

amended Pub. L. 101-237, title I, §113, Dec. 18, 1989, 103 Stat. 2065; renumbered §1318 and amended Pub. L. 102-83, §§4(b)(1), (2)(E), 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 404-406; Pub. L. 106-117, title V, §501(b), Nov. 30, 1999, 113 Stat. 1573; Pub. L. 106-419, title IV, §404(a)(2), Nov. 1, 2000, 114 Stat. 1864; Pub. L. 111-275, title VI, §603(a), Oct. 13, 2010, 124 Stat. 2885.)

AMENDMENTS

2010—Subsec. (b)(3). Pub. L. 111-275 struck out “who died after September 30, 1999,” after “prisoner of war”.

2000—Subsec. (b)(3). Pub. L. 106-419 substituted “not less than” for “not later than”.

1999—Subsec. (b). Pub. L. 106-117, §501(b)(1), substituted “rated totally disabling if—” for “that either—” in introductory provisions.

Subsec. (b)(1). Pub. L. 106-117, §501(b)(2), inserted “the disability” after “(1)” and struck out “or” after “death;”.

Subsec. (b)(2). Pub. L. 106-117, §501(b)(3), substituted “the disability was continuously rated totally disabling” for “if so rated for a lesser period, was so rated continuously” and substituted “; or” for the period at the end.

Subsec. (b)(3). Pub. L. 106-117, §501(b)(4), added par. (3).

1991—Pub. L. 102-83, §5(a), renumbered section 418 of this title as this section.

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

Subsec. (e). Pub. L. 102-83, §5(c)(1), substituted “1311(a)” for “411(a)”.

1989—Subsec. (c)(1). Pub. L. 101-237 substituted “one year” for “two years”.

EFFECTIVE DATE OF 2010 AMENDMENT

Pub. L. 111-275, title VI, §603(b), Oct. 13, 2010, 124 Stat. 2885, provided that: “The amendment made by subsection (a) [amending this section] shall take effect on October 1, 2011.”

SUBCHAPTER III—CERTIFICATIONS

§ 1321. Certifications with respect to pay grade

The Secretary concerned shall, at the request of the Secretary, certify to the Secretary the 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.)

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 cumu-

lative 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.

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 Secretary 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.)

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.”