

UNCLASSIFIED

## Report to Congress

# Declaratory Policy, Concept of Operations, and Employment Guidelines for Left-of-Launch Capability



May 10, 2017

The estimated cost of this report or study for the Department of Defense is approximately \$4,330.00 for the 2017 Fiscal Year. This includes \$50.00 in expenses and \$4,280.00 in DoD labor.

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**Report Required**

The Secretary of Defense and the Chairman of the Joint Chiefs of Staff provide this unclassified report required by Section 1684(c)(5) of the National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2017 (Pub. L. 114-328), which provides:

(5) **DECLARATORY POLICY, CONCEPT OF OPERATIONS, AND EMPLOYMENT GUIDELINES FOR LEFT-OF-LAUNCH CAPABILITY.** – Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense and the Chairman of the Joint Chiefs of Staff shall jointly submit to congressional defense committees the following:

(A) The unclassified declaratory policy of the United States regarding use of the left-of-launch capability of the United States against potential targets.

(B) Both classified and unclassified concept of operations for the use of such capability across and between the Combatant Commands.

(C) Both the classified and unclassified employment strategy, plans, and options for such capability.

**Report**

Attacking the adversary's ability to launch missiles, an approach called "left-of-launch" operations, is one measure a Combatant Commander may take to defeat ballistic and cruise missiles. Other measures include active defenses and mitigation (e.g., resiliency, hardening, dispersal). Such measures provide increased opportunities for missile defeat, reducing the burden on missile defense systems and thereby increasing the likelihood a that missile attack will not succeed.

This unclassified report presents the U.S. declaratory policy on the use of the left-of-launch capabilities, the concept of operations for the use of such capabilities, and the employment strategy, plans, and options for such capabilities. The report includes a classified annex.

**Declaratory Policy**

Left-of-launch actions may be undertaken in an attempt to prevent missile launches before conflict begins (pre-conflict) or after conflict has begun. Any decision to undertake pre-conflict left-of-launch operations that would constitute a use-of-force would require thorough examination as such a decision likely would require the President's approval as an exercise of the right of national or collective self-defense under international law. For this reason, as well as the significant national security policy considerations inherent in using force that could result in armed conflict, such a decision must be made at the highest levels of the U.S. Government. After the nation has entered an armed conflict, left-of-launch actions would be considered a part of ongoing combat operations and may fall, pursuant to the President or Secretary of Defense's orders, under a Combatant Commander's mission authorities and procedures. Missile production and storage facilities, missile launching equipment and positions, and command and control equipment, are generally recognized as lawful military objectives that may be targeted during

armed conflict. This section addresses declaratory policy on pre-conflict left-of-launch actions. Discussions in subsequent sections and in the classified annex address both pre-conflict actions as well as those taken after the nation has entered an armed conflict.

When faced with circumstances threatening our national interests, the United States may decide to exercise its national right of individual or collective self-defense under international law, including the right to take action against the threat of an imminent missile attack against the United States and our allies and partners. A State's inherent right of national or collective self-defense is a fundamental principle in customary international law. A State may use force in the exercise of self-defense not only in response to armed attacks that have occurred, but also against imminent attacks before the attacks occur. An important factor to be considered in assessing whether an attack is "imminent" is the amount of time available to take action to counter the threat, including whether there is substantial danger of missing a limited window of opportunity to prevent widespread harm. Other important circumstances to be considered may include the nature and immediacy of the threat; the probability of an attack; whether the anticipated attack is part of a concerted pattern of continuing armed activity; the likely scale of the attack and the injury, loss, or damage likely to result from the attack in the absence of mitigating action; and the likelihood that there will be other opportunities to undertake effective action in self-defense that may be expected to cause less serious collateral injury, loss, or damage.

Ensuring that the right of national or collective self-defense can be effectively exercised against the threat of an imminent missile attack against the United States, our allies and partners, or other important U.S. interests, requires preparation well before that threat materializes. Although left-of-launch actions that would constitute a use of force likely would require the President's approval as an exercise of the inherent right of national or collective self-defense, certain actions would not necessarily constitute a use of force under the U.N. Charter, such as gathering intelligence or developing capabilities that could be used in response to an imminent attack.

The United States reserves the right to undertake left-of-launch actions against adversary offensive missiles when faced with the circumstances outlined above. These actions could involve kinetic or non-kinetic measures. The Department of Defense will ensure the full range of options is available to the President including carrying out those left-of-launch actions that do not constitute a use of force under the U.N. Charter and developing and deploying capabilities to enable such left-of-launch actions. Any action undertaken would be in accordance with applicable U.S. and international law.

### **Concept of Operations**

The concept of operations for employing left-of-launch capabilities is set within the broader context of integrated offensive and defensive operations for countering offensive missiles. For example, the Chairman of the Joint Chief of Staff's Joint Integrated Air and Missile Defense Vision 2020 is one of the guiding documents for conducting Integrated Air and Missile Defense (IAMD) in the upcoming years. This document highlights the concept that IAMD contributes to deterring potential aggression. If deterrence fails then IAMD's subsequent role is to prevent an adversary's effective air and missile employment through offensive, defensive and

passive capabilities. As part of these capabilities, both kinetic and non-kinetic, the combined forces and the Joint Force will find mechanisms to defeat, left-of-launch, adversaries' offensive air and missile systems.

As outlined in Joint Publication 3-01, Countering Air and Missile Threats, theater IAMD is the responsibility of the Combatant Commanders, with global aspects of IAMD posing issues that are broader than the individual responsibilities of these leaders, and, in particular, requiring the guidance and direction of the Secretary of Defense. Combatant Commanders employ IAMD at the theater level using a counter-air framework that merges aspects of offensive counter-air (OCA) and defensive counter-air (DCA) operations to create effects in the battlespace. OCA operations are designed specifically to destroy, disrupt, and neutralize an adversary's aircraft, missiles, and associated systems, and structures preferably prior to or as soon as possible following launch. Additionally, OCA operations are typically initiated by friendly forces, affording the combined forces or Joint Force the ability to commence operations when it is strategically advantageous to the mission. DCA operations are focused on countering enemy air and missile threats, in friendly airspace, inbound to a defended asset, and are driven by an adversary's initiative. It is with this insight that OCA operations are more relevant to left-of-launch discussions than DCA operations. For left-of-launch operations to be effective, planners will focus on blending and employing the four operations of OCA: Attack Operations (kinetic and non-kinetic), Suppression of Enemy Air Defenses, Fighter Escort, and Fighter Sweep. Although effectively planning all operations that encompass OCA does not guarantee a 100 percent effective left-of-launch concept of operations, discounting one or more of these operations will not maximize the strategic effectiveness of an operational plan.

#### **Employment Strategy, Plans, and Options**

The Secretary of Defense has directed Combatant Commanders to prepare contingency plans focused on addressing near-term challenges with current forces, capabilities, and readiness. Combatant Commanders' planning may consider a threat actors' ability to employ specific capabilities, including ballistic and cruise missiles, and they may conduct contingency planning to counter threat actors' ballistic missile operations.

Combatant Commanders who plan for countering ballistic and cruise missile threats consider many factors in developing their contingency plans, ensuring that the plans can address the missile threat as part of a broader strategic challenge which includes how an adversary may intend to use missiles in the pursuit of broader strategic aims. This assessment, coupled with assessments of the missiles' capabilities and other factors, inform Commanders' approaches to countering the missile threats.

**Acronym List**

DCA	Defensive counter-air
FY	Fiscal Year
IAMD	Integrated Air and Missile Defense
JRICM	Joint Regional IAMD Capability Mix
NDAA	National Defense Authorization Act
OCA	Offensive counter-air

**CLASSIFIED ANNEX**  
**Report to Congress**  
**Declaratory Policy, Concept of Operations, and Employment Guidelines**  
**for Left-of-Launch Capability**

(U) This report is the classified annex to the unclassified report required by Section 1684(c)(5) of the National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2017 (Pub. L. 114-328), which provides:

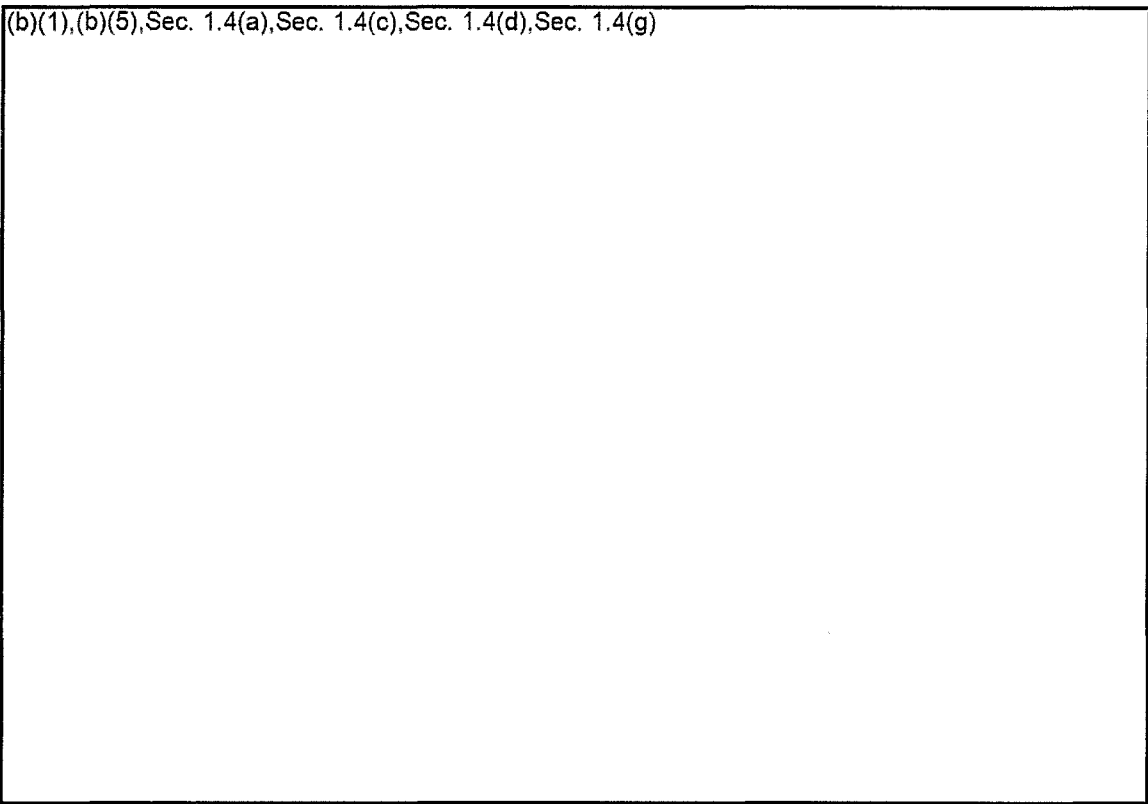
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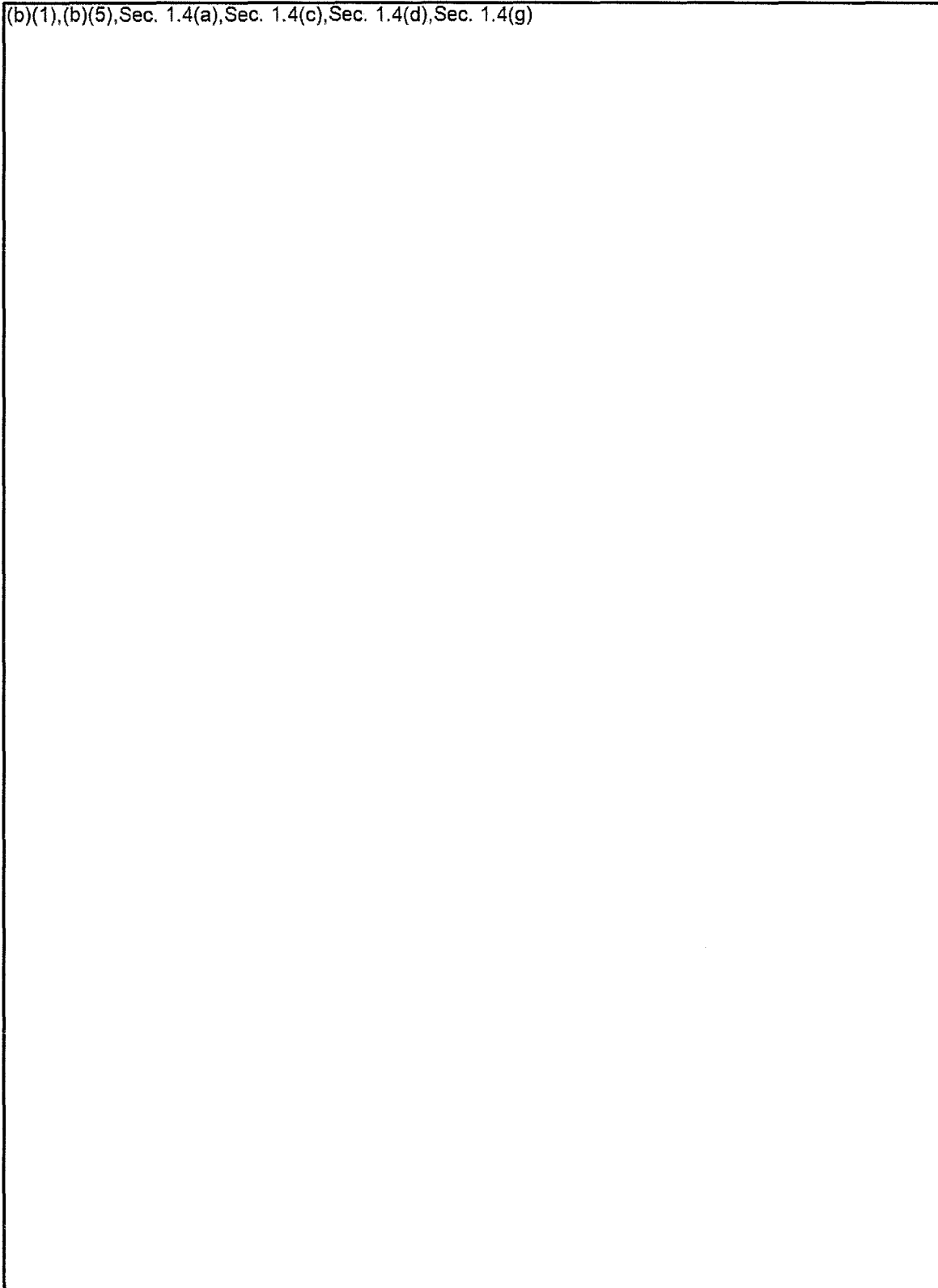
(C) Both the classified and unclassified employment strategy, plans, and options for such capability.

(b)(1),(b)(5),Sec. 1.4(a),Sec. 1.4(c),Sec. 1.4(d),Sec. 1.4(g)



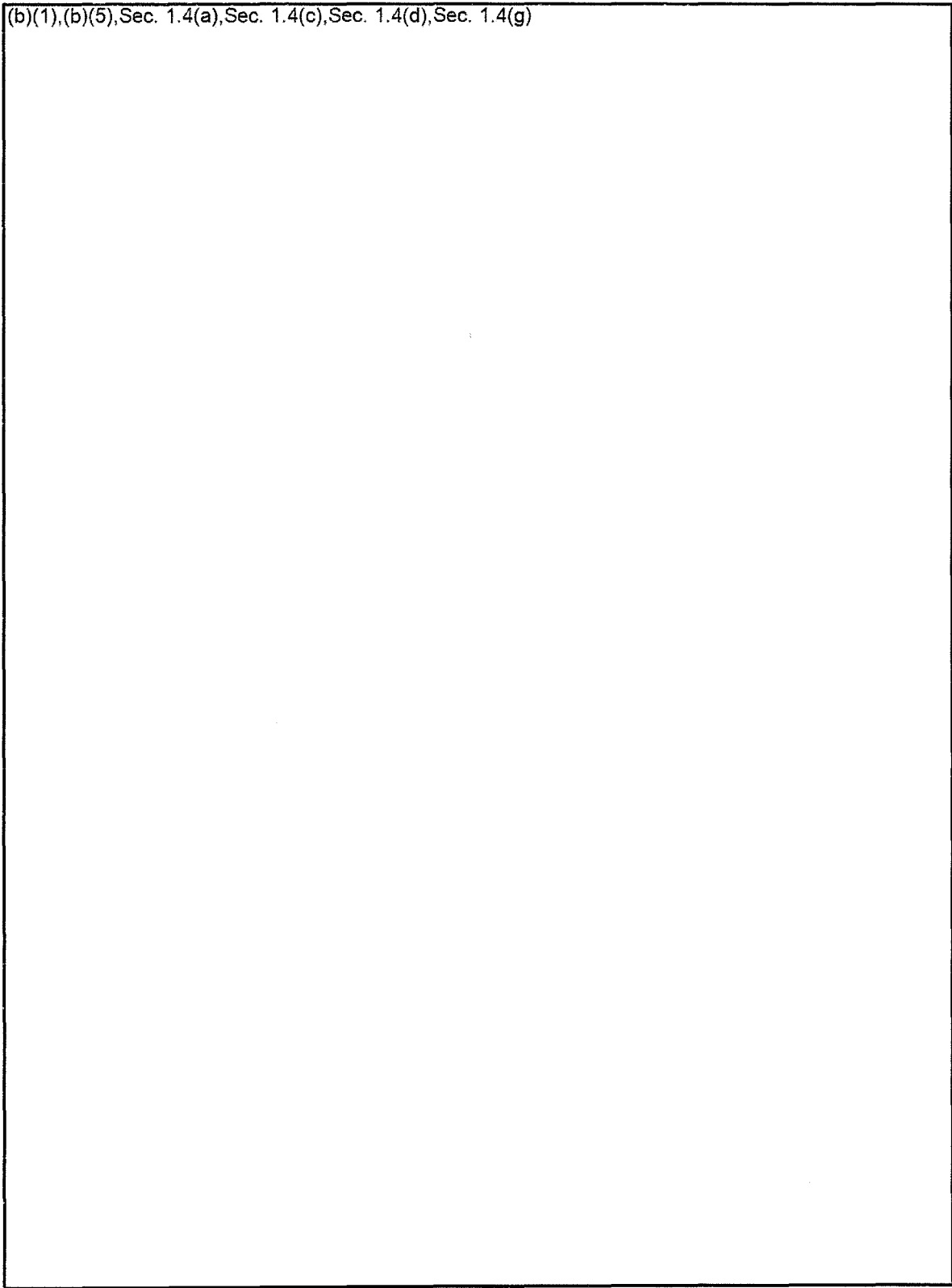
<sup>1</sup> (U//FOUO) 2015 Joint Country Force Assessment; National Air and Space Intelligence Center; March 4, 2016.

(b)(1),(b)(5),Sec. 1.4(a),Sec. 1.4(c),Sec. 1.4(d),Sec. 1.4(g)

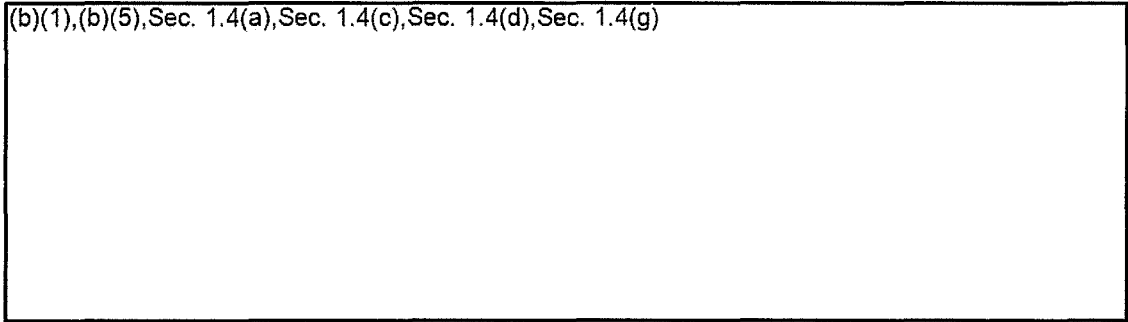




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**Acronym List**

<b>FY</b>	<b>Fiscal Year</b>
<b>IAMD</b>	<b>Integrated air and missile defense</b>
<b>ICBM</b>	<b>Intercontinental ballistic missile</b>
<b>JRICM</b>	<b>Joint Regional IAMD Capability Mix</b>
<b>NDAA</b>	<b>National Defense Authorization Act</b>
<b>SCG</b>	<b>Security classification guide</b>
<b>SPMD</b>	<b>Special Program for Missile Defeat</b>