



[OMB Control No. 3090-0329; Docket No. 2025-0001; Sequence No. 5]

Information Collection; Overseas Employment Service

Agreement (GSA Form 5040)

AGENCY: Office of Human Resource Management, Strategic Planning, Policy, and Training Division, General Services Administration (GSA).

ACTION: Notice; request for comments.

SUMMARY: Under the provisions of the Paperwork Reduction Act, the Regulatory Secretariat Division will be submitting to the Office of Management and Budget (OMB) a request to review and approve a revision to an existing information collection requirement.

DATES: Submit comments on or before [INSERT DATE 60 DAYS AFTER DATE OF PUBLICATION IN THE *FEDERAL REGISTER*].

ADDRESSES: Submit comments identified by Information Collection 3090-0329; "Overseas Employment Service Agreement (GSA Form 5040)" to: <https://www.regulations.gov>. Submit comments via the Federal eRulemaking portal by searching for "Information Collection 3090-0329; Overseas Employment Service Agreement (GSA Form 5040)." Select the link "Submit a Comment" that corresponds with "Information Collection 3090-0329; Overseas Employment Service Agreement (GSA Form 5040)." Follow the instructions provided at the "Submit a Comment" screen. Please include your name,

company name (if any), and "Information Collection 3090-0329; Overseas Employment Service Agreement (GSA Form 5040)" on your attached document. If your comment cannot be submitted using <https://www.regulations.gov>, call or email the points of contact in the FOR FURTHER INFORMATION CONTACT section of this document for alternate instructions.

Instructions: Please submit comments only and cite "Information Collection 3090-0329; Overseas Employment Service Agreement (GSA Form 5040)," in all correspondence related to this collection. Comments received generally will be posted without change to <http://www.regulations.gov>, including any personal and/or business confidential information provided. To confirm receipt of your comment(s), please check www.regulations.gov, approximately two-to-three days after submission to verify posting.

FOR FURTHER INFORMATION CONTACT: Colin C. Bennett, Human Resources Specialist, Office of Human Resources Management, Strategic Planning, Policy, and Training Division, at telephone 240-418-6822 or via e-mail to colin.bennett@gsa.gov for clarification of content.

SUPPLEMENTARY INFORMATION:

A. Purpose

Federal leave law (5 U.S.C. 6304(b) and 6305) requires that employees be on defined, time-limited, foreign tours

of duty as well as have agency agreements in place for return transportation. The Department of State Standardized Regulations (DSSR) covering living quarters allowance (5 U.S.C. 5923(a)(2) and DSSR 031.12) also require documented tours of duty with an agency commitment for return transportation. At GSA, the overseas tour of duty and permanent change of station commitments and requirements are contained within a standard agency form, GSA Form 5040, "Overseas Employment and Service Agreement". As part of the Federal Travel Regulations (FTR) (44 CFR part 302), when an agency pays for permanent change of station the employee must commit to a period of return agency service (at least one year). This form also contains clauses that serve to create an enforceable service contract under the FTR.

This form was first developed during 2022 and was published for public comment on February 14, 2023 (88 FR 9521) and then on June 8, 2023 (88 FR 37542). Our agency has successfully used this form to determine leave benefits and foreign allowance eligibility, advise employees of their rights and responsibilities, and to help ensure that the human resources and payroll accounting records are accurate before, during and after the permanent change of station.

By using the form, our agency was able to develop a few ideas about how to improve the form, without impacting

the amount of time the form takes to fill out by job candidates or current Federal employees. For example, we propose to modify lines 6 and 11 to clarify how to determine the Duty Station Location Code, which is a numeric value assigned by the Office of Personnel Management. For item 13, we propose to reference a new GSA agency form, Form 5047, "Actual Place of Residence Determination", which must be completed at the same time. In item 15, we propose to clarify foreign allowances and leave benefits that GSA currently allows, due to agency administrative order number 9592. For item 16, the financial liability disclosures, we have added additional disclosure statements taken from a different form, Form 5042, "Home Leave and Renewal Agreement Travel", which was subsequently developed during 2023 and 2024 and better implements certain language required by the Federal Travel Regulations. For item 17, we propose to add a new table which lists the name of family dependents, which should help the agency better arrange for each family's foreign travel and relocation.

While we do not believe that these small changes and improvements will create any additional burden on job candidates or agency employees, we encourage feedback on the form. We are also receptive to ideas on certain data elements or form questions that are currently missing but should be included in the form.

B. Annual Reporting Burden

Respondents: 25 per year.

Responses Per Respondent: 1.

Total Annual Responses: 25.

Hours Per Response: 8.

Total Burden Hours: 200.

C. Public Comments:

Public comments are solicited to help GSA understand whether or not the modified and improved GSA Form 5040 will help to streamline the current leave and allowance eligibility review and approval process. The agency would also like to know: (a) whether this collection of the additional information (such as list of dependents) is necessary, (b) whether it will have practical utility, (c) whether our estimate of the public burden of this collection of information is accurate (and based on valid assumptions and methodology), (d) whether or not there are ways to enhance the new form's utility and clarity of the information to be collected, and (e) whether or not there might be ways in to minimize the data collection burden through the use of information technology.

Obtaining Copies of Proposals: We have provided a copy of the proposed new draft GSA Form 5040 at the end of this notice below the signature block. A copy of the proposed draft form can alternatively be obtained through GSA's Regulatory Secretariat Division by calling 202-501-4755 or

emailing *GSARegSec@gsa.gov*. Please cite OMB Control No.
3090-0329, Student Loan Repayment Application and Service
Agreement (GSA Form 5040), in all correspondence.

Lois Mandell,
Director,
Regulatory Secretariat Division,
General Services Administration.

Billing Code: 6820-FM

OVERSEAS EMPLOYMENT SERVICE AGREEMENT*(See Privacy Act Statement and Paperwork Reduction Act Statement on Page 3)*OMB Control Number: 3090-0329
Expiration Date: 7/31/2026

1. Name (Last Name, First Name, Middle Initial)	2. Employee ID Number
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3. Actual Place of Residence in the U.S. (Continental U.S. or U.S. Territory or Possession)

Please complete **GSA Form 5047**. Have you completed the GSA Form 5047? Yes No

4. Name of Overseas Post

5. Location of Overseas Post (City, Country Name)	6. Duty Station Location Code (9 digits) of overseas location
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7. Sponsoring Agency or Department Served by the Memorandum of Agreement (MOA) and this Agreement (*Check One*) Army (DoD) Navy (DoD) Air Force (DoD) Space Force (DoD) Other _____ State Department Foreign and Commercial Service Agency for International Development

7a. Projected Date of Arrival at Overseas Post (MM/DD/YYYY)	7b. Tour of Duty End Date (MM/DD/YYYY)
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8. Appointee or Employee's Overseas GSA Organization (Service or Staff Office) (*Check box or complete as appropriate*) GSA Federal Acquisition Service (FAS) GSA Public Buildings Service (PBS) GSA Staff Office (name):

9. Office Symbol

10. U.S. Post for Assignment Upon Expiration of the Final Overseas Tour (City, State or Territory) (*i.e. Planned location for return PCS*)11. [Duty Station Location Code](#) (9 digits) of return PCS Location**12. LENGTH OF ASSIGNMENT**

You will be assigned to the foreign post listed above for a period of: _____ months (i.e. 12 to 36 months)

Upon renewal of this tour of duty, or upon reassignment to a different overseas post, a new agreement should be completed and signed.

13. TRAVEL AND TRANSPORTATION EXPENSES TO AND FROM THE OVERSEAS POST

The cost involved in your travel and transportation (including that of immediate family and household goods, if authorized) to your overseas post will be paid by the GSA with the understanding that you will remain in service outside the United States for a period of one year (i.e., 12 months or 26 pay periods) following the date of your arrival overseas. Return transportation expenses will be paid by the GSA, provided that you complete the tour of duty prescribed above. These expenses will be paid according to your "place of actual residence" (i.e., U.S. City, State or Territory).*

To determine that actual place of residence, please complete **GSA Form 5047**. This form is required by 41 C.F.R. § 302-2.16.

*Travel and transportation expenses will be paid according to the "actual place of residence." The GSA Office of Human Resources Management (OHRM) is responsible for determining the "actual place of residence" prior to the employee's actual departure for an overseas assignment.

14. HOME LEAVE AND 45-DAY LEAVE ACCRUAL

Appointees who meet the requirements of the United States Code at 5 U.S.C. § 6304(b) for the maximum accumulation of 45 days of annual leave per year are also eligible for "home leave" under 5 U.S.C. § 6305(a). To be eligible for home leave, the job candidate must have either: (a) been transferred from the U.S. to the foreign area, or (b) been hired within the foreign country but: (1) was originally recruited from the United States or its territories or possessions, (2) has been in substantially continuous employment by other agencies of the United States, United States firms, interests, or organizations, international organizations in which the United States participates, or foreign governments, and (3) had prior conditions of employment that provided for return transportation to the United States (or its territories or possessions). *Check One*

 This job candidate is eligible for 45-day annual leave accrual and home leave This job candidate is **not** eligible for 45-day annual leave accrual and home leave

15. DIFFERENTIALS, ALLOWANCES AND LEAVE

You are considered eligible for the following foreign allowance (check all that apply):

- Post Allowance
- Living Quarters Allowance
- Educational Allowance
- Post Hardship Differential
- Danger Pay
- 45-day (360 hour) annual leave accrual ceiling
- Home Leave

Date of Post Allowance Commencement (DD/MM/YYYY): _____

Note 1: The allowances approved for this position are subject to the terms of the MOA between GSA and the serviced agency (such as DoD), GSA allowance policy and the Department of State Standardized Regulations (DSSR).

Note 2: Job candidates who are **local hires** (meaning, already living in the foreign area) are normally **ineligible** for living quarters allowance (LQA) due to DSSR 031.1. The exception to this general rule, found in agency transfer, via DSSR 031.12, requires a thorough review of the personnel history and specific documentation from the losing agency (e.g., DoD Form 1617)

16. FINANCIAL LIABILITY DISCLOSURE

In the event you fail to fulfill the terms of this agreement, or any subsequent agreement, any money expended by the GSA on account of permanent change of station travel and transportation shall be recovered from you as a debt due to the United States, under the conditions specified in 5 U.S.C. Chapter 57 and the Code of Federal Regulations at 41 C.F.R. Part 302. You will only be required to make such restitution as is required by law and regulation (e.g., 31 U.S.C. Chapter 37 and 5 U.S.C. § 5514).

Renewal Agreement Travel. Per 41 C.F.R. §§ 302-2.13 and 2.14(d), if you leave Government service prior to completing 12 months of service following return to the overseas post (unless separated for reasons beyond your control and acceptable to GSA), any money spent by the United States for renewal agreement travel under 5 U.S.C. § 5728(a) is recoverable as a debt to the United States. The agency's cost of renewal agreement travel includes the cost of your transportation, your per diem during enroute travel, and the transportation cost of your immediate family members, from your post of duty outside of the United States to your place of actual residence in the U.S.

Return Relocation and Offset Against Indebtedness. The Federal Travel Regulations at 41 C.F.R. § 302-1.13(d) (1997 edition) contains rules governing how to address relocating an employee back to his or her place of actual residence in the U.S. when that employee has either: (a) not completed the 12 months of service following renewal agreement travel, or (b) completed that period of service but not completed the full overseas tour of duty (see Box 8). In both situations the employee must bear the responsibility and expense of transporting himself or herself, and his or her family and household goods, from the last post of overseas duty to the place of actual residence in the U.S. If, however, GSA pays for that return relocation, the employee is considered indebted to the U.S. Government. The amount of this debt, however, will be offset by the value of the mandatory relocation expenses stated in Column 1, Table F of 41 C.F.R. § 302-3.101. The GSA will determine on a case-by-case basis whether or not the discretionary expenses listed in Column 2 of Table F (e.g., shipment of a privately owned vehicle) will be added to that offset amount. This offset to financial liability is provided because entitlement to the reimbursement of these relocation expenses is associated with a prior period of successfully completed service. Due to the operation of this offset provision, in some (if not most) cases, there may not be any debt actually owed to the U.S. Government for that return relocation.

Duplicate Reimbursement. Under 41 C.F.R. §§ 302-2.21, 302-2.22, and 302-2.100(g), you must agree that neither you nor members of your immediate family have accepted (and will not accept), duplicate reimbursement of either renewal agreement travel or relocation expenses from any public or private source. Furthermore, you agree that to the best of your knowledge, no third party has accepted duplicate reimbursement for your renewal agreement travel or relocation expenses.

- Check This Box.** By checking this box, you are attesting that you have read the above statements and that you agree to remain with the GSA at the overseas post for no less than 12 months following RAT.

17. NAMES OF DEPENDENTS

Please provide the names, and the date of birth, of the dependents who will relocate with you to the foreign area through permanent change of station. If there are no dependents, check the below box instead.

- Check this box if there are no dependents**

1. Name (Last Name, First Name, Middle Initial)	Date of Birth (MM/DD/YYYY)
2. Name (Last Name, First Name, Middle Initial)	Date of Birth (MM/DD/YYYY)
3. Name (Last Name, First Name, Middle Initial)	Date of Birth (MM/DD/YYYY)
4. Name (Last Name, First Name, Middle Initial)	Date of Birth (MM/DD/YYYY)

18. CERTIFICATION

Under 5 U.S.C. § 5722, 5724, and 5724a, and the Federal Travel Regulations at 41 C.F.R. § 302-2.14, I agree to remain in the service of GSA for a period of at least 1 year following GSA's payment, or reimbursement, of permanent change of station relocation expenses. I understand that if I do not complete this service period that I will be considered indebted for those relocation expenses.

I also understand that if I separate from GSA (due to agency transfer, resignation, etc.) before completion of the tour of duty specified in this agreement that GSA is under no obligation to pay for the transportation of myself, my family, and household goods and personal effects from my overseas post of duty back to my place of actual residence within the United States.

I hereby certify that I have read and understood the foregoing statements and agree to the terms discussed above.

(Signature of Job Candidate)

(Date)

(Signature of Selecting Official)

(Date)

19. CANCELLATION

As described within 41 C.F.R. § 302.215, sometimes circumstances occur that are beyond an employee's control and which may lead to an employee returning to the U.S. (or U.S. Territory or Possession) and/or separating from Government service before the service agreement period has ended. In these situations, this service agreement can be canceled by GSA, relieving the employee of financial responsibility from not completing the required period of overseas service. Examples of appropriate cancellation include: personal or family medical emergency, medical evacuation, approval for disability retirement, or other similar unexpected circumstance. Cancellation can be documented below.

Name of GSA Program Office (e.g., FAS)

Name of GSA Official within Program Office (i.e. PBS or FAS Regional Commissioner, or designee, per [GSA Order 5450.170 ADM D](#))

Title of GSA Official

Reason for Cancellation

Date (MM/DD/YYYY)

PRIVACY ACT STATEMENT

Information collected via this form is pursuant to federal law, in particular: 5 U.S.C. § 6304(b) [45-day annual leave accrual ceiling], 5 U.S.C. 6305(a) [home leave], and 5 U.S.C. §§ 5722, 5724 and 5724a [permanent change of station relocation benefits]. Disclosure is mandatory under the home leave and leave accrual authorities so that the correct pay and benefits can be provided upon appointment, transfer or reassignment. Disclosure is required under the permanent change of station authority by Federal Travel Regulations at 41 C.F.R. § 302-2.14 to facilitate relocation benefits processing. The information collected via this form will only be used by OHRM and the employee's supervisor under the provisions of 5 U.S.C. § 552a(b)(3) [routine use]. Such information is not releasable to the general public due to 5 U.S.C. § 552(b)(6) and will be stored within the Office of Personnel Management's (OPM) Electronic Personnel Folder (eOPF) application, under System of Record Notice (SORN) "OPM/GOVT-1" via the Federal Register at 77 FR 73694 (December 11, 2012). A job candidate's failure to provide the information requested on this form may lead to the erroneous payment of benefits, or, the non-payment of eligible benefits.

PAPERWORK REDUCTION ACT STATEMENT

This information collection meets the requirements of 44 U.S.C. § 3507, as amended by section 2 of the Paperwork Reduction Act of 1995. You do not need to answer these questions unless we display a valid Office of Management and Budget (OMB) control number. The OMB control number for this collection is 3090-0329. We estimate that it will take 1 hour to read the instructions, gather the facts, and answer the questions. Send only comments relating to our time estimate, including suggestions for reducing this burden, or any other aspects of this collection of information to: U.S. General Services Administration, Regulatory Secretariat Division (MVCB), 1800 F Street, NW, Washington, DC 20405.

INSTRUCTIONS

This form should be completed by the human resources specialist filing the position. The selected job candidate may need to provide the human resources specialist with more information, or additional documents than were in the original staffing file, used in the selection process. This employment agreement is meant to transcribe, in one convenient place, the information necessary to determine the foreign allowances applicable to the position as well as information used for budget estimation and the administration of permanent change of station relocation expenses.

- 1. Name:** Please provide your full name.
- 2. Social Security Number:** Please provide your full Social Security number.
- 3. Actual Place of Residence in the U.S.:** The actual place of permanent residence in the U.S. determination is a requirement of certain laws, such as 5 U.S.C. 5722 (PCS for a new appointee from the U.S. to the overseas post, and back again). The human resources specialist should determine the actual place of residence based on the Comptroller General Opinion, Rafael Arroyo, B-197205, May 16, 1980: (1) physical residence, (2) residence provided in agency records, (3) residence according to employment history, (4) individual or family association with an area, and (5) exercise of privileges and duties, such as voting, and income tax and property tax. Other Comptroller General opinions have added other consideration factors, such as the place of birth, education, or marriage. To determine the actual place of residence, complete **GSA Form 5047**.
- 4. Name of Overseas Post:** Record the name of the overseas post (ex. "Lakenhealth AFB").
- 5. Location of Overseas Post:** The human resources specialist should fill in the country and city of the overseas post, since this information is critical when determining the amounts of foreign allowances that may be applicable under the DSSR.
- 6. Duty Station Code:** Every Federal duty station has a 9-digit duty station code, whether domestic, non-foreign or foreign. Use this website to determine the duty station code: <https://dw.opm.gov/datastandards/dutystation/searchbyname>
- 7. Sponsoring Agency or Department Served by the MOA and this Agreement:** This data element captures the partner agency within the U.S. Government that is sponsoring the work done by GSA and GSA's position at the foreign post.
- 7a and 7b. Projected Date of Arrival and Tour of Duty End Date:** This information helps the agency to plan the permanent change of station of the job candidate, as well as other considerations, such as temporary quarters subsistence allowance. The end date of the tour is also used to determine when a managerial decision is made whether or not to allow the job candidate to remain at that foreign post, or, if the job candidate will instead be offered a job opportunity back in the United States.

- 8. Appointee or Employee's Overseas GSA Organization (Service or Staff Office):** For this row, please annotate which staff or service office that is employing the job candidate and also list the Organization Code, which is up to 4 digits, alpha-numeric.
- 9. Office Symbol or Department ID.** Insert the GSA office symbol (such as "Q1BBB").
- 10. U.S. Post for Assignment Upon Expiration of the Final Overseas Tour:** Employees stationed overseas generally are not considered permanent employees in a foreign country due to the nature of the Status of Forces agreement between the U.S. and the foreign country. When the employee's future location has not been fully identified, users of the form may mark "TBD" (for To Be Determined) or "Nationwide" or "[GSA Organization] Nationwide" such as "FAS Nationwide."
- 11. Duty Station Location Code.** Enter this code, which is an OPM 9-digit code that specifically identifies the country, city, etc.
- 12. Length of Assignment:** The length of assignment should match the time specified within the MOA between the agency and GSA. Typically the initial assignment is 3 years, and renewals are 2 years (up to 3 years). The length of the assignment confirms that the sponsoring agency is able to pay for the function back to the U.S. This data element also helps to determine, in certain cases, a timeline for eligibility for home leave under 5 U.S.C. § 6305. When the employee's future location has not been fully identified, users of the form may mark "TBD" (for To Be Determined) or "Nationwide" or "[GSA Organization] Nationwide" such as "FAS Nationwide."
- 13. Travel and Transportation Expenses to and From the Overseas Post:** This data element reminds appointees or employees to complete the GSA Form 5047 which helps to identify the "actual place of residence" for the purposes of determining costs for the foreign permanent change of station. This statement also notifies the job candidate that there is a 12-month service agreement required by law and regulation once an agency has paid for these relocation expenses.
- 14. Home Leave and 45-day Leave Accrual:** This section describes whether or not a job candidate is eligible for home leave and the 45-day leave accrual ceiling. Not all hires are eligible for these authorities.
- 15. Differentials and Allowances:** This section describes the various differentials and allowances that the candidate is eligible for and have been authorized for the position. Once the date of post allowance commencement (i.e. actual arrival at the overseas post) is known, enter that date for manual Payroll processing purposes.
- 16. Financial Liability Disclosures:** This section notifies the job candidate that if he or she does not satisfy the 12-month service requirement following permanent change of station GSA may create a receivable and collect the debt through salary administrative offset. This section also discusses renewal agreement travel, return PCS, and duplicate reimbursement.
- 17. Names of Dependents.** Please list the names and dates of birth of any dependents that are travelling with you for permanent change of station. If there are no dependents, please check the optional box. This information is required by 41 C.F.R. § 302-3.504.
- 18. Certification:** This section asks the job candidate to ready carefully the full form, as completed by the human resources specialist, and that the job candidate agrees with the information and understands the requirements for accepting the GSA position and the offer of assignment to the foreign post. The agency signature should generally be the human resource specialist at GSA filling the position.
- 19. Cancellation:** This section annotates that GSA may cancel the overseas service agreement due to reasons beyond the employee's control. Cancellation of this agreement, and recall to the U.S., may occur, for example, if the employee becomes seriously ill and is medically evacuated.