

Section 8895, Pub. L. 89-10, title XIV, §14505, as added Pub. L. 103-382, title I, §101, Oct. 20, 1994, 108 Stat. 3904, related to complaint process for participation of private school children. See section 7883 of this title.

Section 8896, Pub. L. 89-10, title XIV, §14506, as added Pub. L. 103-382, title I, §101, Oct. 20, 1994, 108 Stat. 3904, related to by-pass determination process. See section 7884 of this title.

Section 8897, Pub. L. 89-10, title XIV, §14507, as added Pub. L. 103-382, title I, §101, Oct. 20, 1994, 108 Stat. 3905, prohibited payments for religious worship or instruction. See section 7885 of this title.

Section 8898, Pub. L. 89-10, title XIV, §14508, as added Pub. L. 103-382, title I, §101, Oct. 20, 1994, 108 Stat. 3905, related to applicability of chapter to home schools. See section 7886 of this title.

Section 8899, Pub. L. 89-10, title XIV, §14509, as added Pub. L. 103-382, title I, §101, Oct. 20, 1994, 108 Stat. 3905, related to construction of provisions prohibiting Federal control of nonrecipient nonpublic schools. See section 7886 of this title.

Section 8900, Pub. L. 89-10, title XIV, §14510, as added Pub. L. 103-382, title I, §101, Oct. 20, 1994, 108 Stat. 3906, related to school prayer. See section 7904 of this title.

Section 8901, Pub. L. 89-10, title XIV, §14511, as added Pub. L. 103-382, title I, §101, Oct. 20, 1994, 108 Stat. 3906, set forth general prohibitions. See section 7906 of this title.

Section 8902, Pub. L. 89-10, title XIV, §14512, as added Pub. L. 103-382, title I, §101, Oct. 20, 1994, 108 Stat. 3906, contained prohibition on Federal mandates, direction, and control. See section 7907 of this title.

Section 8903, Pub. L. 89-10, title XIV, §14513, as added Pub. L. 103-382, title I, §101, Oct. 20, 1994, 108 Stat. 3906, required report on changes made by the Improving America's Schools Act of 1994.

Section 8904, Pub. L. 89-10, title XIV, §14514, as added Pub. L. 103-382, title I, §101, Oct. 20, 1994, 108 Stat. 3907, related to participation in Goals 2000: Educate America Act programs.

#### PART F—GUN POSSESSION

#### §§ 8921 to 8923. Repealed. Pub. L. 107-110, title X, § 1011(5)(C), Jan. 8, 2002, 115 Stat. 1986

Section 8921, Pub. L. 89-10, title XIV, §14601, as added Pub. L. 103-382, title I, §101, Oct. 20, 1994, 108 Stat. 3907, known as the Gun-Free Schools Act of 1994, related to gun-free requirements. See section 7151 of this title.

Section 8922, Pub. L. 89-10, title XIV, §14602, as added Pub. L. 103-382, title I, §101, Oct. 20, 1994, 108 Stat. 3908, related to policy regarding criminal justice system referral. See section 7151 of this title.

Section 8923, Pub. L. 89-10, title XIV, §14603, as added Pub. L. 103-382, title I, §101, Oct. 20, 1994, 108 Stat. 3908, related to data and policy dissemination under the Individuals with Disabilities Education Act.

#### PART G—EVALUATIONS

#### § 8941. Repealed. Pub. L. 107-110, title X, § 1011(5)(C), Jan. 8, 2002, 115 Stat. 1986

Section, Pub. L. 89-10, title XIV, §14701, as added Pub. L. 103-382, title I, §101, Oct. 20, 1994, 108 Stat. 3908; amended Pub. L. 104-134, title I, §101(d) [title VII, §703(b)(5)], Apr. 26, 1996, 110 Stat. 1321-211, 1321-255; renumbered title I, Pub. L. 104-140, §1(a), May 2, 1996, 110 Stat. 1327, related to evaluations. See section 7941 of this title.

#### PART H—SENSE OF CONGRESS

#### §§ 8961, 8962. Repealed. Pub. L. 107-110, title X, § 1011(5)(C), Jan. 8, 2002, 115 Stat. 1986

Section 8961, Pub. L. 89-10, title XIV, §14801, as added Pub. L. 103-382, title I, §101, Oct. 20, 1994, 108 Stat. 3911, expressed sense of Congress to increase total share of Federal spending on education.

Section 8962, Pub. L. 89-10, title XIV, §14802, as added Pub. L. 103-382, title I, §101, Oct. 20, 1994, 108 Stat. 3912, expressed sense of Congress regarding purchase of American-made equipment and products.

### CHAPTER 71—NATIONAL EDUCATION STATISTICS

Sec.  
9001 to 9012. Repealed or Transferred.

#### §§ 9001 to 9009. Repealed. Pub. L. 107-279, title IV, § 403(1), Nov. 5, 2002, 116 Stat. 1985

Section 9001, Pub. L. 103-382, title IV, §402, Oct. 20, 1994, 108 Stat. 4029; Pub. L. 105-244, title I, §102(a)(6)(L), Oct. 7, 1998, 112 Stat. 1619; Pub. L. 107-110, title X, §1076(r), Jan. 8, 2002, 115 Stat. 2092, set forth findings and purpose and defined terms.

Section 9002, Pub. L. 103-382, title IV, §403, Oct. 20, 1994, 108 Stat. 4030, established National Center for Education Statistics, to be headed by Commissioner of Education Statistics. See sections 9541 and 9542 of this title.

Section 9003, Pub. L. 103-382, title IV, §404, Oct. 20, 1994, 108 Stat. 4031, set forth duties of Center. See section 9543 of this title.

Section 9004, Pub. L. 103-382, title IV, §405, Oct. 20, 1994, 108 Stat. 4032, related to performance of duties. See section 9544 of this title.

Section 9005, Pub. L. 103-382, title IV, §406, Oct. 20, 1994, 108 Stat. 4033, related to reports. See section 9545 of this title.

Section 9006, Pub. L. 103-382, title IV, §407, Oct. 20, 1994, 108 Stat. 4033, established Advisory Council on Education Statistics.

Section 9007, Pub. L. 103-382, title IV, §408, Oct. 20, 1994, 108 Stat. 4034; Pub. L. 107-56, title V, §508, Oct. 26, 2001, 115 Stat. 368; Pub. L. 107-279, title IV, §401(a), Nov. 5, 2002, 116 Stat. 1982, related to confidentiality of persons in collection, reporting, and publication of data. See section 9573 of this title.

Section 9008, Pub. L. 103-382, title IV, §409, Oct. 20, 1994, 108 Stat. 4035, related to dissemination of statistical records and making of statistical compilations and surveys. See section 9546 of this title.

Section 9009, Pub. L. 103-382, title IV, §410, Oct. 20, 1994, 108 Stat. 4036, authorized establishment of national cooperative education statistics systems. See section 9547 of this title.

#### SHORT TITLE

Pub. L. 103-382, title IV, §401, Oct. 20, 1994, 108 Stat. 4029, which provided that title IV of Pub. L. 103-382, enacting this chapter, could be cited as the "National Education Statistics Act of 1994", was repealed by Pub. L. 107-279, title IV, §403(1), Nov. 5, 2002, 116 Stat. 1985.

#### §§ 9010, 9011. Transferred

#### CODIFICATION

Section 9010, Pub. L. 103-382, title IV, §411, Oct. 20, 1994, 108 Stat. 4036; Pub. L. 107-110, title VI, §602(a), Jan. 8, 2002, 115 Stat. 1898; Pub. L. 107-279, title IV, §401(d)(1)-(7), Nov. 5, 2002, 116 Stat. 1984, was renumbered Pub. L. 107-279, title III, §303, by Pub. L. 107-279, title IV, §401(d)(8), Nov. 5, 2002, 116 Stat. 1984, and transferred to section 9622 of this title.

Section 9011, Pub. L. 103-382, title IV, §412, Oct. 20, 1994, 108 Stat. 4039; Pub. L. 106-554, §1(a)(1) [title III, §307], Dec. 21, 2000, 114 Stat. 2763, 2763A-44; Pub. L. 107-110, title VI, §602(b), Jan. 8, 2002, 115 Stat. 1904; Pub. L. 107-279, title IV, §401(c)(1)-(5), Nov. 5, 2002, 116 Stat. 1983, was renumbered Pub. L. 107-279, title III, §302, by Pub. L. 107-279, title IV, §401(c)(6), Nov. 5, 2002, 116 Stat. 1984, and transferred to section 9621 of this title.

#### § 9012. Repealed. Pub. L. 107-279, title IV, § 403(1), Nov. 5, 2002, 116 Stat. 1985

Section, Pub. L. 103-382, title IV, §413, Oct. 20, 1994, 108 Stat. 4041, authorized appropriations.

## CHAPTER 72—MUSEUM AND LIBRARY SERVICES

### SUBCHAPTER I—GENERAL PROVISIONS

Sec.	
9101.	General definitions.
9102.	Institute of Museum and Library Services.
9103.	Director of Institute.
9104.	Deputy Directors.
9105.	Personnel.
9105a.	National Museum and Library Services Board.
9106.	Contributions.
9107.	Awards and medals.
9108.	Policy research, analysis, data collection, and dissemination.
9109.	Prohibition on use of funds for construction.
9110.	Hearings.
9111.	Administrative funds.

### SUBCHAPTER II—LIBRARY SERVICES AND TECHNOLOGY

9121.	Purpose.
9122.	Definitions.
9123.	Authorization of appropriations.

#### PART 1—BASIC PROGRAM REQUIREMENTS

9131.	Reservations and allotments.
9132.	Administration.
9133.	Payments; Federal share; and maintenance of effort requirements.
9134.	State plans.

#### PART 2—LIBRARY PROGRAMS

9141.	Grants to States.
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#### PART 3—ADMINISTRATIVE PROVISIONS

##### SUBPART A—STATE REQUIREMENTS

9151.	State advisory councils.
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##### SUBPART B—FEDERAL REQUIREMENTS

9161.	Services for Native Americans.
9162.	National leadership grants, contracts, or cooperative agreements.
9163.	State and local initiatives.

#### PART 4—LAURA BUSH 21ST CENTURY LIBRARIANS

9165.	Laura Bush 21st Century Librarian Program.
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### SUBCHAPTER III—MUSEUM SERVICES

9171.	Purpose.
9172.	Definitions.
9173.	Museum services activities.
9174, 9175.	Repealed.
9176.	Authorization of appropriations.

#### CODIFICATION

Title II of Pub. L. 94-462, comprising this chapter, was originally enacted as Pub. L. 94-462, title II, Oct. 8, 1976, 90 Stat. 1975; Pub. L. 96-496, title II, §201, Dec. 4, 1980, 94 Stat. 2591; Pub. L. 98-306, §§8-11, May 31, 1984, 98 Stat. 225; Pub. L. 99-194, title II, Dec. 20, 1985, 99 Stat. 1344; Pub. L. 101-512, title III, §318 [title II, §§201, 202(a)(1), (b), 203-205], Nov. 5, 1990, 104 Stat. 1960, 1974, 1975, known as the Museum Services Act, and classified to section 961 et seq. of this title. Title II is shown, herein, however, as having been added by Pub. L. 104-208 without reference to such intervening amendments because of the extensive amendments to the provisions of title II by Pub. L. 104-208.

### SUBCHAPTER I—GENERAL PROVISIONS

#### § 9101. General definitions

As used in this chapter:

##### (1) Determined to be obscene

The term “determined to be obscene” means determined, in a final judgment of a court of

record and of competent jurisdiction in the United States, to be obscene.

##### (2) Digital literacy skills

The term “digital literacy skills” means the skills associated with using technology to enable users to find, evaluate, organize, create, and communicate information.

##### (3) Director

The term “Director” means the Director of the Institute appointed under section 9103 of this title.

##### (4) Final judgment

The term “final judgment” means a judgment that is—

- (A) not reviewed by any other court that has authority to review such judgment; or
- (B) not reviewable by any other court.

##### (5) Indian tribe

The term “Indian tribe” means any tribe, band, nation, or other organized group or community, including any Alaska native village, regional corporation, or village corporation (as defined in, or established pursuant to, the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.)), which is recognized by the Secretary of the Interior as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

##### (6) Institute

The term “Institute” means the Institute of Museum and Library Services established under section 9102 of this title.

##### (7) Museum and Library Services Board

The term “Museum and Library Services Board” means the National Museum and Library Services Board established under section 9105a of this title.

##### (8) Obscene

The term “obscene” means, with respect to a project, that—

(A) the average person, applying contemporary community standards, would find that such project, when taken as a whole, appeals to the prurient interest;

(B) such project depicts or describes sexual conduct in a patently offensive way; and

(C) such project, when taken as a whole, lacks serious literary, artistic, political, or scientific value.

(Pub. L. 94-462, title II, §202, as added Pub. L. 104-208, div. A, title I, §101(e) [title VII, §702], Sept. 30, 1996, 110 Stat. 3009-233, 3009-294; amended Pub. L. 108-81, title I, §101, Sept. 25, 2003, 117 Stat. 992; Pub. L. 111-340, title I, §101, Dec. 22, 2010, 124 Stat. 3595.)

#### REFERENCES IN TEXT

The Alaska Native Claims Settlement Act, referred to in par. (5), is Pub. L. 92-203, Dec. 18, 1971, 85 Stat. 688, which is classified generally to chapter 33 (§1601 et seq.) of Title 43, Public Lands. For complete classification of this Act to the Code, see Short Title note set out under section 1601 of Title 43 and Tables.

#### PRIOR PROVISIONS

A prior section 202 of Pub. L. 94-462 was classified to section 961 of this title prior to the general amendment of title II of Pub. L. 94-462 by Pub. L. 104-208.