

DEPARTMENT OF LABOR**Pension and Welfare Benefits Administration****Working Group Studying, Retirement Plan Leakage: Cashing Out Your Future From ERISA Employer-Sponsored Pension Plans Advisory Council on Employee Welfare and Pension Benefits Plans; Meeting**

Pursuant to the authority contained in Section 512 of the Employee Retirement Income Security Act of 1974 (ERISA), 29 U.S.C. 1142, a public meeting will be held on Friday, November 13, 1998, of the Retirement Plan Leakage: Cashing Out Your Future—Working Group of the Advisory Council on Employee Welfare and Pension Benefit Plans. The group is studying pre-retirement distributions, including in-service distributions, hardship loans and participant loans from ERISA employer-sponsored pension plans.

The purpose of the open meeting, which will run from 9:30 a.m. to approximately noon in Room N-4437 C&D, U.S. Department of Labor Building, Second and Constitution Avenue NW, Washington, D.C. 20210, is for Working Group members to complete their report and/or recommendations on the import of these "pension preservation" issues.

Members of the public are encouraged to file a written statement pertaining to the topic by submitting 20 copies on or before November 5, 1998, to Sharon Morrissey, Executive Secretary, ERISA Advisory Council, U.S. Department of Labor, Room N-5677 200 Constitution Avenue, NW, Washington, D.C. 20210. Individuals or representatives of organizations wishing to address the Working Group should forward their request to the Executive Secretary or telephone (202) 219-8753. Oral presentations will be limited to 10 minutes, but an extended statement may be submitted for the record. Individuals with disabilities, who need special accommodations, should contact Sharon Morrissey by November 5, 1998, at the address indicated in this notice.

Organizations or individuals also may submit statements for the record without testifying. Twenty (20) copies of such statements should be sent to the Executive Secretary of the Advisory Council at the above address. Papers will be accepted and included in the record of the meeting if received on or before November 5.

Signed at Washington, D.C. this 9th day of October, 1998.

Meredith Miller,

Deputy Assistant Secretary, Pension and Welfare Benefits Administration.

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Signed at Washington, D.C. This 9th day of October, 1998.

Meredith Miller,

Deputy Assistant Secretary, Pension and Welfare Benefits Administration.

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DEPARTMENT OF LABOR**Pension and Welfare Benefits Administration****Working Group on the Disclosure of the Quality of Health Care Plans, Advisory Council on Employee Welfare and Pension Benefits Plans; Meeting**

Pursuant to the authority contained in Section 512 of the Employee Retirement Income Security Act of 1974 (ERISA), 29 U.S.C. 1142, the Working Group established by the Advisory Council on Employee Welfare and Pension Benefit Plans to study what kind of information on the quality of care in health plans should be transmitted to fiduciaries and participants and how the information should be transmitted will hold an open public meeting on Thursday, November 12, 1998, in Room N-4437 C&D, U.S. Department of Labor Building, Second and Constitution Avenue, NW, Washington, D.C. 20210.

The purpose of the open meeting, which will run from 9:30 a.m. To approximately noon, is for Working Group members to complete their report and/or recommendations.

Members of the public are encouraged to file a written statement pertaining to the topic by submitting 20 copies on or before November 5, 1998, to Sharon Morrissey, Executive Secretary, ERISA Advisory Council, U.S. Department of Labor, Room N-5677, 200 Constitution Avenue, NW, Washington, D.C. 20210. Individuals or representatives of organizations wishing to address the Working Group should forward their request to the Executive Secretary or telephone (202) 219-8753. Oral presentations will be limited to 10 minutes, but an extended statement may be submitted for the record. Individuals with disabilities, who need special accommodation, should contact Sharon Morrissey by November 5, at the address indicated in this notice.

Organizations or individuals may also submit statement for the record without testifying. Twenty (20) copies of such statements should be sent to the Executive Secretary of the Advisory Council at the above address. Papers will be accepted and included in the record of the meeting if received on or before November 5.

MERIT SYSTEMS PROTECTION BOARD**Opportunity To File Amicus Briefs in Roach v. Department of the Army, MSPB Docket No. DC-1221-97-0251-W-1, and Hesse v. Department of State, MSPB Docket No. DC-0752-97-1079-I-1**

AGENCY: Merit Systems Protection Board.

ACTION: The Merit Systems Protection Board is providing interested parties with an opportunity to submit amicus briefs on whether the Board has authority to adjudicate whistleblower retaliation claims involving an appellant's security clearance, and, if so, whether there are limits pertaining to the scope of that authority.

SUMMARY: The appellant in *Roach v. Department of the Army*, MSPB Docket No. DC-1221-97-0251-W-1 filed an individual right of action (IRA) appeal under the Whistleblower Protection Act (WPA) alleging that the agency, among other actions, suspended his security clearance in retaliation for whistleblowing activities. The appellant in *Hesse v. Department of State*, MSPB Docket No. DC-0752-97-1079-I-1, simultaneously filed a petition for appeal under 5 U.S.C. Chapter 75, and a request for corrective action with the Office of the Special Counsel after the agency indefinitely suspended his based upon the suspension of his security clearance.

In *Department of the Navy v. Egan*, 484 U.S. 518, 530-31 (1988), the Supreme Court held that, in an appeal under 5 U.S.C. § 7513 based on the denial or revocation of a security clearance, the Board does not have authority to review the substance of the underlying security clearance determination. Based upon *Egan*, as well as other considerations, the Board has previously held that the revocation of a security clearance was not included within the statutory definition of a "personnel action," under 5 U.S.C. 2302(a)(2), and that it lacked authority to review allegations of retaliation for whistleblowing when the claims pertained to the revocation of a security clearance. See *Wilson v. Department of Energy*, 63 M.S.P.R. 228, 232-32 (1994);