

STATE OF NEW YORK

10721

IN ASSEMBLY

September 18, 2024

Introduced by COMMITTEE ON RULES -- (at request of M. of A. E. Brown) --
read once and referred to the Committee on Higher Education

AN ACT to amend the education law, in relation to punitive measures and
the collection of student loans for individuals found guilty of anti-
Semitism

The People of the State of New York, represented in Senate and Assem-
bly, do enact as follows:

1 Section 1. Short title. This act shall be known and may be cited as
2 the "anti-Semitism accountability and student loan repayment act".

3 § 2. Section 665 of the education law is amended by adding a new
4 subdivision 6-a to read as follows:

5 6-a. Students found guilty of anti-Semitism. a. If the recipient of an
6 award is found guilty of anti-Semitism by any administrative tribunal or
7 court of competent jurisdiction, including in disciplinary proceedings
8 brought by a higher education institution, the president shall suspend
9 further payments under the award until and unless the student shall
10 repay in full all existing student loans or other student financial aid
11 awarded pursuant to this article, and the president may revoke the award
12 if the recipient does not repay all existing student loans or other
13 student financial aid awarded pursuant to this article within a reason-
14 able time to be set by the commissioner.

15 b. The repayment required pursuant to paragraph a of this subdivision
16 shall not be deferred until after such recipient has completed the
17 program for which any such loan or award is made.

18 c. For the purposes of this subdivision, "anti-Semitism" shall mean:

19 (i) a violation of any state law, rule, or regulation or of title VI
20 of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.) on the basis
21 of race, color, or national origin, based on an individual's actual or
22 perceived shared Jewish ancestry or Jewish ethnic characteristics; or

23 (ii) a practice that is defined as anti-Semitism as such term is
24 defined under the International Holocaust Remembrance Alliance on May
25 twenty-sixth, two thousand sixteen, including contemporary examples of
26 anti-Semitism.

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

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1 d. The president shall report all suspensions or revocations of loans
2 or awards pursuant to this subdivision to the department on an annual
3 basis.

4 § 3. Subdivision 7 of section 693 of the education law is amended by
5 adding a new paragraph (a-1) to read as follows:

6 (a-1) (i) Notwithstanding any provision of law to the contrary, the
7 corporation shall be entitled to garnish the disposable pay of an indi-
8 vidual to collect the amount owed by the individual, if such individual
9 is found guilty of anti-Semitism by any administrative tribunal or court
10 of competent jurisdiction, including in disciplinary proceedings brought
11 by a higher education institution, provided that:

12 (A) The amount deducted for any pay period does not exceed fifteen
13 percent of disposable pay. However, the amount deducted for any period
14 may exceed fifteen percent with the written consent of the individual;

15 (B) Prior to garnishment, the individual shall have been given thirty
16 days written notice to the individual's last known address advising such
17 individual of the nature of the obligation, amount of the loan obli-
18 gation, the corporation's intent to garnish and an explanation of the
19 individual's rights under this section including the right to inspect
20 and copy records relating to the debt; and

21 (C) The individual shall have been given an opportunity within such
22 thirty-day period to enter into a written repayment agreement with the
23 corporation to avoid garnishment of wages.

24 (ii) For the purposes of this paragraph, "anti-Semitism" shall mean:

25 (A) a violation of any state law, rule, or regulation or of title VI
26 of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.) on the basis
27 of race, color, or national origin, based on an individual's actual or
28 perceived shared Jewish ancestry or Jewish ethnic characteristics; or

29 (B) a practice that is defined as anti-Semitism as such term is
30 defined under the International Holocaust Remembrance Alliance on May
31 twenty-sixth, two thousand sixteen, including contemporary examples of
32 anti-Semitism.

33 (iii) The corporation shall report all instances of wage garnishment
34 conducted pursuant to this paragraph to the department on an annual
35 basis.

36 § 4. Severability clause. If any clause, sentence, paragraph, subdivi-
37 sion, section or part of this act shall be adjudged by any court of
38 competent jurisdiction to be invalid, such judgment shall not affect,
39 impair, or invalidate the remainder thereof, but shall be confined in
40 its operation to the clause, sentence, paragraph, subdivision, section
41 or part thereof directly involved in the controversy in which such judg-
42 ment shall have been rendered. It is hereby declared to be the intent of
43 the legislature that this act would have been enacted even if such
44 invalid provisions had not been included herein.

45 § 5. This act shall take effect on the one hundred twentieth day after
46 it shall have become a law. Effective immediately, the addition, amend-
47 ment and/or repeal of any rule or regulation necessary for the implemen-
48 tation of this act on its effective date are authorized to be made and
49 completed on or before such effective date.