

pay grade of deceased persons with respect to whose deaths applications for benefits are filed under this chapter. The certification of the Secretary concerned shall be binding upon the Secretary.

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1132, § 421; Pub. L. 91-96, § 4, Oct. 27, 1969, 83 Stat. 145; Pub. L. 94-433, title IV, § 405(17), Sept. 30, 1976, 90 Stat. 1380; renumbered § 1321 and amended Pub. L. 102-83, §§ 4(b)(1), (2)(E), 5(a), Aug. 6, 1991, 105 Stat. 404-406.)

Editorial Notes

AMENDMENTS

1991—Pub. L. 102-83, § 5(a), renumbered section 421 of this title as this section.

Pub. L. 102-83, § 4(b)(1), (2)(E), substituted “Secretary, certify to the Secretary” for “Administrator, certify to the Administrator” and “upon the Secretary” for “upon the Administrator”.

1976—Pub. L. 94-433 substituted “to the Administrator” for “to him”.

1969—Pub. L. 91-96 substituted “Certifications with respect to pay grade” for “Certifications with respect to basic pay” in section catchline and substituted provisions authorizing certifications with respect to the pay grade of deceased persons for provisions authorizing certifications with respect to the basic pay of deceased persons, considering rank or grade and cumulative years of service for pay purposes, and struck out the provision requiring the adjustment of basic pay as determined by this chapter whenever basic pay (as defined under the former provisions of section 401 of this title) is adjusted.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1976 AMENDMENT

Amendment by Pub. L. 94-433 effective Oct. 1, 1976, see section 406 of Pub. L. 94-433, set out as a note under section 1101 of this title.

EFFECTIVE DATE OF 1969 AMENDMENT

Amendment by Pub. L. 91-96 effective first day of second calendar month which begins after Oct. 27, 1969, see section 8 of Pub. L. 91-96, set out as a note under section 1302 of this title.

§ 1322. Certifications with respect to social security entitlement

(a) Determinations required by section 1312(a) of this title (other than a determination required by section 1312(a)(2) of this title) as to whether any survivor described in section 1312(a)(3) of this title of a deceased individual would be entitled to benefits under section 202 of the Social Security Act (42 U.S.C. 402) for any month and as to the amount of the benefits which would be paid for such month, if the deceased veteran had been a fully and currently insured individual at the time of such veteran's death, shall be made by the Commissioner of Social Security, and shall be certified by the Commissioner to the Secretary upon request of the Secretary.

(b) The Secretary shall pay to the Commissioner of Social Security an amount equal to the costs which will be incurred in making determinations and certifications under subsection (a). Such payments shall be made with respect to the costs incurred during such period (but not shorter than a calendar quarter) as the Sec-

retary and the Commissioner may prescribe, with the amount of such payments to be made on the basis of estimates made by the Commissioner after consultation with the Secretary. The amount payable for any period shall be increased or reduced to compensate for any underpayment or overpayment, as the case may be, of the costs incurred in any preceding period.

(c) Except with respect to determinations made under subsection (a) of this section, the Secretary shall prescribe such regulations as may be necessary to carry out the provisions of this section and section 1312(a) of this title.

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1132, § 422; Pub. L. 87-268, § 1(b), (c), Sept. 21, 1961, 75 Stat. 566; Pub. L. 94-433, title IV, § 405(18), Sept. 30, 1976, 90 Stat. 1380; Pub. L. 97-295, § 4(12), (95)(A), Oct. 12, 1982, 96 Stat. 1305, 1313; renumbered § 1322 and amended Pub. L. 102-83, §§ 4(b)(1), (2)(A), (E), 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 404-406; Pub. L. 108-183, title VII, § 708(c)(1), Dec. 16, 2003, 117 Stat. 2673.)

Editorial Notes

AMENDMENTS

2003—Subsec. (a). Pub. L. 108-183, § 708(c)(1)(A), substituted “Commissioner of Social Security, and shall be certified by the Commissioner to the Secretary upon request of the Secretary.” for “Secretary of Health and Human Services, and shall be certified by such Secretary to the Secretary of Veterans Affairs upon request of the Secretary of Veterans Affairs.”

Subsec. (b). Pub. L. 108-183, § 708(c)(1)(B), substituted “Commissioner of Social Security” for “Secretary of Health and Human Services” in first sentence and substituted “the Secretary and the Commissioner” for “the two Secretaries” and “Commissioner” for “Secretary of Health and Human Services” in second sentence.

1991—Pub. L. 102-83, § 5(a), renumbered section 422 of this title as this section.

Subsec. (a). Pub. L. 102-83, § 5(c)(1), substituted “1312(a)” for “412(a)”, “1312(a)(2)” for “412(a)(2)”, “1312(a)(3)” for “412(a)(3)”.

Pub. L. 102-83, § 4(b)(2)(A)(i), substituted “Secretary of Veterans Affairs” for “Administrator” in two places.

Subsec. (b). Pub. L. 102-83, § 4(b)(2)(A)(ii), substituted “The Secretary shall pay to the Secretary of Health and Human Services” for “Upon the basis of estimates made by the Secretary of Health and Human Services after consultation with the Administrator, the Administrator shall pay to the Secretary” and “as the two Secretaries may prescribe, with the amount of such payments to be made on the basis of estimates made by the Secretary of Health and Human Services after consultation with the Secretary” for “as the Secretary and the Administrator may prescribe”.

Subsec. (c). Pub. L. 102-83, § 5(c)(1), substituted “1312(a)” for “412(a)”.

Pub. L. 102-83, § 4(b)(1), (2)(E), substituted “Secretary” for “Administrator”.

1982—Subsec. (a). Pub. L. 97-295, § 4(12), (95)(A), substituted “section 202 of the Social Security Act (42 U.S.C. 402)” for “section 402 of title 42”, and “Health and Human Services” for “Health, Education, and Welfare”.

Subsec. (b). Pub. L. 97-295, § 4(95)(A), substituted “Health and Human Services” for “Health, Education, and Welfare”.

1976—Subsec. (a). Pub. L. 94-433 substituted “such veteran's” and “such Secretary” for “his” and “him”, respectively.

1961—Subsec. (a). Pub. L. 87-268 § 1(c), substituted “section 412(a)” for “section 412”, “section 412(a)(2)” for “section 412(2)”, and “section 412(a)(3)” for “section 412(3)”.

Subsec. (c). Pub. L. 87-268, §1(b), substituted "section 412(a)" for "section 412".

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1976 AMENDMENT

Amendment by Pub. L. 94-433 effective Oct. 1, 1976, see section 406 of Pub. L. 94-433, set out as a note under section 1101 of this title.

EFFECTIVE DATE OF 1961 AMENDMENT

Amendment by Pub. L. 87-268 effective Oct. 1, 1961, see section 3 of Pub. L. 87-268, set out as a note under section 1312 of this title.

§ 1323. Certifications with respect to circumstances of death

Whenever the Secretary determines on the basis of a claim for benefits filed with the Secretary that a death occurred under the circumstances referred to in section 1476(a) of title 10, the Secretary shall certify that fact to the Secretary concerned. In all other cases, the Secretary shall make the determination referred to in such section at the request of the Secretary concerned.

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1133, § 423; Pub. L. 94-433, title IV, § 405(19), Sept. 30, 1976, 90 Stat. 1380; Pub. L. 102-54, § 14(b)(4), June 13, 1991, 105 Stat. 283; renumbered § 1323 and amended Pub. L. 102-83, §§ 4(b)(1), (2)(E), (3)(A), 5(a), Aug. 6, 1991, 105 Stat. 404-406.)

Editorial Notes

PRIOR PROVISIONS

Prior sections 1401, 1402, 1411 to 1419, 1421 to 1423, 1431 to 1436, and 1500 were renumbered sections 3001, 3002, 3011 to 3019, 3021 to 3023, 3031 to former 3036, and 3100 of this title, respectively.

AMENDMENTS

1991—Pub. L. 102-83, § 5(a), renumbered section 423 of this title as this section.

Pub. L. 102-83, § 4(b)(3)(A), substituted "Certifications with respect to circumstances of death" for "Certifications by Administrator" in section catchline.

Pub. L. 102-83, § 4(b)(1), (2)(E), substituted "Secretary determines" for "Administrator determines", "Secretary that" for "Administrator that", and in two places "Secretary shall" for "Administrator shall".

Pub. L. 102-54 struck out "or section 321(b) of title 32," after "title 10," and "1476(a) or 321(b)" after "such section".

1976—Pub. L. 94-433 substituted "with the Administrator" for "with him" and "the Administrator" for "he" before "shall certify" and "shall make".

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1976 AMENDMENT

Amendment by Pub. L. 94-433 effective Oct. 1, 1976, see section 406 of Pub. L. 94-433, set out as a note under section 1101 of this title.

CHAPTER 15—PENSION FOR NON-SERVICE-CONNECTED DISABILITY OR DEATH OR FOR SERVICE

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1505.	Payment of pension during confinement in penal institutions.
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SUBCHAPTER II—VETERANS' PENSIONS

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NON-SERVICE-CONNECTED DISABILITY PENSION

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SUBCHAPTER III—PENSIONS TO SURVIVING SPOUSES AND CHILDREN

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1532.	Surviving spouses of Civil War veterans.
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1534.	Surviving spouses of Indian War veterans.
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1537.	Children of Spanish-American War veterans.

OTHER PERIODS OF WAR

1541.	Surviving spouses of veterans of a period of war.
1542.	Children of veterans of a period of war.
1543.	Net worth limitation.

SUBCHAPTER IV—ARMY, NAVY, AIR FORCE, AND COAST GUARD MEDAL OF HONOR ROLL

[1560, 1561. Repealed.]

1562. Special provisions relating to pension.

Editorial Notes

AMENDMENTS

2013—Pub. L. 113-66, div. A, title V, § 563(c)(2), Dec. 26, 2013, 127 Stat. 768, struck out items 1560 "Medal of Honor Roll; persons eligible" and 1561 "Certificate".

2001—Pub. L. 107-103, title II, § 207(a)(2), Dec. 27, 2001, 115 Stat. 991, added item 1513.

1992—Pub. L. 102-568, title IV, §§ 402(c)(2)(B), 403(b)(2), Oct. 29, 1992, 106 Stat. 4337, 4338, substituted "Vocational training for certain pension recipients" for "Temporary program of vocational training for certain new pension recipients" in item 1524 and "Protection" for "Temporary protection" in item 1525.

1991—Pub. L. 102-83, § 5(b)(1), Aug. 6, 1991, 105 Stat. 406, renumbered items 501 to 562 as 1501 to 1562, respectively.

Pub. L. 102-25, title III, § 333(c)(2), Apr. 6, 1991, 105 Stat. 88, substituted "OTHER PERIODS OF WAR" for "MEXICAN BORDER PERIOD, WORLD WAR I, WORLD WAR II, KOREAN CONFLICT, AND THE VIETNAM ERA" as sub-heading preceding item 541.

1986—Pub. L. 99-576, title VII, § 703(b)(3), Oct. 28, 1986, 100 Stat. 3303, inserted "program of" after "Temporary" in item 524.

1984—Pub. L. 98-543, title III, § 301(a)(2), Oct. 24, 1984, 98 Stat. 2746, added items 524 and 525.

1982—Pub. L. 97-295, § 4(14), Oct. 12, 1982, 96 Stat. 1305, substituted "Honor Roll" for "honor roll" in item 560.

1978—Pub. L. 95-588, title I, §§ 104(b), 106(b), 109(b), 110(b), 112(b), Nov. 4, 1978, 92 Stat. 2499, 2502, 2504, 2505,