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will increase the monthly rate provided in paragraph (b)(4) or (c)(4) of this section by \$2.75 for every \$20 the veteran has contributed; and

(iii) During the remaining months of the veteran's pursuit of training, VA will increase the monthly rate provided in paragraph (b)(4) or (c)(4) of this section by \$1.75 for every \$20 the veteran has contributed.

(3) VA will increase the monthly rate provided in paragraph (b)(5)(iii) or (c)(5)(iii) of this section by \$5 for every \$20 the veteran has contributed.

(Authority: 38 U.S.C. 3015(g))

[55 FR 28386, July 11, 1990]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting §21.7136, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and on GPO Access.

§21.7137 Rates of payment of basic educational assistance for individuals with remaining entitlement under 38 U.S.C. chapter 34.

(a) *Minimum rates.* (1) Except as elsewhere provided in this section, the monthly rate of basic educational assistance for training that occurs after September 30, 2001, and before January 1, 2002, is the rate stated in the following table:

Training	Monthly rate			
	No dependents	One dependent	Two dependents	Additional for each additional dependent
Full time	\$860.00	\$896.00	\$927.00	\$16.00
¾ time	645.50	672.00	695.50	12.00
½ time	430.00	448.00	463.50	8.50
Less than ½ but more than ¼ time	430.00	430.00	430.00	0
¼ time or less	215.00	215.00	215.00	0

(Authority: 38 U.S.C. 3015)

(2) Except as elsewhere provided in this section, the monthly rate of basic

educational assistance for training that occurs after December 31, 2001, and before October 1, 2002, is the rate stated in the following table:

Training	Monthly rate			
	No dependents	One dependent	Two dependents	Additional for each additional dependent
Full time	\$988.00	\$1024.00	\$1055.00	\$16.00
¾ time	741.50	768.00	791.50	12.00
½ time	494.00	512.00	527.50	8.50
Less than ½ but more than ¼ time	494.00	494.00	494.00	0
¼ time or less	247.00	247.00	247.00	0

(Authority: 38 U.S.C. 3015)

(3) Except as elsewhere provided in this section, the monthly rate of basic

educational assistance for training that occurs after September 30, 2002, and before October 1, 2003, is the rate stated in the following table:

Training	Monthly rate			
	No dependents	One dependent	Two dependents	Additional for each additional dependent
Full time	\$1088.00	\$1124.00	\$1155.00	\$16.00
¾ time	816.50	843.00	866.50	12.00
½ time	544.00	562.00	577.50	8.50
Less than ½ but more than ¼ time	544.00	544.00	544.00	0

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Training	Monthly rate			
	No dependents	One dependent	Two dependents	Additional for each additional dependent
¼ time or less	272.00	272.00	272.00	0

(Authority: 38 U.S.C. 3015)

(4) Except as elsewhere provided in this section, the monthly rate of basic educational assistance for training that occurs after September 30, 2003, and before October 1, 2004, is the rate stated in the following table:

Training	Monthly rate			
	No dependents	One dependent	Two dependents	Additional for each additional dependent
Full time	\$1173.00	\$1209.00	\$1240.00	\$16.00
¾ time	880.25	906.75	930.25	12.00
½ time	586.50	604.50	620.00	8.50
Less than ½ but more than ¼ time	586.50	586.50	586.50	0
¼ time or less	293.25	293.25	293.25	0

(Authority: 38 U.S.C. 3015)

(5) For veterans pursuing apprenticeship or other on-the-job training, the monthly rate of basic educational assistance for training that occurs after September 30, 2001, and before January 1, 2002, is the rate stated in the following table:

Training period	Monthly rate			
	No dependents	One dependent	Two dependents	Additional for each additional dependent
1st six months of pursuit of program	\$606.75	\$619.13	\$630.00	\$5.25
2nd six months of pursuit of program	425.98	435.33	443.03	3.85
3rd six months of pursuit of program	259.00	265.13	269.85	2.45
Remaining pursuit of program	247.10	252.88	258.13	2.45

(Authority: 38 U.S.C. 3015)

(6) For veterans pursuing apprenticeship or other on-the-job training, the monthly rate of basic educational assistance for training that occurs after December 31, 2001, and before October 1, 2002, is the rate stated in the following table:

Training period	Monthly rate			
	No dependents	One dependent	Two dependents	Additional for each additional dependent
1st six months of pursuit of program	\$702.75	\$715.13	\$726.00	\$5.25
2nd six months of pursuit of program	496.38	505.73	513.43	3.85
3rd six months of pursuit of program	303.80	309.93	314.65	2.45
Remaining pursuit of program	291.90	297.68	302.93	2.45

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(Authority: 38 U.S.C. 3015)

(7) For veterans pursuing apprenticeship or other on-the-job training, the monthly rate of basic educational as-

sistance for training that occurs after September 30, 2002, and before October 1, 2003, is the rate stated in the following table:

Training	Monthly rate			
	No dependents	One dependent	Two dependents	Additional for each additional dependent
1st six months of pursuit of program	\$777.75	\$790.13	\$801.00	\$5.25
2nd six months of pursuit of program	551.38	560.73	568.43	3.85
3rd six months of pursuit of program	338.80	344.93	349.65	2.45
Remaining pursuit of program	326.90	332.68	337.93	2.45

(Authority: 38 U.S.C. 3015)

(8) For veterans pursuing apprenticeship or other on-the-job training, the monthly rate of basic educational as-

sistance for training that occurs after September 30, 2003, and before October 1, 2004, is the rate stated in the following table:

Training	Monthly rate			
	No dependents	One dependent	Two dependents	Additional for each additional dependent
1st six months of pursuit of program	\$841.50	\$853.88	\$864.75	\$5.25
2nd six months of pursuit of program	598.13	607.48	615.18	3.85
3rd six months of pursuit of program	368.55	374.68	379.40	2.45
Remaining pursuit of program	356.65	362.43	367.68	2.45

(Authority: 38 U.S.C. 3015)

(9) The monthly rate of basic educational assistance payable to a vet-

eran who is pursuing a cooperative course is the rate stated in the following table:

Training period	Monthly rate			
	No dependents	One dependent	Two dependents	Additional for each additional dependent
Oct. 1, 2001–Dec. 31, 2001	\$860.00	\$896.00	\$927.00	\$16.00
Jan. 1, 2002–Sept. 30, 2002	988.00	1024.00	1055.00	16.00
Oct. 1, 2002–Sept. 30, 2003	1088.00	1124.00	1155.00	16.00
Oct. 1, 2003–Sept. 30, 2004	1173.00	1209.00	1240.00	16.00

(Authority: 38 U.S.C. 3015)

(b) *Less than one-half-time training.* Except as provided in paragraphs (d) and (e) of this section, the monthly rate of basic educational assistance for a veteran who is pursuing a course on a less than one-half-time basis is the lesser of:

(1) The monthly rate in paragraph (a)(1) of this section, or

(2) The monthly rate of the cost of the course.

(Authority: 38 U.S.C. 3032; Pub. L. 98-525, Pub. L. 99-576)

(c) *Rates for servicemembers.* The monthly rate of basic educational assistance for a servicemember may not exceed the lesser of the following rates (except as provided in paragraph (d) of this section):

(1) The monthly pro-rated cost of the course.

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(2)(i) The following monthly rates for training that occurs after September 30, 2001, and before January 1, 2002—

- (A) \$860.00 for full-time training;
- (B) \$645.50 for three-quarter-time training;
- (C) \$430.00 for one-half-time training and training that is less than one-half but more than one-quarter-time training; and
- (D) \$215.00 for one-quarter-time training.

(Authority: 38 U.S.C. 3015)

(ii) The following monthly rates for training that occurs after December 30, 2001, and before October 1, 2002—

- (A) \$988.00 for full-time training;
- (B) \$741.50 for three-quarter-time training;
- (C) \$494.00 for one-half-time training and training that is less than one-half but more than one-quarter-time training; and
- (D) \$247.00 for one-quarter-time training.

(iii) The following monthly rates for training that occurs after September 30, 2002, and before October 1, 2003—

- (A) \$1088.00 for full-time training;
- (B) \$816.50 for three-quarter-time training;
- (C) \$544.00 for one-half-time training and training that is less than one-half but more than one-quarter-time training; and
- (D) \$272.00 for one-quarter-time training.

(iv) The following monthly rates for training that occurs after September 30, 2003, and before October 1, 2004—

- (A) \$1173.00 for full-time training;
- (B) \$880.25 for three-quarter-time training;
- (C) \$586.50 for one-half-time training and training that is less than one-half but more than one-quarter-time training; and
- (D) \$293.25 for one-quarter-time training.

(Authority: 38 U.S.C. 3015)

(d) *Increase in basic educational assistance rates ("kicker").* The Secretary concerned may increase the amount of basic educational assistance payable to an individual who has a skill or specialty which the Secretary concerned designates as having a critical shortage

of personnel or for which it is difficult to recruit. The increase may not be applied to a servicemember whose monthly rate is determined by paragraph (c)(1) of this section, but it can serve to raise the ceiling on monthly rates stated in paragraphs (b)(1) and (c)(2) of this section. The amount of the increase is set by the Secretary concerned, but—

(1) For individuals, other than those pursuing cooperative training before October 9, 1996, or apprenticeship or other on-job training, it may not exceed:

- (i) \$400 per month for full-time training,
- (ii) \$300 per month for three-quarter-time training,
- (iii) \$200 per month for one-half-time training or for training which is less than one-half but more than one-quarter-time, or
- (iv) \$100 per month for one-quarter-time training or less.

(2) For individuals pursuing an apprenticeship or other on-job training it may not exceed—

- (i) \$300 per month for the first six months of training,
- (ii) \$220 per month for the second six months of training, and
- (iii) \$140 per month for the remaining months of training.

(Authority: 38 U.S.C. 3015, 3032)

(3) For individuals pursuing cooperative training, it may not exceed \$320 per month for training received before October 9, 1996.

(Authority: Sec. 108(a)(2), Pub. L. 100-689, 102 Stat. 4170; sec. 5(a), Pub. L. 102-83, 105 Stat. 406)

(e) *Increase ("kicker") in basic educational assistance rates for service in the Selected Reserve.* (1) The Secretary of the military department concerned may increase the amount of basic educational assistance payable under paragraph (a), (b), or (d) of this section, as appropriate. The increase ("kicker") is payable to a veteran who has a skill or specialty in which there is a critical shortage of personnel or for which it is difficult to recruit, or, in the case of critical units, retain personnel, if the veteran:

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(i) Establishes eligibility for educational assistance under §21.7044(a); and

(ii) Meets the criteria of §21.7540(a)(1) with respect to service in the Selected Reserve.

(2) The Secretary of the military department concerned—

(i) Will, for such an increase, set the amount of the increase (“kicker”) payable for full-time training, but the increase (“kicker”) may not exceed \$350 per month;

(ii) May set the amount of the “kicker” payable, for a veteran pursuing a program of education less than full time or pursuing an apprenticeship or other on-job training, at an amount less than the amount described in paragraph (e)(2)(i) of this section.

(Authority: 10 U.S.C. 16131(i)(2))

(f) *Concurrent benefits.* VA may pay additional educational assistance to a veteran for a dependent concurrently with additional pension or compensation for the same dependent.

(Authority: 38 U.S.C. 3015(d), Pub. L. 98-525)

(g) *Two veteran cases.* VA may pay additional educational assistance to a veteran for a spouse who is also a veteran. This will not bar the payment of additional educational assistance or subsistence allowance under §21.260 of this part to the spouse for the veteran. If the veteran is paid additional educational assistance for a child, that will not bar payment of additional educational assistance or subsistence allowance under §21.260 of this part to the spouse for the same child.

(Authority: 38 U.S.C. 3015(d); Pub. L. 98-525)

[53 FR 1757, Jan. 22, 1988, as amended at 54 34987, Aug. 23, 1989; 55 FR 28387, July 11, 1990; 56 FR 20135, May 2, 1991; 56 FR 31332, July 10, 1991; 57 FR 11911, Apr. 8, 1992; 57 FR 57104, Dec. 3, 1992; 61 FR 6789, Feb. 22, 1996; 61 FR 15191, Apr. 5, 1996; 61 FR 24237, May 14, 1996; 62 FR 14825, Mar. 28, 1997; 62 FR 55519, Oct. 27, 1997; 62 FR 58655, Oct. 30, 1997; 64 FR 31694, June 14, 1999; 65 FR 44980, July 20, 2000; 65 FR 55193, Sept. 13, 2000; 66 FR 32230, June 14, 2001; 68 FR 34324, June 9, 2003]

§21.7138 Rates of supplemental educational assistance.

In addition to basic educational assistance, a veteran or servicemember who is eligible for supplemental educational assistance and entitled to it shall be paid supplemental educational assistance at the rate described in this section unless a lesser rate is required by §21.7139 of this part.

(a) *Rates for veterans.* (1) Except for a veteran pursuing apprenticeship or other on-job training, the rate of supplemental educational assistance payable to a veteran is at least the rate stated in this table.

TRAINING	MONTHLY RATE
Full time	\$300.
¾ time	225.
½ time	150.
Less than ½ but more than ¼ time.	150 See paragraph (c).
¼ time or less	75 See paragraph (c).
Cooperative	240.

(Authority: 38 U.S.C. 3015(d), 3022, 3032(d); Pub. L. 98-525, Pub. L. 100-689) (Jan. 1, 1989)

(2) For a veteran pursuing apprenticeship or other on-job training the rate of supplemental educational assistance payable to a veteran is as provided in this table.

Training period	Monthly rate
First 6 months of pursuit of program.	\$225.00
Second 6 months of pursuit of program.	165.00
Remaining pursuit of program	105.00

(Authority: 38 U.S.C. 3015(c), 3032(c); Pub. L. 99-576)

(b) *Increase in supplemental educational assistance rates (“kicker”).* The Secretary concerned may increase the amount of supplemental educational assistance payable to an individual who has a skill or specialty which the Secretary concerned designates as having a critical shortage of personnel or for which it is difficult to recruit. The amount of the increase is set by the Secretary concerned, but—

(1) For an individual other than one pursuing an apprenticeship or other on-