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.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Open College Textbook Act of 2009”.

SEC. 2. FINDINGS.

Congress finds the following:

(1) The growth of the Internet has enabled the creation and sharing of open content, including open educational resources.
(2) The President has proposed a new, significant Federal investment in the creation of online open-source courses for community colleges that will make learning more accessible, adaptable, and affordable for students.

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

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

(5) The high cost of college textbooks continues to be a barrier for many students in achieving higher education, and according to the Advisory Committee on Student Financial Assistance, 200,000 qualified students fail to enroll in college each year due to cost.

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

(7) Making high quality open textbooks freely available to the general public could significantly
lower college textbook costs and increase accessibility
to such education materials.

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

SEC. 3. DEFINITIONS.

In this Act:

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

(2) INSTITUTION OF HIGHER EDUCATION.—The
term “institution of higher education” has the
meaning given the term in section 101 of the Higher

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

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

(5) SECRETARY.—The term “Secretary” means
the Secretary of Education.
SEC. 4. GRANT PROGRAM.

(a) GRANTS AUTHORIZED.—From the amounts appropriated under subsection (i), the Secretary is authorized to award grants, on a competitive basis, to eligible entities to carry out the activities described in this section, including creating, updating, or adapting open textbooks. The Secretary shall award grants in a manner that will result in the creation of a comprehensive slate of high quality course materials for introductory courses in a variety of subject areas.

(b) ELIGIBLE ENTITY.—In this section, the term “eligible entity” means—

(1) an institution of higher education;

(2) a professor or group of professors at an institution of higher education; or

(3) a nonprofit or for-profit organization that produces open textbooks.

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

(d) APPLICATIONS.—

(1) IN GENERAL.—Each eligible entity desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.
(2) CONTENTS.—Each application submitted under paragraph (1) shall include a description of the project to be completed with grant funds and—

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

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

(C) a plan for distribution and adoption of the open textbook to ensure the widest possible adoption of the open textbook in postsecondary courses, including, where applicable, a marketing plan or a plan to partner with for-profit or nonprofit organizations to assist in marketing and distribution; and

(D) a plan for tracking and reporting formal adoptions of the open textbook within postsecondary institutions, including an estimate of the number of students impacted by the adoptions.

(e) SPECIAL CONSIDERATION.—In awarding grants under this section, the Secretary shall give special consideration to applications that demonstrate the greatest potential to produce—
(1) the highest quality and most marketable open textbooks;

(2) open textbooks that correspond to the highest enrollment courses at institutions of higher education;

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

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

(f) USES OF GRANTS.—

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

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

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

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

(2) LICENSE.—An open textbook created, updated, or adapted under paragraph (1) shall be licensed through an open license.
(3) Accessibility.—The full and complete digital content of each open textbook created, updated, or adapted under paragraph (1) shall be—

(A) posted on an easily accessible and interoperable website, which site shall be identified to the Secretary by the eligible entity; and

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

(g) Review Process.—The Secretary shall develop a peer review and evaluation process in consultation with the Director to ensure that open textbooks created, updated, or adapted under this section are of the highest quality, accurate in content, and meet or exceed market quality and accessibility standards.

(h) Report.—Upon an eligible entity’s completion of a project supported under this section, the eligible entity shall prepare and submit a report to the Secretary regarding all project costs, including the value of any volunteer labor and institutional capital used for the project.

(i) Authorization of Appropriations.—There are authorized to be appropriated $15,000,000 to carry out this section for fiscal year 2010 and such sums as are necessary for each of the 5 succeeding fiscal years.
SEC. 5. LICENSING MATERIALS WITH A FEDERAL CONNECTION.

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

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

(1) posted on an easily accessible and interoperable website, which site shall be identified to the Secretary by the grant recipient; and

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

SEC. 6. SENSE OF CONGRESS.

It is the sense of Congress that institutions of higher education should encourage the consideration of open textbooks by professors within the generally accepted principles of academic freedom that established the right and responsibility of faculty members, individually and collectively, to select course materials that are pedagogically most appropriate for their classes.
SEC. 7. REPORT TO CONGRESS.

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

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

(2) the adoption of such open textbooks; and

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