



The Comptroller General  
of the United States

Washington, D.C. 20548

## Decision

Matter of: Dean Littlepage - Tour Renewal Travel Entitlement  
File: B-227464  
Date: April 14, 1988

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### DIGEST

On September 8, 1982, 5 U.S.C. § 5728 was amended to restrict tour renewal travel entitlements for employees assigned to Alaska to not more than 2 round-trips commenced within 5 years after the date the employee first commenced any period of consecutive tours of duty in Alaska. As provided in regulations implementing the amended statute, date of assignment to Alaska for purposes of coverage under the amended statute is the date the employee commenced travel to Alaska under the terms of his service agreement, rather than the earlier date on which he signed the service agreement. Therefore, an employee commencing travel to his duty station in Alaska subsequent to the amendment is bound by the provisions of that law.

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### DECISION

We are asked to decide whether an employee is entitled to tour renewal travel on the basis of the law in effect at the time he signed a service agreement or whether his entitlement is to be determined on the basis of the law in effect at the time he commenced travel to his new duty station.<sup>1/</sup> We hold that the employee's entitlements are controlled by the law in effect at the time he commenced travel to his new duty station.

On August 25, 1982, Mr. Dean Littlepage signed a service agreement with the Department of the Interior, Bureau of Land Management, Alaska State Office, in which he agreed to be assigned to Anchorage, Alaska, for a period of 2 years, beginning on the date of his arrival at that post. He commenced travel to Alaska on

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<sup>1/</sup> The decision was requested by Mr. Jerry A. Fries, an authorized certifying officer of the Bureau of Land Management, Department of the Interior.

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September 19, 1982. Mr. Littlepage claims that his tour renewal travel entitlement is governed by the provisions of 5 U.S.C. § 5728 in effect on the date he signed his service agreement, August 25, 1982, thereby allowing him tour renewal travel every 2 years.

Tour renewal travel for federal employees stationed overseas is authorized by 5 U.S.C. § 5728 as implemented by the Federal Travel Regulations (FTR). Prior to September 8, 1982, employees stationed outside the continental United States, including those stationed in Alaska and Hawaii, were eligible for tour renewal travel upon completion of an agreed period of service overseas and the signing of a written agreement to serve another period of service at the same or another overseas location.

Section 351 of the Omnibus Budget Reconciliation Act of 1982, Public Law No. 97-253, 96 Stat. 763, 800, September 8, 1982, added the following language in 5 U.S.C. 5728(c)(3):

"The payment of expenses of any employee and the transportation of his family under paragraph (1) of this subsection is limited to the expenses of travel and transportation incurred for not more than two round trips commenced within 5 years after the date the employee first commences any period of consecutive tours of duty in Alaska or Hawaii."

Additionally, section 351(d) of Public Law No. 97-253 provided that the amendments made by this act concerning tour renewal travel would take effect with respect to expenses incurred after September 8, 1982, for round-trip travel commenced after such date.

Regulations implementing the changes in the law were promulgated on July 15, 1983, effective September 8, 1982. Paragraph 2-1.5h(1)(b)(iii) of the FTR provides that for an employee to be eligible for tour renewal travel under the pre-1982 amendments, the employee must have been:

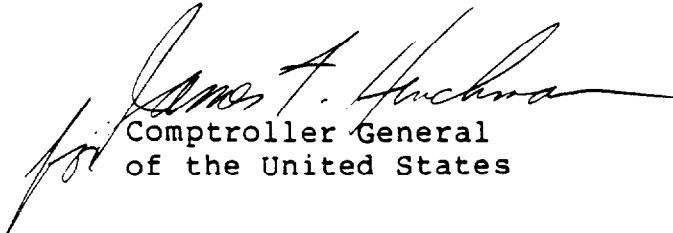
1. serving a current tour of duty in Alaska or Hawaii on the date of the amendment;
  2. en route to a post of duty in Alaska or Hawaii under a written agreement to serve a tour of duty;
- or

3. engaged in tour renewal agreement travel having entered into a new written agreement to serve another tour of duty in Alaska or in Hawaii.

Mr. Littlepage did not meet any of these requirements and as a result his tour renewal travel is controlled by the amended law and its implementing regulations.

We cannot accept Mr. Littlepage's contention that the service agreement he signed is tantamount to a contract by which the government is bound regardless of changes in the law. A service agreement such as the one signed by Mr. Littlepage in this case is not a contract but is a statutory condition precedent to obtaining entitlements in connection with his transfer of official duty station to Alaska. Dr. William Post, Jr., B-196795, June 5, 1980. That service agreement provided that he would be bound by future statutes and regulations applicable to his federal employment.

Accordingly, since Mr. Littlepage commenced his travel to Alaska on September 19, 1982, his entitlement to tour renewal travel arises under 5 U.S.C. § 5728 as amended, and his entitlement is limited to 2 round-trips within a 5-year period computed from September 28, 1982, to September 27, 1987.

  
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