

party filing the form, the operations being conducted, the number of third- and fourth-freedom flights conducted in the last twelve-month period, and certification of reciprocity from the carrier's homeland government. DOT analysts will use the information collected to determine if applications for fifth-freedom operations meet the public interest requirements necessary to authorize such applications.

**Burden Statement:** We estimate that the industry-wide total hour burden for this collection to be approximately 1,000 hours or approximately 2.25 hours per application. Conservatively, we estimate the compilation of background information will require 1.75 hours, and the completion and submission of OST Form 4540 will require thirty (30) minutes. Reporting the number of third- and fourth-freedom operations conducted by an applicant carrier will require collection of flight data, and detailed analysis to determine which flights conducted by the carrier are third- and fourth-freedom. Applicants should be able to use data collected for the Department's T-100 program to provide this information (under this program, carriers are required periodically to compile and report certain traffic data to the Department, as more fully described in the Docket referenced in footnote 1 below). The Bureau of Transportation Statistics (BTS) provide carriers with a computer program that allows them to compile and monitor, among other things, flight origin and destination data, to be used in making the carriers' T-100 submissions.<sup>1</sup>

We estimated that carriers will require 1.25 hours per application<sup>2</sup> to compile and analyze the data necessary to disclose the number of third- and fourth-freedom flights conducted within the twelve-month period preceding the filing of an application.

Foreign carriers will also have to provide evidence that their homeland government will afford reciprocity to U.S. carriers seeking authority for the similar fifth-, sixth- and seventh-freedom operations. Carriers may cite

certifications submitted by carriers from the same homeland if that homeland issued such certification within the preceding six-month period.

Approximately 100 carriers from roughly 30 distinct homelands use OST Form 4540 to apply for statements of authorization annually. We estimate that one foreign carrier from any given homeland will expend roughly 4 hours every six-months to obtain certification from its homeland governments.<sup>3</sup>

We have apportioned 30 minutes to each application to account for the time required to obtain certifications from homeland governments.

We have no empirical data to indicate how much time is required for a person to complete OST Form 4540; however, anecdotal evidence reveals that respondents spend thirty (30) minutes or less completing the form and brief justification. In some cases, respondents spend a limited amount of time, less than ten (10) minutes, reviewing the form before sending it via facsimile or email to the Department. In the interest of providing a conservative estimate so as to not understate the burden hours, we estimate the hour burden for completing OST Form 4540 as thirty (30) minutes.

Issued in Washington, DC on December 8, 2022.

**Benjamin J. Taylor,**

*Director, Office of International Aviation.*

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**BILLING CODE 4910-9X-P**

## DEPARTMENT OF TRANSPORTATION

### Office of the Secretary

[Docket No. DOT-OST-2022-0119]

### Notice of Rights and Protections Available Under the Federal Antidiscrimination and Whistleblower Protection Laws

**AGENCY:** Office of the Secretary, Department of Transportation.

**ACTION:** No FEAR Act notice.

**SUMMARY:** This notice implements the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act of 2002). In doing so, the Department of Transportation notifies all employees, former employees, and applicants for Federal employment of the rights and protections available to them under the

Federal Anti-discrimination and Whistleblower Protection Laws.

### FOR FURTHER INFORMATION CONTACT:

Yvette Rivera, Associate Director, Equity and Access Division (S-32), Departmental Office of Civil Rights, Office of the Secretary, U.S. Department of Transportation, 1200 New Jersey Avenue SE, Room W78-306, Washington, DC 20590, 202-366-5131 or by email at [Yvette.Rivera@dot.gov](mailto:Yvette.Rivera@dot.gov).

### SUPPLEMENTARY INFORMATION:

#### Electronic Access

You may retrieve this document online through the Federal Document Management System at <http://www.regulations.gov>. Electronic retrieval instructions are available under the help section of the website.

#### No FEAR Act Notice

On May 15, 2002, Congress enacted the "Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002," now recognized as the No FEAR Act (Pub. L. 107-174). The No FEAR Act was amended on January 1, 2021, by the "Elijah E. Cummings Federal Employee Antidiscrimination Act of 2020" [further strengthening accountability for violations of federal civil rights laws]. One purpose of the No FEAR Act is to "require that Federal agencies be accountable for violations of antidiscrimination and whistleblower protection laws." (Pub. L. 107-174, Summary). In support of this purpose, Congress found that "agencies cannot be run effectively if those agencies practice or tolerate discrimination." (Pub. L. 107-174, Title I, General Provisions, section 101(1)). The No FEAR Act also requires the United States Department of Transportation (USDOT) to issue this Notice to all USDOT employees, former USDOT employees, and applicants for USDOT employment. This Notice informs such individuals of the rights and protections available under Federal antidiscrimination and whistleblower protection laws.

#### Antidiscrimination Laws

A Federal agency cannot discriminate against an employee, former employee or applicant with respect to the terms, conditions, or privileges of employment because of race, color, religion, sex (including gender identity and sexual orientation), national origin, age, disability, marital status, genetic information, political affiliation, or in retaliation for a protected activity. One or more of the following statutes prohibit discrimination on these bases: 5 U.S.C. 2302(b)(1), 29 U.S.C. 631, 29 U.S.C. 633a, 29 U.S.C. 206(d), 29 U.S.C. 791, 42 U.S.C. 2000e-16 and 2000ff.

<sup>1</sup> The rule-making associated with the T-100 program can be found on the Federal Docket Management System (FDMS) at <https://www.regulations.gov>, in Docket DOT-OST-1998-4043. Information regarding burden hours is on file in the Office of Aviation Analysis (X-50).

<sup>2</sup> The Office of Aviation Analysis (X-50) estimated that small-carriers would require 1 burden hour per report, and large carriers would require 3 burden hours per report to analyze and report T-100 program data. Considering that the data required in this information collection can be derived from data already collected, we have taken an average of the estimated time required, and conservatively shortened the time by 45 minutes because no new data entry will be required.

<sup>3</sup> Calculation: (4 burden hours per application) × (30 foreign homelands) × (2 requests per year) = 240 annual burden hours. Apportioning 240 annual burden hours equally among an average of 430 applications annually = approximately 30 burden minutes per application.

If you believe you have experienced unlawful discrimination on the bases of race, color, religion, sex (including gender identity and sexual orientation), national origin, age, retaliation, genetic information, and/or disability, you must contact a USDOT Equal Employment Opportunity (EEO) counselor within 45 calendar days of the alleged discriminatory action, or, in the case of a personnel action, within 45 calendar days of the effective date of the action to pursue any legal remedy. A directory of USDOT EEO counselors is available on the Departmental Office of Civil Rights website at <http://www.transportation.gov/civil-rights>; you can also contact the Departmental Office of Civil Rights by phone at 202-366-4648 for more information. Once you contact the EEO counselor, you will be offered the opportunity to resolve the matter through the informal complaint process; if you are unable to resolve the matter through the informal complaint process, you can file a formal complaint of discrimination with USDOT (See, e.g., 29 CFR part 1614). Parties who complete the informal complaint process are provided with an electronic Individual Complaint of Employment Discrimination Form. The form can be submitted electronically at <https://secure.dot.gov/form/eec> or by email at [Patricia.Fields@dot.gov](mailto:Patricia.Fields@dot.gov). You may also contact the EEO Complaints and Investigations Division, Departmental Office of Civil Rights by phone at 202-366-9370 or by email at [DOCR\\_CMB@dot.gov](mailto:DOCR_CMB@dot.gov) if you need additional assistance.

If you believe you experienced unlawful discrimination based on age, you must either contact an EEO counselor as noted above or file a civil action in a United States District Court under the Age Discrimination in Employment Act against the head of the alleged discriminating agency. If you choose to file a civil action, you must give notice of intent to sue to the Equal Employment Opportunity Commission (EEOC) within 180 days of the alleged discriminatory action, and not less than 30 days before filing a civil action. You may file such notice in writing with the EEOC via mail at P.O. Box 77960, Washington, DC 20013, the EEOC Public Portal at <https://www.eeoc.gov/employees/charge.cfm>, hand delivery at 131 M St. NE, Washington, DC 20507, or Fax at 202-663-7022.

If you are alleging discrimination based on marital status or political affiliation, you may file a written discrimination complaint with the U.S. Office of Special Counsel (OSC) using Form OSC-14. Form OSC-14 can be submitted electronically at the OSC

website <http://www.osc.gov>, under the tab "File a Complaint." You also have the option to call the Complaints Examining Unit at 1-800-872-9855 for additional assistance. In the alternative (or in some cases, in addition), you may pursue a discrimination complaint by filing a grievance through the USDOT administrative or negotiated grievance procedures, if such procedures apply and are available.

If you are alleging compensation discrimination pursuant to the Equal Pay Act and wish to pursue your allegations through the administrative process, you must contact an EEO counselor within 45 calendar days of the alleged discriminatory action, as such complaints are processed under EEOC's regulations at 29 CFR part 1614. Alternatively, you can file a civil action in a court of competent jurisdiction within two years, or, if the violation is willful, within three years of the date of the alleged violation, regardless of whether you pursued any administrative complaint processing. The filing of a complaint or appeal pursuant to 29 CFR part 1614 shall not toll the time for filing a civil action.

#### Whistleblower Protection Laws

A USDOT employee with authority to take, direct others to take, recommend, or approve any personnel action must not use that authority to take, or fail to take, or threaten to take a personnel action against an employee or applicant because of a disclosure of information by that individual that is reasonably believed to evidence violations of law, rule, or regulation; gross mismanagement; gross waste of funds; an abuse of authority; or a substantial and specific danger to public health or safety, unless the disclosure of such information is specifically prohibited by law and such information is specifically required by Executive Order to be kept secret in the interest of national defense or the conduct of foreign affairs.

Retaliation against a USDOT employee or applicant for making a protected disclosure is prohibited (5 U.S.C. 2302(b)(8)). If you believe you are a victim of whistleblower retaliation, you may file a written complaint with the U.S. Office of Special Counsel using Form OSC-14. Form OSC-14 can be filed electronically at <http://www.osc.gov>. You may also contact the USDOT Office of Inspector General Hotline by phone at 1-800-424-8071, by fax at 202-366-7749, by email at [hotline@oig.dot.gov](mailto:hotline@oig.dot.gov), online at <https://www.oig.dot.gov/hotline>, or by mail at 1200 New Jersey Avenue SE, West Bldg., 7th Floor, Washington, DC 20590.

#### Retaliation for Engaging in Protected Activity

A Federal agency cannot retaliate against an employee or applicant because that individual exercises their rights under any of the Federal antidiscrimination or whistleblower protection laws listed above. If you believe that you are the victim of retaliation for engaging in protected activity, you must follow, as appropriate, the procedures described in the Antidiscrimination Laws and Whistleblower Protection Laws sections or, if applicable, the administrative or negotiated grievance procedures in order to pursue any legal remedy.

#### Disciplinary Actions

Under existing laws, USDOT retains the right, where appropriate, to discipline a USDOT employee who engages in conduct that is inconsistent with Federal Antidiscrimination and Whistleblower Protection laws up to and including removal from Federal service. If USDOT takes an adverse action under 5 U.S.C. 7512 against an employee for a discriminatory act, it must include a notation of the adverse action and the reason for the action in the employee's personnel record. If OSC initiates an investigation under 5 U.S.C. 1214, USDOT must seek approval from the Special Counsel to discipline employees for, among other activities, engaging in prohibited retaliation (5 U.S.C. 1214). Nothing in the No FEAR Act alters existing laws or permits an agency to take unfounded disciplinary action against a USDOT employee, or to violate the procedural rights of a USDOT employee accused of discrimination.

#### Additional Information

For more information regarding the No FEAR Act regulations, refer to 5 CFR part 724, as well as the appropriate office(s) within your agency (e.g., EEO/civil rights offices, human resources offices, or legal offices). You can find additional information regarding Federal antidiscrimination, whistleblower protection, and retaliation laws at the EEOC website at <http://www.eeoc.gov> and the OSC website at <http://www.osc.gov>.

#### Existing Rights Unchanged

Pursuant to section 205 of the No FEAR Act, neither the No FEAR Act nor this notice creates, expands, or reduces any rights otherwise available to any employee, former employee, or applicant under the laws of the United States, including the provisions of law specified in 5 U.S.C. 2302(d).

Issued in Washington, DC, on December 8, 2022.

Irene Marion,

Director, Departmental Office of Civil Rights,  
U.S. Department of Transportation.

[FR Doc. 2022-27048 Filed 12-13-22; 8:45 am]

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## DEPARTMENT OF THE TREASURY

[Catalog of Federal Domestic Assistance  
(CFDA) Number: 21.030]

### Emergency Capital Investment Program; Notice of Investment Availability

**AGENCY:** Emergency Capital Investment  
Program, Department of the Treasury.

**ACTION:** Notice of investment  
availability.

**SUMMARY:** This NOIA is published in connection with the Emergency Capital Investment Program (ECIP), administered by the U.S. Department of the Treasury (Treasury). Through this NOIA, Treasury announces the availability of up to approximately \$340 million in funding. Established by the Consolidated Appropriations Act, 2021, the ECIP was created to encourage low- and moderate-income community financial institutions to augment their efforts to support small businesses and consumers in their communities. Under the program, Treasury will provide up to \$8.7 billion in capital directly to depository institutions that are certified community development financial institutions (CDFIs) or minority depository institutions (MDIs) to, among other things, provide loans, grants, and forbearance for small businesses, minority-owned businesses, and consumers, especially in low-income and underserved communities, that may be disproportionately impacted by the economic effects of the COVID-19 pandemic. Treasury previously invested a total of approximately \$8.34 billion and may invest up to an additional approximately \$340 million. This is the second round of ECIP funding available.

**DATES:** Low- and moderate-income community financial institutions may submit applications for investment starting on the date of publication of this Notice of Investment Availability (NOIA). In order to be considered for investment, applications must be submitted by 11:59 p.m. Eastern Time (ET) on January 31, 2023.

**SUPPLEMENTARY INFORMATION:** For more information, please see Treasury's ECIP website at [https://home.treasury.gov/policy-issues/coronavirus/assistance-for-small-businesses/emergency-capital-](https://home.treasury.gov/policy-issues/coronavirus/assistance-for-small-businesses/emergency-capital-investment-program)

[investment-program](https://home.treasury.gov/policy-issues/coronavirus/assistance-for-small-businesses/emergency-capital-investment-program). Any terms not defined in this NOIA are defined under 12 U.S.C. 4703a or the ECIP Application Forms and Instructions, as applicable.

**Form of Application:** Electronic application via the ECIP portal is required. As of the date of this NOIA, a copy of the ECIP Application Form and Instructions is available on the ECIP website at <https://home.treasury.gov/policy-issues/coronavirus/assistance-for-small-businesses/emergency-capital-investment-program>. Additional resources available on the ECIP website include application FAQs, forms of legal documents, information on how applications will be evaluated, and other information. Note that the displayed version of the application cannot be submitted for consideration. Applicants must use the application form available via the ECIP portal.

**FOR FURTHER INFORMATION CONTACT:** David Meyer, Program Manager, Emergency Capital Investment Program, (202) 819-3127, [ECIP@treasury.gov](mailto:ECIP@treasury.gov).

Noel Poyo,

Deputy Assistant Secretary for Community  
and Economic Development.

[FR Doc. 2022-27000 Filed 12-13-22; 8:45 am]

BILLING CODE 4810-AK-P

## DEPARTMENT OF THE TREASURY

### Agency Information Collection Activities; Submission for OMB Review; Comment Request; Annual Certification and Data Collection Report Form and the Abbreviated Transaction Level Report

**AGENCY:** Departmental Offices,  
Department of the Treasury.

**ACTION:** Notice of information collection;  
request for comment.

**SUMMARY:** The Department of the Treasury will submit the following information requests to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, on or after the date of publication of this notice. The public is invited to submit comments on these requests.

**DATES:** Comments should be received on or before January 13, 2023 to be assured of consideration.

**ADDRESSES:** Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to [www.reginfo.gov/public/do/PRAMain](https://www.reginfo.gov/public/do/PRAMain). Find this particular information collection by selecting "Currently under 30-day Review—Open

for Public Comments" or by using the search function.

#### FOR FURTHER INFORMATION CONTACT:

Copies of the submissions may be obtained from Melody Braswell by emailing [PRA@treasury.gov](mailto:PRA@treasury.gov), calling (202) 622-1035, or viewing the entire information collection request at [www.reginfo.gov](https://www.reginfo.gov).

#### SUPPLEMENTARY INFORMATION:

##### CDFI Fund

**Title:** Annual Certification and Data Collection Report Form and the abbreviated Transaction Level Report.

**OMB Control Number:** 1559-0046.

**Type of Review:** Revision of a currently approved collection.

**Description:** A Certified Community Development Financial Institution (CDFI) is a specialized financial institution that works in markets that are underserved by traditional financial institutions and provide a range of Financial Products and Financial Services in economically distressed Target Markets. CDFIs include regulated institutions such as community development banks and credit unions, and non-regulated institutions such as loan and venture capital funds. CDFI Certification is a designation conferred by the Community Development Financial Institutions Fund (CDFI Fund) and is a requirement for accessing various CDFI Fund programs. A financial institution seeking to become a Certified CDFI and qualify to apply for assistance from the CDFI Fund must complete the CDFI Certification Application (OMB Control Number 1559-0028). CDFI Certification and the Annual Certification and Data Collection Report (ACR) are requirements of Certified CDFIs. The Transaction Level Report (TLR) is a requirement of CDFIs that receive Financial Assistance (FA) awards from the CDFI Fund.

The CDFI Fund is authorized by the Riegle Community Development Banking and Financial Institutions Act of 1994 (Pub. L. 103-325, 12 U.S.C. 4701 *et seq.*) (the Act). The regulations governing CDFI Certification are found at 12 CFR. 1805.201 (the Regulations). The significance of CDFI Certification has increased over the years, as the CDFI Certification status has come to serve as a qualifier for other federal government and private sector resources and benefits. Beginning in January 2017, through the issuance of a Request for Information, the CDFI Fund sought to review and update the CDFI Certification policies and procedures to ensure they continue to meet the statutory and regulatory requirements,