

**AMENDMENT TO THE AMENDMENT IN THE  
NATURE OF A SUBSTITUTE TO H.R. 4508  
OFFERED BY MR. POLIS OF COLORADO**

Insert before section 121 the following:

1                   **Subpart 1—Costs Generally**

Insert after section 124 the following:

2                   **Subpart 2—Affordable College Textbooks**

3 **SECTION 125. SHORT TITLE.**

4           This subpart may be cited as the “Affordable College  
5 Textbook Act”.

6 **SEC. 126. 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.

11                   (2) According to the College Board, during the  
12          2016–2017 academic year, the average student  
13          budget for college books and supplies at 4-year pub-  
14          lic institutions of higher education was \$1,250.

15                   (3) The Government Accountability Office  
16          found that new textbook prices increased 82 percent  
17          between 2002 and 2012 and that although Federal

1 efforts to increase price transparency have provided  
2 students and families with more and better informa-  
3 tion, more must be done to address rising costs.

4 (4) The growth of the internet has enabled the  
5 creation and sharing of digital content, including  
6 open educational resources that can be freely used  
7 by students, teachers, and members of the public.

8 (5) According to the Student PIRGs, expanded  
9 use of open educational resources has the potential  
10 to save students more than a billion dollars annually.

11 (6) Federal investment in expanding the use of  
12 open educational resources could significantly lower  
13 college textbook costs and reduce financial barriers  
14 to higher education, while making efficient use of  
15 taxpayer funds.

16 **SEC. 127. DEFINITIONS.**

17 In this Subpart:

18 (1) **EDUCATIONAL RESOURCE.**—The term “edu-  
19 cational resource” means an educational material  
20 that can be used in postsecondary instruction, in-  
21 cluding textbooks and other written or audiovisual  
22 works.

23 (2) **INSTITUTION OF HIGHER EDUCATION.**—The  
24 term “institution of higher education” has the

1 meaning given the term in section 101 or 102 of the  
2 Higher Education Act of 1965 (20 U.S.C. 1001).

3 (3) OPEN EDUCATIONAL RESOURCE.—The term  
4 “open educational resource” means an educational  
5 resource that either resides in the public domain or  
6 has been released under an intellectual property li-  
7 cense that permits its free use, reuse, modification,  
8 and sharing with others.

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

14 (5) RELEVANT FACULTY.—The term “relevant  
15 faculty” means both tenure track and contingent  
16 faculty members who may be involved in the creation  
17 of open educational resources or the use of open  
18 educational resources created as part of the grant  
19 application.

20 (6) SECRETARY.—The term “Secretary” means  
21 the Secretary of Education.

22 **SEC. 128. GRANT PROGRAM.**

23 (a) GRANTS AUTHORIZED.—From the amounts ap-  
24 propriated under subsection (i), the Secretary shall make  
25 grants, on a competitive basis, to eligible entities to sup-

1 port projects that expand the use of open textbooks in  
2 order to achieve savings for students while maintaining or  
3 improving instruction and student learning outcomes.

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

7 (c) APPLICATIONS.—

8 (1) IN GENERAL.—Each eligible entity desiring  
9 a grant under this section, after consultation with  
10 relevant faculty, shall submit an application to the  
11 Secretary at such time, in such manner, and accom-  
12 panied by such information as the Secretary may  
13 reasonably require.

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

17 (A) a plan for promoting and tracking the  
18 use of open textbooks in postsecondary courses  
19 offered by the eligible entity, including an esti-  
20 mate of the projected savings that will be  
21 achieved for students;

22 (B) a plan for evaluating, before creating  
23 new open educational resources, whether exist-  
24 ing open educational resources could be used or  
25 adapted for the same purpose;

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

4 (D) a plan for assessing the impact of  
5 open textbooks on instruction and student  
6 learning outcomes at the eligible entity;

7 (E) a plan for disseminating information  
8 about the results of the project to institutions  
9 of higher education outside of the eligible enti-  
10 ty, including promoting the adoption of any  
11 open textbooks created or adapted through the  
12 grant; and

13 (F) a statement on consultation with rel-  
14 evant faculty, including those engaged in the  
15 creation of open educational resources, in the  
16 development of the application.

17 (d) SPECIAL CONSIDERATION.—In awarding grants  
18 under this section, the Secretary shall give special consid-  
19 eration to applications that demonstrate the greatest po-  
20 tential to—

21 (1) achieve the highest level of savings for stu-  
22 dents through sustainable expanded use of open  
23 textbooks in postsecondary courses offered by the el-  
24 igible entity;

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

4           (3) produce—

5                 (A) the highest quality open textbooks;

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

9                 (C) open textbooks that correspond to the  
10           highest enrollment courses at institutions of  
11           higher education; and

12                 (D) open textbooks created or adapted in  
13           partnership with entities, including campus  
14           bookstores, that will assist in marketing and  
15           distribution of the open textbook.

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

20                 (1) Professional development for any faculty  
21           and staff members at institutions of higher edu-  
22           cation, including the search for and review of open  
23           textbooks.

24                 (2) Creation or adaptation of open educational  
25           resources, especially open textbooks.

1           (3) Development or improvement of tools and  
2 informational resources that support the use of open  
3 textbooks, including accessible instructional mate-  
4 rials for students with disabilities.

5           (4) Research evaluating the efficacy of the use  
6 of open textbooks for achieving savings for students  
7 and the impact on instruction and student learning  
8 outcomes.

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

14       (f) LICENSE.—Educational resources created under  
15 subsection (e) shall be licensed under a nonexclusive, irrev-  
16 ovable license to the public to exercise any of the rights  
17 under copyright conditioned only on the requirement that  
18 attribution be given as directed by the copyright owner.

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 with attribution,  
3           and redistribute.

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

8           (1) the effectiveness of the project in expanding  
9           the use of open textbooks and in achieving savings  
10          for students;

11          (2) the impact of the project on expanding the  
12          use of open textbooks at institutions of higher edu-  
13          cation outside of the eligible entity;

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

18          (4) the impact of the project on instruction and  
19          student learning outcomes; and

20          (5) all project costs, including the value of any  
21          volunteer labor and institutional capital used for the  
22          project.

23          (i) AUTHORIZATION OF APPROPRIATIONS.—There  
24          are authorized to be appropriated to carry out this section  
25          such sums as are necessary for each of the 5 fiscal years



1 succeeding the fiscal year during which this subpart is en-  
2 acted.

3 **SEC. 129. PRICE INFORMATION.**

4 Section 133(b) of the Higher Education Act of 1965  
5 (20 U.S.C. 1015b(b)), as amended by section 123, is fur-  
6 ther amended—

7 (1) by striking paragraph (6);

8 (2) by redesignating paragraphs (7), (8), and  
9 (9), as paragraphs (6), (7), and (8), respectively;  
10 and

11 (3) in paragraph (8), as redesignated by para-  
12 graph (2)—

13 (A) by striking subparagraphs (A) and  
14 (B); and

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

20 **SEC. 129A. SENSE OF CONGRESS.**

21 It is the sense of Congress that institutions of higher  
22 education should encourage the consideration of open text-  
23 books by faculty within the generally accepted principles  
24 of academic freedom that establishes the right and respon-  
25 sibility of faculty members, individually and collectively,

1 to select course materials that are pedagogically most ap-  
2 propriate for their classes.

3 **SEC. 129B. REPORT TO CONGRESS.**

4 Not later than 2 years after the date of enactment  
5 of this subpart, the Secretary shall prepare and submit  
6 a report to the Committee on Health, Education, Labor,  
7 and Pensions of the Senate and the Committee on Edu-  
8 cation and the Workforce of the House of Representatives  
9 detailing—

10 (1) the open textbooks created or adapted  
11 under this subpart;

12 (2) the adoption of such open textbooks;

13 (3) the savings generated for students, States,  
14 and the Federal Government through the use of  
15 open textbooks; and

16 (4) the impact of open textbooks on instruction  
17 and student learning outcomes.

18 **SEC. 129C. GAO REPORT.**

19 Not later than 3 years after the date of enactment  
20 of this subpart, the Comptroller General of the United  
21 States shall prepare and submit a report to the Committee  
22 on Health, Education, Labor, and Pensions of the Senate  
23 and the Committee on Education and the Workforce of  
24 the House of Representatives on the cost of textbooks to

1 students at institutions of higher education. The report  
2 shall particularly examine—

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

4 (2) the factors that have contributed to the  
5 change of the cost of textbooks;

6 (3) the extent to which open textbooks are used  
7 at institutions of higher education;

8 (4) the impact of open textbooks on the cost of  
9 textbooks; and

10 (5) how institutions are tracking the impact of  
11 open textbooks on instruction and student learning  
12 outcomes.

