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.''

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,