

(3) Endowment Fund income

The term “Endowment Fund income” means an amount equal to the total market value of the Endowment Fund minus the Endowment Fund corpus.

(h) Authorization of appropriations

There are authorized to be appropriated to carry out this section, such sums as may be necessary for each of the fiscal years 1999 through 2003. Such sums shall remain available until expended.

(Pub. L. 98-221, title II, §208, as added Pub. L. 102-569, title IX, §907, Oct. 29, 1992, 106 Stat. 4483; amended Pub. L. 105-220, title IV, §412(b), Aug. 7, 1998, 112 Stat. 1241.)

AMENDMENTS

1998—Subsec. (h). Pub. L. 105-220 substituted “1999 through 2003” for “1993 through 1997”.

§ 1908. Registry

(a) In general

To assist the Center in providing services to individuals who are deaf-blind, the Center may establish and maintain registries of such individuals in each of the regional field offices of the network of the Center.

(b) Voluntary provision of information

No individual who is deaf-blind may be required to provide information to the Center for any purpose with respect to a registry established under subsection (a) of this section.

(c) Nondisclosure

The Center (including the network of the Center) may not disclose information contained in a registry established under subsection (a) of this section to any individual or organization that is not affiliated with the Center, unless the individual to whom the information relates provides specific written authorization for the Center to disclose the information.

(d) Privacy rights

The requirements of section 552a of title 5 (commonly known as the “Privacy Act of 1974”) shall apply to personally identifiable information contained in the registries established by the Center under subsection (a) of this section, in the same manner and to the same extent as such requirements apply to a record of an agency.

(e) Removal of information

On the request of an individual, the Center shall remove all information relating to the individual from any registry established under subsection (a) of this section.

(Pub. L. 98-221, title II, §209, as added Pub. L. 105-220, title IV, §412(c), Aug. 7, 1998, 112 Stat. 1241.)

CHAPTER 22—EMPLOYEE POLYGRAPH PROTECTION

Sec.	
2001.	Definitions.
2002.	Prohibitions on lie detector use.
2003.	Notice of protection.
2004.	Authority of Secretary.

Sec.	
	(a) In general.
	(b) Subpoena authority.
2005.	Enforcement provisions.
	(a) Civil penalties.
	(b) Injunctive actions by Secretary.
	(c) Private civil actions.
	(d) Waiver of rights prohibited.
2006.	Exemptions.
	(a) No application to governmental employers.
	(b) National defense and security exemption.
	(c) FBI contractors exemption.
	(d) Limited exemption for ongoing investigations.
	(e) Exemption for security services.
	(f) Exemption for drug security, drug theft, or drug diversion investigations.
2007.	Restrictions on use of exemptions.
	(a) Test as basis for adverse employment action.
	(b) Rights of examinee.
	(c) Qualifications and requirements of examiners.
2008.	Disclosure of information.
	(a) In general.
	(b) Permitted disclosures.
	(c) Disclosure by employer.
2009.	Effect on other law and agreements.

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in title 2 sections 1302, 1314, 1371, 1434; title 3 sections 402, 414.

§ 2001. Definitions

As used in this chapter:

(1) Commerce

The term “commerce” has the meaning provided by section 203(b) of this title.

(2) Employer

The term “employer” includes any person acting directly or indirectly in the interest of an employer in relation to an employee or prospective employee.

(3) Lie detector

The term “lie detector” includes a polygraph, deceptograph, voice stress analyzer, psychological stress evaluator, or any other similar device (whether mechanical or electrical) that is used, or the results of which are used, for the purpose of rendering a diagnostic opinion regarding the honesty or dishonesty of an individual.

(4) Polygraph

The term “polygraph” means an instrument that—

(A) records continuously, visually, permanently, and simultaneously changes in cardiovascular, respiratory, and electrodermal patterns as minimum instrumentation standards; and

(B) is used, or the results of which are used, for the purpose of rendering a diagnostic opinion regarding the honesty or dishonesty of an individual.

(5) Secretary

The term “Secretary” means the Secretary of Labor.

(Pub. L. 100-347, §2, June 27, 1988, 102 Stat. 646.)

EFFECTIVE DATE

Section 11 of Pub. L. 100-347 provided that:

“(a) IN GENERAL.—Except as provided in subsection (b), this Act [enacting this chapter] shall become effective 6 months after the date of enactment of this Act [June 27, 1988].

“(b) REGULATIONS.—Not later than 90 days after the date of enactment of this Act, the Secretary shall issue such rules and regulations as may be necessary or appropriate to carry out this Act.”

SHORT TITLE

Section 1 of Pub. L. 100-347 provided that: “This Act [enacting this chapter] may be cited as the ‘Employee Polygraph Protection Act of 1988.’”

§ 2002. Prohibitions on lie detector use

Except as provided in sections 2006 and 2007 of this title, it shall be unlawful for any employer engaged in or affecting commerce or in the production of goods for commerce—

(1) directly or indirectly, to require, request, suggest, or cause any employee or prospective employee to take or submit to any lie detector test;

(2) to use, accept, refer to, or inquire concerning the results of any lie detector test of any employee or prospective employee;

(3) to discharge, discipline, discriminate against in any manner, or deny employment or promotion to, or threaten to take any such action against—

(A) any employee or prospective employee who refuses, declines, or fails to take or submit to any lie detector test, or

(B) any employee or prospective employee on the basis of the results of any lie detector test; or

(4) to discharge, discipline, discriminate against in any manner, or deny employment or promotion to, or threaten to take any such action against, any employee or prospective employee because—

(A) such employee or prospective employee has filed any complaint or instituted or caused to be instituted any proceeding under or related to this chapter,

(B) such employee or prospective employee has testified or is about to testify in any such proceeding, or

(C) of the exercise by such employee or prospective employee, on behalf of such employee or another person, of any right afforded by this chapter.

(Pub. L. 100-347, § 3, June 27, 1988, 102 Stat. 646.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 2 section 1314; title 3 section 414.

§ 2003. Notice of protection

The Secretary shall prepare, have printed, and distribute a notice setting forth excerpts from, or summaries of, the pertinent provisions of this chapter. Each employer shall post and maintain such notice in conspicuous places on its premises where notices to employees and applicants to employment are customarily posted.

(Pub. L. 100-347, § 4, June 27, 1988, 102 Stat. 647.)

§ 2004. Authority of Secretary**(a) In general**

The Secretary shall—

(1) issue such rules and regulations as may be necessary or appropriate to carry out this chapter;

(2) cooperate with regional, State, local, and other agencies, and cooperate with and furnish technical assistance to employers, labor organizations, and employment agencies to aid in effectuating the purposes of this chapter; and

(3) make investigations and inspections and require the keeping of records necessary or appropriate for the administration of this chapter.

(b) Subpoena authority

For the purpose of any hearing or investigation under this chapter, the Secretary shall have the authority contained in sections 49 and 50 of title 15.

(Pub. L. 100-347, § 5, June 27, 1988, 102 Stat. 647.)

§ 2005. Enforcement provisions**(a) Civil penalties****(1) In general**

Subject to paragraph (2), any employer who violates any provision of this chapter may be assessed a civil penalty of not more than \$10,000.

(2) Determination of amount

In determining the amount of any penalty under paragraph (1), the Secretary shall take into account the previous record of the person in terms of compliance with this chapter and the gravity of the violation.

(3) Collection

Any civil penalty assessed under this subsection shall be collected in the same manner as is required by subsections (b) through (e) of section 1853 of this title with respect to civil penalties assessed under subsection (a) of such section.

(b) Injunctive actions by Secretary

The Secretary may bring an action under this section to restrain violations of this chapter. The Solicitor of Labor may appear for and represent the Secretary in any litigation brought under this chapter. In any action brought under this section, the district courts of the United States shall have jurisdiction, for cause shown, to issue temporary or permanent restraining orders and injunctions to require compliance with this chapter, including such legal or equitable relief incident thereto as may be appropriate, including, but not limited to, employment, reinstatement, promotion, and the payment of lost wages and benefits.

(c) Private civil actions**(1) Liability**

An employer who violates this chapter shall be liable to the employee or prospective employee affected by such violation. Such employer shall be liable for such legal or equitable relief as may be appropriate, including, but not limited to, employment, reinstatement,