



Corporation
for Public
Broadcasting

**Corporation for Public Broadcasting
FY2010 Television Community Service Grant
General Provisions and Eligibility Criteria**

The enclosed General Provisions contain all requirements for a community service grant recipient to maintain eligibility and specify allowed use and restrictions of the grantee's community service grant.

The licensee is responsible for meeting and understanding all requirements as contained in the General Provisions. As such, the General Provisions should be read by the grantee's licensee official and head of grantee.

If you have any questions about the General Provisions, please contact isis@cpb.org. Make sure to include your call letters and four-digit grantee ID.

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FY2010 Television Community Service Grant (CSG) General Provisions and Eligibility Criteria

Note: "Recipient," as used below, refers to the license holder as well as to the station.

SECTION 1. ELIGIBILITY

- A. Eligible Grantees:** For the purpose of this grant criteria statement, an "eligible grantee" shall be defined as existing grantees that received Television Community Service Grants (CSGs) during FY2009 and a licensee of one or more on-the-air (analog UHF or VHF, or DTV) stations operating under a noncommercial educational license granted by the FCC. Only grantees meeting or exceeding both the eligibility criteria outlined in Section 1 and the operational requirements outlined in Section 2 are eligible to receive FY2010 Television Community Service Grants.
- B. Criteria and Eligibility of Multi-Provider Markets and Program Differentiation Incentive**
- 1. Multi-Provider Market Definition:** Multi-Provider Market exists where the broadcast signals of one grantee reach more than 50 percent of the population served by another and less than 20 percent of the population served by the grantees is unduplicated.
 - 2. Multi-Provider Market Base Grant Split:** The grant recipients in each Multi-Provider Market receive equal shares of a single base grant.
 - 3. Definition of Primary and Secondary Grantee**
 - (1) A primary grantee is defined as the grantee with the greatest NFFS in the market.
 - (2) A secondary grantee is a grantee with NFFS less than the primary grantee.
 - 4. Program Differentiation Incentive (PDI):** To encourage diverse program services reflecting the wide-ranging needs of unserved and underserved audiences, CPB provides an incentive to those secondary grantees in designated Multi-Provider Markets that substantially differentiate their programming from that of any other grantee in the market.
 - (1) Definition of Program Differentiation**
 - CPB-qualified programming that expands the choices available to viewers, such as non-duplicative content acquired from sources other than PBS, or
 - CPB-qualified programming that is time shifted to provide audiences with increased access to programs and series distributed by the PBS National Program Service (NPS), and
 - CPB-qualified programming on the station's primary channel that is non-duplicative of that of all other stations in the Multi-Provider Market at least 90 percent of the total broadcast programming hours over the course of any week.

- Programming is considered as non-duplicative when no part of a specific program episode on the secondary station's primary channel overlaps the same program episode on another station's primary channel. For example, starting a 60-minute episode of *Nova* on one station 30 minutes after the same episode has begun airing on another station will be considered duplicative. However, different episodes of the same series aired at the same time would be considered non-duplicative.

(2) Calculation of Program Differentiation Incentive: In calculating the NFFS-matching (or incentive) portion of a grantee's grant amount, only the programming on a station's primary channel will be included in the calculation of a differentiated program service. The NFFS of each grantee eligible for the program differentiation incentive will be weighted as follows:

- NFFS up to the first \$2 million will be multiplied by a factor of 1.75.
- NFFS between \$2 million and \$4 million will be multiplied by a factor of 1.25.

(3) Compliance with Program Differentiation Incentive: Eligible secondary grantees will be required to certify that its previous year's programming schedule was differentiated from that of every other grantee in the Multi-Provider Market. The secondary station is required to make its program schedule available for no less three years after the end of the expenditure period.

CPB will verify grantee certification by reviewing a small number of markets each year as part of its normal financial reporting desk review process. If duplication is found in any week in excess of 10 percent, CPB may find that the grantee (or grantees) has falsely certified its eligibility for the Program Differentiation Incentive.

A grantee that certifies its undifferentiated programming as differentiated on a repeated basis are subject to a penalty, including the loss of eligibility for the PDI.

C. Maintaining Eligibility: As the legal entity to which CPB is authorized to make a grant, a station's licensee is responsible for maintaining the station's eligibility and compliance with operational requirements, and for notifying CPB as soon as possible when it fails to maintain eligibility and compliance. CPB considers the licensee and the station the recipient of the CSG and refer to both in this document as the grantee, except where a distinction is otherwise specified.

Grantees found to be out of compliance with the Television CSG General Provisions and Eligibility Criteria without the benefit of a waiver may have their current or a future CSG and their Interconnection Grants reduced or eliminated. In addition, late filing of the certified CPB Annual Financial Report (AFR), audited financial statements (AFS), Annual Station Activities Benchmarking Study (SABS), Annual Station Activities Survey (SAS) may result in a reduction of up to 1/365th of the next year's grant for each day any report remains outstanding.

SECTION 2. OPERATIONAL REQUIREMENTS

A. License: Each grantee must comply with the Federal Communications Commission (FCC) requirements for operation of a non-commercial educational television station.

B. Broadcast Schedule:

1. The substantial majority of each station's daily total programming hours broadcast on all of its channels, including its primary and additional multicast channels, must be devoted to CPB-qualified programming, which is defined as general audience programming that serves demonstrated community needs of an educational, informational and cultural nature.

2. Programs that further the principles of particular political or religious philosophies, or that are designed primarily for in-school or professional in-service audiences are not considered CPB-qualified programming.
3. Stations that are closed-circuit, campus stations managed and operated by and for students, and/or stations that provide in-service training programming to licensee employees, clients, and/or representatives; or stations licensed to political organizations do not meet this criterion.
4. The station must broadcast on a schedule of seven days per week, fifty-two weeks per year, for a total of at least 3,000 hours or 58 hours a week.

C. Employment Requirement: Each grantee must have a staff headed by a manager or other chief executive officer who:

- has the responsibility and authority to determine when and what material shall be broadcast over the station; and
- has the responsibility and authority to administer disbursements under a budget authorized by the governing board of the licensee.

D. Minimum Non-Federal Financial Support: Each grantee must have a minimum non-Federal financial support (NFFS) of \$800,000. Grantees with NFFS below \$800,000 will be allowed to continue in the CSG program provided that they continue to receive clean audits (including accompanying IPA management letter identifying significant internal control risks), with no audit findings that question the grantee's continuing operating viability.

SECTION 3. USE OF GRANT FUNDS

A. Purposes: Community Service Grants (CSGs) are to be used to augment the capability of public broadcast stations supported by CPB to expand the quality and scope of their services to the community.

The CSG may be used as specified in Section 396(k)(7) of the Communications Act of 1934, 47 U.S.C. 396(k)(7), which provides that "The funds distributed...may be used at the discretion of the grantees for purposes related primarily to the production or acquisition of programming."

CSG expenditures must fall in seven categories:

1. Programming, Production and Services
2. Broadcasting, Transmission and Distribution
3. Program Information and Promotion
4. Fundraising and Membership Development
5. Underwriting and Grant Solicitation
6. Management and General
7. Purchase, Rehabilitation or Improvement of Capital Assets

1. Programming, Production and Services

(1) Programming and Production: This function consists of the production and/or acquisition of programming and conducting program operations. This category includes such functions as program development, program planning, equipment operation, and editing. Below is a list of some activities whose costs, including salaries and benefits for personnel engaged in the activities, should be included in this classification:

- Broadcast rights for programs or series or rights to use or adapt published materials
- Program or web content planning and research (script writing, printing, and consulting)
- Directors, producers, cast, stagehands, engineers, technicians, and other personnel involved
- Rental of facilities or production equipment
- Space, supplies, and other station resources used
- Repair and maintenance of programming and production equipment
- Depreciation and amortization of station equipment and leasehold improvements used
- The portion of the Public Broadcasting Service (PBS) National Program Service assessment and other PBS programming fees (e.g., PFP, Plus, etc.) that are related to this function

(2) Educational Programs: Any documentation must clearly identify the percentage of the grant funds used to create or purchase programs with educational intent or instructional design. "Educational intent" is defined as addressing a specific educational interest of a target audience. "Instructional design" is defined as having educational intent; involving educators substantially in program development; providing ancillary materials in support of, or as a supplement to, the programs; and obtaining rights for institutional off-air recording, audio visual, reversioning, etc., as appropriate, at the time of production.

(3) Educational Outreach Activities: This includes expenditures for community outreach activities related to local or national programs. Such activities could include, but are not limited to: local or national services that provide means for viewers and listeners to follow up on programs through computer, video, and audio conferencing; town meetings; local call-in shows; public service announcements; telephone hot lines; and dissemination of related information and materials.

2. Broadcasting, Transmission and Distribution: This function consists principally of program transmission, interconnection, and other content distribution. Also included are scheduling and engineering. Below is a list of some activities whose costs, including salaries and benefits for personnel engaged in these activities, should be included in this classification:

- Scheduling programs for airing
- Repair and maintenance of broadcasting equipment
- Depreciation of antennae, transmission, and other broadcasting equipment
- Distribution and interconnection fees
- The portion of the PBS programming assessment and the portion of the PBS member services assessment related to interconnection and program distribution
- Web hosting and streaming fees

3. Program Information and Promotion: This function consists of informing the viewing or listening public of specific available program services. Below is a list of some activities whose costs, including salaries and benefits for personnel engaged in those activities, should be included in this classification:

- Producing or acquiring "spots" designed for the promotion of specific programs
- Materials and related supplies used for promoting programs and services
- Advertising in newspapers or other media
- Preparing, reproducing, and distributing program guides
- Travel and related expenses of promotion
- The portion of PBS programming assessment related to this function
- Supporting services

4. **Fundraising and Membership Development:** Fundraising consists of inducing others to contribute money, securities, time, materials, or facilities. Below is a list of some activities whose costs, including salaries and benefits for personnel engaged in those activities, should be included in this classification:
 - Costs incurred in the solicitation of underwriting funds and grants
 - Costs of membership development
 - Acquiring and distributing fundraising material
 - Designing, printing, and distributing leaflets or posters for fundraising
 - Meetings for the purpose of improving fundraising techniques
 - Services of fundraising consultants and talent
 - Developing and maintaining contributor records
 - Committee meetings dealing with fundraising policies and issues, including the preparation of minutes and reports of such meetings
 - Program and production costs of broadcast appeals for funds
 - Mailing costs related to fundraising
 - Direct costs of special fundraising activities and auctions

5. **Underwriting and Grant Solicitation:** Underwriting development consists of soliciting program underwriting funds and general support grants from foundations, corporation, or governments. Expenditures should be classified separately in this category (rather than combined with fundraising and membership development expenditures or with management and general expenditures) if the expenditures are significant.

6. **Management and General:** This function consists of supervising and controlling overall, day-to-day operations, including accounting and office service departments. It also includes resources and activities whose costs are not directly identified with another function, but which are indispensable to the conduct of those activities and to an organization's existence. This includes expenses for the overall direction of the entity's general board activities, business management, general recordkeeping, budgeting and related purposes. Below is a list of some activities whose costs, including salaries and benefits for personnel engaged in those activities, should be included in the classification:
 - Human resource administration, including recruiting, retention, and benefit programs
 - Accounting, auditing, and budgeting
 - Information technology systems and support services, where not specifically devoted to other functions
 - Legal services of a general (non-program) nature
 - All occupancy costs not specifically identifiable with other functions
 - Office functions that provide general support throughout the organization (e.g., corporate receptionists and telephone attendants, central mail services, and maintenance of corporate archives)
 - Maintenance of operations manuals, directors committee lists, and expenses related to governing board, Community Advisory Board, or administrative committee meetings
 - Depreciation of buildings, furnishings, and equipment used in management and general functions
 - Dues for the Association of Public Television Stations and other public broadcasting station-membership organizations, and the portion of the PBS member services assessment that is not related to interconnection

7. **Purchase, Rehabilitation or Improvement of Capital Assets:** This includes expenditures for purchase, rehabilitation, or improvement of tangible capital assets such as studio and station equipment and vehicles, buildings and other structures, and other capital assets that are funded with the CSG.

CSGs may be used to sustain activities begun with previous CPB CSG funds.

B. Restrictions:

1. No CPB funds shall be used for purposes of conducting any reception, or providing any other entertainment, for any officer or employee of the federal government or any state or local government.
2. No CPB funds shall be used to pay the salary or expenses of any grant or contract recipient, or agent acting for such recipient, related to any activity designed to influence legislation or appropriation before Congress or any state legislature.
3. No CSG funds may be expended on the production, acquisition or distribution of programs which do not qualify under CPB's Broadcast Schedule eligibility criterion (Section 2.B.). Such programs include any that further the principles of particular political or religious philosophies, or that are designed primarily for in-school or professional in-service audiences.
4. The station's licensee may not impound or otherwise withhold or inappropriately restrict the use of CSG funds by the station(s). CSG funds may not be used to supplant funds or other support already being provided to the station(s) by the licensee, or to offset budgeting cutbacks by the licensee. For purposes of these General Provisions and Eligibility Criteria, "supplant" is defined as "to reduce the amount of funds or other support already being provided by the licensee in proportion to, or because of, funding through the CSG."
5. CSG funds may not be used to offset an institutional licensee's overhead or expenses.
6. CSG funds or proceeds from the liquidation or transfer of assets acquired with CSG funds must be used solely for the benefit of the public broadcast station.
7. Full-time station personnel whose salaries are paid by CSG funds must exercise full-time responsibilities over broadcast station operations. Such personnel shall not be required by the licensee to perform duties unrelated to the operation of the broadcast station(s).
8. CSG funds shall not be used by the grantee for personnel services, programming (both production and acquisition), or technical facilities in excess of standard amounts usually paid, charged or otherwise applied by the grantee for the same services and facilities under similar circumstances.
9. Grantee agrees that if, at any time during the grant period covered by this agreement, it should cease to provide the public broadcasting services for which this grant is made, it shall, upon request of the Corporation for Public Broadcasting, return any or all of the grant funds to the Corporation for Public Broadcasting.

SECTION 4. GRANT SPENDING PERIOD, PAYMENT SCHEDULE AND REPORTING REQUIREMENTS

- A. Grant Spending Period:** The FY2010 grant spending period extends from October 1, 2009 through September 30, 2011.
- B. Payment Schedule:** FY2010 CSGs will be disbursed to the licensee in two payments: the first payment will be disbursed beginning November 2009, and the second payment will be disbursed beginning March 2010. However, each grant payment will be contingent upon the grantee submitting all of the required forms, reports and/or other documents as required by CPB.

- C. CSG Offer Expiration:** The CSG Agreement must be properly executed by June 30, 2010 or the grant may be forfeited. If payment is not desired at the time the Agreement is executed, then the grantee should specify, in writing to ISIS@cpb.org, the later date on which it would like the funds to be disbursed.
- D. Reporting Requirements:** To avoid delayed disbursement of FY2010 CSG payments and possible penalty reductions in future CSGs, the required documents and reports must be completed and submitted to CPB in a timely fashion. All financial forms (Annual Financial Report and Audited Financial Statements) must be completed no later than five months after the close of the grantee's fiscal year. As a condition of receiving the CSG, each grantee must also complete and submit the annual Station Activity Benchmark Study (SABS) and Station Activities Survey (SAS). SABS and SAS is fielded in January and February of each year. If the grantee submits its financial reports, SABS or SAS past the filing deadline, it will be subject to a financial penalty, which will be deducted from the grantee's CSG.

Each CPB Television CSG recipient must file a consolidated Annual Financial Report (AFR) on behalf of all supported stations that are licensed to the same entity.

Each AFR must include only NFFS that is received by or on behalf of the supported station(s) or network of stations.

The operations of all co-licensed noncommercial television stations must be consolidated to earn and benefit from a single CSG.

Stations that are closed circuit, campus stations managed and operated by and for students, and/or stations that provide in-service training programming to licensee employees, clients, and/or representatives, are not eligible for consolidation.

SECTION 5. EXPENDITURE OF FUNDS

- A. Unexpended Funds:** All FY2010 CSG funds must be expended by September 30, 2011. All funds that are not expended by September 30, 2011 must be returned to CPB, as there is no carry-over provision. Make check payable to the Corporation for Public Broadcasting. (See Section 7, Termination, regarding repayment of unexpended funds at the date of termination.)
- B. Unauthorized Expenditures:** CSG funds shall be used only while the recipient is in conformity with (a) the representations and data contained in the eligibility application package and all of the attachments thereto; and (b) these general provisions and eligibility criteria for the FY2010 Television CSG, the certification of eligibility, and all other related documents.

In addition, CSG funds shall be expended only in accordance with the purposes and restrictions set forth in these general provisions and eligibility criteria and other similar restrictions to be determined by CPB policy decisions from time to time.

Expenditures or uses of CSG funds which are inconsistent with such purposes and restrictions and

- which are made during any time in which the grantee fails to be in conformity with Sections 3.A. and 3.B.; or
- which are not fully supported by available documentation in accordance with the record keeping provisions in Section 9.B.,

shall be considered unauthorized expenditures. The amounts of all unauthorized expenditures shall be fully repaid to CPB immediately upon CPB's request.

C. Documentation of Expenditures: All CSG expenditures must be supported by documentation (invoices, contracts, bills of sale, check stubs, etc.). Documentation for outreach activities funded by CSG must include description of activity funded and, when applicable, which educational institutions and organizations were involved. The grantee must keep documentation pertaining to grant expenditures in their files for **three years after the close of the expenditure period**, and such documentation must be made available for CPB review upon request. CPB will use such documentation as the basis for audits of CSG expenditures.

Expenditures that cannot be supported with documentation may be disallowed. Undocumented expenditures cannot be replaced with other station expenditures after the expenditure period ends. All disallowed expenditures are subject to refund to CPB. Disallowed expenditures include those expressly prohibited by the CSG General Provisions and other similar restrictions to be determined by CPB policy decisions from time to time.

SECTION 6. EXTENT OF CPB COMMITMENT

No commitment, expressed or implied, is assumed by CPB to provide funds in excess of the amount offered by CPB.

SECTION 7. TERMINATION

Failure to maintain compliance with these General Provisions and Eligibility Criteria and the commitments attested to by the Recipient in the CSG Agreement may result in termination of CSG funding. The amounts of all unexpended CPB funds at the date of termination shall be fully repaid to CPB immediately. Checks should be made payable to the Corporation for Public Broadcasting.

SECTION 8. ASSIGNMENT

No rights or obligations under any CSG shall be assigned in whole or in part by the licensee without the prior written consent of CPB. Stations are required to understand all obligations contained in this document.

SECTION 9. COMMUNICATIONS ACT REQUIREMENTS

A. Open Meetings, Open Records, Community Advisory Board, and Mail Lists and Political Activities: As a condition of accepting this CSG, the licensee and the station must certify that they currently comply, and agree that they will continue to comply in full throughout the term of this CSG, with all Sections of the Communications Act. What is provided here is a summary of the Communications Act requirements as to which grantees must certify their compliance to CPB; nothing herein replaces or supersedes other applicable laws and regulations.

In general, the Communications Act requires that board meetings, board committee meetings and advisory body meetings be open to the public, that annual financial and audit reports be available for public inspection, that reports on minority employment be available for public inspection, and that certain licensees maintain community advisory boards. In addition, there are limitations on the use of donor information and strict prohibitions on exchanging or renting such information to political organizations and/or candidates. For a complete discussion of the requirements please consult the website:

<http://www.cpb.org/stations/certification/>.

NOTE: The Communications Act provisions about open board meetings, open records, and mail lists and political activities apply to all grantees. Only certain licensees are required to have a community advisory board.

- B. Record Keeping and Audit Requirements:** All recipients of CSG funds must satisfy the requirements of the Communications Act of 1934, as amended, 47 U.S.C. 396(l) (3) (B, C, and D). This federal law mandates record-keeping and auditing and requires that CPB or its representatives have access to eligibility, operational, Communication Act (open meetings, open financial records, Community Advisory Board, EEO, and mail lists and political activities), and financial records. Operational records and documentation for CSGs would include such things as broadcast schedules identifying general audience programming that serves demonstrated community needs of an educational, informational, and cultural nature. Consult the Web site (<http://www.cpb.org/stations/certification/cert2.html>) for more information.

Furthermore, discrete accounting and proper documentation shall be maintained to support all FY 2010 CSG revenues and expenditures. All CSG expenditures must meet the test of allowability as stated throughout this document and as provided by all other CSG-related documents and policies. CSG funds which cannot be accounted for because of recipient's failure to comply with this requirement may be subject to repayment to CPB. The recipient shall maintain such other records that CPB may require to facilitate an effective audit. CSG records must be retained for no less than three years after the end of the expenditure period.

If there are any subsequently discovered inaccuracies, whether reported by the applicant or discovered during the course of an audit, CPB may adjust the grant downward, as accurate data may require and as determined by CPB. If a downward adjustment is warranted, CPB may recover overpayment through a reduction in future grant awards as an alternative to requiring immediate return of any overpayment. If recovery of overpayment is required, CPB will notify the grantee by letter of the actions CPB intends to take and notify the grantee that it has 30 days from the date of the letter to respond or seek clarification in writing about CPB's intended actions. If CPB does not receive any written response from the grantee within those 30 days, CPB will implement the actions described in the letter.

- C. Equal Opportunity:** The Communications Act requires each licensee or permittee of a public broadcast station to file with CPB an annual statistical report that: (1) identifies by race and sex the number of employees in each of eight full-time and part-time job categories (officials and managers; professionals; technicians; office and clerical personnel; skilled craft persons; semi-skilled operatives; unskilled operatives; and service workers); and (2) states the number of job openings occurring during the course of the year. CPB currently requires that this statistical information be provided in the employment portion of the annual Station Activities Survey (SAS), which all CPB-qualified CSG recipients must file with CPB. This statistical information also must be made available to the public at the central office of the station and at every location where more than five full-time employees are regularly assigned work.

SECTION 10. NONDISCRIMINATION

- A.** Recipient agrees that it will not discriminate against any employee or applicant for employment because of race, color, religion, age, sex, national origin, or physical or mental handicap. Recipient will take affirmative action to ensure that applicants are considered for employment, without regard to their race, color, religion, age, sex, national origin, or physical or mental handicap.
- B.** Recipient further agrees that it will comply with all laws and regulations prohibiting discrimination on the basis of race, color, religion, age, sex, national origin, or physical or mental handicap that may be applicable to Recipient. These laws may include, but are not limited to Title III of the Public Telecommunications Financing Act of 1978 (47 U.S.C. 398); Title VII of the Civil Rights Act of 1964 (42 U.S.C. 2002e); the Equal Pay Act of 1963 (29 U.S.C. 206); the Age discrimination in Employment Act of 1967 (29 U.S.C. 621-634); Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2002d); Title IX of the Education Amendment of 1972 (20 U.S.C. 1681); Title V of the Rehabilitation Act of 1973 (29 U.S.C. 790-794); and the Federal Communications Commission's regulations concerning equal employment opportunity (47 C.F.R. 73.2080).

- C. Recipient will include the provisions of this section in all subcontracts and delegations entered into in connection with the CSG.

SECTION 11. EQUAL OPPORTUNITY AND CPB ASSISTANCE

- A. Every licensee or permittee of a public broadcast station which receives funds from CPB must certify to CPB that it complies with the FCC regulations concerning equal employment opportunity (47 C.F.R. 73.2080). Each licensee or permittee of a broadcast station with more than five full-time employees must further certify that the job openings identified in the statistical reports described above were filled in accordance with such FCC regulations, or provide a statement of the reasons for not filling the positions in accordance with such regulations. CPB currently requires that these certifications and, if necessary, the statement of reasons be provided in the CSG Certification of Eligibility.
- B. In addition, in accepting the General Provisions and Eligibility Criteria, Recipient agrees to implement the following policy on "Equal Opportunity and CPB Assistance" as a term or condition of the CSG.
- C. It is the policy of CPB to (1) fully comply with all applicable laws and regulations, including laws and regulations prohibiting discrimination against any person on the basis of race, color, religion, national origin, age, sex, or physical or mental handicap; and (2) require that each Recipient of assistance from CPB, whether in cash or in-kind, comply with all such laws and regulations.

SECTION 12. GOVERNING LAW AND JURISDICTION

Except as otherwise required by law, the Recipient agrees that the CSG and all instruments between the Recipient and CPB executed pursuant thereto shall be construed under the laws of the District of Columbia.

Notwithstanding the jurisdiction of any other court, the Recipient expressly submits and consents in advance to the jurisdiction of the Superior Court of the District of Columbia and the U.S. District Court for the District of Columbia for all claims or disputes pertaining directly or indirectly to any CSG or Interconnection Grant, any supplement thereto, or any matter arising there from. The Recipient further agrees that in any action or proceeding commenced in any court in the District of Columbia, the Recipient shall be deemed to have been duly served with process of such court when process is delivered to the Recipient personally or by certified or registered mail (return receipt requested), within or without the District of Columbia.

SECTION 13. OTHER REQUIREMENTS

- A. **CPB Role and Cooperation with Government Agencies:** CPB is a private, nonprofit corporation. Because CPB is neither a government agency nor a law enforcement body, it does not have the legal authority to investigate and adjudicate complaints based upon allegedly discriminatory practices by recipients of its assistance that such agencies and bodies do. CPB will, however, promptly refer all such complaints received by it to a government agency with jurisdiction for any proceedings that may be appropriate. Further, CPB will cooperate fully with every agency with jurisdiction to inquire into allegedly discriminatory practices of Recipients of CPB assistance.
- B. **Laws and Regulations Applicable:** Applicable laws and regulations prohibiting discrimination against persons on the basis of race, color, religion, national origin, age, sex, or physical or mental handicap may be federal, state, or local and may vary from Recipient to Recipient and from jurisdiction to jurisdiction. Each applicant or Recipient of CPB assistance shall inform itself of the laws and regulations applicable to it, and CPB shall not undertake to so inform the applicant or Recipient, unless a law or regulation requires that CPB do so, and then CPB shall undertake to inform the applicant or Recipient only to the extent the law requires.

C. Suspension or Cancellation of CPB Assistance: Whenever a court or government agency with jurisdiction shall make a final determination that a Recipient of assistance from CPB is in violation of federal, state, or local laws and regulations prohibiting discrimination on the basis of race, color, religion, age, national origin, sex, or physical or mental handicap, and notice of such determination is given in writing to CPB by the court, agency, or any other person and officially certified, CPB shall promptly notify the Recipient that unless the Recipient shall demonstrate to the satisfaction of CPB within 30 days that the violation has been fully corrected or that the Recipient is in full compliance with all remedial provisions of such final determination, CPB shall suspend or cancel all assistance to the Recipient.

Whenever such final determination is appealed or otherwise challenged in an appropriate forum, whether or not the effect of such determination is stayed pending appeal, CPB shall notify the Recipient that, unless the Recipient can show cause to the contrary within 30 days, CPB shall suspend or cancel CPB assistance. If CPB decides to suspend such assistance, then all sums that would otherwise have been payable to the Recipient shall be held by CPB pending completion of the appellate process, but the provision of in-kind assistance shall not be suspended or canceled pending the appeal.

D. Applicants Ineligible to Receive CPB Assistance: An applicant for assistance from CPB, whom a court or government agency with jurisdiction has made a final determination to be in violation of any federal, state, or local law or regulation prohibiting discrimination on the basis of race, color, religion, age, national origin, sex, or physical or mental handicap, shall be ineligible for assistance from CPB, unless the applicant shall demonstrate to the satisfaction of CPB that the violation has been fully corrected or that it is in full compliance with all remedial provisions of such final determination.

E. FCC Compliance: All stations benefiting from a CSG must fully comply with FCC regulations and the terms of the station's broadcast license. Failure to do so may result in the loss of CPB funding.