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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 L. 94-462, comprising this chapter, was originally enacted as Pub.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.