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Nuclear Rocket Redux

The Pentagon continues to conduct secret studies of nuclear powered rockets, which so far are still a technology without a mission. Recently, the highly classified Timberwind concept, a nuclear rocket engine, was considered as a potential upper stage for a ground-based anti-ballistic missile interceptor.

Now the Pentagon has begun evaluating the use of nuclear rockets in future offensive strategic missiles. The Minuteman ICBM forces will reach the end of their service lifetime early in the next century, and the Pentagon is beginning to examine possible follow-on systems.

A ballistic missile with a nuclear engine, the argument goes, could provide improved payload delivery capability. Current US missiles deliver between 3 and 4 percent of their launch weight. A missile with a nuclear upper stage could deliver 7 percent or more of its launch weight. Why anyone would desire an increase in nuclear weapon payload capacity is beyond the scope of the evaluation.

One eccentric Pentagon source asserts that nuclear rockets would offer an environmental benefit over current ICBMs because they would use less of the conventional solid propellant which, it has been argued, causes damage to the Earth's ozone layer.

To ensure environmental safety in a potential flight test, it is suggested that the nuclear engine could be destroyed after its payload is released. This would be accomplished by withdrawing all of the reactor control rods, resulting in "rapid disassembly" of the nuclear core. This safety plan would violate United Nations guidelines and official U.S. policy.

The Pentagon tentatively recommends a dedicated research program to complement the work of NASA and DOE in this area.

Special Access Programs

Information about all classified programs is supposed to be limited to those with a "need to know." But sometimes that's not enough. Special access programs are created when normal limitations on access to classified information are considered "not sufficient." (See Code of Federal Regulations, Title 21, Part 159a, Subpart M).

Special access programs have wreaked havoc with Congressional and even internal Defense Department oversight, so that even those with an indisputable "need to know" can't get the information they need. From the 1992 House Defense Appropriations Committee Report (H.Rep. 102-95):

"Last year the Committee expressed concern over the quality of the information provided on certain Special Access Programs. Not only has the situation not improved, in some instances, it has actually declined." (p. 30).

If the Defense Department doesn't shape up, the Committee may be forced to-- express more concern.

* * *

The Senate Armed Services Committee also had some harsh words for the Defense Department on special access programs:

"Over time, the vast expansion in the number of special access programs... [has] led to serious negative consequences. These have included: failures of internal management (e.g. the A-12 aircraft program); shielding programs from congressional oversight (e.g. through the use of "umbrella" programs to mask the true number of programs and program details); and refusal to provide access necessary for proper oversight."

"Congressional oversight has been stymied by delaying responses to requests by Members for information, and by denying staff access. DOD oversight is hampered by the absence of an organizational arrangement in which special access programs are properly coordinated." (Senate Defense Authorization Report for FY 1992, S.Rep. 102-113, pp. 269-271).

The Senate directed the Deputy Secretary of Defense to assume responsibility for supervising all special access programs and to issue new standards for managing them, including: uniform procedures for designation of special access programs, annual review of the classification status of each program, and procedures for oversight of these programs. Also, notification to Congress of the initiation of a new special access program would be required prior to the expenditure of any funds.

"The Committee notes that if the Department fails to restore confidence in the management of special access programs through proper implementation of these previsions, consideration will be given to terminating the funding of special access programs."

There is little reason to expect that this tough attitude will be realized in practice. In fact, the Senate has recently proposed a substantial increase for the special access Timberwind program on nuclear rocket propulsion, even though the Pentagon provided only partial, selective briefings to Congress about the program. (Thus, for example, the top staff of the House Armed Services Committee is conspicuously absent from the Timberwind master access list.) Incomprehensibly, sources say the funding increase was proposed as "retaliation" for the unauthorized disclosure of the program earlier this year.

Intelligence Budget to be Disclosed?

The Senate Select Committee on Intelligence has proposed that the overall annual intelligence budget be declassified and publicly disclosed.

This "would enable the American people to gain a better understanding of the costs of the U.S. Government's foreign intelligence programs, which in turn would promote a higher level of public involvement in the basic question of how many resources to devote to intelligence, as opposed to competing functions of government." (Report on Authorization for FY 1992, Senate Rep. 102-117, p. 9).

Three figures would be disclosed: the total amount requested by the President for intelligence; the total amount authorized by Congress; and the total amount actually spent.

Several dissenting Senators argued that "debate on a declassified budget total would be extremely limited and often, if not always, misleading." They therefore opposed the move and expressed the hope that the provision would be deleted on the Senate floor or in conference with the House.

In fact, the disclosure of the total budget, though long overdue, will probably add little to public understanding and oversight. It is already commonly assumed to be about $30 billion. The allocation and use of this large sum would remain classified, as is the very existence of some intelligence agencies, such as the National Reconnaisance Office.

Following is a more thorough breakdown of the estimated 1992 intelligence budget, compiled by John E. Pike of the Federation of American Scientists, based on unclassified sources. It is probably accurate to within one significant figure:

Agency	Budget (in billions)
Intelligence Community Staff and National Photographic Interpretation Center	0.1
Central Intelligence Agency	3.2
National Reconnaissance Office	6.2
Defense Reconnaissance Support Program	0.5
National Security Agency	3.9
Defense Intelligence Agency	0.6
Air Force Intelligence Agency and Electronic Security Command	1.5
Army Intelligence (INSCOM, AIA, ISA, etc)	1.5
Navy Intelligence	0.5
Tactical Intelligence and Related Activities (TIARA)	12.
State Department Intelligence & Research	0.05
Department of Energy	0.15
Federal Bureau of Investigation	0.1
TOTAL	30.

Intelligence Budget Cuts Diverted to Defense

The Senate Select Committee on Intelligence reduced the 1992 intelligence authorization by about $450 million below the amount requested, and indicated in its report that this money "should be returned to the U.S. Treasury to lessen the federal deficit." But that's not how it worked out.

Since the intelligence budget is embedded in the defense budget for security reasons, it has to pass through the Armed Services Committee before proceeding to the Senate floor for passage. Something funny happened along the way.

Most of the money designated as "savings" was absorbed by the defense budget and directed to other programs.

"When we made these cuts, we thought we were doing something real," said Senator Hollings. "We wanted to take an action that actually saved some money, rather than just moving it from one account to another."

Senator Metzenbaum offered an amendment to the Defense Authorization Bill on the Senate floor to reverse the diversion of the intended "savings." But Senator Nunn urged that the Senate "avoid a rollcall vote on this one because we have had a good discussion." So the amendment was withdrawn.

The good discussion, however, may be found in the August 2 Congressional Record, pp. S 11971-77.

Covert Action Oversight

More than four years after the Iran-Contra scandal first surfaced, the Congress has passed legislation intended to prevent similar abuses.

The 1991 Intelligence Authorization Act (see House Report 102-166 on H.R. 1455) would strengthen accountability for covert actions. The bill requires a written Presidential "finding" authorizing a covert action and prohibits the use of funds until the finding has been approved. The finding must provide a determination that the action is important to U.S. national security and must specify all agencies involved, including non-U.S. Government third parties. The finding may not authorize any action that violates the Constitution or any U.S. statutes. The finding must be submitted to the Chairmen of the Congressional Intelligence Committees.

The conference report on the bill indicates that if prior notice of a covert action is not provided to Congress, it should be provided "in a timely fashion." The meaning of this remains in some dispute, particularly since the President asserts a Constitutional prerogative to withhold notification for more than "a few days." This was one basis for the President's veto of last year's version of this bill.

Rep. Ted Weiss criticized the failure to resolve the conflict over timely notification. "The reservation of the constitutional prerogative that the President claimed... wipes out all those protections and allows the President still to claim that he can withhold whatever information that he wants." (Congressional Record, July 31, 1991, p. H6163).

The bill also provides a legal definition for the term "covert action," which has previously been the subject of debate: "...the term 'covert action' means an activity or activities of the United States Government to influence political, economic, or military conditions abroad, where it is intended that the role of the United States Government will not be apparent or acknowledged publicly..." (section 503(e) of H.R. 1455; see also Congressional Record, July 25, 1991, p. H5902).

Classifying Unclassified Information

Following in the footsteps of the Department of Energy, the Department of Defense has codified draft regulations on "Unclassified Controlled Nuclear Information," or UCNI. This, in effect, is a way of classifying information that is unclassified and represents an unfortunate step backward in terms of DOD accountability.

UCNI generally is information that concerns the safeguarding of nuclear materials. Most such information, most people would agree, should be classified if its disclosure could increase the risk of theft or diversion of nuclear materials.

But DOD, like DOE before it, has blurred the distinction between classified and unclassified information and created a new category of "classified unclassified" documents. Unfortunately, the credibility of legitimate classification decisions is likely to suffer as a result.

The proposed DOD UCNI regulations may be found in the Federal Register of June 25, 1991, pp. 28845-49.