

110TH CONGRESS }
2d Session

HOUSE OF REPRESENTATIVES

{ REPORT
110-803

HIGHER EDUCATION OPPORTUNITY ACT

CONFERENCE REPORT

TO ACCOMPANY

H.R. 4137



JULY 30, 2008.—Ordered to be printed

enter estimates of tuition and fees based on the provisions of the guarantee program.

The House bill requires a survey of student aid recipients to be conducted at least once every four years. The House bill also requires the survey to be conducted on a state-by-state basis. The House bill expands on the current goals of the survey by requiring the survey to: Consider the impact of education loan debt on students' career choices; describe the role of the price of postsecondary education in students' decisions about which institution of higher education to attend; and describe how the cost of textbooks and other instructional materials affect the cost of postsecondary education for students. The House bill retains current law with respect to the survey design, except that it clarifies that the survey shall (rather than "should") be designed and administered in consultation with Congress and the postsecondary education community. The House bill requires the survey results to be made available in printed and electronic form.

The Senate amendment contains no similar provisions.

The Senate recedes.

The House bill authorizes the Secretary to issue regulations to carry out the provisions in this Section.

The Senate amendment contains no similar provision.

The Senate recedes.

The House bill presents six findings related to higher education and the availability of consumer information about institutions of higher education. The House bill includes a sense of Congress stating that institutions of higher education should participate in efforts to provide concise and accessible online information to prospective students and their families.

The Senate amendment contains no similar provisions.

The House recedes.

Section 112. Textbook information

The House bill includes provisions that provide more information on the cost of textbooks designed to ensure that students have better and timelier access to course materials.

The House bill requires publishers to provide faculty members with price information, copyright dates of all previous editions in the preceding ten years, substantial content revisions made between the current and previous editions, and to disclose whether the textbook or supplemental materials are available in any other format.

The House bill requires publishers that sell a college textbook and supplemental material as a single product to offer the college textbook and each supplement as a separate item.

The House bill requires institutions of higher education to publish in course schedules for pre-registration and registration purposes, to the "maximum extent practicable," the International Standard Book Number (ISBN) and the retail price of course materials.

The House bill requires an institution of higher education to provide upon request to any college bookstore its course schedule and materials required or recommended for each course.

The House bill provides that nothing about these programs supersedes an institution's autonomy with respect to the selection of course materials.

The House bill's textbook information program is effective as of July 1, 2008.

The Senate amendment contains no similar provisions.

The Senate recedes with amendments to the provisions to clarify the definitions of an integrated textbook and supplemental materials, and clarify that the provisions apply only to institutions receiving federal financial assistance. The amendments require a publisher to provide to faculty or others selecting textbooks, the wholesale price, and if available, the retail price at which books are made available to the public, respectively, and specify the copyright dates of the three previous editions need to be provided. The amendments also specify that an institution shall, to the maximum extent practicable, make the required textbook information, including ISBN information, available on its Internet course schedule in a manner of the institution's choosing. Further, an institution shall publish a link to this information in its written course schedule. The amendments also encourage institutions to disseminate information to students about institutional programs that would help students save money on textbooks, such as rental programs or buy-back programs, prohibit the Secretary of Education from promulgating regulations on the section, and require the Government Accountability Office to conduct a review of the implementation of these provisions.

The Conferees intend that the provisions in this section decrease the cost of textbooks for students in higher education by ensuring that faculty, students, and bookstores all have sufficient, relevant, and timely information to make informed purchasing decisions. The information provided as a result of these provisions should be provided in a consumer-friendly manner and should be easily accessible. The Conferees further recognize the shared goals of identifying ways to decrease the burden of textbook costs on students by all parties, and the innovation of institutions, publishers, and bookstores in working toward this goal.

The Conferees recognize the cost savings to students of used textbooks. Further the Conferees do not intend the definition of "integrated textbooks" to discourage faculty and students from using such textbooks in their courses. Textbooks without explicit third-party contract limitations should not be considered as integrated if an identical used textbook or used supplemental material is commonly available to a student, thus making the materials fully usable for its intended purpose and meeting the requirements of a course of instruction at an institution of higher education.

It is the intention of the Conferees that institutions of higher education that do not offer Internet course schedules are not required to create such schedules for the purposes of satisfying the requirements of this section; and that institutions may satisfy the requirements by providing a link to another appropriate website that satisfies the requirements of the paragraph, provided that such link is clearly and prominently located on the institution's Internet course schedule.

Further, the Conferees recognize the changing use of technology in the textbook marketplace. The provisions require institutions, to the maximum extent practicable, to disclose the ISBN information for each required textbook. As ISBN information changes, or is replaced by another standard identification system, the Conferees urge institutions to provide students with the most up-to-date and accurate information.

The Conferees understand that while regulations are prohibited in the context of implementation, enforcement and oversight, the Secretary of Education may need to develop non-regulatory guidance. The Conferees recognize that the Secretary has a variety of means by which to publicize these provisions, including publication in government materials, and should provide for the broad dissemination of such information through communication with institutions of higher education and other relevant stakeholders.

Section 113. Database of student information prohibited

The Senate amendment and the House bill prohibit the development, implementation, or maintenance of a federal database of personally identifiable information.

The Conferees adopt the provision as proposed by both the Senate and the House.

The Senate amendment exempts from the prohibition systems needed for the operation of programs authorized by Titles II, IV, or VII.

The House bill exempts from the prohibition systems needed for the operation of programs authorized by Titles II, IV, or VII and any data required to be collected by the Secretary under this Act.

The House recedes.

The Senate amendment and the House bill provide that nothing in this Act prohibits a state or consortium of states from developing, implementing, or maintaining state developed databases to track students over time.

The Conferees adopt the provision as proposed by both the Senate and the House.

The Conferees support the prohibition on the creation of a national database for the purpose of student tracking. This prohibition should not be construed to prohibit the Secretary from performing surveys that are necessary to monitor the operation of the student aid programs, in particular the National Postsecondary Student Aid Survey which is a valuable source of information on how students and families finance their postsecondary education.

Section 114. In-state tuition rates for Armed Forces members, spouses, and dependent children

The House bill prohibits public institutions of higher education from charging the dependents of members of the Armed Forces on active duty for more than thirty days, whose domicile or permanent duty station is in the same state, more than in-state tuition rates. The House bill requires public institutions of higher education to allow members of the Armed Forces or their dependents who are receiving an in-state tuition rate to continue to pay that rate while continuously enrolled at the institution of higher education even if