To ensure that college textbooks and supplemental materials are available and affordable.

IN THE SENATE OF THE UNITED STATES

MARCH 20, 2007

Mr. DURBIN (for himself and Mr. COLEMAN) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To ensure that college textbooks and supplemental materials are available and affordable.

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 "College Textbook Affordability Act of 2007".

SEC. 2. PURPOSE AND INTENT.

The purpose of this Act is to ensure that every student in higher education is offered better and more timely access to affordable course materials by educating and informing faculty, students, administrators, institutions of
higher education, bookstores, and publishers on all aspects
of the selection, purchase, sale, and use of the course ma-
terials. It is the intent of this Act to have all involved par-
ties work together to identify ways to decrease the cost
of college textbooks and supplemental materials for stu-
dents while protecting the academic freedom of faculty
members to provide high quality course materials for stu-
dents.

SEC. 3. DEFINITIONS.

In this Act:

(1) COLLEGE TEXTBOOK.—The term “college
textbook” means a textbook, or a set of textbooks,
used for a course in postsecondary education at an
institution of higher education.

(2) COURSE SCHEDULE.—The term “course
schedule” means a listing of the courses or classes
offered by an institution of higher education for an
academic period.

(3) INSTITUTION OF HIGHER EDUCATION.—The
term “institution of higher education” has the
meaning given the term in section 102 of the Higher

(4) PUBLISHER.—The term “publisher” means
a publisher of college textbooks or supplemental ma-
terials involved in or affecting interstate commerce.
(5) **Supplemental material.**—The term “supplemental material” means educational material published or produced to accompany a college textbook.

**SEC. 4. PUBLISHER REQUIREMENTS.**

(a) **College Textbook Pricing Information.**—When a publisher provides a faculty member of an institution of higher education with information regarding a college textbook or supplemental material available in the subject area in which the faculty member teaches, the publisher shall include, with any such information and in writing, the following:

1. The price at which the publisher would make the college textbook or supplemental material available to the bookstore on the campus of, or otherwise associated with, such institution of higher education.

2. Any history of revisions for the college textbook or supplemental material.

3. Whether the college textbook or supplemental material is available in any other format, including paperback and unbound, and the price at which the publisher would make the college textbook or supplemental material in the other format avail-
able to the bookstore on the campus of, or otherwise associated with, such institution of higher education.

(b) Unbundling of Supplemental Materials.—

A publisher that sells a college textbook and any supplemental material accompanying such college textbook as a single bundled item shall also sell the college textbook and each supplemental material as separate and unbundled items.


(a) Internet Course Schedules.—Each institution of higher education that receives Federal assistance and that publishes the institution’s course schedule for the subsequent academic period on the Internet shall—

(1) include, in the course schedule, the International Standard Book Number (ISBN) and the retail price for each college textbook or supplemental material required or recommended for a course or class listed on the course schedule that has been assigned such a number; and

(2) update the information required under paragraph (1) as necessary.

(b) Written Course Schedules.—In the case of an institution of higher education that receives Federal assistance and that does not publish the institution’s
course schedule for the subsequent academic period on the
Internet, the institution of higher education shall include
the information required under subsection (a)(1) in any
printed version of the institution’s course schedule and
shall provide students with updates to such information
as necessary.

SEC. 6. AVAILABILITY OF INFORMATION FOR COLLEGE
TEXTBOOK SELLERS.

An institution of higher education that receives Fed-
eral assistance shall make available, as soon as is prac-
ticable, upon the request of any seller of college textbooks
(other than a publisher) that meets the requirements es-
tablished by the institution, the most accurate information
available regarding—

(1) the institution’s course schedule for the sub-
sequent academic period; and

(2) for each course or class offered by the insti-
tution for the subsequent academic period—

(A) the International Standard Book Num-
ber (ISBN) for each college textbook or supple-
mental material required or recommended for
such course or class that has been assigned
such a number;

(B) the number of students enrolled in
such course or class; and
(C) the maximum student enrollment for such course or class.
Effective: July 1, 2010

United States Code Annotated Currentness
Title 20. Education
Chapter 28. Higher Education Resources and Student Assistance (Refs & Annos)
\(\text{\textcopyright{} Subchapter I. General Provisions (Refs & Annos)}\)
\(\text{\textcopyright{} Part C. Cost of Higher Education (Refs & Annos)}\)
\(\text{\textcopyright{} § 1015b. Textbook information}\)

(a) Purpose and intent

The purpose of this section is to ensure that students have access to affordable course materials by decreasing costs to students and enhancing transparency and disclosure with respect to the selection, purchase, sale, and use of course materials. It is the intent of this section to encourage all of the involved parties, including faculty, students, administrators, institutions of higher education, bookstores, distributors, and publishers, to work together to identify ways to decrease the cost of college textbooks and supplemental materials for students while supporting the academic freedom of faculty members to select high quality course materials for students.

(b) Definitions

In this section:

(1) Bundle

The term “bundle” means one or more college textbooks or other supplemental materials that may be packaged together to be sold as course materials for one price.

(2) College textbook

The term “college textbook” means a textbook or a set of textbooks, used for, or in conjunction with, a course in postsecondary education at an institution of higher education.

(3) Course schedule

The term “course schedule” means a listing of the courses or classes offered by an institution of higher education for an academic period, as defined by the institution.

(4) Custom textbook
The term “custom textbook”--

(A) means a college textbook that is compiled by a publisher at the direction of a faculty member or other person or adopting entity in charge of selecting course materials at an institution of higher education; and

(B) may include, alone or in combination, items such as selections from original instructor materials, previously copyrighted publisher materials, copyrighted third-party works, and elements unique to a specific institution, such as commemorative editions.

(5) Institution of higher education

The term “institution of higher education” has the meaning given the term in section 1002 of this title.

(6) Integrated textbook

The term “integrated textbook” means a college textbook that is--

(A) combined with materials developed by a third party and that, by third-party contractual agreement, may not be offered by publishers separately from the college textbook with which the materials are combined; or

(B) combined with other materials that are so interrelated with the content of the college textbook that the separation of the college textbook from the other materials would render the college textbook unusable for its intended purpose.

(7) Publisher

The term “publisher” means a publisher of college textbooks or supplemental materials involved in or affecting interstate commerce.

(8) Substantial content

The term “substantial content” means parts of a college textbook such as new chapters, new material covering additional eras of time, new themes, or new subject matter.

(9) Supplemental material

The term “supplemental material” means educational material developed to accompany a college textbook that--

(A) may include printed materials, computer disks, website access, and electronically distributed materials; and
(B) is not being used as a component of an integrated textbook.

(c) Publisher requirements

(1) College textbook pricing information

When a publisher provides a faculty member or other person or adopting entity in charge of selecting course materials at an institution of higher education receiving Federal financial assistance with information regarding a college textbook or supplemental material, the publisher shall include, with any such information and in writing (which may include electronic communications), the following:

(A) The price at which the publisher would make the college textbook or supplemental material available to the bookstore on the campus of, or otherwise associated with, such institution of higher education and, if available, the price at which the publisher makes the college textbook or supplemental material available to the public.

(B) The copyright dates of the three previous editions of such college textbook, if any.

(C) A description of the substantial content revisions made between the current edition of the college textbook or supplemental material and the previous edition, if any.

(D)(i) Whether the college textbook or supplemental material is available in any other format, including paperback and unbound; and

(ii) for each other format of the college textbook or supplemental material, the price at which the publisher would make the college textbook or supplemental material in the other format available to the bookstore on the campus of, or otherwise associated with, such institution of higher education and, if available, the price at which the publisher makes such other format of the college textbook or supplemental material available to the public.

(2) Unbundling of college textbooks from supplemental materials

A publisher that sells a college textbook and any supplemental material accompanying such college textbook as a single bundle shall also make available the college textbook and each supplemental material as separate and unbundled items, each separately priced.

(3) Custom textbooks

To the maximum extent practicable, a publisher shall provide the information required under this subsection with respect to the development and provision of custom textbooks.
(d) Provision of ISBN college textbook information in course schedules

To the maximum extent practicable, each institution of higher education receiving Federal financial assistance shall--

(1) disclose, on the institution's internet course schedule and in a manner of the institution's choosing, the International Standard Book Number and retail price information of required and recommended college textbooks and supplemental materials for each course listed in the institution's course schedule used for preregistration and registration purposes, except that--

(A) 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; and

(B) if the institution determines that the disclosure of the information described in this subsection is not practicable for a college textbook or supplemental material, then the institution shall so indicate by placing the designation “To Be Determined” in lieu of the information required under this subsection; and

(2) if applicable, include on the institution's written course schedule a notice that textbook information is available on the institution's Internet course schedule, and the Internet address for such schedule.

(e) Availability of information for college bookstores

An institution of higher education receiving Federal financial assistance shall make available to a college bookstore that is operated by, or in a contractual relationship or otherwise affiliated with, the institution, as soon as is practicable upon the request of such college bookstore, the most accurate information available regarding--

(1) the institution's course schedule for the subsequent academic period; and

(2) for each course or class offered by the institution for the subsequent academic period--

(A) the information required by subsection (d)(1) for each college textbook or supplemental material required or recommended for such course or class;

(B) the number of students enrolled in such course or class; and

(C) the maximum student enrollment for such course or class.

(f) Additional information
An institution disclosing the information required by subsection (d)(1) is encouraged to disseminate to students information regarding--

(1) available institutional programs for renting textbooks or for purchasing used textbooks;

(2) available institutional guaranteed textbook buy-back programs;

(3) available institutional alternative content delivery programs; or

(4) other available institutional cost-saving strategies.

(g) GAO report

Not later than July 1, 2013, the Comptroller General of the United States shall report to the authorizing committees on the implementation of this section by institutions of higher education, college bookstores, and publishers. The report shall particularly examine--

(1) the availability of college textbook information on course schedules;

(2) the provision of pricing information to faculty of institutions of higher education by publishers;

(3) the use of bundled and unbundled material in the college textbook marketplace, including the adoption of unbundled materials by faculty and the use of integrated textbooks by publishers; and

(4) the implementation of this section by institutions of higher education, including the costs and benefits to such institutions and to students.

(h) Rule of construction

Nothing in this section shall be construed to supercede the institutional autonomy or academic freedom of instructors involved in the selection of college textbooks, supplemental materials, and other classroom materials.

(i) No regulatory authority

The Secretary shall not promulgate regulations with respect to this section.

CREDIT(S)

ENACTMENT OF SECTION

<Pub.L. 110-315, Title I, § 112(a), (b), Aug. 14, 2008, 122 Stat. 3107, 3110, provided that this section is enacted effective July 1, 2010.>


Current through P.L. 111-160 (excluding P.L. 111-148, 111-152, and 111-159) approved 4-26-10


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