quired 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.''

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''.

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.)

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 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''.

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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1560. Medal of Honor Roll; persons eligible.
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AMENDMENTS

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 subheading 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, added item 508, substituted ''Veterans of a period of war'' for ''Veterans of the Mexican border period, World War I, World War II, the Korean conflict, or the Vietnam era'' in item 521, substituted ''Surviving spouses of veterans of a period of war'' for ''Surviving spouses of Mexican border period, World War I, World War II, Korean conflict, or Vietnam era veterans'' in item 541, substituted ''Children of veterans of a period of war'' for ''Children of Mexican border period, World War I, World War II, Korean conflict, or Vietnam era veterans'' in item 542, struck out heading ''SURVIVING SPOUSES OF VETERANS OF ALL PERIODS OF WAR'' following item 543, and struck out item 544.

1975—Pub. L. 94–169, title I, §§ 101(2)(J), 106(24), (30), (38), Dec. 23, 1975, 89 Stat. 1014, 1018, 1019, struck out items 510 relating to confederate forces veterans, and 531 relating to widows of Mexican War veterans, substituted ''Surviving Spouses'' for ''Widows'' in heading of Subchapter III and subheading preceding item 544, and substituted ''Surviving spouses'' for ''Widows'' in items 532, 534, 536 and 541.

1970—Pub. L. 91–588, § 9(h), Dec. 24, 1970, 84 Stat. 1585, inserted references to the Mexican border period in subheading preceding item 541 and in items 521, 541, and 542, respectively.

1967—Pub. L. 90–77, title I, § 108(b), title II, § 202(i), Aug. 31, 1967, 81 Stat. 180, 183, added item 544 and included references to Vietnam era in subheading preceding item 541 and in items 521, 541, and 542, respectively.

1966—Pub. L. 89–467, § 1(b), June 22, 1966, 80 Stat. 218, added item 507.

1963—Pub. L. 88–77, § 5(3), July 25, 1963, 77 Stat. 96, substituted ''ARMY, NAVY, AIR FORCE, AND COAST GUARD'' for ''ARMY, NAVY, AND AIR FORCE'', in heading of Subchapter IV.

1961—Pub. L. 87–138, § 2(b), Aug. 14, 1961, 75 Stat. 339, struck out ''entitling holder to pension'' after ''Certificate'' in item 561.

1959—Pub. L. 86–211, § 7(a), Aug. 29, 1959, 73 Stat. 436, substituted ''Determinations with respect to annual income'' for ''Items not considered in determining income'' in item 503, ''Net worth limitation'' for ''Income limitations'' in item 522, and ''Net worth limitation'' for ''Widows of World War II or Korean conflict veterans'' in item 543, included widows of World War II and Korean conflict veterans in item 541 and children of World War II and Korean conflict veterans in item 542, added item 506, and struck out items 544 and 545 which related to children of World War II or Korean conflict veterans and to income limitations.

SUBCHAPTER I—GENERAL

§ 1501. Definitions

For the purposes of this chapter—

(1) The term ''Indian Wars'' means the campaigns, engagements, and expeditions of the United States military forces against Indian tribes or nations, service in which has been recognized heretofore as pensionable service.

(2) The term ''World War I'' includes, in the case of any veteran, any period of service performed by such veteran after November 11, 1918, and before July 2, 1921, if such veteran served in the active military, naval, or air service after April 5, 1917, and before November 12, 1918.

(3) The term ''Civil War veteran'' includes a person who served in the military or naval forces of the Confederate States of America during the Civil War, and the term ''active military or naval service'' includes active service in those forces.

(4) The term ''period of war'' means the Mexican border period, World War I, World War II,