

(Mr. PADILLA) was added as a cosponsor of S. 3760, a bill to continue the temporary waiver of interest on State unemployment loans during the pandemic to provide additional relief, and for other purposes.

S.J. RES. 37

At the request of Mr. PAUL, the name of the Senator from Wyoming (Mr. BARRASSO) was added as a cosponsor of S.J. Res. 37, a joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by Centers for Disease Control and Prevention relating to "Requirement for Persons To Wear Masks While on Conveyances and at Transportation Hubs".

S. RES. 334

At the request of Ms. WARREN, the names of the Senator from Maryland (Mr. VAN HOLLEN) and the Senator from California (Mr. PADILLA) were added as cosponsors of S. Res. 334, a resolution memorializing those impacted by and lost to the COVID-19 virus.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DURBIN (for himself, Mr. KING, Ms. SMITH, and Ms. SINEMA):

S. 3818. A bill to expand the use of open textbooks in order to achieve savings for students and improve textbook price information; to the Committee on Health, Education, Labor, and Pensions.

Mr. DURBIN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3818

*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 "Affordable College Textbook Act".

#### SEC. 2. FINDINGS.

Congress finds the following:

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

(2) According to the College Board, during the 2021–2022 academic year, the average student budget for college books and supplies at 4-year public institutions of higher education was \$1,240.

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

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

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

(6) Federal investment in expanding the use of open educational resources could sig-

nificantly lower college textbook costs and reduce financial barriers to higher education, while making efficient use of taxpayer funds.

(7) Educational materials, including open educational resources, must be accessible to the widest possible range of individuals, including those with disabilities.

#### SEC. 3. OPEN TEXTBOOK GRANT PROGRAM.

(a) DEFINITIONS.—In this section:

(1) INSTITUTION OF HIGHER EDUCATION.—The term "institution of higher education" has the meaning given the term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

(2) OPEN EDUCATIONAL RESOURCE.—The term "open educational resource" has the meaning given the term in section 133 of the Higher Education Act of 1965 (20 U.S.C. 1015b).

(3) OPEN TEXTBOOK.—The term "open textbook" means an open educational resource or set of open educational resources that either is a textbook or can be used in place of a textbook for a postsecondary course at an institution of higher education.

(4) RELEVANT FACULTY.—The term "relevant faculty" means both tenure track and contingent faculty members who may be involved in the creation or use of open textbooks created as part of an application under subsection (d).

(5) SECRETARY.—The term "Secretary" means the Secretary of Education.

(6) SUPPLEMENTAL MATERIAL.—The term "supplemental material" has the meaning given the term in section 133 of the Higher Education Act of 1965 (20 U.S.C. 1015b).

(b) GRANTS AUTHORIZED.—From the amounts appropriated under subsection (k), the Secretary shall make grants, on a competitive basis, to eligible entities to support projects that expand the use of open textbooks in order to achieve savings for students while maintaining or improving instruction and student learning outcomes.

(c) ELIGIBLE ENTITY.—In this section, the term "eligible entity" means an institution of higher education, a group of institutions of higher education, or States on behalf of institutions of higher education.

(d) APPLICATIONS.—

(1) IN GENERAL.—Each eligible entity desiring a grant under this section, after consultation with relevant faculty, 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 promoting and tracking the use of open textbooks in postsecondary courses offered by the eligible entity, including an estimate of the projected savings that will be achieved for students;

(B) a plan for evaluating, before creating new open textbooks, whether existing open textbooks could be used or adapted for the same purpose;

(C) a plan for quality review and review of accuracy of any open textbooks to be created or adapted through the grant;

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

(E) a plan for disseminating information about the results of the project to institutions of higher education outside of the eligible entity, including promoting the adoption of any open textbooks created or adapted through the grant; and

(F) a statement on consultation with relevant faculty, including those engaged in the creation of open textbooks, in the development of the application.

(e) SPECIAL CONSIDERATION.—In awarding grants under this section, the Secretary shall give special consideration to applications that demonstrate the greatest potential to—

(1) achieve the highest level of savings for students through sustainable expanded use of open textbooks in postsecondary courses offered by the eligible entity;

(2) expand the use of open textbooks at institutions of higher education outside of the eligible entity; and

(3) produce—

(A) the highest quality open textbooks;

(B) open textbooks that can be most easily utilized and adapted by faculty members at institutions of higher education;

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

(D) open textbooks created or adapted in partnership with entities within institutions of higher education, including campus bookstores, that will assist in marketing and distribution of the open textbook; and

(E) open textbooks that are accessible to students with disabilities.

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

(1) Professional development for any faculty and staff members at institutions of higher education, including the search for and review of open textbooks.

(2) Creation or adaptation of open textbooks.

(3) Development or improvement of supplemental materials and informational resources that are necessary to support the use of open textbooks, including accessible instructional materials for students with disabilities.

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

(g) LICENSE.—For each open textbook, supplemental material, or informational resource created or adapted wholly or in part under this section that constitutes a new copyrightable work, the eligible entity receiving the grant shall release such textbook, material, or resource to the public under a non-exclusive, royalty-free, perpetual, and irrevocable license to exercise any of the rights under copyright conditioned only on the requirement that attribution be given as directed by the copyright owner.

(h) ACCESS AND DISTRIBUTION.—The full and complete digital content of each open textbook, supplemental material, or informational resource created or adapted wholly or in part under this section shall be made available free of charge to the public—

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

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

(3) in a format that conforms to accessibility standards under section 508 of the Rehabilitation Act of 1973 (29 U.S.C. 794d), where feasible; and

(4) with identifying information, including the title, edition, author, publisher, copyright date, and International Standard Book Number, if available.

(i) 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—

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

(2) the impact of the project on expanding the use of open textbooks at institutions of higher education outside of the eligible entity;

(3) open textbooks, supplemental materials, and informational resources created or adapted wholly or in part under the grant, including instructions on where the public can access each educational resource under the terms of subsection (h);

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

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

(j) **ANNUAL REPORT TO CONGRESS.**—Not later than 2 years after the date of enactment of this Act, and annually thereafter, 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, supplemental materials, and informational resources created or adapted wholly or in part under this section;

(2) the adoption of such open textbooks, including outside of the eligible entity;

(3) the savings generated for students, States, and the Federal Government through projects supported under this section; and

(4) the impact of projects supported under this section on instruction and student learning outcomes.

(k) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to carry out this section such sums as are necessary.

#### SEC. 4. TEXTBOOK PRICE INFORMATION.

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

(1) in subsection (b)—

(A) by striking paragraph (6) and inserting the following:

“(6) **OPEN EDUCATIONAL RESOURCE.**—The term ‘open educational resource’ means a teaching, learning, or research resource that is offered freely to users in at least one form and that resides in the public domain or has been released under an open copyright license that allows for its free use, reuse, modification, and sharing with attribution.”; and

(B) in paragraph (9), by striking “textbook that” and all that follows through the period at the end and inserting “textbook that may include printed materials, computer disks, website access, and electronically distributed materials.”;

(2) in subsection (c)(1)—

(A) in the matter preceding subparagraph (A), by striking “or other person or adopting entity in charge of selecting course materials” and inserting “or other person or entity in charge of selecting or aiding in the discovery and procurement of course materials”;

(B) in subparagraph (A), by inserting “such institution of higher education or to” after “would make the college textbook or supplemental material available to”; and

(C) by adding at the end the following:

“(E) Whether the college textbook or supplemental material is an open educational resource.

“(F) For a college textbook or supplemental material delivered primarily in a digital format, a summary of terms and conditions under which a publisher collects and uses student data through the student’s use of such college textbook or supplemental material, including whether a student can opt out of such terms and conditions.”;

(3) in subsection (d)—

(A) in the subsection heading, by striking “ISBN”; and

(B) by striking paragraph (1) and inserting the following:

“(1) verify and disclose, on (or linked from) the institution’s Internet course schedule, for each course listed in such course schedule, and in a manner of the institution’s choosing (except that if the institution determines that the disclosure of the information described in this subsection is not practicable or available for a college textbook or supplemental material, then the institution shall indicate the status of such information in lieu of the information required under this subsection)—

“(A) the International Standard Book Number of required and recommended college textbooks and supplemental materials, except that if the International Standard Book Number is not available for such college textbook or supplemental material, then the institution shall include in the Internet course schedule the author, title, publisher, and copyright date for such college textbook or supplemental material;

“(B) the retail price of required and recommended college textbooks and supplemental materials;

“(C) any applicable fee information of required and recommended college textbooks and supplemental materials;

“(D) whether each required and recommended college textbook and supplemental material is an open educational resource; and

“(E) for a college textbook or supplemental material delivered primarily in a digital format, a link to the summary required to be provided by the publisher under subsection (c)(1)(F); and”;

(4) by striking subsection (e) and inserting the following:

“(e) **AVAILABILITY OF INFORMATION FOR COLLEGE BOOKSTORES.**—

“(1) **IN GENERAL.**—An institution of higher education receiving Federal financial assistance shall assist a college bookstore that is operated by, or in a contractual relationship or otherwise affiliated with, the institution, in obtaining required and recommended course materials information and such course schedule and enrollment information as is reasonably required to implement this section so that such bookstore may—

“(A) verify availability of such materials;

“(B) source lower cost options, including presenting lower cost alternatives to faculty for faculty to consider, when practicable; and

“(C) maximize the availability of format options for students.

“(2) **DUE DATES.**—In carrying out paragraph (1), an institution of higher education may establish due dates for faculty or departments to notify the campus bookstore of required and recommended course materials.”; and

(5) in subsection (f)—

(A) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5); and

(B) by inserting after paragraph (2) the following:

“(3) available open educational resources.”;

#### SEC. 5. SENSE OF CONGRESS.

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

#### SEC. 6. GAO REPORT.

Not later than 3 years after the date of enactment of this Act, the Comptroller General of the United States shall prepare and submit a report to the Committee on Health, Education, Labor, and Pensions of the Sen-

ate and the Committee on Education and Labor of the House of Representatives on the cost of textbooks to students at institutions of higher education. The report shall particularly examine—

(1) the implementation of section 133 of the Higher Education Act of 1965 (20 U.S.C. 1015b), as amended by section 4, including—

(A) the availability of college textbook and open educational resource information on course schedules;

(B) the compliance of publishers with applicable requirements under such section; and

(C) the costs and benefits to institutions of higher education and to students;

(2) the change in the cost of textbooks;

(3) the factors, including open textbooks, that have contributed to the change of the cost of textbooks;

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

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

#### SUBMITTED RESOLUTIONS

#### SENATE RESOLUTION 541—COMMEMORATING THE LIFE AND LEGACY OF JEAN-LOUIS DE KEROUAC ON THE CENTENNIAL OF HIS BIRTH ON MARCH 12, 2022

Mr. MARKEY (for himself and Ms. WARREN) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 541

Whereas Jean-Louis de K  rouac, better known as “Jack”, was a giant of American literature and favorite son of Lowell, Massachusetts;

Whereas, alongside Allen Ginsberg and William Burroughs, Jack Kerouac ignited the literary movement in the 1950s known as the “Beat Generation”;

Whereas the Beat Generation’s rebuke against traditional values and materialism created the foundation for subsequent counterculture movements in America and beyond;

Whereas the beatnik stereotype dominated popular media and culture in the 1950s and 1960s, an amalgamation of Kerouac’s self-expressive, unconventional characters;

Whereas the “Beatles” took their name after the movement, while artists such as Bob Dylan and Jim Morrison cite Kerouac’s work as major influences; and

Whereas, more than half a century since his death, Kerouac’s novels still fire the imagination, particularly of young people, and serve as a tribute to their culture-changing origins: Now, therefore, be it

*Resolved*, That the Senate recognizes and commemorates the enduring contribution of Jack Kerouac’s work to American literary culture and beyond on the centennial of his birth.

#### SENATE RESOLUTION 542—RECOGNIZING GIRL SCOUTS OF THE UNITED STATES OF AMERICA ON ITS 110TH BIRTHDAY AND CELEBRATING ITS LEGACY OF PROVIDING GIRLS WITH A SAFE, INCLUSIVE SPACE THAT SUPPORTS THE NEXT GENERATION OF WOMEN LEADERS

Ms. DUCKWORTH (for herself, Mr. HAGERTY, Mr. BARRASSO, Mrs. SHAHEEN, Ms. COLLINS, Ms. HASSAN, Mr.