

Device Tracking (DAA-0173-2021-0021).

**Laurence Brewer,**

Chief Records Officer for the U.S. Government.

[FR Doc. 2021-25022 Filed 11-16-21; 8:45 am]

BILLING CODE 7515-01-P

## NATIONAL TRANSPORTATION SAFETY BOARD

### Sunshine Act Meeting

**TIME AND DATE:** 9:30 a.m., Tuesday, December 7, 2021.

**PLACE:** Virtual.

**STATUS:** The one item may be viewed by the public through webcast only.

**MATTER TO BE CONSIDERED:**

67694 Marine Accident Report—Hazardous Liquid Pipeline Strike and Subsequent Explosion and Fire Aboard Dredging Vessel *Waymon Boyd*, EPIC Marine Terminal, Corpus Christi Ship Channel, Corpus Christi, Texas, August 21, 2020.

**CONTACT PERSON FOR MORE INFORMATION:**

Candi Bing at (202) 590-8384 or by email at [bingc@ntsb.gov](mailto:bingc@ntsb.gov).

Media Information Contact: Jennifer Gabris by email at [jennifer.gabris@ntsb.gov](mailto:jennifer.gabris@ntsb.gov) or at (202) 314-6100.

This meeting will take place virtually. The public may view it through a live or archived webcast by accessing a link under “Webcast of Events” on the NTSB home page at [www.ntsb.gov](http://www.ntsb.gov).

There may be changes to this event due to the evolving situation concerning the novel coronavirus (COVID-19). Schedule updates, including weather-related cancellations, are also available at [www.ntsb.gov](http://www.ntsb.gov).

The National Transportation Safety Board is holding this meeting under the Government in the Sunshine Act, 5 U.S.C. 552(b).

Dated: Monday, November 15, 2021.

**Candi R. Bing,**

Federal Register Liaison Officer.

[FR Doc. 2021-25158 Filed 11-15-21; 4:15 pm]

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## OFFICE OF PERSONNEL MANAGEMENT

### Civil Service Retirement System and Federal Employees’ Retirement System; Notice to Same-Sex Spouses of Deceased Federal Employees or Annuitants Whose Marriages Lasted Less Than Nine Months

**AGENCY:** Office of Personnel Management.

**ACTION:** Notice.

**SUMMARY:** To establish entitlement to a survivor annuity or basic employee death benefit (“BEDB”) under the Civil Service Retirement System (CSRS) and the Federal Employees’ Retirement System (FERS), a “widow” or “widower” must have been married to a federal employee or annuitant for at least 9 months immediately before the employee or annuitant’s death. Same-sex spouses of deceased federal employees or annuitants whose spouse died prior to the time the 9-month marriage requirement could be satisfied may have been prevented or frustrated from satisfying this eligibility requirement as a result of provisions enacted under the Defense of Marriage Act (DOMA) or state laws prohibiting same sex marriages, now understood to have been unconstitutional. Therefore, this notice provides information about when, and under what circumstances, OPM will deem the 9-month marriage requirement satisfied, notwithstanding the actual duration of the marriage, to provide affected applicants with benefits they could have obtained had they been permitted to marry earlier in their states of residence.

**DATES:** If a same-sex surviving spouse of a deceased federal employee or annuitant is unable to show that the couple was married for at least 9-months immediately before the death of the employee or annuitant, and the marriage occurred *before, on, or within one year after* the Supreme Court issued *Windsor* on June 26, 2013 (or occurred *within one year after* the Supreme Court issued *Obergefell* on June 26, 2015, in circumstances where the couple resided in a jurisdiction that prohibited same-sex marriage at any time after the issuance of *Windsor*), OPM will deem the 9-month marriage requirement satisfied for purposes of establishing entitlement to survivor annuity benefits and/or a BEDB.

**FOR FURTHER INFORMATION CONTACT:**

Alison Pastor, (202) 606-0299.

**SUPPLEMENTARY INFORMATION:** On June 26, 2013, the U.S. Supreme Court issued *United States v. Windsor*,<sup>1</sup> where it struck down section 3 of Defense of Marriage Act (DOMA), 1 U.S.C. 7 (1996), as unconstitutional inasmuch as it required the Federal Government to treat same-sex marriages differently from opposite-sex marriages for purposes of determining entitlement to federal benefits. The *Windsor* decision, however, did not address whether state laws prohibiting the legal recognition of

same-sex marriages were similarly unconstitutional. As a result, there was a period after *Windsor* where some jurisdictions allowed for the legal recognition of same-sex marriages and some did not. Thereafter, the U.S. Supreme Court issued *United States v. Obergefell* on June 26, 2015<sup>2</sup> striking down state laws that prohibited the legal recognition of same-sex marriages as unconstitutional.

After the U.S. Supreme Court issued *Windsor*, OPM published two **Federal Register** notices. The first notice, 78 FR 47018 (Aug. 2, 2013), informed affected annuitants that they had an extended opportunity, until June 26, 2015—or two years after *Windsor* was issued—to elect a survivor annuity for a same-sex spouse if the couple had married prior to *Windsor* and the annuitant had been prevented by section 3 of DOMA from making a timely election. The second notice, 79 FR 57589 (Sept. 25, 2014), informed same-sex surviving spouses of deceased federal employees or annuitants who died before *Windsor*, that they may apply for survivor benefits or re-apply (if previously denied benefits as a result of DOMA) so that OPM may process their applications in accordance with the *Windsor* decision. In both these notices, OPM indicated that for purposes of determining entitlement to federal retirement benefits, OPM would recognize same-sex marriages legally entered into, whether or not the affected individual’s domicile would legally recognize that marriage.

Thus, consistent with OPM’s prior **Federal Register** notices and consistent with the holdings in *Windsor* and *Obergefell*, OPM is providing this notice to affected same-sex surviving spouses of deceased Federal employees or annuitants regarding when and under what circumstances OPM will deem the 9-month marriage requirement satisfied under 5 U.S.C. 8341(a), 8441(1)–(2) for purposes of determining an applicant’s entitlement to survivor annuity benefits and/or (if applicable) to a BEDB:

If an applicant for survivor annuity benefits and/or a BEDB can show—

- The applicant was in a same-sex marriage with a deceased employee or annuitant; *and*
- But for the 9-month marriage requirement under 5 U.S.C. 8341(a) and 8441(1)–(2), the applicant would be eligible for survivor annuity benefits (and/or a BEDB, if applicable); *and*
- The applicant was married to the deceased employee or annuitant prior to the Supreme Court issuing *Windsor* on June 26, 2013; *or*

<sup>1</sup> See 570 U.S. 744 (2013).

<sup>2</sup> See 576 U.S. 644 (2015).