

111TH CONGRESS
2^D SESSION

H. R. 4575

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

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 2, 2010

Mr. WU introduced the following bill; which was referred to the Committee on Education and Labor, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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 2010”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

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

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

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

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

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

23 (6) The College Board reported that for the
24 2007–2008 academic year an average student spent

1 an estimated \$805 to \$1,229 on college books and
2 supplies.

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

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

11 **SEC. 3. DEFINITIONS.**

12 In this Act:

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

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

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

23 (4) OPEN TEXTBOOK.—The term “open text-
24 book” means a textbook or set of course materials
25 in electronic format designed for use in a college

1 course at an institution of higher education that is
2 licensed under an open license.

3 (5) 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 is author-
8 ized to award grants, on a competitive basis, to eligible
9 entities to carry out the activities described in this section,
10 including creating, updating, or adapting open textbooks.
11 The Secretary shall award grants in a manner that will
12 result in the creation of a comprehensive slate of high
13 quality course materials for introductory courses in a vari-
14 ety of subject areas.

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

17 (1) an institution of higher education;

18 (2) a professor or group of professors at an in-
19 stitution of higher education; or

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

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

24 (d) APPLICATIONS.—

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

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

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

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

14 (C) a plan for distribution and adoption of
15 the open textbook to ensure the widest possible
16 adoption of the open textbook in postsecondary
17 courses, including, where applicable, a mar-
18 keting plan or a plan to partner with for-profit
19 or nonprofit organizations to assist in mar-
20 keting and distribution; and

21 (D) a plan for tracking and reporting for-
22 mal adoptions of the open textbook within post-
23 secondary institutions, including an estimate of
24 the number of students impacted by the adop-
25 tions.

1 (e) 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 produce—

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

7 (2) open textbooks that correspond to the high-
8 est enrollment courses at institutions of higher edu-
9 cation;

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

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

16 (f) USES OF GRANTS.—

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

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

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

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

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

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

7 (A) posted on an easily accessible and
8 interoperable web site, which site shall be iden-
9 tified to the Secretary by the eligible entity; and

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

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

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

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

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

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

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

16 (1) posted on an easily accessible and interoper-
17 able web site, which site shall be identified to the
18 Secretary by the grant recipient; and

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

23 **SEC. 6. SENSE OF CONGRESS.**

24 It is the sense of Congress that institutions of higher
25 education should encourage the consideration of open text-

1 books by professors within the generally accepted prin-
2 ciples of academic freedom that established the right and
3 responsibility of faculty members, individually and collec-
4 tively, to select course materials that are pedagogically
5 most appropriate for their classes.

6 **SEC. 7. REPORT TO CONGRESS.**

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

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

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

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

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