

Congress of the United States

Washington, DC 20510

September 5, 2018

The Honorable Roy Blunt
Chairman
Senate Appropriations Subcommittee on
Labor, Health, and Human Services,
Education, and Related Agencies
Washington, DC 20510

The Honorable Patty Murray
Ranking Member
Senate Appropriations Subcommittee on
Labor, Health, and Human Services,
Education, and Related Agencies
Washington, DC 20510

The Honorable Tom Cole
Chairman
House Appropriations Subcommittee on
Labor, Health, and Human Services,
Education, and Related Agencies
Washington, DC 20510

The Honorable Rosa DeLauro
Ranking Member
House Appropriations Subcommittee on
Labor, Health, and Human Services,
Education, and Related Agencies
Washington, DC 20510

Dear Chairman Blunt, Ranking Member Murray, Chairman Cole, Ranking Member DeLauro:

We write today to ask that you continue to support the Open Textbook Pilot (Pilot) as you work to finalize the Fiscal Year (FY) 2019 Labor, Health and Human Services, Education, and Related Agencies appropriations bill. Specifically, we ask that you maintain the \$5 million provided in the Senate-passed bill for new grants under the Pilot, that you maintain the report language contained in Senate Report 115-137, and add additional clarifying report language.

Student debt is a growing crisis in America today that threatens the economic stability of an entire generation and future national economic growth. Textbook costs are one of the most overlooked sources of student debt, but they can be a major barrier to student success and completion. The College Board estimates that the average student at a four-year public institution of higher education could expect to spend \$1,250 on college books and supplies during the 2016-17 academic year. A single book can often cost hundreds of dollars. A survey by U.S. PIRG found that 65 percent of students decided not to buy a textbook because of the cost and 94 percent of those students worried it would negatively affect their grade.

If textbooks were more affordable, more students would be able to fully participate in and successfully complete their higher education – especially low-income and minority students. Open textbooks – educational resources that are licensed under an open license and made available free of charge to the public – provide quality alternatives to traditional textbooks. Each time a faculty member substitutes a traditional textbook for an open textbook, students save money. Open textbooks can also improve instruction by providing greater flexibility for faculty members to adapt and customize materials to meet their specific needs.

Earlier this year, more than 30 Members of Congress wrote in support of additional funding for the Open Textbook Pilot which received an initial \$5 million in FY 2018. We appreciate the additional \$5 million dollars provided in the Senate-passed bill in FY 2019. This funding would allow the Department to award new grants under the Pilot to broaden the impact on students of this critical federal investment. We urge you to maintain the Senate allocation for the Open Textbook Pilot in the final FY 2019 bill.

In addition, Senate Report 115-137 includes critical direction to the Department of Education on the implementation of the Pilot to ensure the funds are used to achieve the greatest level of savings for students. Among other things, the report language outlines allowable uses for grant funds and establishes reporting for grant recipients to ensure the effectiveness of the Pilot can be assessed.

We have been pleased with the strong interest from institutions of higher education and students across the country generated by the Pilot and the Department's FY 2018 notice inviting applications. But we have also been concerned with elements of the Department's implementation. Specifically, in its notice inviting applications, the Department announced its plan to award between one and three grants. While we recognize that many small awards may not provide the resources necessary for large-scale projects, we also believe there are risks to making just one or two large grants. With fewer grants, the stakes of each project become higher. We have heard from stakeholders that the planned number and size of grants has prevented some smaller institutions, such as community colleges, from applying.

The Department also seems poised to interpret the open license requirements set by Congress for the Pilot too narrowly – encouraging Pilot projects to integrate technology-based strategies for assessment and monitoring individual performance into open textbooks, but not requiring these materials to be openly licensed and freely available under the same terms as the open textbooks themselves. In doing so, the Department will be incentivizing projects to include technologies which may be necessary for the effective use of the open textbooks, but may not be available openly and actually cost students money. Such action by the Department would run counter to the very purpose of the Pilot.

To address these concerns and further clarify Congressional Intent, we ask that you include the following report language, in addition to that contained in Senate Report 115-137:

“Conferees recommend that the Secretary award the funds provided in this bill through a new competition and make not less than 20 new grants with individual grants amounting to not less than \$100,000 and not more than \$1,000,000. Conferees recommend that the application deadline for the notice inviting grant applications for Fiscal Year 2019 be not less than 60 days from the date the notice is published. Any tools, technologies, or other resources that are created, developed, or improved wholly or in part with Pilot funds for use with an open textbook must be licensed under a worldwide, non-exclusive, royalty-free, perpetual, and irrevocable license to the public to

exercise any of the rights under copyright conditioned only on the requirement that attribution be given as directed by the copyright owner.”

Students across the country are calling on us to make college more affordable. Thank you for hearing those calls in FY 2018 and providing the first ever dedicated federal investment for open textbooks. We urge you to continue to stand with students and build on that investment as you finalize FY 2019 appropriations and to ensure that the Department of Education implements the Pilot in a way that achieves the greatest savings for students. Thank you.

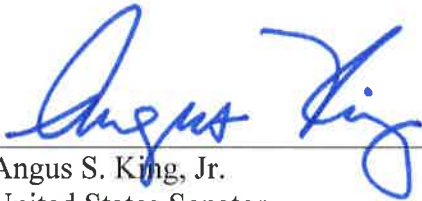
Sincerely,



Richard J. Durbin
United States Senator



Jared Polis
Member of Congress



Angus S. King, Jr.
United States Senator



Kyrsten Sinema
Member of Congress



Tina Smith
United States Senator