

FOIA MARKER

This is not a textual record. This is used as an administrative marker by the Clinton Presidential Library Staff.

Folder Title:

Kennedy, William Holder III

Staff Office-Individual:

Counsel's Office

Original OA/ID Number:

CF 2047

Row:

18

Section:

2

Shelf:

6

Position:

3

Stack:

V

Withdrawal/Redaction Sheet

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. memo	Personally Identifiable Information [partial] (1 page)	06/10/1993	b(6)
002. memo	Personally Identifiable Information [partial] (1 page)	06/01/1993	b(6)
003. memo	Personally Identifiable Information [partial] (1 page)	06/07/1993	b(6)
004. memo	Personally Identifiable Information [partial] (1 page)	05/28/1993	b(6)
005. form	SF278 with attachment. (9 pages)	01/27/1995	b(6)
006. form	SF278 with attachment. (9 pages)	05/18/1994	b(6)
007. note	Counsel Office notes on Kennedy's SF278. (1 page)	00/00/1995	b(6)
008. form	SF278 with attachments. (12 pages)	02/10/1993	b(6)
009a. note	Technical Corrections. (2 pages)	02/00/1993	b(6)
009b. form	Draft SF278 with attachments. (6 pages)	02/00/1993	b(6)

COLLECTION:

Clinton Presidential Records
Counsel Office

OA/Box Number: CF 2047

FOLDER TITLE:

Kennedy, William Holder, III

2006-1066-F

vz3547

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
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- P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

C. Closed in accordance with restrictions contained in donor's deed of gift.

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

RR. Document will be reviewed upon request.

Freedom of Information Act - [5 U.S.C. 552(b)]

- b(1) National security classified information [(b)(1) of the FOIA]
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- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

THE WHITE HOUSE

(SECOND REVISION)

WASHINGTON

July 07, 1993

MEMORANDUM FOR: WILLIAM H. KENNEDY III
THRU: CRAIG LIVINGSTONE *CL*
FROM: NANCY GEMMELL *N Gemmell*
SUBJECT: Requests for Release or Review
of Background Investigations

Following are the basic guidelines previously used when considering release or review of background investigations to another government agency or department:

-Re Presidential Appointees:

A presidential appointee (PAS) must be confirmed by the Senate and appointed by the President before the background investigation is made available for REVIEW ONLY to the appropriate government agency or department. EXCEPTIONS: BI is releasible to State Department and to Justice thru the FBI. Please note TAB A.

A presidential appointee (PA) must be appointed by the President before the background investigation is made available for REVIEW ONLY to the appropriate government agency or department. EXCEPTIONS: BI is releasible to State Department and to Justice thru the FBI. Please note TAB A.

If a presidential nominee is already working in the position for which he has been nominated and requires security clearances to be granted to perform his work, Counsel considers the merits of each request for early review of background investigation on a case by case basis.

-Re Staff Applicants:

If a White House staff member is detailed to the White House from another government agency or department, the staff member's file must totally be completed before review is allowed. Example: The background investigation must be complete and adjudicated by counsel if necessary; the IRS investigation complete and any problems addressed to satisfaction of counsel; and if applicable, financials must have been received and signed off by counsel. Even if the BI is complete, if other components are not, we do not consider the investigation ready for review.

To set an appointment for review, a letter must be received from the respective government agency or department officially requesting review of BI. At time of review, the reviewer must show his or her credentials and sign a security pledge provided by Counsel's Office.

If a staff member leaves the White House and goes to another government agency or department, once confirmation has been received that said staff member has departed and that said individual is not being considered for a presidential appointment, the individual's background investigation may be released to the appropriate government agency or department. The physical release of the background investigation is done by the FBI. A letter requesting the release of the BI is to be dispatched from the appropriate government agency to us.

- Steps: 1) We receive letter from appropriate government agency or department requesting release of BI;
- 2) If BI is determined to be releasible; above mentioned letter is stamped,

~~AUTHORIZATION TO RELEASE~~

~~-----~~
~~WHITE HOUSE SECURITY OFFICE~~
signed and forwarded to the FBI for handling;

- 3) When said BI is released by the FBI, the Bureau returns to us a copy of the letter we dispatched to them stating the date the information was released to said agency and exactly what material was released to them. Please note: We do not release material to another government agency or department if we do not have same material in our files.

-Exceptions:

At present if a staff member is detailed to us from the Department of State, his or her BI is releasible to State Department as long as detailee is on State Department payroll. This is a decision made previously by counsel.

Also, if a staff member is detailed to us from Department of Justice, again his or her BI has previously been releasible to Department of Justice.

Also, if an AT&T or C&P telephone company employee does some work at the Defense Department as well as here, since said employee is with private industry, BI has previously been made releasible to the Department of Defense on a case by case basis.

-Forms:

Attached are copies of two forms used to determine staff member's status:

- The first form is sent to USSS, Room 23 OEOP, to determine if individual is still a current passholder;
- The second form is sent to the FBI Spin Unit to determine if individual has ever had a background investigation and, if so, was he or she processed as a presidential or staff case. Normally, we would have the background investigation information in our files. However, at present we do not since all previous security files departed the White House prior to January 20, 1993. Therefore, in the future it would not be necessary to send the attached form to the FBI once files are reestablished.
- When the information is returned from the USSS and from the FBI, and BI is deemed releasable the appropriate letter is dispatched to the FBI, retaining a suspense copy here for followup if necessary as well as documenting our files.
- If it is determined that the BI is NOT releasable but for REVIEW ONLY, a call is made to the appropriate government agency or department scheduling the review.
- If the BI is not yet ready for review, a call is made to the appropriate office advising said BI is not yet available for review but that a "flag" has been placed in the individual's file and that a followup call will be made when BI is available.

-Additional Possibilities:

- Requests received to review BIs for contact purposes (usually received from the CIA) are automatically referred to Counsel for decision.
- Also, requests received to review BIs of spouses in connection with investigation of subject are automatically referred to Counsel for decision.

Basic guideline that we have previously followed is that release or review of BI should be for clearance purposes for subject of the background investigation.

-New Requests:

As promised I have also attached the four new requests received for action. With the exception of Mr. Catlett, I would be happy to process the other three requests for you if you would like.

Thank you.

(Attachments:

-2 Forms

-4 Letters of Request)

NAME

PERM PASS HOLDER
(YES OR NO-Y OR N)

CURRENT OR DE-
ACTIVATED C OR D

NAME

TYPE AND DATE OF INVESTIGATION(S) PROCESSED AS STAFF (S) OR
AS PRESIDENTIAL (P)

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001. memo	Personally Identifiable Information [partial] (1 page)	06/10/1993	b(6)

COLLECTION:

Clinton Presidential Records
Counsel Office

OA/Box Number: CF 2047

FOLDER TITLE:

Kennedy, William Holder, III

2006-1066-F

vz3547

RESTRICTION CODES

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C. Closed in accordance with restrictions contained in donor's deed of gift.

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

RR. Document will be reviewed upon request.

Freedom of Information Act - [5 U.S.C. 552(b)]

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DEPARTMENT OF VETERANS AFFAIRS
Office of Inspector General
Washington DC 20420

May 28, 1993

Mr. Craig Livingstone
Director.
Office of White House Personnel Security
Room 84
White House
Washington, DC 20500

JUN 10 1993

Dear Sir:

The Department of Veterans Affairs, Security Office (53D1) request verification of investigative information for the below listed department employee, who occupies a Special Sensitive position:

CATLETT, DAVID MARK

SSN:

DOB:

POB:

(b)(6)

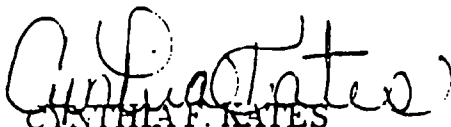
[001]

Correspondence in response to the above request should be mailed to:

Department of Veterans Affairs
Security Office (53D1)
810 Vermont Ave., NW
Washington, DC 20420

Questions concerning this matter should be addressed to Mrs. Cynthia Kates on (202) 233-3905/3164.

Thank you for your cooperation in this matter.


CYNTHIA F. KATES
Security Officer

Withdrawal/Redaction Marker

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Counsel Office

OA/Box Number: CF 2047

FOLDER TITLE:

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United States
**Office of
Personnel Management**

Office of Federal Investigations
Federal Investigations Processing Center
Boyers, Pennsylvania 16018

In Reply Refer To:

Your Reference:

May 26, 1993

case #93315946

Mr. David C. Livingstone
Special Assistant, Security
The White House
Old Executive Office Building, Room 84
Washington, DC 20500

JUN 1 1993

Dear Mr. Livingstone:

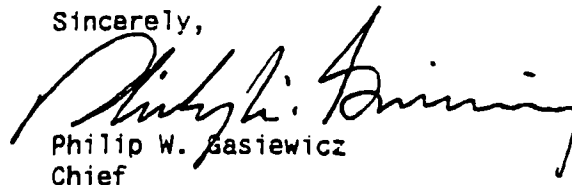
[002]

The Executive Office of the President has requested the Office of Personnel Management conduct an investigation under the provisions of Executive Order 10450, on HARRISON, Patricia De Stacy, AKA(s): SPAIN. Patricia: DE STACY, Patricia, SSN: (b)(6) born (b)(6) The subject has been appointed to a Private Sector Advisor position with the aforementioned office.

We have been advised by the Federal Bureau of Investigation the results of an applicant-type investigation, conducted in 1990, concerning Ms. Harrison were furnished to the White House.

It will be appreciated if you will send me a copy of the investigation, or let us know if you decide the information should not be released.

Sincerely,


Philip W. Gasiewicz
Chief

Withdrawal/Redaction Marker

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003. memo	Personally Identifiable Information [partial] (1 page)	06/07/1993	b(6)

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United States
**Office of
Personnel Management**

Office of Federal Investigations
Federal Investigations Processing Center
Boyers, Pennsylvania 16018

In Reply Refer To:

Your Reference:

June 7, 1993

case #93818424

Mr. David C. Livingstone
Special Assistant, Security
The White House
Old Executive Office Building, Room 84
Washington, DC 20500

Dear Mr. Livingstone:

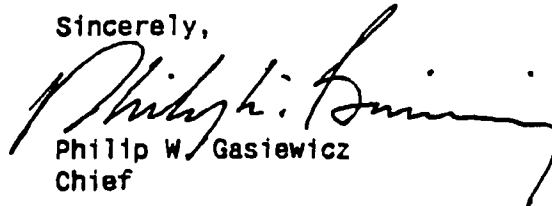
[003]

The Executive Office of the President has requested the Office of Personnel Management conduct an investigation under the provisions of Executive Order 10450, on LEWIS, Andrew Lindsay Jr. AKA(s): LEWIS, Drew, SSN: (b)(6) born (b)(6). The subject has been appointed to a Private Sector Advisor position with the aforementioned office.

We have been advised by the Federal Bureau of Investigation the results of an applicant-type investigation, conducted in 1981 & 1989, concerning Mr. Lewis were furnished to the White House.

It will be appreciated if you will send me a copy of the investigation, or let us know if you decide the information should not be released.

Sincerely,


Philip W. Gasiewicz
Chief

WHITE HOUSE
SECURITY OFFICE

JUN 11 1993

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United States
**Office of
Personnel Management**

Office of Federal Investigations
Federal Investigations Processing Center
Boyers, Pennsylvania 16018

In Reply Refer To:

Your Reference:

May 28, 1993 case #93090205

Mr. David C. Livingstone
Special Assistant, Security
The White House
Old Executive Office Building, Room 84
Washington, DC 20500

Dear Mr. Livingstone:

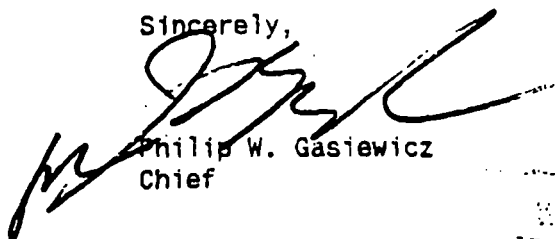
[004]

The US Department of Commerce has requested the Office of Personnel Management conduct an investigation under the provisions of Executive Order 10450 on LONDON, Eric Damon, SSN: (b)(6) born (b)(6). The subject is an applicant being considered for a Special Assistant position with the aforementioned agency.

We have been advised by the Federal Bureau of Investigation the results of an applicant-type investigation, conducted in 1993, concerning LONDON, Eric Damon were furnished to the White House.

It will be appreciated if you will send me a copy of the investigation, or let us know if you decide the information should not be released.

Sincerely,



Philip W. Gasiewicz
Chief

MAILED
SECURITY UNIT

JUN 4 1993

THE WHITE HOUSE

WASHINGTON

July 07, 1993

TAB A

MEMORANDUM FOR: WILLIAM H. KENNEDY III
THRU: CRAIG LIVINGSTONE
FROM: NANCY GEMMELL *N. Gemmell*
SUBJECT: Release of Background
Investigations

Mr. Ken Orzell (Dept. of State Security, tele. # 663-0172) recalls the following per his institutional memory:

- Background investigations are released to State Department (thru the FBI) for PA and PAS appointments;
- Due to the close working relationship among the White House, State Department and the FBI;
- Due to the free exchange of hard copy of the reports allowing for expeditious processing of clearance requests for the appointee;
- Due to the release of State Department reports to the White House and to the FBI;
- Due to the avoidance of duplication of investigation.

Mr. Orzell advises that he personally recalls release of bi(s) to State since 1967 and advises procedure was in place many years before that. Mr. Orzell remembers talking with Mike Cardoza during the Carter Administration. I mention this in case you would want to talk directly with Mr. Cardoza.

Also, again per Mr. Orzell, the Secretary of State's bi has also been released to State in the past.

FYI, Mr. Orzell began working at the Department of State in 1961. He became Chief, Personnel Investigation Division, Bureau, Diplomatic Security. Mr. Orzell has retired from previous mentioned position, but is still working for DOS in investigations.

Regarding release of background investigations to Department of Justice, Sheila Joy (tele. # 514-1607), who has been at Justice for 26 years, recalls the following per her institutional memory:

- Previously bi(s) for all PA and PAS appointees, i.e. judges, attorneys, marshalls and Justice Department appointees have been released to Justice;
- During the Nixon, Ford, Carter and first part of Reagan administrations, the Justice Department conducted their own investigations on judges, attorneys, marshalls and Justice Department designees. It was not until approximately three years into the Reagan Administration that the FBI started conducting the investigations, at the request of the White House, on Department of Justice (departmental) designees. Judges, attorneys and marshalls bi(s) are still being conducted by the Department of Justice.
- The Justice Department used to receive a copy of the investigations at the same time a copy was dispatched to the White House. However, this procedure was changed during the Bush Administration at which time Justice did not receive a copy of the bi (for departmental designees ONLY) until the actual nomination was sent forward to the Hill. Justice continues to receive copies of bi(s) on judges, attorneys and marshalls.

I hope this clarification helps.

Thank you.

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006. form	SF278 with attachment. (9 pages)	05/18/1994	b(6)

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THE WHITE HOUSE

WASHINGTON

April 10, 1996

Michael J. Korwin
Senior Desk Officer
U.S. Office of Government Ethics
1201 New York Avenue, N.W.
Suite 500
Washington, D.C. 20005-3917

Dear Mike:

Enclosed are the copies of termination reports you requested for William Kennedy, Margaret Myers, Ricki Seidman, and Joe Velasquez. I have also enclosed a copy of a letter I sent to Tom Zorn indicating that we would not be forwarding SF 278s filed by William Galston, Bruce Reed and Gene Sperling.

In addition, I am enclosing a copy of Erskine Bowles' termination report.

I apologize for the delay and, if you have any further questions, you may reach me at (202)456-6229.

Sincerely,

A handwritten signature in cursive script, appearing to read "Kathi Whalen /HW".

Kathleen M. Whalen
Associate Counsel to the President

Enclosures

WHITE HOUSE 278 450 REVIEW

Name of Filer: William H. Kennedy III

Position: Assoc. Counsel

Date Due: 12/20/94 Date Filed: 1/24/95 Extension? ☒ Y or N Date: 1/20/95

Date Must Be Made Public:

Date OCP Review Due:

Possible Financial Conflicts (§208):

NONE

Former Employer, Clients, Spousal Matters (§502):

Memberships, Agreements, Continuing Relationships:

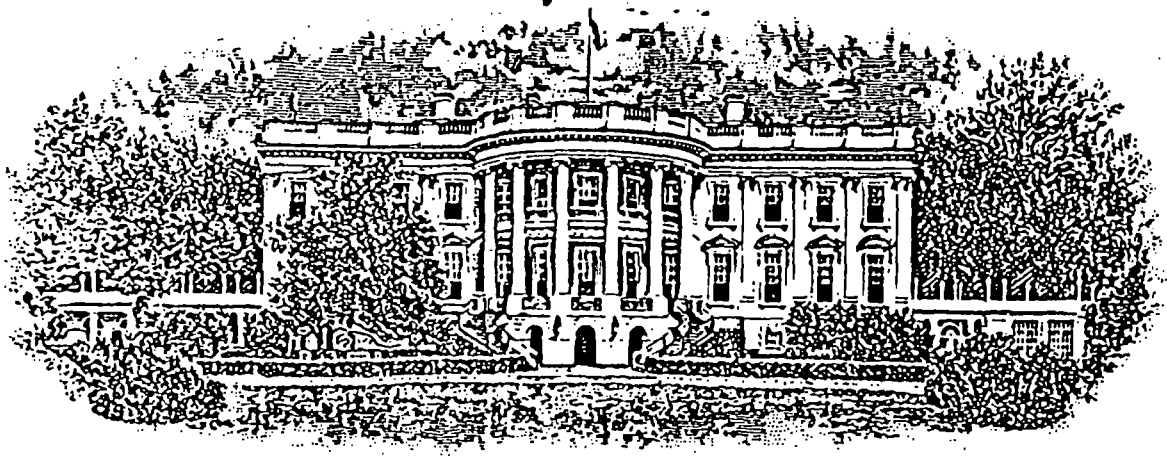
Other:

REVIEW/TELEPHONE NOTES: C, II - "none" b/c no dir. b/f term.
emp. at W.H.

ADVICE PROVIDED:

Reviewer and Date: WRL/KWW

THE WHITE HOUSE



COUNSEL'S OFFICE

FACSIMILE TRANSMISSION COVER SHEET

DATE: 4/18

TO: Bill Kennedy

FACSIMILE NUMBER: (501) 375-1309

TELEPHONE NUMBER: _____

FROM: Lawyer Whalen

TELEPHONE NUMBER: (202) 456-7900

PAGES (WITH COVER): 8

COMMENTS: BIL - I'll call you shortly.
-KW

PLEASE DELIVER AS SOON AS POSSIBLE

The document(s) accompanying this facsimile transmittal sheet is intended only for the use of the individual or entity to whom it is addressed. This message contains information which may be privileged, confidential or exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any disclosure, dissemination, copying or distribution, or the taking of any action in reliance on the contents of this communication is strictly prohibited. If you have received this information in error, please immediately notify the sender at their telephone number stated above.

To: Kathi Whalen

From: WHE ~~FF~~

RE: Filing 9 Pages - Including
THIS ONE

Kathi - PLS call me After
you have had a chance to Review
501-661-0530. I'll be
in and out the rest of
today and on Monday.
Turn and Burn. Thanks -
WHE ~~FF~~

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
007. note	Counsel Office notes on Kennedy's SF278. (1 page)	00/00/1995	b(6)

COLLECTION:

Clinton Presidential Records
Counsel Office

OA/Box Number: CF 2047

FOLDER TITLE:

Kennedy, William Holder, III

2006-1066-F
vz3547

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

C. Closed in accordance with restrictions contained in donor's deed of gift.

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

RR. Document will be reviewed upon request.

Freedom of Information Act - [5 U.S.C. 552(b)]

- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
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- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

SENIOR APPOINTEE PLEDGE

As a condition, and in consideration, of my employment in the United States Government in a senior appointee position invested with the public trust, I commit myself to the following obligations, which I understand are binding on me and are enforceable under law:

1. I will not, within five years after the termination of my employment as a senior appointee in any executive agency in which I am appointed to serve, lobby any officer or employee of that agency.

2. In the event that I serve as a senior appointee in the Executive Office of the President ("EOP"), I also will not, within five years after I cease to be a senior appointee in the EOP, lobby any officer or employee of any other executive agency with respect to which I had personal and substantial responsibility as a senior appointee in the EOP.

3. I will not, at any time after the termination of my employment in the United States Government, engage in any activity on behalf of any foreign government or foreign political party which, if undertaken on January 20, 1993, would require me to register under the Foreign Agents Registration Act of 1938, as amended.

4. I will not, within five years after termination of my personal and substantial participation in a trade negotiation, represent, aid or advise any foreign government, foreign political party or foreign business entity with the intent to influence a decision of any officer or employee of any executive agency, in carrying out his or her official duties.

5. I acknowledge that the Executive order entitled "Ethics Commitments by Executive Branch Appointees," issued by the President on January 20, 1993, which I have read before signing this document, defines certain of the terms applicable to the foregoing obligations and sets forth the methods for enforcing them. I expressly accept the provisions of that Executive order as a part of this agreement and as binding on me. I understand that the terms of this pledge are in addition to any statutory or other legal restrictions applicable to me by virtue of Federal Government service.

William Holden Kennedy III
Signature

4/13/94 19__
Date

Kennedy III, William Holden
Print or type your full name (Last, first, middle -- spell out each fully)

Privacy Act Statement

Executive Order 12834 entitled "Ethics Commitments by Executive Branch Appointees," issued by the President on January 20, 1993 (and published at 58 Federal Register 5911-5916 on 1/22/93), requires every senior appointee in every executive agency appointed on or after January 20, 1993 to sign this pledge upon becoming a senior appointee. This pledge establishes a contractual commitment regarding your post-employment activities and your activities after your personal and substantial participation in a trade negotiation has ceased. If there is a violation or apparent violation of this pledge, this pledge may be disclosed to the Department of Justice or any other appropriate Federal agency charged with the responsibility of investigating, prosecuting, enforcing or implementing the Executive order. Disclosure of this pledge can also be made to another Federal agency, a court or a party in court litigation or an administrative proceeding when the Government is a party as well as to another Federal agency in connection with your hiring when the pledge is relevant and necessary thereto. Further, this pledge may be disclosed to the Executive Office of the President and the Office of Government Ethics to enable them to carry out their responsibilities under Executive Order 12834 and other ethics oversight authorities. This pledge will be filed for permanent retention in your official personnel folder or equivalent folder. Your signing this pledge is a condition, and in consideration, of your employment as a senior appointee, or your receiving a pay raise that will make you a senior appointee, as defined in the Executive order.

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
008. form	SF278 with attachments. (12 pages)	02/10/1993	b(6)

COLLECTION:

Clinton Presidential Records
Counsel Office

OA/Box Number: CF 2047

FOLDER TITLE:

Kennedy, William Holder, III

2006-1066-F

vz3547

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

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C. Closed in accordance with restrictions contained in donor's deed of gift.

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

RR. Document will be reviewed upon request.

Freedom of Information Act - [5 U.S.C. 552(b)]

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Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
009a. note	Technical Corrections. (2 pages)	02/00/1993	b(6)

COLLECTION:

Clinton Presidential Records
Counsel Office

OA/Box Number: CF 2047

FOLDER TITLE:

Kennedy, William Holder, III

2006-1066-F
vz3547

RESTRICTION CODES

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Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
009b. form	Draft SF278 with attachments. (6 pages)	02/00/1993	b(6)

COLLECTION:

Clinton Presidential Records
Counsel Office

OA/Box Number: CF 2047

FOLDER TITLE:

Kennedy, William Holder, III

2006-1066-F

vz3547

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

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THE WHITE HOUSE

WASHINGTON

March 11, 1993

MEMORANDUM FOR WILLIAM H. KENNEDY III

FROM: BETH NOLAN 
ASSOCIATE COUNSEL TO THE PRESIDENT

SUBJECT: Extension of Time to File Public Financial
Disclosure Report

Pursuant to my authority under 5 C.F.R. § 2634.201(f), I am granting you an extension of 30 days for filing your Public Financial Disclosure Report, SF 278. Your report is now due 60 days from the day you began service in the White House.