

113TH CONGRESS
1ST SESSION

H. R. 3538

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

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 19, 2013

Mr. HINOJOSA (for himself and Mr. GEORGE MILLER of California) introduced the following bill; which was referred to the Committee on Education and the Workforce

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 2012–2013 academic year, the average student
3 budget for college books and supplies was \$1,200.

4 (3) The Government Accountability Office
5 found that new textbook prices increased 82 percent
6 over the last decade and that although Federal ef-
7 forts to increase price transparency have provided
8 students and families with more and better informa-
9 tion, more must be done to address rising costs.

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

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

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

23 **SEC. 3. DEFINITIONS.**

24 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 is licensed under an open license and
13 made freely available online to the public.

14 (4) OPEN LICENSE.—The term “open license”
15 means a worldwide, royalty-free, non-exclusive, per-
16 petual, irrevocable copyright license granting the
17 public permission to access, reproduce, publicly per-
18 form, publicly display, adapt, distribute, and other-
19 wise use the work and adaptations of the work for
20 any purpose, conditioned only on the requirement
21 that attribution be given to authors as designated.

22 (5) OPEN TEXTBOOK.—The term “open text-
23 book” means an open educational resource or set of
24 open educational resources that either is a textbook

1 or can be used in place of a textbook for a postsec-
2 ondary course at an institution of higher education.

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 (including those engaged in the cre-
18 ation of open educational resources), shall submit an
19 application to the Secretary at such time, in such
20 manner, and accompanied by such information as
21 the Secretary may reasonably require.

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

1 (A) a plan for promoting and tracking the
2 use of open textbooks in postsecondary courses
3 offered by the eligible entity, including an esti-
4 mate of the projected savings that will be
5 achieved for students;

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

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

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

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

23 (d) SPECIAL CONSIDERATION.—In awarding grants
24 under this section, the Secretary shall give special consid-

1 eration to applications that demonstrate the greatest po-
2 tential to—

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

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

10 (3) produce—

11 (A) the highest quality open textbooks;

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

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

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

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

1 (1) Professional development for faculty and
2 staff members at institutions of higher education, in-
3 cluding the search for and review of open textbooks.

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

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

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

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

16 (f) LICENSE.—Educational resources created or
17 adapted under subsection (e) shall be licensed under an
18 open license.

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

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

1 (2) in a machine readable, digital format that
2 anyone can directly download, edit, and redistribute.

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

7 (1) the effectiveness of the pilot program in ex-
8 panding the use of open textbooks and in achieving
9 savings for students;

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

13 (3) educational resources created or adapted
14 under the grant, including instructions on where the
15 public can access each educational resource under
16 the terms of subsection (g); and

17 (4) all project costs, including the value of any
18 volunteer labor and institutional capital used for the
19 project.

20 (i) AUTHORIZATION OF APPROPRIATIONS.—There
21 are authorized to be appropriated such sums as are nec-
22 essary to carry out this section for each of the 5 suc-
23 ceeding fiscal years after the enactment of this Act.

1 **SEC. 5. PRICE INFORMATION.**

2 Section 133(b) of the Higher Education Act of 1965
3 (20 U.S.C. 1015b(b)) is amended—

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

5 (2) in paragraph (9);

6 (A) by striking subparagraphs (A) and
7 (B); and

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

13 **SEC. 6. SENSE OF CONGRESS.**

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

21 **SEC. 7. REPORT TO CONGRESS.**

22 Not later than July 1, 2016, the Secretary shall pre-
23 pare and submit a report to the Committee on Health,
24 Education, Labor, and Pensions of the Senate and the
25 Committee on Education and the Workforce of the House
26 of Representatives detailing—

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

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

4 (3) the savings generated for students, States,
5 and the Federal Government through the use of
6 open textbooks.

7 **SEC. 8. GAO REPORT.**

8 Not later than July 1, 2017, the Comptroller General
9 of the United States shall prepare and submit a report
10 to the Committee on Health, Education, Labor, and Pen-
11 sions of the Senate and the Committee on Education and
12 the Workforce of the House of Representatives on the cost
13 of textbooks to students at institutions of higher edu-
14 cation. The report shall particularly examine—

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

16 (2) the factors that have contributed to the
17 change of the cost of textbooks;

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

20 (4) the impact of open textbooks on the cost of
21 textbooks.

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