

An Update on Filtering

—Focusing on Use of IMLS Funds from the CARES Act—
(July 2, 2020)

In response to the COVID-19 pandemic, Congress passed the Coronavirus Aid, Relief, and Economic Security Act (CARES Act, PL 116-136) in late March 2020. This \$2 trillion economic relief package included \$50 million allocated to the Institute of Museum and Library Services (IMLS). Of this funding, IMLS allocated \$30 million to State Library Agencies and made another \$15 million available in grants to museums and libraries.¹ These funds can be used to respond to the pandemic in a variety of ways, including the expansion of Internet access by lending Wi-Fi hotspots and Internet accessible devices such as laptops and tablets. This Internet connectivity funding is especially important because much of the population will continue their education and work from home on a full-time or part-time basis for the foreseeable future.

The use of IMLS CARES Act funding to upgrade Internet connectivity in the library or offer such connectivity to households has raised questions on compliance with the Children’s Internet Protection Act (CIPA).² To help answer these questions, American Library Association (ALA) staff have worked closely with the ALA E-rate Task Force³ to offer the guidance contained in this document. *Note:* This guidance represents ALA’s interpretation of the law; ALA does not speak for or represent IMLS.

Example CIPA Scenarios for IMLS CARES Act Funding

The following are not necessarily all possible scenarios, and recipients of IMLS funding (or E-rate) must consider CIPA compliance on a case-by-case basis. The term ‘computer’ is used below to represent a ‘computer with Internet access’ or an ‘Internet accessible device’.⁴

Service Offered to Patrons for Offsite Internet Access	IMLS (i.e., LSTA) Funds Pay For:	Is CIPA Compliance Required?	If Yes for CIPA, What Must Be Filtered?
Wi-Fi hotspot lending only – no computer is loaned.	Wi-Fi hotspot with a cellular data plan (i.e. Internet access).	Yes – IMLS funds are being used for Internet access via the cellular data plan.	All library-owned public access and staff computers with Internet access must be filtered. The Wi-Fi hotspot or the patron-owned computer <i>do not</i> have to be filtered. (Only library-owned computers must be filtered.)
Wi-Fi hotspot + computer are loaned.	Wi-Fi hotspot with a cellular data plan and/or computer.	Yes – IMLS funds are being used for Internet access and/or a library-owned computer.	All library-owned public access and staff computers with Internet access must be filtered. Either the Wi-Fi hotspot or the computer must be filtered because the service involves a library-owned computer.
Wi-Fi hotspot lending only – no computer is loaned.	Wi-Fi hotspot hardware only <i>with no</i> cellular data plan.	No – CIPA compliance applies only when IMLS funds are used to purchase Internet access or computers.	n/a
Computer lending only – no Wi-Fi hotspot is loaned.	Computer only.	Yes – IMLS funds are used for a computer that will connect to the Internet. In the unlikely situation that the computer is never connected to the Internet, CIPA would not apply.	All library-owned public access and staff computers with Internet access must be filtered. The computer must be filtered because the service involves a library-owned computer.

ALA's Current Position on Filtering

The American Library Association has not changed its stance on CIPA as a result of the IMLS CARES Act funding. While ALA opposes filters that block constitutionally protected speech,⁵ it also acknowledges that libraries are governed by local boards that make decisions based on local considerations.⁶ Thus ALA recognizes that the decision to comply—or not—with CIPA is ultimately a local decision.

Resources on CIPA and Filtering

For more information on CIPA compliance and filtering in a library setting, see:

- *CIPA: A Brief FAQ on Public Library Compliance*. 2012.
<https://dpi.wi.gov/sites/default/files/imce/pld/pdf/cipafaqlite.pdf>.
- *Guidelines to Minimize the Negative Effects of Internet Content Filters on Intellectual Freedom*. 2017.
http://www.ala.org/advocacy/intfreedom/filtering/filtering_guidelines

ALA's Filters and Filtering page includes many additional resources:

<http://www.ala.org/advocacy/intfreedom/filtering>.

¹ See the IMLS COVID-19 Update website (<https://www.ims.gov/coronavirus-covid-19-updates>).

² Note that E-rate CIPA compliance takes precedence over IMLS CIPA compliance. In other words, a library that certifies CIPA compliance for E-rate funding must adhere to the stricter CIPA requirements for E-rate when also receiving IMLS funds requiring CIPA compliance.

³ ALA E-rate Task Force (<http://www.ala.org/aboutala/committees/ala/ala-ertf>).

⁴ The phrase, “computers that access the Internet” is in the original CIPA Act. The IMLS language in the CARES Act does not refer to “computers” but to “internet accessible devices”.

⁵ See the *Statement on Library Use of Filtering Software*, 1997 (<http://www.ala.org/advocacy/intfreedom/filteringstatement1997>).

⁶ See the *Internet Filtering: An Interpretation of the Library Bill of Rights*, 2015 (<http://www.ala.org/advocacy/intfreedom/librarybill/interpretations/Internet-filtering>).