

S. RES. 263

At the request of Mr. LEAHY, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. Res. 263, a resolution expressing the sense of the Senate that President Juan Manuel Santos has restructured and significantly strengthened the environmental sector and management capacity of the Colombian Government and has led the country to become a global environmental leader.

S. RES. 266

At the request of Mr. COONS, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. Res. 266, a resolution reaffirming the United States-Liberia partnership, calling for free, fair, and peaceful elections in Liberia in October 2017.

S. RES. 267

At the request of Mr. HATCH, the names of the Senator from Montana (Mr. DAINES) and the Senator from North Dakota (Mr. HOEVEN) were added as cosponsors of S. Res. 267, a resolution designating September 2017 as "National Workforce Development Month".

At the request of Mrs. FEINSTEIN, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. Res. 267, supra.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DURBIN (for himself, Mr. FRANKEN, and Mr. KING):

S. 1864. A bill to expand the use of open textbooks in order to achieve savings for students; 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. 1864

*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 2016-2017 academic year, the average student budget for college books and supplies at 4-year public institutions of higher education was \$1,250.

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

##### SEC. 3. DEFINITIONS.

In this Act:

(1) EDUCATIONAL RESOURCE.—The term "educational resource" means an educational material that can be used in postsecondary instruction, including textbooks and other written or audiovisual works.

(2) 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).

(3) OPEN EDUCATIONAL RESOURCE.—The term "open educational resource" means an educational resource that either resides in the public domain or has been released under an intellectual property license that permits its free use, reuse, modification, and sharing with others.

(4) 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.

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

(6) 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 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.

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

(c) 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 educational resources, whether existing open educational resources could be used or adapted for the same purpose;

(C) a plan for quality review and review of accuracy of any open educational resources 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 educational resources, in the development of the application.

(d) 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; and

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

(e) 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 educational resources, especially open textbooks.

(3) Development or improvement of tools and informational resources that 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.

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

(f) LICENSE.—Educational resources created under subsection (e) shall be licensed under a nonexclusive, 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.

(g) ACCESS AND DISTRIBUTION.—The full and complete digital content of each educational resource created or adapted under subsection (e) 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; and

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

(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—

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

(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.

(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as are necessary for each of the 5 fiscal years succeeding the fiscal year during which this Act is enacted.

#### SEC. 5. PRICE INFORMATION.

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

(1) by striking paragraph (6);

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

(3) in paragraph (8), as redesignated by paragraph (2)—

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

(B) by striking “a college textbook that—” and inserting “a college textbook that may include printed materials, computer disks, website access, and electronically distributed materials.”.

#### SEC. 6. 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. 7. REPORT TO CONGRESS.

Not later than 2 years after the date of enactment of this Act, 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 the Workforce of the House of Representatives detailing—

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

(2) the adoption of such open textbooks;

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

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

#### SEC. 8. 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 Senate and the Committee on Education and the Workforce of the House of Representatives on the cost of textbooks to students at institutions of higher education. The report shall particularly examine—

(1) the change of the cost of textbooks;

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

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

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

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

By Mr. ALEXANDER:

S. 1866. A bill to provide the Secretary of Education with waiver authority for the reallocation rules and authority to extend the deadline by which funds have to be reallocated in the campus-based aid programs under the Higher Education Act of 1965 due to Hurricane Harvey, Hurricane Irma, and Hurricane Maria, to provide equitable services to children and teachers in private schools, and for other purposes; considered and passed.

S. 1866

*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 “Hurricanes Harvey, Irma, and Maria Education Relief Act of 2017”.

#### SEC. 2. ALLOCATION AND USE OF CAMPUS-BASED HIGHER EDUCATION ASSISTANCE.

(a) DEFINITIONS.—In this section:

(1) AFFECTED AREA.—The term “affected area” means an area for which the President declared a major disaster or an emergency under section 401 or 501, respectively, of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170 and 5191) as a result of Hurricane Harvey, Hurricane Irma, Hurricane Maria, Tropical Storm Harvey, Tropical Storm Irma, or Tropical Storm Maria.

(2) AFFECTED STUDENT.—The term “affected student” means an individual who has applied for or received student financial assistance under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.), and who—

(A) was enrolled or accepted for enrollment on August 25, 2017, at an institution of higher education that is located in an affected area;

(B) is a dependent student who was enrolled or accepted for enrollment on August 25, 2017, at an institution of higher education that is not located in an affected area, but whose parent or parents resided or was employed on August 25, 2017, in an affected area; or

(C) suffered direct economic hardship as a direct result of Hurricane Harvey, Hurricane Irma, Hurricane Maria, Tropical Storm Harvey, Tropical Storm Irma, or Tropical Storm Maria, as determined by the Secretary.

(3) INSTITUTION OF HIGHER EDUCATION.—The term “institution of higher education” has the meaning given the term in section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002).

(4) SECRETARY.—The term “Secretary” means the Secretary of Education.

(b) WAIVERS.—

(1) WAIVER OF NON-FEDERAL SHARE REQUIREMENT.—Notwithstanding sections 413C(a)(2) and 443(b)(5) of the Higher Education Act of 1965 (20 U.S.C. 1070b–2(a)(2) and 1087–53(b)(5)), with respect to funds made available for award years 2016–2017 and 2017–2018—

(A) in the case of an institution of higher education that is located in an affected area, the Secretary shall waive the requirement that a participating institution of higher education provide a non-Federal share to match Federal funds provided to the institution for the programs authorized pursuant to subpart 3 of part A and part C of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070b et seq. and 1087–51 et seq.); and

(B) in the case of an institution of higher education that is not located in an affected area but has enrolled or accepted for enrollment any affected students, the Secretary may waive the non-Federal share requirement described in subparagraph (A) after considering the institution’s student population and existing resources.

(2) WAIVER OF REALLOCATION RULES.—

(A) AUTHORITY TO REALLOCATE.—Notwithstanding sections 413D(d) and 442(d) of the Higher Education Act of 1965 (20 U.S.C. 1070b–3(d) and 1087–52(d)), the Secretary shall—

(i) reallocate any funds returned under such section 413D or 442 of the Higher Education Act of 1965 that were allocated to institutions of higher education for award year 2016–2017 to an institution of higher education that is eligible under subparagraph (B); and

(ii) waive the allocation reduction for award year 2018–2019 for an institution of

higher education that is eligible under subparagraph (B) returning more than 10 percent of its allocation under such section 413D or 442 of the Higher Education Act of 1965 for award year 2017–2018.

(B) INSTITUTIONS ELIGIBLE FOR REALLOCATION.—An institution of higher education is eligible under this subparagraph if the institution—

(i) participates in the program for which excess allocations are being reallocated; and

(ii)(I) is located in an affected area; or

(II) has enrolled or accepted for enrollment any affected students in award year 2017–2018.

(C) BASIS OF REALLOCATION.—The Secretary shall—

(i) determine the manner in which excess allocations will be reallocated pursuant to this paragraph; and

(ii) give preference in making reallocations to the needs of institutions of higher education located in an affected area.

(D) ADDITIONAL WAIVER AUTHORITY.—Notwithstanding any other provision of law, in order to carry out this paragraph, the Secretary may waive or modify any statutory or regulatory provision relating to the reallocation of excess allocations under subpart 3 of part A or part C of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070b et seq. and 1087–51 et seq.) in order to ensure that assistance is received by institutions of higher education that are eligible under subparagraph (B).

(3) AVAILABILITY OF FUNDS DATE EXTENSION.—Notwithstanding any other provision of law—

(A) any funds available to the Secretary under sections 413A and 441 of the Higher Education Act of 1965 (20 U.S.C. 1070b and 1087–51) for which the period of availability would otherwise expire on September 30, 2017, shall be available for obligation by the Secretary until September 30, 2018, for the purposes of the programs authorized pursuant to subpart 3 of part A and part C of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070b et seq. and 1087–51 et seq.); and

(B) the Secretary may recall any funds allocated to an institution of higher education for award year 2016–2017 under section 413D or 442 of the Higher Education Act of 1965 (20 U.S.C. 1070b–3 and 1087–52), that, if not returned to the Secretary as excess allocations pursuant to either of those sections, would otherwise lapse on September 30, 2017, and reallocate those funds in accordance with paragraph (2)(A).

(c) EMERGENCY REQUIREMENT.—This section is designated as an emergency requirement pursuant to section 4(g) of the Statutory Pay-As-You-Go Act of 2010 (title I of Public Law 111–139; 2 U.S.C. 933(g)).

(d) REPORT.—Not later than October 1, 2018, the Secretary shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and the Workforce of the House of Representatives information on—

(1) the total volume of assistance received by each eligible institution of higher education under subsection (b)(2); and

(2) the total volume of the non-Federal share waived for each institution of higher education under subsection (b)(1).

(e) SUNSET.—The provisions of subsection (b) shall cease to be effective on September 30, 2018.

#### SEC. 3. PROJECT SERV AND EQUITABLE SERVICES FOR CHILDREN AND TEACHERS IN PRIVATE SCHOOLS.

Section 8501(b)(1) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7881(b)(1)) is amended—

(1) in subparagraph (D), by striking “and”;

(2) in subparagraph (E), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following:  
“(F) section 4631, with regard to Project SERV.”.

### SUBMITTED RESOLUTIONS

#### SENATE RESOLUTION 268—RECOGNIZING SEPTEMBER 26, 2017, AS “NATIONAL VOTER REGISTRATION DAY”

Ms. KLOBUCHAR (for herself and Mr. CARDIN) submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 268

Whereas the right to vote is a fundamental right that—

(1) is guaranteed to the people of the United States; and

(2) constitutes the core of the democracy of the United States;

Whereas countless people of the United States have struggled to obtain and protect the right to vote;

Whereas each eligible United States citizen who would like to vote should be able to do so without encountering unnecessary barriers to the ballot box;

Whereas eligible United States citizens who are 18 years of age or older have the legal rights—

(1) to register to vote; and

(2) to vote;

Whereas the Bureau of the Census estimates that over 20 percent of eligible United States citizens are not registered to vote;

Whereas many United States citizens are not aware that they must register to vote before they may cast a ballot;

Whereas, because United States citizens must register in order to vote, many political campaigns, nonprofit organizations, religious organizations, and other groups conduct voter registration drives;

Whereas despite the efforts to register United States citizens to vote, the Pew Charitable Trusts have found that more than 60 percent of adult United States citizens have never been asked to register to vote;

Whereas, while some States allow same-day voter registration, many other States require registration as many as 30 days before the date of the election in which a person seeks to vote;

Whereas if a voter has changed names, moved, or not voted in recent elections, the voter registration of the voter must be updated;

Whereas 1 of 9 United States citizens moves each year, rendering outdated the former voter registration of the individuals who have moved;

Whereas updating voter registration ensures an easier experience at the polls on election day;

Whereas increased voter registration may lead to a higher participation rate in elections, which would strengthen the democracy of the United States; and

Whereas the many organizations and individuals who encourage voter registration and civic participation have promoted National Voter Registration Day on the fourth Tuesday of each September, which in 2017 falls on Tuesday, September 26; Now, therefore, be it

*Resolved*, That the Senate—

(1) recognizes September 26, 2017, as “National Voter Registration Day”; and

(2) encourages each voting-eligible citizen of the United States—

(A) to register to vote;

(B) to verify with the appropriate State or local election official that the name, ad-

dress, and other personal information on record is current; and

(C) to go to the polls on election day and vote if the voting-eligible citizen would like to do so.

Ms. KLOBUCHAR. Mr. President, I rise to discuss my resolution, S. Res. 268, calling on the Senate to formally recognize September 26 as National Voter Registration Day.

National Voter Registration Day is a celebration of our democracy and our Nation’s most fundamental right—the right to vote.

Today, thousands of volunteers and organizations in all 50 States are hitting the streets to register voters. Their goal is to create awareness about the registration process and register people who may not register on their own or don’t have the time or don’t know how to do it. It is really to reach out to people way ahead of an election. Last year, their hard work paid off, and more than 750,000 Americans registered to vote on National Voter Registration Day.

These volunteers understand that voting is a fundamental right, but not everyone agrees. There are still people who seem to see it as a privilege that not all eligible voters should enjoy. That is not the way we should see this.

The right to vote is clearly under attack in the United States. We have seen discriminatory voting laws spring up across the country, and those who want to prevent people from voting are making it harder and harder for people to get to the polls.

I do not see this as a partisan issue. My State last year had the highest voting rate in the country. And we have seen a number of States that do things like have same-day registration, mail-in ballots, things like that, and they tend to have higher voting rates. They are not just Democratic States or Republican States; they are Independent States. And when you look at the list, it doesn’t necessarily mean that a certain party is going to win. We had Independent Governor Jesse Ventura win in our State; Governor Tim Pawlenty. But what our States share is a higher voter turnout. What does that mean? Well, it means that people have some trust in their government when they participate. Even when their candidate doesn’t win and the other candidate wins, at least they know they had a say and that it mattered and that they went to the voting booth.

That is what I am talking about today because in some States, we have seen discriminatory voting laws spring up, and they have literally made it harder for people to vote. We have heard reports of problems with equipment. We had 3-hour lines in Arizona. We had 100 miles to the nearest polling station in Nevada and Utah, photo ID requirements in Wisconsin, where we now know it can really be hard to get an ID in the first place. In North Carolina, a Federal court found that the State’s laws to prevent voter access—and this is a more conservative court, the Fifth Circuit—they said the voter

laws had been crafted with “surgical precision” to discriminate against minorities.

Now we have an administration that is abandoning efforts to uphold voting rights. In many States, this is a truly bipartisan effort. The Commission on “Election Integrity” looks to be making it harder, rather than easier, to vote. States are reporting that some Americans are actually unregistering to vote because of the Commission’s request for personal data from across the country. We have had Democratic and Republican secretaries of state band together to say this is something they don’t want to do.

Taken together, these efforts to suppress the vote represent a concerted strategy to ensure that fewer people make it to the polls. This is not about one party or the other party; this is about our democracy. Our very freedoms are built upon the freedom to vote.

So what else do we see? Well, we see attacks from without on our election. I remember the Presiding Officer had an excellent quote on this matter when he said: One election, it will be one candidate in one party; and the next election, it could be the other candidate from the other party. That is why, when we look at interference from foreign governments, we must also protect the sacred right to vote, and that means everything from the amendment I have with Senator LINDSEY GRAHAM, which is now a bill, to make sure our cyber security is strengthened as we head into the 2018 election and make sure that our States have the ability to protect their own voting equipment. The reports now—I just found out that in my own State, an attempt had been made to hack it. In 21 States, we have seen attempts at hacking.

All our bill does is say: Let’s help the States to shore up their equipment, to make sure they have backup paper ballots and other commonsense measures.

This bill in the House—the amendment to the National Defense Authorization Act—was carried by MARK MEADOWS, the head of the Freedom Caucus. That is right. It is a bipartisan amendment across both the House and the Senate to protect our State election equipment. Our country is stronger when everyone participates, and that is why we must protect the election equipment.

We must make it easier to vote. I have one idea: Why don’t we just automatically register eligible voters when they turn 18, maybe when they get their driver’s license or Social Security number. Our States have that data. They also have a way to crosscheck with criminal records and other things to make sure these are eligible voters. Wouldn’t that be easier than going out and trying to get everyone to vote? It doesn’t mean you have to vote, but you automatically get registered to vote, just like you get your Social Security number.

There is momentum for this idea at the State level. Last month, Illinois