

**Sec. 433. EXTENDING THE AUTHORITY OF THE FBI TO
WAIVE MANDATORY RETIREMENT PROVISIONS**

PROPOSED TEXT:

5 U.S.C. Section 8335(b)(2) is amended by striking: “2009.” and inserting “2011.”

5 U.S.C. Section 8425(b)(2) is amended by striking: “2009.” and inserting “2011.”

SECTIONAL ANALYSIS:

Existing law permits agencies to exempt law enforcement officers from mandatory retirement (generally applicable at age 57 with 20 years of service) until age 60. However, 5 U.S.C. 8335(b)(2) and 8425(b)(2) provide temporary authority for the FBI to exempt such individuals from mandatory retirement until age 65, if such an extension is in the public interest. 5 USC 8335 is a CSRS provision, while 5 USC 8425 does the same thing for FERS employees.

The authority to waive these mandatory retirement sections in Title 5 expires at the end of 2009. Section 433 would extend this extended waiver authority for two years, allowing more experienced agents to continue to utilize their expertise in furtherance of U.S. national security objectives.