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The Backward Step on Missile Defense in the FY 2020 NDAA

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Three years ago, the National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2017 strengthened U.S. missile defense policy by highlighting the need to counter a growing range of ballistic missile threats to the U.S. homeland and U.S. allies and forces abroad. The Act said that “it is the policy of the United States to maintain and improve an effective, robust layered missile defense system capable of defending the territory of the United States, allies, deployed forces, and capabilities against the developing and increasingly complex ballistic missile threat....”¹ No distinction was made between missile threats emanating from major powers like Russia and China or rogue regimes like North Korea and Iran.

Last year, the FY 2020 NDAA made a significant change to U.S. ballistic missile defense policy, but one that has gone largely unnoticed among proponents of strong U.S. missile defense programs. The new law states that the United States will *as a matter of policy* “rely on nuclear deterrence to address more sophisticated and larger quantity near-peer intercontinental missile threats to the homeland of the United States,” while improving missile defenses against “rogue states.”² This change, though it may appear to reflect long-standing U.S. policy, is a step backward.



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Proponents of the change in the FY 2020 NDAA argue that this language is no different from the Trump Administration’s policy enshrined in its 2019 *Missile Defense Review* (MDR). This is not so. The MDR states an observation—that the United States today relies on “nuclear deterrence to address the large and more sophisticated Russian and Chinese intercontinental ballistic missile capabilities.”³ That is a statement of fact, not a U.S. deliberate policy to do so *in perpetuity*, even as U.S. missile defense technologies mature and threats advance.

Unlike the FY 2020 NDAA, the MDR leaves the door open for adding missile defense capabilities by arguing “for a missile defense architecture that can adapt to emerging and unanticipated threats, including by adding capacity and the capability to surge missile defense as necessary in times of crisis or conflict.” The difference is subtle but important. Missile threats are not static, and the U.S. ability to counter them must not be either.

In contrast to the Trump Administration’s MDR, which implies that the United States would defend against these types of threats regardless of potential (and likely) Russian and Chinese objections, the FY 2020 NDAA appears to discourage building missile defense capabilities against sophisticated threats. It may even hinder the development of capabilities that might be useful against the growing ballistic missile arsenals of less than near-peer competitors—including potential North Korean and Iranian ballistic missiles. Congressional statements of U.S. policy that reflect the Cold War approach of leaving Americans vulnerable to large-scale intercontinental missile threats can have a chilling effect on efforts by government and private industry to develop better overall defensive capabilities.

Iranian and North Korean ballistic missiles continue to improve in sophistication and range. Both countries invest considerable resources into their missile programs, despite international pressure and sanctions. They are intent on threatening the United States and its allies and do not show signs of slowing down.

The U.S. missile defense dilemma is that at some point, the United States must choose between being vulnerable to the Irans and North Koreas of the world as their offensive missile capabilities improve, and developing and deploying a missile defense system capable of dealing with limited Chinese and Russian missile threats. Will the United States choose to remain vulnerable to rogue missile threats in deference to Chinese and Russian complaints and their feigned interest in strategic “stability?”

What Is U.S. Missile Defense Policy?

Notably, the 2019 MDR does not say the United States would not defend against limited ballistic missile attacks originating from Russia or China.⁴ This appears to be consistent with the Obama Administration’s 2010 *Ballistic Missile Defense Review* (BMDR), which did not



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differentiate between a rogue missile attack and a limited Russian or Chinese missile attack. It stated that “The United States will continue to defend the homeland against the threat of limited ballistic missile attack.”⁵ The BMDR specified that “These efforts are focused on protecting the homeland from a ballistic missile attack by a regional actor such as North Korea or Iran,” but wisely does not rule out shooting down a limited ballistic missile attack from Russia or China as the 2020 NDAA seemingly does.

President Trump stated during the official launch of the 2019 MDR, “Regardless of the missile type or the geographic origins of the attack, we will ensure that enemy missiles find no sanctuary on Earth or in the skies above.”⁶ The statement implies a much more robust commitment to U.S. missile defense than spelled out in the MDR (or in missile defense budgets since then), and certainly in the FY 2020 NDAA.

In January 2020, Vice Chairman of the U.S. Joint Chiefs of Staff General John Hyten remarked that U.S. Ground-Based Midcourse Defense (GMD) interceptors are “built for North Korea. They’re not built for anything else...” Yet the potential of Iranian ballistic missile threats to the U.S. homeland was also an important consideration in the decision to withdraw from the Anti-Ballistic Missile Treaty in 2002 and has motivated congressional interest in potential additional GMD deployments on the East Coast. And, coercive limited nuclear threats appear to be a prominent part of the Russian nuclear playbook.

Conclusion

Regrettably, both Congress and the Administration appear to present ambiguities in their approach to missile defense policy. The U.S. Congress can do better, as the FY 2017 NDAA demonstrated. And the Administration will have to get on the same page consistently if it wants to effectively communicate the value of ballistic missile defense to the American people and members of Congress who represent them.

The American people deserve to be protected, regardless of the origin of missile threats, and protection against limited missile threats appears to be feasible. The FY 2020 NDAA seems to take a step back in this regard, but Congress will have another opportunity to correct it in the upcoming FY 2021 NDAA debate. A clearer statement of policy that reflects a commitment to defend Americans from all types of limited missile threats is long overdue and would help ensure that U.S. missile defense efforts move forward instead of backward.



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