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 Assembly, do enact as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

§ 5. This act shall take effect on the one hundred twentieth day after it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.