



# Homeland Security

August 9, 2006

Dr. Henry Kelly  
President  
Federation of American Scientists  
1717 K St., NW.  
Suite 209  
Washington, DC 20036

**Re: DHS Sensitive but Unclassified Report to Congress on the DHS Counter-MANPADS Program Appearing on the Federal of American Scientists Public Web Site**

Dear Dr. Kelly:

It has come to the attention of the Department of Homeland Security ("DHS") that the Federation of American Scientists has posted a DHS report to Congress concerning the Counter-MANPADS Program (the "Report") on your organization's public website at the following link: <http://www.fas.org/irp/agency/dhs/manpads.pdf>. This Report was clearly marked as FOR OFFICIAL USE ONLY ("FOUO"). As your organization well knows<sup>1</sup>, the term FOUO, as used within DHS, identifies unclassified information of a sensitive nature, not otherwise categorized by statute or regulation, the unauthorized disclosure of which could adversely impact a person's privacy or welfare, the conduct of Federal programs, or other programs or operations essential to the national interest. The Report has never been released by DHS to the public because it contains sensitive information such as the transition of military technology for potential civil use, systems performance of the prototype systems being developed by DHS and its partners, and the reliability of such prototype systems.

Due to the sensitive nature of the Report, I request that your organization immediately remove the Report from its website. I appreciate your prompt assistance in this matter. If the Report is not removed from your website within 2 business days, we will consider further appropriate actions necessary to protect the information contained in the Report.

Sincerely,

A handwritten signature in black ink, appearing to read "William H. Anderson", with a long horizontal flourish extending to the right.

William H. Anderson

Deputy Associate General Counsel for Science and Technology and  
Intellectual Property Counsel

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<sup>1</sup> DHS Management Directive 11042, Safeguarding Sensitive But Unclassified (For Official Use Only) Information, is on another webpage of your organization's website.