

.....  
(Original Signature of Member)

114TH CONGRESS  
1ST SESSION

**H. R.** \_\_\_\_\_

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

\_\_\_\_\_  
IN THE HOUSE OF REPRESENTATIVES

Mr. HINOJOSA introduced the following bill; which was referred to the  
Committee on \_\_\_\_\_

\_\_\_\_\_  
**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:

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

4           (2) According to the College Board, during the  
5           2014-2015 academic year, the average student budg-  
6           et for college books and supplies at 4-year public in-  
7           stitutions of higher education was \$1,225.

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

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

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

22          (6) Federal investment in expanding the use of  
23          open educational resources could significantly lower  
24          college textbook costs and reduce financial barriers

1 to higher education, while making efficient use of  
2 taxpayer funds.

3 **SEC. 3. DEFINITIONS.**

4 In this Act:

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

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

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

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

1           (5) RELEVANT FACULTY.—The term “relevant  
2           faculty” means both tenure track and contingent  
3           faculty members who may be involved in the creation  
4           of open educational resources or the use of open  
5           educational resources created as part of the grant  
6           application.

7           (6) SECRETARY.—The term “Secretary” means  
8           the Secretary of Education.

9   **SEC. 4. GRANT PROGRAM.**

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

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

18          (c) APPLICATIONS.—

19                (1) IN GENERAL.—Each eligible entity desiring  
20                a grant under this section, after consultation with  
21                relevant faculty, shall submit an application to the  
22                Secretary at such time, in such manner, and accom-  
23                panied by such information as the Secretary may  
24                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 promoting and tracking the  
5                   use of open textbooks in postsecondary courses  
6                   offered by the eligible entity, including an esti-  
7                   mate of the projected savings that will be  
8                   achieved for students;

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

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

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

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

1 (d) SPECIAL CONSIDERATION.—In awarding grants  
2 under this section, the Secretary shall give special consid-  
3 eration to applications that demonstrate the greatest po-  
4 tential to—

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

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

12 (3) produce—

13 (A) the highest quality open textbooks;

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

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

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

24 (e) USE OF FUNDS.—An eligible entity that receives  
25 a grant under this section shall use the grant funds to

1 carry out any of the following activities to expand the use  
2 of open textbooks:

3 (1) Professional development for any faculty  
4 and staff members at institutions of higher edu-  
5 cation, including the search for and review of open  
6 textbooks.

7 (2) Creation or adaptation of open educational  
8 resources, especially open textbooks.

9 (3) Development or improvement of tools and  
10 informational resources that support the use of open  
11 textbooks.

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

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

19 (f) LICENSE.—Educational resources created under  
20 subsection (e) shall be licensed under a non-exclusive, per-  
21 manent license to the public to exercise any of the rights  
22 under copyright conditioned only on the requirement that  
23 attribution be given as directed by the copyright owner.

24 (g) ACCESS AND DISTRIBUTION.—The full and com-  
25 plete digital content of each educational resource created

1 or adapted under subsection (e) shall be made available  
2 free of charge to the public—

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

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

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

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

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

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

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

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

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

6           Section 133(b) of the Higher Education Act of 1965  
7 (20 U.S.C. 1015b(b)) is amended—

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

9                   (2) in paragraph (9);

10                         (A) by striking subparagraphs (A) and  
11                         (B); and

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

17 **SEC. 6. SENSE OF CONGRESS.**

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

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

2 Not later than 2 years after the date of enactment  
3 of this Act, the Secretary shall prepare and submit a re-  
4 port to the Committee on Health, Education, Labor, and  
5 Pensions of the Senate and the Committee on Education  
6 and the Workforce of the House of Representatives detail-  
7 ing—

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

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

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

14 **SEC. 8. GAO REPORT.**

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

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

24 (2) the factors that have contributed to the  
25 change of the cost of textbooks;

- 1           (3) the extent to which open textbooks are used
- 2           at institutions of higher education; and
- 3           (4) the impact of open textbooks on the cost of
- 4           textbooks.