

copy of any or all documents retained pursuant to this paragraph (b).

\* \* \* \* \*

(d) Each manually or electronically signed signature page or other document authenticating, acknowledging, or otherwise adopting his or her signature that appears in typed form within the electronic filing (“authentication document”)—

(1) On Schedule F to Form SBSE (§ 249.1600 of this chapter), SBSE-A (§ 249.1600a of this chapter), or SBSE-BD (§ 249.1600b of this chapter), as appropriate, shall be retained by the filer until at least three years after the form or certification has been replaced or is no longer effective;

(2) On Form SBSE-C (§ 249.1600c of this chapter) shall be retained by the filer until at least three years after the Form was filed with the Commission.

■ 11. Amend § 240.16a-3 by revising paragraph (i) to read as follows:

**§ 240.16a-3 Reporting transactions and holdings.**

\* \* \* \* \*

(i) *Signatures.* Where Section 16 of the Act, or the rules or forms thereunder, require a document filed with or furnished to the Commission to be signed, such document shall be manually signed, or signed using either typed signatures or duplicated or facsimile versions of manual signatures. Where typed, duplicated, or facsimile signatures are used, each signatory to the filing shall manually or electronically sign a signature page or other document authenticating, acknowledging, or otherwise adopting his or her signature that appears in the filing (“authentication document”). Such authentication document shall be executed before or at the time the filing is made and shall be retained by the filer for a period of five years. The requirements set forth in § 232.302(b) must be met with regards to the use of an electronically signed authentication document pursuant to this paragraph (i). Upon request, the filer shall furnish to the Commission or its staff a copy of any or all documents retained pursuant to this section.

\* \* \* \* \*

**PART 249—FORMS, SECURITIES EXCHANGE ACT OF 1934**

■ 12. The general authority citation for part 249 continues to read as follows:

**Authority:** 15 U.S.C. 78a *et seq.* and 7201 *et seq.*; 12 U.S.C. 5461 *et seq.*; 18 U.S.C. 1350; Sec. 953(b), Pub. L. 111-203, 124 Stat. 1904; Sec. 102(a)(3), Pub. L. 112-106, 126 Stat. 309 (2012); Sec. 107, Pub. L. 112-106, 126 Stat. 313 (2012), and Sec. 72001, Pub. L. 114-94,

129 Stat. 1312 (2015), unless otherwise noted.

\* \* \* \* \*

■ 13. Amend Form CB (referenced in § 249.480) by amending General Instruction II.B to read as follows:

**Note:** The text of Form CB does not, and this amendment will not, appear in the Code of Federal Regulations.

**United States Securities and Exchange Commission Washington, DC 20549 Form CB**

\* \* \* \* \*

B. When submitting the Form CB in electronic format, the persons specified in Part IV must provide signatures in accordance with Regulation S-T Rule 302 (17 CFR 232.302). When submitting the Form CB in paper, the persons specified in Part IV must sign the original and at least one copy of the Form and any amendments. You must conform any unsigned copies. The specified persons may provide typed or facsimile signatures in accordance with Securities Act Rule 402(e) (17 CFR 230.402(e)) or Exchange Act Rule 12b-11(d) (17 CFR 240.12b-11(d)) as long as the filer retains copies of signatures manually or electronically signed by each of the specified persons for five years. The requirements set forth in Regulation S-T Rule 302(b) (17 CFR 232.302(b)) must be met with regards to the use of an electronically signed signature page.

\* \* \* \* \*

**PART 270—RULES AND REGULATIONS, INVESTMENT COMPANY ACT OF 1940**

■ 14. The authority citation for part 270 continues to read, in part, as follows:

**Authority:** 15 U.S.C. 80a-1 *et seq.*, 80a-34(d), 80a-37, 80a-39, and Pub. L. 111-203, sec. 939A, 124 Stat. 1376 (2010), unless otherwise noted.

\* \* \* \* \*

Section 270.8b-11 is also issued under 15 U.S.C. 77s, 80a-8, and 80a-37.

\* \* \* \* \*

■ 15. Amend § 270.8b-11 by revising paragraph (e) to read as follows:

**§ 270.8b-11 Number of copies; signatures; binding.**

\* \* \* \* \*

(e) *Signatures.* Where the Act or the rules thereunder, including paragraph (c) of this section, require a document filed with or furnished to the Commission to be signed, the document should be manually signed, or signed using either typed signatures or

duplicated or facsimile versions of manual signatures. When typed, duplicated, or facsimile signatures are used, each signatory to the filing shall manually or electronically sign a signature page or other document authenticating, acknowledging, or otherwise adopting his or her signature that appears in the filing (“authentication document”). Execute each such authentication document before or at the time the filing is made and retain for a period of five years. The requirements set forth in § 232.302(b) must be met with regards to the use of an electronically signed authentication document pursuant to this paragraph (e). Upon request, the registrant shall furnish to the Commission or its staff a copy of any or all documents retained pursuant to this section.

By the Commission.  
Dated: November 17, 2020.

**Vanessa A. Countryman,**  
*Secretary.*

[FR Doc. 2020-26166 Filed 12-3-20; 8:45 am]

**BILLING CODE 8011-01-P**

**DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**

**24 CFR Part 214**

[Docket No. FR-6215-I-02]

**RIN 2502-ZA34**

**Housing Counseling Program: Revision of the Certification Timeline**

**AGENCY:** Office of the Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

**ACTION:** Final rule.

**SUMMARY:** This final rule follows HUD’s interim final rule (the interim rule) published on August 5, 2020. The interim rule extended the deadline by which participating agencies and counselors must comply with certification requirements in HUD’s Housing Counseling Program from August 1, 2020 to August 1, 2021. The reason for the extension is that due to the COVID-19 national emergency, a large number of housing counselors would have been unable to get certified by the end of the grace period, resulting in a loss of Federal funding for some HUD-approved housing counseling agencies and loss of the ability to provide counseling that is required or provided in numerous HUD programs. HUD considered public comment on the interim rule. This rule makes the interim rule a final rule, without change.

**DATES:** *Effective date:* The August interim rule (85 FR 47300) extending the August 1, 2020 counseling certification deadline is confirmed as final on December 4, 2020.

**FOR FURTHER INFORMATION CONTACT:**

Lorraine Griscavage-Frisbee at Office of Housing Counseling, Office of Housing, Department of Housing and Urban Development, 802 Carson Street, Las Vegas, Nevada 89101, telephone number 702-366-2160 (this is not a toll-free number). Persons with hearing or speech challenges may access this number through TTY by calling the toll-free Federal Relay Service at 800-877-8339. Questions can also be addressed to Lorraine Griscavage-Frisbee, Office of Housing Counseling, at [housing.counseling@hud.gov](mailto:housing.counseling@hud.gov). Please include "Housing Counseling Program: Date Housing Counseling Agencies Must Comply with Certification Requirements" in the subject line of the email.

### I. Background

Section 106 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x) (Section 106) was amended by Subtitle D of title XIV of the Dodd-Frank Wall Street Reform and Consumer Protection Act (Pub. L. 111-203, 124 Stat. 1376, approved July 21, 2010) to strengthen and improve the effectiveness of housing counseling that is required under or provided in connection with HUD programs (Section 106 amendments). The Section 106 amendments require that individuals providing housing counseling required under or provided in connection with HUD programs be certified by taking and passing an examination administered by HUD's Office of Housing Counseling (12 U.S.C. 1701x(e)). On December 14, 2016, HUD published a final rule implementing the Section 106 certification requirements, including the requirement that housing counseling that is required by or in connection with HUD programs may only be provided by HUD certified housing counselors working for HUD-approved housing counseling agencies (HCAs) that are approved to provide such housing counseling by HUD's Office of Housing Counseling. *See* 81 FR 90632. The 2016 final rule codified the grace period at 24 CFR 214.103(n)(4), which provides that "[p]articipating agencies and housing counselors must be in compliance with requirements of paragraph (n) of this section by 36 months after HUD commences the administration of the certification examination by publication in the **Federal Register**." On May 31, 2017,

HUD published a notice announcing the availability of the certification examination beginning August 1, 2017, and providing the deadline of August 1, 2020, within which all housing counselors and HCAs must satisfy the certification requirements in the final rule. *See* 82 FR 24988.

On March 13, 2020, the President declared the Coronavirus Disease 2019 (COVID-19) outbreak a national emergency, effective March 1, 2020. HUD housing counselor certification testing centers started to close in mid-March 2020, and by mid-April 2020, all 462 testing centers had closed. In addition, all 35 HUD in-person place-based housing counselor certification trainings originally scheduled were cancelled, severely impacting the ability of all counselors and counseling agencies to be certified by the deadline. Accordingly, on August 5, 2020, HUD published an interim rule amending 24 CFR 214.103(n)(4) to announce the new compliance date as August 1, 2021 (*See* 85 FR 47300).

### II. The Public Comments

The public comment period for the interim rule closed on September 4, 2021. HUD received one comment. This comment was generally supportive of the rule and stated that HUD should consider offering resources and testing beyond English and Spanish. Specifically, the comment read: "Housing Counselors who speak and serve populations who speak a language other than English or Spanish are finding it difficult to achieve certification without appropriate materials. As such, many culturally specific organizations could end up without a certified Counselor."

*HUD Response.* The interim rule amended only 24 CFR 214.103(n)(4), leaving the remainder of the rule in place. The rule currently provides, at § 214.103(g)(3), that counseling agencies "must have housing counselor(s) who are fluent in the language of the clients they serve, or the housing counseling agency must use the services of an interpreter, or the agency must refer the client to another agency that can meet the client's needs." While HUD agrees that counseling agencies should serve clients who may speak languages other than English or Spanish, HUD finds that the current regulation is adequate in this regard. Furthermore, the interim rule concerned a specific issue regarding a date by which counselors would have to be certified, and other aspects of the housing counseling regulations are outside the scope of the interim rule. Therefore, HUD is not making a change regarding its language policy.

### III. This Final Rule

This final rule adopts the interim rule, published at 85 FR 47300 (August 5, 2020), without change.

### IV. Findings and Certifications

*Regulatory Review—Executive Orders 12866 and 13563*

Under Executive Order 12866 (Regulatory Planning and Review), a determination must be made whether a regulatory action is significant and, therefore, subject to review by the Office of Management and Budget (OMB) in accordance with the requirements of the order. Executive Order 13563 (Improving Regulations and Regulatory Review) directs executive agencies to analyze regulations that are "outmoded, ineffective, insufficient, or excessively burdensome," and to modify, streamline, expand, or repeal them in accordance with what has been learned. Executive Order 13563 also directs that, where relevant, feasible, and consistent with regulatory objectives, and to the extent permitted by law, agencies are to identify and consider regulatory approaches that reduce burdens and maintain flexibility and freedom of choice for the public. This final rule was not determined to be a "significant regulatory action" as defined in section 3(f) of the Executive order, and is not expected to impose any burdens or costs, for the reasons stated in the interim rule at 85 FR 47303 (August 5, 2020).

#### *Unfunded Mandates Reform Act*

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) establishes requirements for federal agencies to assess the effects of their regulatory actions on state, local, and tribal governments and the private sector. This final rule will not impose any federal mandates on any state, local, or tribal governments or the private sector within the meaning of UMRA.

#### *Environmental Review*

This final rule does not (i) Direct, provide for assistance or loan and mortgage insurance for, or otherwise govern or regulate, real property acquisition, disposition, leasing, rehabilitation, alteration, demolition, or new construction; or (ii) Establish, revise, or provide for standards for construction or construction materials, manufactured housing, or occupancy. Accordingly, under 24 CFR 50.19(c)(1), this final rule is categorically excluded from environmental review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321).

### Impact on Small Entities

The Regulatory Flexibility Act (RFA) (5 U.S.C. 601, *et seq.*) generally requires an agency to conduct a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements, unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. This final rule allows housing counseling agencies to continue to operate as they currently do during the COVID-19 emergency. Therefore, the undersigned certifies that this final rule will not have a significant impact on a substantial number of small entities.

### Executive Order 13132, Federalism

Executive Order 13132 (entitled “Federalism”) prohibits an agency from publishing any rule that has federalism implications if the rule either imposes substantial direct compliance costs on state and local governments and is not required by statute, or the rule preempts state law, unless the agency meets the consultation and funding requirements of section 6 of the Executive order. This final rule does not have federalism implications and does not impose substantial direct compliance costs on state and local governments nor preempt state law within the meaning of the Executive order.

### Catalog of Federal Domestic Assistance

The Catalog of Federal Domestic Assistance (CFDA) Program number for the Housing Counseling Program is 14.169.

### List of Subjects in 24 CFR Part 214

Administrative practice and procedure; Loan program-housing and community development; Organization and functions (government agencies); Reporting and recordkeeping requirements.

### PART 214—HOUSING COUNSELING PROGRAM

■ Accordingly, for the reasons stated in the preamble, the interim rule amending 24 CFR part 214 that was published at 85 FR 47300 (August 5, 2020) is adopted without change.

Dana T. Wade,

Assistant Secretary for Housing—Federal Housing Commissioner.

[FR Doc. 2020-26194 Filed 12-3-20; 8:45 am]

BILLING CODE 4210-67-P

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 165

[Docket No. USCG-2020-0540]

RIN 1625-AA00

### Safety Zone; Oakland Ship-to-Shore Crane Arrival, San Francisco Bay, Oakland, CA

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

**SUMMARY:** The Coast Guard is establishing a temporary safety zone on the navigable waters of the San Francisco Bay during the transit of the M/V ZHEN HUA 35, scheduled to arrive between December 6, 2020 and December 20, 2020. This safety zone is necessary to protect personnel, vessels, and the marine environment from heavy equipment which will be extending more than 200 feet over the water from the vessel. Unauthorized persons or vessels are prohibited from entering into, transiting through, or remaining in the safety zone without permission of the Captain of the Port San Francisco or a designated representative.

**DATES:** This rule is effective from 12:01 a.m. on December 6, 2020 until 11:59 p.m. on December 20, 2020, or as announced via Broadcast Notice to Mariners.

**ADDRESSES:** To view documents mentioned in this preamble as being available in the docket, go to <https://www.regulations.gov>, type USCG-2020-0540 in the “SEARCH” box and click “SEARCH.” Click on Open Docket Folder on the line associated with this rule.

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this rule, call or email LT Jennae Cotton, Waterways Management, U.S. Coast Guard; telephone (415) 399-3585, email [SFWaterways@uscg.mil](mailto:SFWaterways@uscg.mil).

#### SUPPLEMENTARY INFORMATION:

##### I. Table of Abbreviations

CFR Code of Federal Regulations  
COTP Captain of the Port San Francisco  
DHS Department of Homeland Security  
§ Section  
U.S.C. United States Code

##### II. Background Information and Regulatory History

The Coast Guard is issuing this temporary rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5

U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are “impracticable, unnecessary, or contrary to the public interest.” Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking with respect to this rule because it is impracticable. The Coast Guard did not receive final details for this event until November 20, 2020. The Coast Guard must establish this safety zone by December 6, 2020 and lacks sufficient time to provide a reasonable comment period and consider those comments before issuing the rule.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. It is contrary to the public interest to delay the effective date of this rule because we need to have the safety zone in place to protect vessels and persons from the dangers associated with the crane arms extending over the water from the M/V ZHEN HUA 35 between December 6, 2020 and December 20, 2020 while the vessel is shoreward of the line drawn between San Francisco Main Ship Channel Lighted Bell Buoy 7 and San Francisco Main Ship Channel Lighted Whistle Buoy 8 until the vessel arrives at Berth 57 in Oakland, CA.

### III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority 46 U.S.C. 70034 (previously 33 U.S.C. 1231). The Captain of the Port San Francisco has determined that potential hazards associated with the transit of the M/V ZHEN HUA 35 between December 6, 2020 and December 20, 2020, will be a safety concern for anyone within a 500-foot radius of the vessel during its transit to Oakland, Berth 57, while the vessel is within the San Francisco Bay and areas shoreward of the line drawn between San Francisco Main Ship Channel Lighted Bell Buoy 7 and San Francisco Main Ship Channel Lighted Whistle Buoy 8 (LLNR 4190 & 4195) in positions 37°46.9' N, 122°35.4' W and 37°46.5' N, 122°35.2' W, respectively. For this reason, a safety zone is needed to protect personnel, vessels, and the marine environment in the navigable waters around the M/V ZHEN HUA 35 during its transit to Berth 57 at the Oakland International Container Terminal in Oakland, CA.