums as
25 are necessary for each of the 5 succeeding fiscal years.

1 **SEC. 5. LICENSING MATERIALS WITH A FEDERAL CONNEC-**
 2 **TION.**

3 (a) IN GENERAL.—Notwithstanding any other provi-
 4 sion of law, educational materials such as curricula and
 5 textbooks created through grants distributed by Federal
 6 agencies, including the National Science Foundation, for
 7 use in elementary, secondary, or postsecondary courses
 8 shall be licensed under an open license.

9 (b) ACCESSIBILITY.—The full and complete digital
 10 content of each of the materials created as described in
 11 subsection (a) shall be—

12 (1) posted on an easily accessible and interoper-
 13 able website, which site shall be identified to the
 14 Secretary by the grant recipient; and

15 (2) made available free of charge to, and may
 16 be downloaded, redistributed, changed, revised, or
 17 otherwise altered by, any member of the general
 18 public.

19 **SEC. 6. SENSE OF CONGRESS.**

20 It is the sense of Congress that institutions of higher
 21 education should encourage the consideration of open text-
 22 books by professors within the generally accepted prin-
 23 ciples of academic freedom that established the right and
 24 responsibility of faculty members, individually and collec-
 25 tively, to select course materials that are pedagogically
 26 most appropriate for their classes.

1 **SEC. 7. REPORT TO CONGRESS.**

2 Not later than September 30, 2015, the Secretary
3 shall prepare and submit a report to the Committee on
4 Health, Education, Labor, and Pensions of the Senate and
5 the Committee on Education and Labor of the House of
6 Representatives detailing—

7 (1) the open textbooks created, updated, or
8 adapted under this Act;

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

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

○