

1 **SEC. 110. TEXTBOOK INFORMATION.**

2 *Part C of title I (20 U.S.C. 1015) is further amended*
3 *by adding after section 133 (as added by section 109 of this*
4 *Act) the following new section:*

5 **“SEC. 134. TEXTBOOK INFORMATION.**

6 *“(a) PURPOSE AND INTENT.—The purpose of this sec-*
7 *tion is to ensure that every student in higher education is*
8 *offered better and more timely access to affordable course*
9 *materials by educating and informing faculty, students, ad-*
10 *ministrators, institutions of higher education, bookstores,*
11 *distributors, and publishers on all aspects of the selection,*
12 *purchase, sale, and use of course materials. It is the intent*
13 *of this section—*

14 *“(1) to have all involved parties work together to*
15 *identify ways to decrease the cost of college textbooks*
16 *and supplemental materials for students while pro-*
17 *tecting the academic freedom of faculty members to se-*
18 *lect high quality course materials for students; and*

19 *“(2) to encourage—*

20 *“(A) college textbook publishers and dis-*
21 *tributors to work with faculty to promote under-*
22 *standing of the cost to students of purchasing*
23 *faculty selected textbooks, including the disclo-*
24 *sure of prices and bundling practices;*

25 *“(B) college bookstores to work with faculty*
26 *to review timelines and processes for ordering*

1 *and stocking course materials, and to disclose*
2 *costs to faculty and students in a timely man-*
3 *ner;*

4 “(C) *institutions of higher education to im-*
5 *plement numerous options to address college text-*
6 *book affordability;*

7 “(D) *institutions of higher education to*
8 *work with student organizations to help students*
9 *understand the factors driving textbook costs and*
10 *available methods and resources to mitigate the*
11 *effects of those costs; and*

12 “(E) *innovation in the development and use*
13 *of course materials (including course materials*
14 *utilizing the principles of universal design) and*
15 *technologies that can help students receive the*
16 *full value of their educational investment.*

17 “(b) *DEFINITIONS.—In this section:*

18 “(1) *BUNDLE.—The term ‘bundle’ means one or*
19 *more college textbooks or other supplemental learning*
20 *materials that may be packaged together to be sold as*
21 *course materials for one price.*

22 “(2) *COLLEGE TEXTBOOK.—The term ‘college*
23 *textbook’ means a textbook or a set of textbooks, used*
24 *for, or in conjunction with, a course in postsecondary*
25 *education at an institution of higher education.*

1 “(3) *COURSE SCHEDULE*.—The term ‘course
2 *schedule*’ means a listing of the courses or classes of-
3 *fered by an institution of higher education for an*
4 *academic period, as defined by the institution.*

5 “(4) *CUSTOM TEXTBOOK*.—The term ‘*custom*
6 *textbook*’—

7 “(A) means a college textbook that is com-
8 *plied at the direction of a faculty member or*
9 *other person or adopting entity in charge of se-*
10 *lecting course materials at an institution of*
11 *higher education; and*

12 “(B) may include, alone or in combination,
13 *items such as selections from original instructor*
14 *materials, previously copyrighted publisher ma-*
15 *terials, copyrighted third-party works, and ele-*
16 *ments unique to a specific institution, such as*
17 *commemorative editions.*

18 “(5) *INSTITUTION OF HIGHER EDUCATION*.—The
19 term ‘*institution of higher education*’ has the meaning
20 *given the term in section 102.*

21 “(6) *INTEGRATED TEXTBOOK*.—The term ‘*inte-*
22 *grated textbook*’ means a college textbook that is com-
23 *bined with materials developed by a third party and*
24 *that, by third-party contractual agreement, may not*

1 *be offered by publishers separately from the college*
2 *textbook with which the materials are combined.*

3 “(7) *PUBLISHER.*—*The term ‘publisher’ means a*
4 *publisher of college textbooks or supplemental mate-*
5 *rials involved in or affecting interstate commerce.*

6 “(8) *SUBSTANTIAL CONTENT.*—*The term ‘sub-*
7 *stantial content’ means parts of a college textbook,*
8 *such as new chapters, additional eras of time, new*
9 *themes, or new subject matter.*

10 “(9) *SUPPLEMENTAL MATERIAL.*—*The term ‘sup-*
11 *plemental material’ means educational material de-*
12 *veloped to accompany a college textbook, which—*

13 “(A) *may include printed materials, com-*
14 *puter disks, website access, and electronically*
15 *distributed materials; and*

16 “(B) *is not bound by third-party contrac-*
17 *tual agreements to be sold in an integrated text-*
18 *book.*

19 “(c) *PUBLISHER REQUIREMENTS.*—

20 “(1) *COLLEGE TEXTBOOK PRICING INFORMA-*
21 *TION.*—*When a publisher provides a faculty member*
22 *or other person or adopting entity in charge of select-*
23 *ing course materials at an institution of higher edu-*
24 *cation with information regarding a college textbook*
25 *or supplemental material, the publisher shall include,*

1 *with any such information and in writing, the fol-*
2 *lowing:*

3 “(A) *The price at which the publisher would*
4 *make the college textbook or supplemental mate-*
5 *rial available to the bookstore on the campus of,*
6 *or otherwise associated with, such institution of*
7 *higher education.*

8 “(B) *The copyright dates of all previous*
9 *editions of such college textbook, if any.*

10 “(C) *The substantial content revisions made*
11 *between the current edition of the college textbook*
12 *or supplemental material and the previous edi-*
13 *tion, if any.*

14 “(D) *Whether the college textbook or supple-*
15 *mental material is available in any other for-*
16 *mat, including paperback and unbound, and the*
17 *price at which the publisher would make the col-*
18 *lege textbook or supplemental material in the*
19 *other format available to the bookstore on the*
20 *campus of, or otherwise associated with, such in-*
21 *stitution of higher education.*

22 “(2) *UNBUNDLING OF COLLEGE TEXTBOOKS*
23 *FROM SUPPLEMENTAL MATERIALS.—A publisher that*
24 *sells a college textbook and any supplemental material*
25 *accompanying such college textbook as a single bundle*

1 *shall also make available the college textbook and each*
2 *supplemental material as separate and unbundled*
3 *items, each separately priced.*

4 “(3) *CUSTOM TEXTBOOKS.—To the maximum*
5 *extent practicable, publishers shall provide the infor-*
6 *mation required under this subsection with respect to*
7 *the development and provision of custom textbooks.*

8 “(d) *PROVISION OF ISBN COLLEGE TEXTBOOK INFOR-*
9 *MATION IN COURSE SCHEDULES.—*

10 “(1) *INTERNET COURSE SCHEDULES.—Each in-*
11 *stitution of higher education, to the maximum extent*
12 *practicable, shall—*

13 “(A) *disclose the International Standard*
14 *Book Number and retail price information of re-*
15 *quired and recommended textbooks, related mate-*
16 *rials, and supplies for each course listed in the*
17 *institution’s course schedule used for pre-reg-*
18 *istration and registration purposes;*

19 “(B) *if the International Standard Book*
20 *Number is not available for the items listed in*
21 *subparagraph (A), use the author, title, pub-*
22 *lisher, and copyright date; and*

23 “(C) *if the institution determines that the*
24 *disclosure of the information described in the*
25 *preceding subparagraphs for a course is not*

1 *practicable for a textbook, related material, or*
2 *supply, then it should so indicate by placing the*
3 *designation ‘To Be Determined’ in lieu of the in-*
4 *formation required under such subparagraphs.*

5 “(2) *WRITTEN COURSE SCHEDULES.*—*In the case*
6 *of an institution of higher education that does not*
7 *publish the institution’s course schedule for the subse-*
8 *quent academic period on the Internet, the institution*
9 *of higher education shall include the information re-*
10 *quired under paragraph (1) in any printed version of*
11 *the institution’s course schedule as it is available at*
12 *the time of the course schedule’s printing.*

13 “(e) *AVAILABILITY OF INFORMATION FOR COLLEGE*
14 *BOOKSTORES.*—*An institution of higher education shall*
15 *make available, as soon as is practicable, upon the request*
16 *of any college bookstore, the most accurate information*
17 *available regarding—*

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

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

22 “(A) *the information required by subsection*
23 *(d)(1) for each college textbook or supplemental*
24 *material required or recommended for such*
25 *course or class;*

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

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

5 “(f) *RULE OF CONSTRUCTION.*—Nothing in this sec-
6 tion shall be construed to supercede the institutional auton-
7 omy or academic freedom of instructors involved in the se-
8 lection of college textbooks and classroom materials.

9 “(g) *EFFECTIVE DATE.*—This section shall be effective
10 on and after July 1, 2008.”

11 **SEC. 111. DATABASE OF STUDENT INFORMATION PROHIB-**
12 **ITED.**

13 Part C of title I (20 U.S.C. 1015) is further amended
14 by adding after section 134 (as added by section 110 of this
15 Act) the following new section:

16 **“SEC. 135. DATABASE OF STUDENT INFORMATION PROHIB-**
17 **ITED.**

18 “(a) *PROHIBITION.*—Except as described in subsection
19 (b), nothing in this Act shall be construed to authorize the
20 Secretary to develop, implement, or maintain a Federal
21 database of personally identifiable information on individ-
22 uals receiving assistance under this Act, attending institu-
23 tions receiving assistance under this Act, or otherwise in-
24 volved in any studies or other collections of data under this
25 Act, including a student unit record system, an education