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Before the

COMMITTEE ON
ARMED SERVICES

UNITED STATES SENATE

HEARING TO RECEIVE TESTIMONY ON MARITIME
SECURITY STRATEGY IN THE ASIA-PACIFIC REGION

Thursday, September 17, 2015

Washington, D.C.

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1 HEARING TO RECEIVE TESTIMONY ON THE MARITIME SECURITY
2 STRATEGY IN THE ASIA-PACIFIC REGION

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6 U.S. Senate

7 Committee on Armed Services

8 Washington, D.C.

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10 The committee met, pursuant to notice, at 10:02 a.m. in
11 Room SH-216, Hart Senate Office Building, Hon. John McCain,
12 chairman of the committee, presiding.

13 Committee Members Present: Senators McCain
14 [presiding], Inhofe, Ayotte, Fischer, Cotton, Ernst, Tillis,
15 Sullivan, Lee, Reed, Nelson, Manchin, Shaheen, Gillibrand,
16 Donnelly, Hirono, Kaine, and King.

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1 OPENING STATEMENT OF HON. JOHN McCAIN, U.S. SENATOR
2 FROM ARIZONA

3 Chairman McCain: Well, good morning.

4 The Senate Armed Services meets today to receive
5 testimony on the U.S. policy in the Asia-Pacific region.

6 I want to thank our distinguished witnesses for
7 appearing before us today and for your continued service to
8 the Nation.

9 America's national interests in the Asia-Pacific region
10 are deep and enduring. We seek to maintain a balance of
11 power that fosters a peaceful expansion of free societies,
12 free trade, free markets, and free commons, air, sea, space,
13 and cyber. These are values that we share with increasing
14 numbers of Asia's citizens. And for 7 decades,
15 administrations of both parties have worked with our friends
16 and allies in the region to uphold this rules-based order
17 and to enlist new partners in this shared effort, an effort
18 that now extends to states like Indonesia and Vietnam.

19 No country has benefited more from a peaceful regional
20 order in the Asia-Pacific region than China. I am betraying
21 my advanced age when I say that I still remember being in
22 the Great Hall of the People on the occasion of the
23 normalization between our countries. Since then, China's
24 social and economic development has been remarkable, and it
25 has added to the prosperity of the world.

1 Unfortunately, we increasingly see a pattern of
2 behavior from China that suggests that some of our highest
3 hopes for our relationship are not materializing and that
4 call into question for nations across the Pacific whether
5 China's rise will, in fact, be peaceful. Indeed, many of
6 these troubling activities have only increased under the
7 leadership of the new president, who will arrive here next
8 week for a state visit.

9 China's military modernization continues with its
10 emphasis on advanced systems that appear designed to project
11 power, counter U.S. military capabilities, and deny the
12 United States the ability to access and operate in the
13 western Pacific. At the same time, cyber attacks against
14 the United States are growing in scope, scale, and
15 frequency. Billions of dollars' worth of intellectual
16 property, including sensitive defense information, have been
17 stolen. And many of these attacks, especially the recent
18 breach at the Office of Personnel Management, are believed
19 by everyone to have originated in China despite the
20 administration's unwillingness to say so.

21 These growing threats are compounded by China's
22 assertion of vast territorial claims in the East and South
23 China Seas, which are inconsistent with international law.
24 In 2013, Beijing proclaimed an air defense identification
25 zone over large portions of the East China Sea, including

1 over territory claimed by Japan and South Korea. More
2 recently China has reclaimed nearly 3,000 acres of land in
3 the South China Sea, more than all other claimants combined
4 and at an unprecedented pace. Last month, China's foreign
5 minister said it had halted these activities. But recently
6 released satellite images show clearly that this is not
7 true.

8 What is more. China is rapidly militarizing this
9 reclaimed land, building garrisons, harbors, intelligence
10 and surveillance infrastructure, and at least three
11 airstrips that could support military aircraft. With the
12 addition of surface-to-air missiles and radars, these new
13 land features could enable China to declare and enforce an
14 air defense identification zone in the South China Sea and
15 to hold that vital region at risk.

16 China is incrementally and unilaterally changing the
17 status quo through coercion, intimidation, even force. Its
18 goal appears clear: the assertion of sovereignty over the
19 South China Sea, a key economic artery through which
20 approximately \$5 trillion in ship-borne trade passes every
21 year. As one Chinese admiral recently told a conference in
22 London about the South China Sea, quote, it belongs to
23 China.

24 The United States has rightly rejected this view. As
25 Secretary of Defense Ash Carter said in May, "turning an

1 underwater rock into an airfield simply does not afford the
2 rights of sovereignty or permit restrictions on
3 international air or maritime transit." Secretary Carter
4 vowed that "the United States will fly, sail, and operate
5 wherever international law allows, as U.S. forces do all
6 over the world."

7 Unfortunately, it has been 4 months since that speech,
8 but the administration has continued to restrict our Navy
9 ships from operating within 12 nautical miles of country's
10 reclaimed islands. This is a dangerous mistake that grants
11 de facto recognition of China's manmade sovereignty claims.
12 And these restrictions have continued even after China sent
13 its own naval vessels within 12 nautical miles of the
14 Aleutian Islands as President Obama concluded his recent
15 visit to Alaska.

16 After that incident, U.S. officials emphasized that the
17 Chinese ships did not violate international law, which
18 allows countries to transit other nations' territorial seas
19 under what is called innocent passage. That is true, but we
20 have not been asserting our rights just as forcefully. We
21 must uphold the principle of freedom of the seas for
22 commercial and military purposes on, under, and below the
23 water. The best sign of that commitment would be to conduct
24 freedom of navigation operations within 12 nautical miles of
25 China's reclaimed islands in the South China Sea.

1 More broadly, the United States must continue to
2 sustain a favorable military balance in the Asia-Pacific
3 region. We must remain clear-eyed about the implications of
4 China's rapid military modernization. We must take
5 advantage of new and emerging technologies to preserve our
6 ability to project power over long distances and operate in
7 contested environments. We must invest in enhancing the
8 resilience of our forward-deployed forces. And we must
9 continue to help our allies and partners in the Asia-Pacific
10 region to build their maritime capacity, an initiative that
11 this committee seeks to further in the fiscal year 2016
12 National Defense Authorization Act. None of this will be
13 possible, however, if we continue to live with mindless
14 sequestration and a broken acquisition system.

15 All of us want to ensure that we avoid miscalculation.
16 But we only encourage miscalculation when there is a gap
17 between our words and our actions. And it is that gap that
18 China has exploited to assert vast territorial claims, bully
19 its neighbors, destabilize the region, and challenge the
20 freedom of the seas.

21 Ultimately, we need to think anew about deterrence.
22 When it comes to China's destabilizing activities, it is not
23 that the United States is doing nothing. It is that nothing
24 we are doing has been sufficient to deter China from
25 continuing activities that the United States and our allies

1 and partners say are unacceptable, the cyber attacks, the
2 economic espionage and theft, the land reclamation, the
3 coercion of its neighbors, and the assertion and attempted
4 enforcement of vast, unlawful territorial claims. We need
5 to develop options and act on them to deter these admittedly
6 unconventional threats or else they will continue and grow.
7 And they will do so at the expense of the national security
8 interests of the United States, the peace and stability of
9 the Asia-Pacific region, and a rules-based international
10 order.

11 With that, I look forward to the testimony of our
12 witnesses today.

13 Senator Reed?

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1 STATEMENT OF HON. JACK REED, U.S. SENATOR FROM RHODE
2 ISLAND

3 Senator Reed: Well, thank you very much, Mr. Chairman.
4 Let me first thank you for calling this important hearing on
5 maritime security in the Asia-Pacific region and also thank
6 the witnesses for appearing today. Thank you, gentlemen,
7 for your service to the Nation, to the Navy. Thank you
8 both.

9 When Senator McCain and I were in Vietnam, we heard
10 concern from almost every single government official about
11 the heightened tension in the South China Sea caused by
12 China's activities. And Vietnam is not alone in this
13 regard. For the last 2 years, China has undertaken
14 extraordinary and unprecedented reclamation activities on
15 disputed land features in the South China Sea that have
16 alarmed all of the countries in the region, most of which
17 would prefer to resolve these territorial disputes through
18 legal means under the United Nations Convention on the Law
19 of the Sea. These activities appear to have just been the
20 beginning as China has now turned to militarizing these
21 features by building airstrips and surveillance towers that
22 I believe will further destabilize the region.

23 While there has been some progress on the bilateral
24 strategy to decrease tension between the U.S. Navy and the
25 Chinese Navy for the establishment of new risk reduction

1 mechanisms, such as engagement rules to air and maritime
2 safety, our efforts to date do not seem to have had an
3 impact on China's aggressive tactics in the South China Sea.
4 I would like to hear from the witnesses on what the
5 Department believes is the best way forward to address this
6 activity and whether current efforts are sufficient to
7 deescalate tension and convince the Chinese Government to
8 pursue a legal and diplomatic solution to its territorial
9 disputes with its neighbors.

10 I am also quite concerned with North Korea's recent
11 rhetoric that it is improving its nuclear arsenal in, quote,
12 quality and quantity further contributing to the heightened
13 tensions in the region. Admiral Harris, I would especially
14 like to get your assessment and update on the threat posed
15 by the North Koreans and how we are addressing it.

16 And with that, gentlemen, I look forward to your
17 testimony.

18 Chairman McCain: I welcome the witnesses. Secretary
19 Shear, it is nice to see you again and thank you for your
20 continued outstanding service, including as our Ambassador
21 to Vietnam. And, Admiral Harris, I know that you are
22 relatively new in your job, and we thank you for the great
23 job you are doing. And we look forward to your testimony.
24 We will begin with you, Mr. Secretary.

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1 STATEMENT OF AMBASSADOR DAVID B. SHEAR, ASSISTANT
2 SECRETARY OF DEFENSE FOR ASIAN AND PACIFIC SECURITY AFFAIRS,
3 U.S. DEPARTMENT OF DEFENSE

4 Ambassador Shear: Thank you very much, Mr. Chairman,
5 thank you, Ranking Member Reed, and all the members of the
6 committee for inviting me to join you today.

7 I am particularly pleased to be here discussing the
8 Defense Department's maritime security strategy for the
9 Asia-Pacific region and to be alongside our very capable
10 U.S. Pacific Commander, Admiral Harry Harris.

11 Last month, the Department of Defense released a report
12 detailing its Asia-Pacific maritime security strategy, which
13 reflects both the enduring interest the United States has in
14 the Asia-Pacific and the premium we place on maritime peace
15 and security in this critical part of the world. This
16 strategy is one element of the U.S. Government's larger
17 comprehensive strategy to uphold maritime security in the
18 Asia-Pacific region and protect America's principle
19 interests in international law, freedom of navigation,
20 unimpeded lawful commerce, and peaceful resolution of
21 disputes.

22 For 70 years, U.S. military presence in the Asia-
23 Pacific has played an indispensable role in undergirding
24 regional peace, stability, and security and will continue to
25 protect these interests in the future.

1 There are, as you know, growing challenges in maritime
2 Asia, trends and behaviors that we detailed in the strategy
3 report. Regional military modernization has increased
4 significantly the potential for dangerous miscalculations or
5 conflict in the maritime domain. Strong nationalist
6 sentiments inflame passions over territorial disputes and
7 discourage good faith negotiations to resolve them.
8 Competition abounds over significant but finite natural
9 resources. And in the South China Sea, China has almost
10 completed large-scale efforts to reclaim land and construct
11 artificial islands on disputed features in the Spratly
12 Islands.

13 While land reclamation is not new and China is not the
14 only claimant to have conducted reclamation, as the chart to
15 my right shows, China's recent activities far outweigh other
16 efforts in size, pace, and effort. We are concerned about
17 China's long-term intentions for these features and the
18 potential for further militarization of the South China Sea.
19 As we have stated clearly to the Chinese, these actions are
20 not only unilaterally altering the status quo, they are also
21 complicating the lowering of tensions and the peaceful
22 resolution of disputes.

23 But let me be clear. The Defense Department is not
24 standing still in the face of these challenges. We are
25 systematically implementing a long-term strategy aimed at

1 preserving U.S. interests and military access, building the
2 capability of our allies and partners, and preserving the
3 stability of the Asia-Pacific domain. The Department's
4 strategy comprises four lines of effort.

5 First, we are strengthening our military capacity to
6 ensure the United States can successfully deter conflict and
7 coercion and respond decisively when needed. DOD is
8 investing in new cutting-edge capabilities, deploying our
9 finest maritime capabilities forward, and distributing these
10 capabilities more widely across the region.

11 Second, we are working together with our allies and
12 partners from Northeast Asia to the Indian Ocean to build
13 their maritime capacity. We are building greater
14 interoperability and developing more integrated operations
15 with our allies and partners. We are also expanding our
16 regional exercise program with a particular focus on
17 developing new multilateral exercises and expanding training
18 with Southeast Asian partners.

19 The Defense Department is also implementing a new
20 Southeast Asia maritime security initiative. This effort
21 will increase training and exercises, personnel support, and
22 maritime domain awareness capabilities for our partners in
23 Southeast Asia.

24 On that note, I would like to express our thanks and
25 appreciation to the members of this committee for their work

1 to include a South China Sea-focused maritime capacity-
2 building authority in their draft of the fiscal year 2016
3 NDAA. I cannot emphasize enough how important maritime
4 capacity-building is to our overarching strategy.

5 Third, we are leveraging defense diplomacy and building
6 greater transparency. We are trying to reduce the risk of
7 miscalculation or conflict and promoting shared maritime
8 rules of the road. The Department is actively seeking to
9 mitigate risk in maritime Asia both for bilateral efforts
10 with China, as well as region-wide risk reduction measures.

11 These and other elements of U.S.-China defense
12 diplomacy have yielded some positive results. U.S. and PLA
13 navy vessels have now successfully employed the code for
14 unplanned encounters at sea on multiple occasions during
15 recent interactions. I would note that while the United
16 States operates consistent with the United Nations
17 Convention on the Law of the Sea, we have seen positive
18 momentum in promoting shared rules of the road. Our efforts
19 would be greatly strengthened by Senate ratification of
20 UNCLOS. Mr. Chairman, I would like to thank you and other
21 members for your support on this issue.

22 Finally, we are working to strengthen regional security
23 institutions and encourage the development of an open and
24 effective regional security architecture. ASEAN is an
25 increasingly important DOD partner, and the Department is

1 enhancing its engagement in ASEAN-based institutions. This
2 includes efforts such as our decision to host ASEAN defense
3 ministers for their 2014 U.S.-ASEAN Defense Forum, as well
4 as Secretary Carter's recent announcement of DOD's
5 commitment to deploy a technical advisor in support of
6 ASEAN's maritime security efforts.

7 Throughout its history, the U.S. has relied upon and
8 advocated for freedom of the seas. This freedom is
9 essential to our economic and security interests and nowhere
10 more so than in the Asia-Pacific. The Department is
11 constantly working to evaluate the strategic environment to
12 ensure we have the necessary strategy, resources, and tools
13 to meet the challenges we face. We are clear-eyed about the
14 growing complexity of this task. Yet, we are making
15 progress that, over the long term, will be significant in
16 shaping the regional security environment. We are making
17 calculated and careful investments. We are gaining
18 unprecedented access in the region. Our relationships and
19 interoperability with allies and partners are stronger than
20 ever before. Moreover, partners across the region are
21 enhancing their defense cooperation with each other in
22 unprecedented ways.

23 In short, we are deeply committed to the maritime
24 security of the Asia-Pacific region. We do not discount the
25 extent of the challenges, but we are undertaking a

1 comprehensive effort to ensure that maritime Asia remains
2 open, free, and secure in the decades ahead.

3 Thank you very much.

4 [The prepared statement of Ambassador Shear follows:]

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1 Chairman McCain: Thank you.
2 Admiral Harris?
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1 STATEMENT OF ADMIRAL HARRY B. HARRIS, JR., USN,
2 COMMANDER U.S. PACIFIC COMMAND

3 Admiral Harris: Thank you, Chairman McCain, Senator
4 Reed, and distinguished members. It is my honor to appear
5 once again before this committee. I am pleased to be here
6 with Assistant Secretary Shear to discuss the Asia-Pacific
7 maritime strategies.

8 The United States is a maritime nation and the
9 importance of the Asia-Pacific region to our Nation's
10 security and prosperity cannot be overstated. Almost 30
11 percent of the world's maritime trade, as the chairman said,
12 over \$5 trillion, transits the South China Sea annually.
13 This includes \$1.2 trillion in ship-borne trade bound for
14 the United States. The Asia-Pacific region is critical for
15 our Nation's economic future.

16 For decades, this region has remained free from major
17 conflicts, allowing the United States and other Pacific
18 nations, including China, to enjoy the benefits of its vast
19 maritime spaces. However, the security environment is
20 changing, potentially placing this stability at risk. Rapid
21 economic and military modernization and a growing demand for
22 resources have increased the potential for conflict.
23 Peacetime freedom of navigation is under pressure.

24 If not handled properly, territorial and maritime
25 disputes in the East and South China Seas could disrupt

1 stability throughout the region. Claimants to disputed
2 areas routinely use maritime law enforcement and coast guard
3 vessels to enforce their claims while nominally keeping
4 these issues out of the military sphere. While no country
5 appears to desire military conflict, tactical
6 miscalculations can lead to strategic consequences.

7 The United States does not take sides on issues of
8 sovereignty with respect to these territorial disputes, but
9 we do insist that all maritime claims be derived from
10 naturally-formed land features in accordance with customary
11 international law, as reflected in the Law of the Sea
12 Convention. The United States also emphasizes the
13 importance of peacefully resolving maritime and territorial
14 disagreements in accordance with international law, and we
15 oppose the use of intimidation, coercion, or aggression.
16 The U.S. believes every nation, large or small, should have
17 the opportunity to develop and prosper in line with
18 international laws and standards. If one country
19 selectively ignores these rules for its own benefit, others
20 will undoubtedly follow, eroding the international legal
21 system and destabilizing regional security and the
22 prosperity of all Pacific states. Part of PACOM's role in
23 the Asia-Pacific maritime strategy will be ensuring all
24 nations have continued access to the maritime spaces vital
25 to the global economy.

1 International recognition and protection of freedom of
2 navigation is vital to the world's economy and our way of
3 life. To safeguard the freedom of the seas, PACOM routinely
4 exercises with allies and partners, executes freedom of
5 navigation operations, and maintains a robust presence
6 throughout the region. These activities help build partner
7 capacity to contribute to the region's stability, enhance
8 relationships, improve understanding of shared challenges,
9 and message the U.S.'s resolve.

10 The Asia-Pacific maritime security strategy outlines
11 our plan to safeguard freedom of the seas, deter conflict,
12 and promote adherence to international laws and standards.
13 It reaffirms our commitment to the principles found in
14 UNCLOS, and in accordance with this strategy and in pursuit
15 of these goals, Pacific Command's forces fly, sail, and
16 operate wherever international law allows, while continuing
17 to strengthen the relationships and rule of law that enabled
18 the peaceful rise of every nation in the region.

19 A fundamental factor in the feasibility of this new
20 strategy has been the rebalance to the Pacific. The
21 rebalance, initiated almost 4 years ago by President Obama,
22 set the conditions for the implementation of this strategy.
23 The rebalance strengthened treaty alliances and
24 partnerships, increased partner capacities and cooperation,
25 improved interoperability, and increased security

1 capabilities in the region. DOD's new maritime strategy
2 capitalizes on the momentum of the rebalance and continues
3 with its initiatives.

4 In executing the new maritime strategy, PACOM will
5 continue to employ the most advanced and capable platforms
6 as they are deployed or assigned to the Pacific; use the
7 forward presence of military forces to engage allies and
8 partners to deter aggression; reinforce internationally
9 accepted rules and norms, including the concepts of freedom
10 of navigation and innocent passage; train and exercise with
11 allies and partners to increase interoperability and build
12 trust; implement risk reduction mechanisms such as the Code
13 for Unplanned Encounters at Sea and the U.S.-China
14 Confidence Building Measures to help prevent accidents and
15 tactical miscalculations; and continue deepening alliances
16 and partnerships through strategic efforts in places like
17 Japan, Korea, Australia, Thailand, and the Philippines,
18 while building new and deeper relationships in places like
19 Singapore, India, Vietnam, and other likeminded friends and
20 partners.

21 Thank you for your continued support to USPACOM and our
22 men and women in uniform and their families who live and
23 work in the vast Asia-Pacific region. And I look forward to
24 answering your questions.

25 [The prepared statement of Admiral Harris follows:]

1 Chairman McCain: Well, thank you, Admiral.

2 Maybe I can begin with this news report out of Defense
3 One, Defiant Chinese Admiral's Message: South China Sea
4 Belongs to China. There was a gathering I think in London,
5 and there was Chinese and American and Japanese, as well as
6 other military leaders. And the admiral who commands the
7 North Sea fleet for the People's Liberation Army and Navy,
8 South China Sea is the name indicated as a sea area. It
9 belongs to China.

10 What is our response to that, Mr. Secretary?

11 Ambassador Shear: Thank you, Senator.

12 The Chinese have said that before. It was nothing new
13 for the admiral to have said that. If he was referring to
14 the area of the South China Sea demarcated by the so-called
15 nine-dash line, it is clear to us that that nine-dash line
16 is not consistent with international law, and we do not
17 recognize the Chinese claim to the area encompassed by the
18 nine-dash line.

19 With regard to our operations in that area, we sail and
20 we fly and we operate within that area on a daily basis.
21 And every time we do so --

22 Chairman McCain: You operate within that area, but you
23 have not operated within 12 miles of these reclaimed
24 features. Have you?

25 Ambassador Shear: We have conducted freedom of

1 navigation operations.

2 Chairman McCain: Have we gone within the 12 miles of
3 the reclaimed area? The answer I believe is no.

4 Ambassador Shear: We have not recently gone within 12
5 miles of a reclaimed area. However --

6 Chairman McCain: When was the last time we did?

7 Ambassador Shear: I believe the last time we conducted
8 a freedom of navigation operation in the South China Sea was
9 April of this year.

10 Chairman McCain: Within the 12-mile limit. Come on,
11 Mr. Secretary. I am very interested in the 12-mile limit
12 because if you respect the 12-mile limit, then that is de
13 facto sovereignty agreed to tacitly to the Chinese.

14 Now, have we or have we not operated within the 12-mile
15 limit in recent years?

16 Ambassador Shear: I believe the last time we conducted
17 a freedom of navigation operation within 12 nautical miles
18 of one of those features was 2012.

19 Chairman McCain: 2012, 3 years ago.

20 Ambassador Shear: I might add, Senator, if I may, that
21 freedom of navigation operations are one tool in a larger
22 toolbox that we are going to need to use in fixing this
23 issue. And we are in the process of putting together that
24 toolbox. And as we move forward, we are going to consider
25 freedom of navigation operations, along with a variety of

1 other options to ensure that both the Chinese and the region
2 understands that we can operate and we do operate anywhere
3 we can.

4 Chairman McCain: Then it seems to me that we ought to
5 do it because you see the area that has now been filled in.
6 Since the last time we operated within the 12-mile limit,
7 that number of acres has been dramatically increased, and we
8 have watched it and really -- well, the best sign of
9 respecting freedom of the seas is not to de facto recognize
10 a 12-mile limit, and the best way you can make sure that
11 that is not recognized is to sail your ships in
12 international waters, which it clearly is -- these are
13 artificial islands -- and pass right on by. And that then
14 puts the lie to the admiral who said the South China Sea is
15 -- he indicated it belongs to China. It does not belong to
16 China. It belongs to the international waterways. If
17 people are allowed to fill in islands and so, therefore,
18 then they are subject to a 12-mile limit. The best way to
19 prove that they are not is to go ahead and go in it. And we
20 have not done that since 2012. I do not find that
21 acceptable, Mr. Secretary. With all the other tools you
22 have in the toolbox, the most visible assertion of freedom
23 of the seas is to peacefully sail inside the 12-mile limit
24 of artificial islands, which in any version of international
25 law is not allowed to be sovereign territory of any nation.

1 Ambassador Shear: Well, I agree with you, Mr.
2 Chairman, that the South China Sea does not belong to China.
3 We have in recent years conducted freedom of navigation
4 operations in the vicinity of those features, and doing so
5 again is one of the array of options we are considering.
6 Chairman McCain: Well, it is an option that has not
7 been exercised in 3 years.
8 Admiral Harris, what do you feel about it?
9 Admiral Harris: Sir, I agree that the South China Sea
10 is no more China's than the Gulf of Mexico is Mexico's. I
11 think that we must exercise our freedom of navigation
12 throughout the region. And part of my responsibility as
13 the Pacific Command Commander is to give options to the
14 President and to the Secretary, and those options are being
15 considered and we will execute as directed by the President
16 and the Secretary.
17 Chairman McCain: I have gone over my time, but just
18 very quickly, Mr. Secretary, with respect to China, do you
19 agree with DNI Clapper's comments that the United States has
20 no effective policy to deter China in cyberspace? Last
21 week, he testified before the House Intelligence Committee.
22 The United States lacked, quote, both the substance and the
23 mindset of deterrence in cyberspace.
24 Ambassador Shear: I would refer to what the President
25 said last Friday when he stated that we can have a

1 competition in cyberspace with China or with other
2 countries, but we will win. And what we are seeking is
3 understandings.

4 Chairman McCain: Are we winning now?

5 Ambassador Shear: I agree with General Clapper that
6 deterring actions in cyberspace is very difficult.

7 Chairman McCain: Are we winning now?

8 Ambassador Shear: I think everybody knows that we have
9 the capability to --

10 Chairman McCain: You know, Mr. Secretary, we have
11 known each other a long time. I mean, are we winning now in
12 your view?

13 Ambassador Shear: I think it is too early to tell, Mr.
14 Chairman. We are doing our best.

15 Chairman McCain: Thank you.

16 Senator Reed?

17 Senator Reed: Well, thank you very much, Mr. Chairman.

18 And just to clarify the type of operations, have we
19 conducted flyovers of these artificial facilities recently?
20 When is the most recent flyover?

21 Ambassador Shear: I defer to the Admiral on that
22 question, sir.

23 Admiral Harris: Senator Reed, we have not conducted a
24 flyover -- a direct flyover -- overfly of any of the
25 reclaimed lands and territories that China has reclaimed

1 recently.

2 Senator Reed: That is another option that you have,
3 but you have not exercised that option.

4 Admiral Harris: You are correct, sir. We have a lot
5 of options that are on the table.

6 Senator Reed: Mr. Secretary, just stepping back a bit,
7 one of the things that is happening in China now is
8 extraordinary economic volatility, growth rates that are
9 being challenged, which if you have an insight, if you do
10 not, then let me know. But this economic -- and it may be
11 long-term. It may be just something that is cyclic. But is
12 it encouraging them or discouraging them when it comes to
13 these policies in the South China Sea? Your insight. Is it
14 something that -- you know, they felt several years ago that
15 they had sort of turned the corner, that their economic
16 power was so great that they could begin to move forward.
17 Are any of those questions being raised internally now in
18 China about their capacity? Or the alternative would be are
19 they going to double down because they have had economic
20 problems at home, and therefore, we can expect them to be
21 even more provocative? Any insights.

22 Ambassador Shear: Those are all extremely relevant
23 questions, Senator. I am not an economist and I am not an
24 expert on the Chinese economy, but I think to the extent
25 that the Communist Party relies on economic performance for

1 its legitimacy, then I would suspect it is very concerned
2 about recent overall economic performance. And I think we
3 have to be alert to the possibility that the Chinese might
4 use a problem in foreign affairs to distract people's
5 attention from their domestic problems.

6 On the subject of Chinese assertiveness, I think it is
7 only natural for a country like China that is growing in
8 wealth to turn to military modernization. I think Chinese
9 military modernization and the growth of their defense
10 budget has been extremely robust. We remain very concerned
11 about the pace of growth in the Chinese defense budget and
12 the lack of transparency and the overall effect that has on
13 regional stability. And, of course, as they modernize, one
14 would expect them to become more assertive abroad, and that
15 is just what we are doing and that is something that we are
16 addressing with this regional security strategy.

17 Senator Reed: Admiral Harris, as I indicated in my
18 opening remarks, there is concern about North Korea. In
19 fact, I recall when we met in Singapore, you expressed
20 significant concern. Can you just briefly give us your
21 latest update about North Korean activities? And also I
22 might add since China shares a border with North Korea, are
23 they at all being helpful or do they recognize the threats
24 that are posed by the regime in North Korea?

25 Admiral Harris: Senator, I believe, as I have said

1 before, that North Korea is the greatest threat that I face
2 in the Pacific as a Pacific Command commander. I think that
3 you have a leader in North Korea who has nuclear weapons and
4 is seeking the means to miniaturize them and deliver them
5 intercontinentally, and that causes me great concern. He
6 has got 20,000 to 30,000 artillery pieces within a range of
7 Seoul, amounting to several hundred thousand rockets that
8 place the 28,000 American troops plus their families and the
9 700,000 American citizens who live on the Korean peninsula
10 in danger. So I view the threat from North Korea very
11 seriously.

12 I think that China's influence on North Korea is
13 waning, or China does not have the influence on North Korea
14 that it had in the past. So that is also an area of
15 concern. There are many areas globally where we cooperate
16 with China, and one of the areas in the past where we have
17 received cooperation from China has been to mitigate the
18 behavior of North Korea. We are not seeing that today.
19 That causes me great concern.

20 Senator Reed: So one of the initiatives that we have
21 with the Chinese is not just checking their disregard for
22 international law of the sea, et cetera, but also reengaging
23 them to work together to face a very significant threat in
24 North Korea. Is that accurate?

25 Admiral Harris: You are correct, sir. I have been

1 very critical of Chinese behavior in the last 2 years, but I
2 have also been -- I have acknowledged where China has been
3 helpful. They have been helpful in removal of chemical
4 weapons from Syria, in the counter-piracy efforts off the
5 Horn of Africa, and the search for the Malaysia airliner
6 MH370 off of Australia, and the support to the Philippines
7 in the November 2013 typhoon that hit that country. So we
8 should acknowledge those good things that China has done.
9 At the same time, I would be critical and hold them to
10 account for those negative things they do.

11 Senator Reed: Mr. Secretary, do you have a quick
12 comment?

13 Ambassador Shear: Sir, if I may add to that. We
14 exchange views with the Chinese on North Korea regularly. I
15 did so in Beijing with my Chinese PLA counterparts just 10
16 days ago. The Chinese reiterated to me, as they have in the
17 past, that their influence with North Korea is limited,
18 particularly under the new regime. During the recent crisis
19 related to the North Korean provocation on August 4, it was
20 not clear to us that the Chinese had a lot of contact with
21 the North Koreans or were able to significantly influence
22 them.

23 Senator Reed: Are they worried about that?

24 Ambassador Shear: I think they are.

25 Senator Reed: Thank you.

1 Chairman McCain: Senator Inhofe?

2 Senator Inhofe: Thank you, Mr. Chairman.

3 Let us talk about assets, current and future. Admiral
4 Harris, one of the DOD lines of effort in our Asia-Pacific
5 maritime security strategy says by 2020, 60 percent of naval
6 and overseas air assets will be home-ported in the Pacific
7 region. Okay?

8 Now, when you say that, right now in terms of our
9 vessels, we have a fleet of 270. It should be 305. And you
10 are projecting now saying 60 percent of what it will be in
11 2020. What kind of figures are you looking at in
12 calculating that?

13 Admiral Harris: Senator, the numbers you cited are
14 correct. We have in the 270 range now, and by 2020, we
15 should have a little over 300 ships, around 310. So we are
16 talking 60 percent of actually a larger number, not a
17 smaller.

18 Senator Inhofe: A larger number that we would
19 anticipate would be available by that time, and I hope you
20 are right.

21 But, now, the source of those have to come up through
22 other commands. Is that correct? If you increase to 60
23 percent, you will have to be taking some assets away from
24 EUCOM, CENTCOM, and other commands. Correct?

25 Admiral Harris: Right. Those commands now have

1 assigned naval forces. Only the Pacific has forces that are
2 assigned to the Pacific Command.

3 Senator Inhofe: But they are using those assets.

4 Admiral Harris: That is correct.

5 Senator Inhofe: And are you coordinating with those
6 when you make these assumptions and predictions as to what
7 we should be doing in 2020 with the combatant commanders?

8 Admiral Harris: Yes, sir. And as I have said before,
9 the world gets a vote. And so activities in Russia or other
10 places could draw assets away.

11 Senator Inhofe: Yes, I understand that.

12 Admiral Harris: But 60 percent of the Navy's
13 combatants will be based in the Pacific at large by 2020.

14 Senator Inhofe: Admiral Harris, you have been around
15 for quite awhile. You might remember what I refer to,
16 sometimes not too affectionately, the Battle of Vieques.
17 And at that time -- that was during the Clinton-Gore
18 administration. And at that time, the only place that we
19 could identify in the world for integrated training was the
20 Island of Vieques. And you might remember that we had this
21 big fight right here in this room. I will never forget it.
22 It was primarily driven by Vice President Gore to do away
23 with the live range down there.

24 Now, interestingly enough, those things that we said
25 were going to happen to Roosey Roads and other assets there

1 became a reality, and now they are begging us to come back.

2 But nonetheless, the point I am making is I went all
3 over the world looking for areas where you can have this
4 kind of integrated training. Where are we today in terms of
5 our areas that we have available to us for the type of
6 training that you have to have?

7 Admiral Harris: Senator, in the Pacific, we have
8 integrated ranges. In Hawaii, the Pacific missile range
9 facility is one of the finest in the world. In Guam. And
10 we are building new range facilities in the Guam operating
11 area. But these ranges, as you said, are vital to our
12 ability to train. And we are working with the countries
13 involved, the states involved, and environmentalists that
14 are involved in order to do this in the right way to satisfy
15 all of the constituencies that are there and get our
16 training done.

17 Senator Inhofe: Okay. You talked, Secretary Sheer, a
18 little bit about some of our exercises that we have out
19 there. RIMPAC is one of the big ones. 22 nations were
20 involved in that, 49 surface ships, 67 marines, 2,200
21 aircraft, some 25,000 personnel. It is a great exercise. I
22 understand that. Do we have the assets now to continue that
23 type of exercise for the near future?

24 Ambassador Shear: I believe we do, sir. You are
25 absolutely right that RIMPAC is a vital and important

1 exercise not only for the U.S. but for the region. And we
2 believe we have the resources we need to continue conducting
3 that.

4 Senator Inhofe: Well, I would hope that would be the
5 case.

6 Thank you very much, Mr. Chairman.

7 Chairman McCain: Senator Shaheen?

8 Senator Shaheen: Thank you, Mr. Chairman.

9 And thank you both for testifying today.

10 Admiral Harris, in your testimony, you point out that
11 we insist that all maritime claims be derived from naturally
12 formed land features in accordance with international laws
13 reflected in the Law of the Sea Convention. Are we in any
14 kind of a disadvantage because we have not been a signatory
15 to the Law of the Sea Convention?

16 Admiral Harris: Senator, I believe we are at a
17 disadvantage because we do not have the moral high ground
18 that other countries who are signatories, including China
19 and Russia, have. So when China makes these outrageous
20 claims in the South China Sea, and the Philippines, for
21 example, challenges one of those claims in the international
22 tribunal for Law of the Sea, and we support the Philippines
23 right to make that claim, at the same time we are not a
24 signatory. So that looks kind of strange.

25 When Russia makes these outrageous claims in the Arctic

1 region in the Arctic Circle, and they tell us you have no
2 standing on which to complain because you are not a
3 signatory to the Law of the Sea, it puts us at a
4 disadvantage.

5 Senator Shaheen: Thank you. I certainly agree. I
6 would hope that we would reevaluate our position and become
7 a signatory with most of the rest of the world of the Law of
8 the Sea Convention.

9 Senator Reed raised the threat from North Korea.
10 Secretary Shear, earlier this year, Admiral Gortney assessed
11 that North Korea has the ability to launch an
12 intercontinental ballistic missile that could be capable of
13 hitting the U.S. from a mobile launcher, and we saw right
14 before Secretary Carter visited Japan that they launched two
15 short-range missiles. You talk about China and their waning
16 influence with North Korea. Are there other measures that
17 we ought to be taking with respect to North Korea? And
18 should we have any sense of optimism about the recent
19 overtures between North and South Korea where they seem to
20 be talking a little more?

21 Ambassador Shear: Thank you, Senator. That is an
22 important question.

23 We certainly support the efforts by the North and South
24 to conduct senior-level dialogue. As with past efforts to
25 conduct such dialogue, I think we need to be very cautious

1 in how we view the prospects. But I view this current
2 effort to be a direct outcome of the very robust position
3 the ROK took in negotiations with the North at Panmunjom to
4 resolve the issue precipitated by the North Korean
5 provocation of August 4th. So I think it is very important
6 that they have embarked on this effort, but we are just
7 going to have to be very cautious. We support the ROK very
8 strongly in these effort.

9 More generally, our approach to North Korea is a
10 combination of diplomacy and pressure, and as we go forward
11 toward a possible North Korean missile launch, for example,
12 we are going to be engaging our Six Party partners, and we
13 are going to be considering what extra pressure we might put
14 on North Korea should they decide to conduct that missile
15 launch.

16 Senator Shaheen: And I assume you do not want to talk
17 publicly about what those additional pressures might be?

18 Ambassador Shear: Well, we put a great many sanctions
19 on North Korea, and further sanctions would be one
20 possibility.

21 Senator Shaheen: Did you want to add anything, Admiral
22 Harris?

23 Admiral Harris: Sure, Senator. I will just add that I
24 think the key is to be ready for all outcomes regarding
25 North Korea from a position of strength. So I tend to be a

1 pessimist when it comes to dealing with the capabilities of
2 other countries. So, again, it is best to be cognizant of
3 all outcomes, and that is why things like ballistic missile
4 defense are important and we strengthen South Korea's
5 ability in their BMD systems. And I personally believe the
6 THAAD on the peninsula is important as well, the terminal
7 high altitude missile defense system.

8 Senator Shaheen: There has been a lot of discussion
9 today and earlier this year. Admiral Roughead, for example,
10 noted that for the last decade, the U.S. has flown with
11 impunity in Iraq and Afghanistan with no threat to anti-air
12 weapons. He noted that our capabilities to do that will be
13 threatened in the future as China has been able to field
14 more capabilities.

15 I guess I would first say do you agree with that
16 assessment. And then can you talk about what that new
17 technology that China is developing and our ability to stay
18 ahead -- how that is going to be affected by sequestration?
19 I do not know which one of you wants to --

20 Admiral Harris: Well, I will start. China fields a
21 very modern military and they are growing in capability and
22 capacity. We have a technological edge over them in almost
23 every way, if not in every way. I am confident in our
24 ability to take the fight to China, if it should come to
25 that, and I certainly hope it does not.

1 That said, we have to maintain that technological edge,
2 and they are growing in their technological capability and
3 that is of concern to me. I think we need to have fifth
4 generation fighters, for example, and we need to have a lot
5 of them. That is the Joint Strike Fighter, the F-35. And
6 we need to continue to upgrade our fourth generation
7 fighters with fifth generation capabilities because we have
8 a lot of them, and I think that is important.

9 Senator Shaheen: And, Secretary Shear, I know I am out
10 of time, but you just may want to add what you think, if
11 cuts go back into effect for fiscal year 2016, what that
12 would do to our ability to continue to have that technology.

13 Ambassador Shear: Well, we are certainly concerned
14 about the possible effects cuts may have both on current
15 operations and our ability to develop the new technologies
16 we need to maintain our military dominance in the region.
17 That is something that Secretary Carter is extremely
18 interested in. Our defense innovation initiative is
19 designed to develop those capabilities we are going to need
20 to counter area access and denial strategies and to maintain
21 our security already in the region. So we are committed not
22 only to deploying our best capabilities to the region now.
23 We are committed to devising the technologies we need to
24 maintain our edge.

25 Senator Shaheen: Thank you.

1 Thank you, Mr. Chairman.

2 Chairman McCain: Senator Ernst?

3 Senator Ernst: Thank you, Mr. Chair.

4 Thank you, gentlemen, for being here today. We
5 appreciate it very much.

6 It was reported earlier this week that Japan will be
7 providing \$832 million in infrastructure aid to Vietnam and
8 another \$1.7 million worth of ships and equipment to them as
9 well to help counter the rising of China. So I am very glad
10 that our allies are improving their relationships to counter
11 the Chinese aggression. Both Japan and Vietnam are key
12 allies for us here in the United States, and developing that
13 strong security and economic partnership with both Japan and
14 Vietnam will allow us to better check China's aggression in
15 that region.

16 So for both of you, if you would, please, how will this
17 new agreement between Vietnam and Japan improve that
18 security situation in that region and also, under the
19 Southeast Asia Maritime Security Initiative, what
20 specifically is the Department doing to build partner
21 capacity and capability in Vietnam and in other Southeast
22 Asia nations?

23 Ambassador Shear: Thank you, Senator. That is a great
24 point.

25 We strongly support Japanese efforts to coordinate with

1 us in building partner capacity, particularly with countries
2 like Vietnam, the Philippines, and probably in the future
3 Malaysia. This is something that I worked on with my
4 Japanese colleagues while I was Ambassador in Hanoi, and I
5 am delighted to see that it has come to fruition for the
6 Japanese side.

7 And we are interested in taking similar actions, as you
8 state, in our maritime security initiative which is in the
9 fiscal year 2016 NDAA. That is a 5-year, \$425 million
10 program, and we greatly appreciate the committee's support
11 on this effort. Under that initiative, we hope to not only
12 improve physical capacity of our partners in, say,
13 providing, for example, coast guard vessels, but we want to
14 improve their institutional capacity. We want to improve
15 their sustainability, and that is something very important
16 with the Philippines. We want to improve their
17 professionalism. So this would be a very broad program
18 designed to raise the level particularly of the maritime law
19 enforcement capabilities of our partners in the region.

20 Admiral Harris: Senator, I was in Vietnam in my
21 previous assignment as the Pacific fleet commander, and I
22 just returned from the Philippines a few weeks ago.

23 I welcome Japan's overtures and their efforts to
24 improve the capacity of both countries, Vietnam and the
25 Philippines. I think Vietnam presents an ideal opportunity

1 for us as we work more closely with them. I think that that
2 is another indication of the response of the region to
3 China's bad behavior in the South China Sea where countries
4 that previously were at odds with us or actually leaders of
5 the non-aligned movement are now coming to us for assistance
6 and are opening themselves up to us. And that is one of the
7 costs that China has to bear for its bad behavior in the
8 South China Sea region.

9 Senator Ernst: Very good. Thank you.

10 And you have mentioned, both of you, the Philippines
11 several times, and they have proven to be a great ally,
12 whether it is the global war on terror, hurricane
13 humanitarian relief efforts, and so forth. Are there
14 specific steps that we can take or should be taking with the
15 Philippines at this time to further develop those
16 relationships?

17 Ambassador Shear: You are right, Senator. More can be
18 done. When the President was in Manila last year, he stated
19 publicly that our commitment under the mutual defense treaty
20 to the Philippines is ironclad, that no one should have any
21 doubt about the extent of our commitment under that treaty.
22 And we are working with the Philippines both in terms of --
23 we are already working with the Philippines, even before we
24 implement the maritime security initiative, to increase
25 their capabilities to train and operate with them and to

1 overall strengthen their ability to resist Chinese coercion.

2 Senator Ernst: Thank you, gentlemen, very much.

3 Thank you, Mr. Chair.

4 Chairman McCain: Senator Hirono?

5 Senator Hirono: Thank you, Mr. Chairman.

6 And thank you, gentlemen. Admiral Harris, thank you so
7 much for the briefing you gave me last month in Honolulu.

8 You mentioned, Admiral, that North Korea is the
9 greatest threat that you face as Pacific Commander, and you
10 noted that China's influence in North Korea is waning. Is
11 there another country, i.e., Russia, that is stepping into
12 this vacuum in relationships with North Korea?

13 Admiral Harris: Senator, I do not know of any Russian
14 overtures with North Korea other than what I have read in
15 open sources where they have always had some relationships
16 with them because of their histories.

17 But I believe that today the greatest threat I face is
18 North Korea. But North Korea today in my opinion is not an
19 existential threat to the United States as Russia is. In
20 the Pacific, as you know well, Russia has a long coastline.
21 They have at least two major naval basis, including one for
22 their ballistic missile submarines, two major air bases, and
23 then a host of smaller operating bases in the Pacific. So
24 these are things that I worry about as I look at the panoply
25 of threats that the United States faces in the Pacific.

1 Senator Hirono: And, Secretary Shear, we read recently
2 that the Russians have recently approved significant
3 infrastructure projects in what the Japanese call the
4 "Northern Territories." And there have been numerous visits
5 to these remote locations by Russian leaders. So they are
6 becoming active in that part of the world, not to mention in
7 the Arctic.

8 And I do share the concern that Admiral Harris raised
9 that we are at a disadvantage by not being signatories to
10 the Law of the Sea. Would you share that assessment?

11 Ambassador Shear: I agree with you, Senator, on the
12 importance of ratification of the Law of the Sea. I agree
13 with the Admiral on his assessment of Russian activities in
14 the Asia-Pacific. And let me stress that our maritime
15 strategy is designed to encompass Russia, as well as China,
16 as well as other challenges in the region.

17 Senator Hirono: What do you make of Russia's
18 activities in the Northern Territories? Is this for our
19 domestic consumption, or does it have further reaching
20 consequences?

21 Ambassador Shear: Well, I confess, Senator, that I am
22 not familiar with all the details on the kinds of
23 infrastructure that Russia is building in the Northern
24 Territories, but we support the Japanese claim to the
25 Northern Territories. And we would be concerned if the

1 Russians used this infrastructure to further militarize or
2 to bolster their military strength in the region.

3 Senator Hirono: Admiral Harris, I was in Okinawa last
4 month because, of course, part of the Indo-Asia-Pacific
5 rebalance to this part of the world involves closing our
6 Futenma facility. And most recently on Monday, Governor
7 Onaga of Okinawa Prefecture proclaimed the he will proceed
8 with canceling the landfill permit required for developing
9 the alternative facility in Henoko. So for both of you,
10 what does this proclamation mean for the Government of Japan
11 and the Futenma replacement facility project that we need to
12 get on with?

13 Admiral Harris: Senator, we have a longstanding
14 treaty, mutual security treaty, with Japan. And our
15 obligation in that treaty is to provide the security for
16 Japan. One of Japan's obligations under that treaty is to
17 provide us bases from which to operate and do that. Okinawa
18 is critical to our ability to defend Japan and our posture
19 in the Asia-Pacific region. It is a Japanese national
20 effort and a decision whether to override or overcome
21 Governor Onaga's objections to the Futenma replacement
22 facility. And they are working on that and I have
23 confidence that they will achieve their national aims
24 because that is their obligations under the treaty for us.

25 Ambassador Shear: If I may add to that briefly,

1 Senator. We greatly appreciate the support the Government
2 of Japan has given to the effort to find a replacement for
3 the Futenma facility. We appreciate their effort to get
4 construction going for the Futenma replacement facility, and
5 we were glad this week when we were informed by the Japanese
6 Government that construction-related activities have begun
7 at the Henoko site for the Futenma replacement facilities.

8 Senator Hirono: So while there may be delays as a
9 result of the Governor of Okinawa's actions, you expect that
10 the Japanese Government will continue to proceed with the
11 replacement facility.

12 Ambassador Shear: I do, Senator. And I want to stress
13 that as we move forward on construction of the Futenma
14 replacement facility, we, of course, as we always do, will
15 continue to consider Okinawan sensitivities with regard to
16 the general issue of our presence and our operations in
17 Okinawa.

18 Senator Hirono: Thank you.

19 Thank you, Mr. Chair.

20 Chairman McCain: Senator Lee?

21 Senator Lee: Thank you, Mr. Chairman.

22 And thank you, Admiral Harris and Ambassador Shear, for
23 all you do. Thanks for being here to answer our questions.

24 Admiral Harris, you have said that we need to ratify
25 the Law of the Sea Treaty in order to acquire some type of

1 moral high ground particularly relative to Russia and China.
2 I am having a hard time seeing why it is that a country like
3 the United States that has used its power, its blood, and
4 its treasure to protect navigation all over the world for
5 200 years has to, in order to gain some moral high ground,
6 ratify this particular treaty. Can you help me understand
7 that?

8 Admiral Harris: Sure, Senator.

9 The lack of signing the treaty does not affect our
10 ability to be the strongest nation on the earth, but the
11 lack of signing that treaty puts us at a disadvantage in
12 discussions with most of the other countries of the world
13 that have signed the treaty and moral standing, if you will.
14 So we lose nothing by signing off on the treaty, but we lose
15 a lot by not signing it.

16 Senator Lee: What is the "it" that we lose? And part
17 of what I would ask in connection with that, you know, one
18 of the claims is that it might help us solve the South China
19 Sea territorial disputes. But all the nations in the South
20 China Sea, including China, that have coastline along the
21 South China Sea are members of the treaty. They are all
22 parties to the treaty. The Philippines has brought a
23 lawsuit against China under the treaty, and China, as I
24 understand it, has basically ignored it. So how does that
25 mean that this fixes the problem if we suddenly ratify the

1 treaty?

2 Admiral Harris: Well, I do not think it would suddenly
3 fix the problem, but as you said, the Philippines has
4 brought a case against China in The Hague in the
5 International Tribunal for Law of the Sea on two issues:
6 one, on the veracity of the nine-dash line claim itself.
7 And then the second issue is whether the tribunal has
8 jurisdiction to even judge that case. And we have supported
9 the Philippines' right to take the claim to the
10 international tribunal, and in fact, we have praised them
11 for doing so. And yet, we are not a signatory to the treaty
12 itself.

13 And if you shift to the Arctic, if you look at the
14 outrageous claims that Russia has made in the Arctic Ocean,
15 they are making those claims under their interpretation of
16 the Law of the Sea Convention. And when we criticize them
17 for those claims, they say that we have no standing to do
18 so. And I would submit that most of the rest of the world,
19 who also has signed off on the treaty, would probably share
20 that opinion or at least part of it.

21 On the other side, we have agreed as a policy to follow
22 the precepts in the United Nations Commission on the Law of
23 the Sea. So we have that for us, but we are not a signatory
24 to it.

25 And, again, I would say that in my opinion we lose

1 nothing by signing it and we lose a lot of moral high
2 groundedness, if you will, by not signing it.

3 Senator Lee: But if we are following the precepts in
4 the treaty, notwithstanding the fact that we have not
5 ratified it and we, therefore, are not formally a party to
6 it, I struggle with how that changes the moral high ground,
7 particularly when I do not think there is any country on
8 earth that has a greater claim to moral high ground,
9 particularly when it comes to navigational issues, when it
10 comes to naval issues, than the United States, which for 200
11 years has kept shipping lanes open and safe.

12 Can you tell me what navigational rights, if any, does
13 the Navy lack today that it would suddenly have if we were
14 to ratify that treaty?

15 Admiral Harris: Sir, the Navy would lack nothing
16 whether we ratify the treaty or not. The United States
17 would gain standing by signing off on the treaty.

18 Senator Lee: And how would that standing benefit us in
19 a material way relative to our interests in that part of the
20 world?

21 Admiral Harris: Well, in some cases, under the -- the
22 convention sets up a framework for ocean exploration, for
23 example, and it says that -- we will not get into some of
24 the real particulars -- you go out to 200 miles and that is
25 your exclusive economic zone, and then out beyond that is

1 the open ocean zone, if you will. And there are American
2 companies today that will not explore out in that region
3 beyond the 200-mile exclusive economic zone because they are
4 not sure whether any competing claim will have an effect on
5 them or whether they will lose in this international
6 tribunal or other places. So I think that we lose an
7 economic opportunity by not signing off on the treaty
8 because it places in jeopardy the legal question, not the
9 military or the strength question, but it places in jeopardy
10 the legal question of what happens out beyond the exclusive
11 economic zone. For our companies, they will gain an
12 economic benefit from that.

13 Senator Lee: I see my time is expired.

14 I do not doubt the sincerity of your feelings on this.
15 I would take issue with one aspect of what you said, though,
16 that regardless of what benefits you might see from this, I
17 would not say that signing onto a treaty is without any cost
18 on our part without us giving up anything particularly,
19 whereas here the treaty sets up a system that would, however
20 incrementally, erode our national sovereignty.

21 Thank you, Mr. Chairman.

22 Chairman McCain: Senator Nelson?

23 Senator Nelson: Gentlemen, thank you for your public
24 service.

25 Admiral, where we have had the near misses in the 200-

1 mile area that China is challenging us both in ships and in
2 airplanes, we have successfully avoided those near misses
3 where they have challenged us. Do you want to give us some
4 insight into what your instructions are to our pilots and
5 our ship captains with regard to those kind of incursions?

6 Admiral Harris: Sure, Senator. What I have told the
7 component commanders, the Pacific fleet and Pacific air
8 forces, to tell their pilots and crews to do is to continue
9 to insist on our right to operate in international airspace
10 and in maritime space. When challenged by Chinese fighter
11 aircraft, our aircraft are to maintain professional flight
12 profiles, predictable flight profiles, and we have means to
13 record that activity and then we will see what happens. So
14 the last time we saw a very dangerous event was in the
15 middle of last year where the Chinese flew an aircraft over
16 a P-8. They did a barrel roll over the top, which is a
17 dangerous maneuver in acrobatic circles let alone in an
18 intercept regime in the open ocean. And we most recently
19 have seen that again. But I will give the system credit.
20 For that intervening period of time, we have seen very few
21 dangerous activities by the Chinese following that August
22 2014 incident. And I think that is a tribute to the mil-to-
23 mil relationship and the political relationship where we
24 have worked with the Chinese to come to an agreement on the
25 maritime and in the air spaces for confidence building

1 measures.

2 Senator Nelson: Well, that is good news.

3 Now, is it going to be all the more strained given the
4 200-mile out from the China area? But now when you look at
5 that map where they are filling in all of those islands and
6 now they are claiming almost that entire ocean as theirs,
7 are we going to see more and more of these incidents well
8 beyond their 200-mile limit?

9 Admiral Harris: Certainly the potential exists for
10 more incidents. If they finish building the airfields, of
11 which there is one there on Fiery Cross Reef on the side and
12 up to two additional airfields of 10,000-foot length, then
13 that gives me great concern in the South China Sea. You
14 know, if you look at National Airport, for example, National
15 Airport is only 6,700 feet long, capable of landing any
16 commercial airplane that we have, and China is building
17 three runways of 10,000 foot length, which is only 1,000
18 foot shorter that would be required to land the Space
19 Shuttle. So I think that that gives me great concern
20 militarily.

21 And they are also building deep water port facilities
22 there, which could put their deep water ships, their
23 combatant ships there, which gives them an extra capability.

24 And if you look at all of these facilities and you can
25 imagine a network of missile sites, runways for their fifth

1 generation fighters and surveillance sites and all of that,
2 it creates a mechanism by which China would have de facto
3 control over the South China Sea in any scenario short of
4 war. And these are obviously easy targets in war. They
5 will be what we call in the military "grapes," if you will.
6 But short of that, they pose a -- militarization of these
7 features poses a threat, and certainly it poses a threat
8 against all other countries in the region.

9 Senator Nelson: And speaking of those countries, to
10 what degree are they vigorously stepping up with us to
11 object to that kind of stuff?

12 Admiral Harris: Well, I think they are stepping up to
13 the limits of their capabilities. And so if you look at the
14 Philippines, for example, they are doing it in probably the
15 best way. They are taking it to an international tribunal
16 for adjudication. I do not know how the tribunal is going
17 to act or decide, and if they decide in the Philippines'
18 favor, as Senator Lee said, I do not know if China is going
19 to follow that. But it puts China in a quandary if the
20 international tribunal rules against China and China is a
21 signatory to UNCLOS. So it gives the Philippines at least a
22 moral high ground to make a claim.

23 The other countries are doing what they can also. You
24 know, Chinese behavior in the South China Sea has enabled us
25 to have a closer relationship with Vietnam, Indonesia, and

1 Malaysia, and I think that is very important. And those are
2 costs that China is having to expend because of its bad
3 behavior in the South China Sea.

4 Ambassador Shear: Sir, if I could just reinforce what
5 the admiral just said. I, of course, share the admiral's
6 concern about the military implications of Chinese
7 activities in the South China Sea. And that is why we are
8 calling for a halt to further reclamation, a halt to
9 construction, and a halt of further militarization of those
10 facilities. The Chinese have not yet placed advanced
11 weaponry on those features, and we are going to do
12 everything we can to ensure that they do not. This is going
13 to be a long-term effort. There are no silver bullets in
14 this effort. But we are certainly complicating Chinese
15 calculations already.

16 And if you pull back for a minute and look at our
17 goals, which include safeguarding freedom of navigation and
18 deterring coercion, I think we have made some gains in both
19 these areas. We continue to operate freely in the South
20 China Sea and we continue to prevent the Chinese from
21 coercing our allies and partners into concluding deals that
22 are not in their interests and not in our interests with
23 regard to claims in the South China Sea.

24 Chairman McCain: That we freely operate in the South
25 China Sea is a success? It is a pretty low bar, Mr.

1 Secretary.

2 Senator Sullivan?

3 Senator Sullivan: Thank you, Mr. Chairman.

4 And thank you, gentlemen, for your service.

5 I think it is clear just from the testimony here and
6 previous statements that we have a confused policy within
7 the South China Sea with regard to the built-up islands.
8 And as you know, confusion can cause miscalculations. Let
9 me just give you kind of the one example of it.

10 We were in Singapore for the Shangri-La Dialogues, the
11 Secretary and Senator Reed, Senator Ernst, the chairman.
12 Secretary Carter I thought had a forceful statement at the
13 time. You know it, we have seen it. We will fly, sail
14 anywhere. And then he stated, quote, after all, turning an
15 underwater rock into an airfield simply does not afford the
16 rights of sovereignty or permit restrictions on
17 international air or maritime transport. A pretty strong
18 statement in a very critical place.

19 Admiral Harris, you later stated I think at the Aspen
20 Forum it is U.S. policy to afford a 12-mile limit around all
21 the islands that are in the South China Sea, and it has been
22 longstanding policy not because they are occupied or built
23 up by China, but just in general. So to me that is a
24 dramatic contrast. You have the PACOM Commander saying
25 something very different than the Secretary of Defense.

1 That is confusion.

2 We obviously have three policymaking centers going on
3 here, the uniformed military, DOD civilians led by Secretary
4 Carter, and the White House. In your professional opinion,
5 Admiral Harris, should we sail or fly inside the 12-mile
6 area with regard to those islands as Secretary Carter stated
7 we should?

8 Admiral Harris: Senator, I believe that there is only
9 one policymaking center, not three, and that runs through
10 the Secretary of Defense and the President.

11 Senator Sullivan: No, but I am asking your
12 professional opinion as a military --

13 Admiral Harris: And I believe that we should exercise
14 -- be allowed to exercise freedom of navigation and maritime
15 and flight in the South China Sea against those islands that
16 are not islands.

17 Senator Sullivan: Inside the 12-mile limit.

18 Admiral Harris: Depending on the feature.

19 Senator Sullivan: What about that one?

20 Admiral Harris: That one, yes.

21 Senator Sullivan: Have you or Secretary Carter asked
22 the White House for permission to do that?

23 Admiral Harris: Senator, I have given policy options
24 -- military options to the Secretary, and I would leave it
25 to the Secretary or the Ambassador to address --

1 Senator Sullivan: What has the White House said when
2 you have asked permission to go within the 12-mile zone of a
3 feature like that?

4 Ambassador Shear: Senator, PACOM, along with the
5 Department of Defense, are options-generating institutions,
6 and the Secretary is particularly interested in options with
7 regard to the South China Sea in general.

8 Senator Sullivan: But I just asked a simple question.
9 What did the White House say if you asked for permission to
10 go within inside the 12-mile limit? What did the White
11 House say?

12 Ambassador Shear: Conducting that kind of freedom of
13 navigation operation is one of the operations we are
14 considering.

15 Senator Sullivan: You are not answering my question.
16 Did you ask the White House for permission to do this, and
17 what did they tell you?

18 Ambassador Shear: Sir, I am not able to discuss
19 current policy deliberations, but I can assure you that that
20 is one of the options that the administration is
21 considering.

22 Senator Sullivan: Okay. I appreciate you just
23 answering the question.

24 Ambassador Shear: Again, I am just not able to go into
25 the details of policy --

1 Senator Sullivan: Well, I think when the Secretary of
2 Defense makes a definitive statement like that at a very
3 important meeting of defense ministers in Asia and then we
4 do not follow up on it, it undermines our credibility. And
5 that is something that we cannot afford anymore. Our
6 credibility is undermined everywhere in the world, and we do
7 it here.

8 It would be good if you could give me an answer to that
9 question. You are obviously dodging it right now.

10 Ambassador Shear: Sir, I would be delighted to give
11 you the best possible answer, and I think that is that I am
12 just not able to --

13 Senator Sullivan: I want to turn real quick to the
14 Alaska incident that the chairman mentioned. I thought our
15 reaction was almost -- it was immediate. It was muted. It
16 was almost apologetic relative to the way the Chinese
17 respond when we come within 12 miles of one of their
18 islands.

19 The President of the United States was in Alaska at the
20 time. Do you believe that that was a coincidence that he
21 was there, or do you believe that was a provocation that the
22 Chinese were aggressively off the coast of Alaska when the
23 President of the United States was visiting?

24 Ambassador Shear: Well, I am not in a position to
25 describe Chinese thinking on this, but --

1 Senator Sullivan: What is our analysis, either of you,
2 from your perspective?

3 Admiral Harris: Senator, they were conducting an
4 exercise with the Russians in the northern Pacific. And I
5 believe -- my opinion -- is they went into the Bering Sea to
6 demonstrate their capability to operate that far north, and
7 then they decided to go home.

8 Senator Sullivan: Do you think it was timed to
9 coincide with the President of the United States --

10 Admiral Harris: No, I do not think it was -- my
11 opinion. I mean, I am not going into any intelligence
12 matters at all. They were having an exercise with the
13 Russians, and I think that exercise was long-planned. And
14 then they decided to go into the Bering Sea. They were near
15 there anyway. And then they turned south and headed home.
16 I think it was coincidental, but I do not know that for a
17 fact. And their transit south was an expeditious transit,
18 innocent passage through two Aleutian Islands. That is
19 their right to do under international law, as is our right
20 to do in international law wherever we operate.

21 Senator Sullivan: Thank you.

22 Mr. Chairman, I thought it was more of a provocation
23 and a demonstration of their interest in the Arctic. I am
24 not sure that this White House would recognize a provocation
25 if it was slapped in the face, and we need to be aware of

1 that. Thank you, Mr. Chairman.

2 Senator Reed [presiding]: Thank you, Senator Sullivan.

3 On behalf of the chairman, Senator Tillis.

4 Senator Tillis: Thank you, Senator Reed.

5 Admiral Harris, thank you for the time that I was
6 allowed to spend with you out in headquarters. We got a
7 very thorough brief, so I am not going to cover that ground,
8 but I appreciate it and I know that in your public
9 statement, or your opening statement, and in the
10 conversation you covered some of it.

11 But I do want to get back and maybe build on questions
12 that Senator Inhofe asked, and it had to do with the
13 rebalancing where we are going out and saying that we are
14 putting more assets as a percentage of the base into your
15 area of command. But we continue to miss the point that the
16 base is shrinking. So part of what I am trying to do is get
17 my head around a number of different variables that really
18 let us measure the gap between China and the United States
19 and our allies. You said when we were out there in the
20 briefing that quantity has a quality of its own, so that
21 right now we still continue to enjoy an advantage over the
22 Chinese in terms of the assets we have in the region.

23 When you start trending out to 2020 and beyond and you
24 take into account that they may have more ships but their
25 survivability does not compare to our own and the technology

1 onboard does not compare to our own, at what point does the
2 gap, if you were projecting assuming sequestration was going
3 to be in place -- I hope that that is not true, but let us
4 assume that we are and the current plans for downsizing. At
5 what point do we really reach a point to where it is a fair
6 fight or we may be at a disadvantage? I do not want us to
7 be in a fair fight, incidentally. So I want to know when it
8 is and then at what point does it erode to where we have a
9 quantitative or qualitative disadvantage against China.

10 Admiral Harris: Yes, sir. I am all for having unfair
11 fights, and I think that those fights out to be unfair in
12 our advantage. I believe that if we are continued to be
13 sequestered through 2021, 2022, and China continues the pace
14 of its building, that their quantitative advantage will be
15 significant in the mid-2020's.

16 Senator Tillis: To overcome our qualitative advantage?

17 Admiral Harris: I think we will always have a
18 qualitative advantage if we maintain the trajectory we are
19 on. We have better trained people, better equipment, and
20 all of that. But as you said, quantity has a quality all
21 its own. And their weapons systems and their ships and
22 airplanes bristle with weapons, and they probably view them
23 -- view the loss of those ships in a much different way than
24 we would view the loss of our ships and the sailors on them.
25 So I am worried about the pace of the Chinese buildup

1 against the likelihood or the possibility that we will
2 continue to be sequestered, and I think that will pose a
3 very real problem for us in the 2020's. And I think that we
4 should look at that very closely, sir.

5 Senator Tillis: Has there been work done to try and
6 put that on paper? It may not be appropriate for an open
7 setting, but to take into account our own unilateral
8 capabilities in the region, the added capacity of our
9 allies. That is another advantage that we share there. We
10 have allies. They do not really. But has there been
11 anything at that level that I can put my hands on to really
12 understand that and then the trending out into the mid-
13 2020's? Ambassador?

14 Ambassador Shear: I think with regard to China, we put
15 out the annual China military power report, and I think that
16 is a good measure of where the Chinese have been and where
17 they are going with regard to military modernization and
18 their capabilities.

19 Senator Tillis: Does that include a match-up against
20 our projected capabilities assuming sequestration and the
21 other policies that are the givens right now?

22 Ambassador Shear: It does not, sir.

23 Senator Tillis: That is more or less what I am talking
24 about to try and figure out where the gap is and where we
25 really have to sound the alarm that we are letting the

1 margin of advantage erode.

2 Admiral Harris: Senator, the U.S.-China Commission, a
3 body that is chartered by Congress, puts out an annual
4 report that is exceptional in reading about China's
5 capabilities. So I would commend that to you as well.

6 Senator Tillis: Thank you.

7 Admiral Harris: As far as the allies go, we have five
8 treaty allies in the Pacific of varying degrees of
9 capability, but whether they would be with us in every fight
10 is a matter for them to decide in the fight at hand. So
11 while I count the delta in numbers between us and China, I
12 try not to count the quantity of assets our allies have
13 because, depending on the situation at hand and their own
14 national decisions, we might have to fight alone.

15 Senator Tillis: Thank you.

16 And, Senator Reed, if I may. I do not think it came up
17 in the discussion, but either for the Ambassador or for
18 Admiral Harris, to what extent do you believe that the trade
19 agreement -- in this particular case, the TPP and the
20 partners there -- is another key part of our military
21 strategy down in the South China Sea and the Pacific?

22 Ambassador Shear: It is definitely a key part of our
23 strategy, Senator. The TPP is not just economically
24 beneficial, but it is strategic, and I think our partners
25 understand that. The Vietnamese certainly understand it.

1 When I was Ambassador in Vietnam through last year, the
2 Vietnamese had an acute understanding of the strategic
3 importance of TPP. And it will be one of the ways in which
4 we further knit together Southeast Asian integration and
5 ASEAN strength. Not all ASEAN members are TPP partners, but
6 TPP will certainly raise economic activity through the
7 region, and countries like Vietnam are among those TPP
8 partners which will benefit the most.

9 Senator Tillis: Thank you.

10 Senator Reed: Thank you, Senator Tillis.

11 I have been informed that some of our colleagues are
12 returning from a vote on the floor and would like to ask
13 questions. And that gives me the opportunity to ask a few
14 questions until they return.

15 So, Admiral Harris, we have spent a great deal of time
16 talking about the South China Sea, but India and Australia
17 are actually conducting joint maritime exercises in the
18 Indian Ocean, actually anti-submarine exercises, and
19 presumably that is because of the presence more and more
20 often of Chinese submarines in that area.

21 So can you describe these operations? Does this
22 represent another challenge to the existing security
23 arrangements in the area?

24 Admiral Harris: Senator, we are seeing Chinese
25 submarine deployments extend further and further, almost

1 with every deployment. It has become routine for Chinese
2 submarines to travel to the Horn of Africa region, the north
3 Arabian Sea in conjunction with their counter-piracy task
4 force operations. We are seeing their ballistic missile
5 submarines travel in the Pacific at further ranges. And of
6 course, all of those is of concern.

7 With regard to India and Australia, Australia is one of
8 our principal allies in the Indo-Asia-Pacific region,
9 certainly an ally with tremendous capability. India
10 presents a terrific opportunity for us, and one of the PACOM
11 lines of effort is an improved mil-to-mil relationship with
12 India. I am excited by the opportunities that we have with
13 India by the work that the Secretary of Defense has done and
14 Assistant Secretary of Defense Kendall has done with regard
15 to the DTTI, the defense initiative with India, to help them
16 build up their military and help them build an aircraft
17 carrier capability. So India presents a wonderful
18 opportunity for us. They share out values and our norms,
19 and one of my objectives is to improve that relationship
20 with India.

21 Senator Reed: This increased activity by China
22 submarines, both attack submarines and ballistic submarines
23 -- is that further stressing your submarine fleet in the
24 Pacific, those ships that are available to you?

25 Admiral Harris: It is. It is clearly stressing it.

1 And the new Russian submarines that are moving into the
2 Pacific fleet area -- their Pacific fleet area also places a
3 stress on limited assets that we have.

4 Senator Reed: So we have to continue, obviously, to
5 keep a robust submarine fleet, both attack submarines and
6 ballistic submarines.

7 Admiral Harris: Absolutely.

8 Ambassador Shear: Sir, I would like to --

9 Senator Reed: Please.

10 Ambassador Shear: If I may, I would like to add a
11 little more on India.

12 When President Obama was in India for meetings with
13 Prime Minister Modi in January, they issued a joint
14 strategic vision on the Indian Ocean and East Asia. And we
15 are in the process of devising ways of implementing that
16 joint strategic vision. I was in India through last
17 Saturday for discussions with my counterparts on how to
18 implement that vision. We already have a robust program, a
19 robust bilateral cooperation with the Indians. The admiral
20 mentioned DTTI. We also have a carrier cooperation working
21 group that has begun to meet. I think cooperation in
22 carrier technology and design, as well as in carrier
23 operations, offers us a terrific opportunity to improve our
24 ability to work with the Indians.

25 And we will be looking at other ways of strengthening

1 our partnership. We conduct an annual exercise, the Malabar
2 Exercise, in which we and the Indians have just decided to
3 include the Japanese. So that will be every year now. That
4 will be a strong trilateral exercise in the region. And we
5 are looking at other ways, particularly in maritime domain
6 awareness, to strengthen what we do with the Indians because
7 we have very strong common interests.

8 Senator Reed: Well, thank you, Mr. Secretary.

9 Just a further point -- I have Senator Ayotte. If she
10 is ready, I would be happy to yield.

11 Senator Ayotte: That would be great. If you want to
12 finish your questioning --

13 Senator Reed: No. Thank you. At this point, let me,
14 on behalf of chairman McCain, recognize Senator Ayotte.

15 Thank you, gentlemen.

16 Senator Ayotte: I want to thank the ranking member. I
17 appreciate it.

18 First of all, Admiral Harris, I want to thank you for
19 following through and visiting the Portsmouth Naval
20 Shipyard. I know that everyone at the shipyard was very
21 appreciative of your taking the time to see the incredible
22 work being done there on our attack submarine fleet. So
23 thank you. We are grateful.

24 I wanted to ask in follow-up on some of the questions
25 that you have been asked, Admiral. I think I understand

1 from the testimony you have given, but I want to make sure
2 that we are clear because I know that you have been asked
3 about the Asia-Pacific maritime security strategy, that
4 China's artificial islands could at most generate a 500-
5 meter safety zone and that, of course, the Department of
6 Defense had released a statement saying that these features
7 under international law do not generate any maritime zones
8 because you believe that they are not legitimate. What this
9 means in practice is that the Navy actually can, as you
10 know, sail its ships within 500 meters of these new land
11 masses without violating the law because they are not
12 legitimately there under international law.

13 So I wanted to understand. Is the Navy sailing within
14 500 meters of China's artificial islands at this point?

15 Admiral Harris: No, ma'am.

16 Senator Ayotte: And has the Pacific Command at least
17 sent Navy surface ships within 12 miles of China's
18 artificial islands?

19 Admiral Harris: We have not.

20 Senator Ayotte: So I guess the big question I think
21 many of us are trying to get at at this point -- and I do
22 not know, Admiral Harris, whether you or Ambassador Shear
23 are the appropriate person to answer the question. But why
24 not? Saying we are going to sail and fly where
25 international law permits and then not doing it I am

1 concerned leaves China with the impression that we are again
2 going to say something but not follow through on our
3 actions, and we are going to invite more aggression by the
4 Chinese with the activities they have been taking that are
5 in violation of international law and building these
6 artificial islands. So I wanted to get your answer to that.

7 Ambassador Shear: Let me elaborate a little on what
8 the admiral said. In recent years, we have challenged every
9 category of Chinese claim in the South China Sea, as
10 recently as this year. And we will continue to conduct
11 freedom of navigation operations in the South China Sea.

12 But let me be clear on this point. Freedom of
13 navigation operations are important for demonstrating our
14 rights under international law, but freedom of navigation
15 operation alone will not stop Chinese activities on these
16 features. Preventing the Chinese from further militarizing
17 those features is going to take a range of options,
18 including freedom of navigation operations, and we are in
19 the process of considering those options now.

20 Senator Ayotte: Admiral, did you want to add to that?

21 Admiral Harris: I will just add that PACOM presents
22 military options to the Secretary, and those options come
23 with a full range of opportunities in the South China Sea.
24 And we are ready to execute those options when directed.

25 Senator Ayotte: So you are waiting for, obviously, the

1 administration to make the call on that.

2 Admiral Harris: Well, I mean, the freedom of
3 navigation operation itself, as Ambassador Shear said, is
4 not a military-only device. It has a military component
5 obviously because the military executes it. But it has
6 other elements to it which are derived by the Secretary and
7 the White House. So we are waiting for direction, and I am
8 comfortable and confident that the options that we presented
9 are being considered equitably.

10 Senator Ayotte: Well, as I look at the situation,
11 though, I appreciate, obviously, Admiral, that PACOM -- as
12 the Commander, you would be waiting for direction from the
13 White House. But as I look at it, the Chinese have to be
14 looking at this situation saying the United States has
15 declared that under international law this is not legitimate
16 and that we have the right to, obviously, put our vessels in
17 these areas, but the Navy has not sailed within 12 nautical
18 miles of the Chinese artificial islands at this point. So I
19 think they get it both ways. So they are saying we are
20 saying one thing, but we are certainly not willing to
21 address where we have a free right to navigate. So I hope
22 that we follow up with our actions on our words on this,
23 otherwise I fear that the Chinese will continue their
24 actions because otherwise they think, hey, why not?

25 And my time is up, but I am going to submit for the

1 record, Admiral Harris --

2 Senator Reed: Senator, if you would like to take some
3 more time.

4 Senator Ayotte: Oh, thank you. I just had a follow-up
5 on a totally different topic. Thank you. I appreciate it.

6 I wanted to ask both of you on a different topic, which
7 is about our POW-MIA's and our recovery efforts. And this
8 is a very important issue. I know Senator McCain and
9 Senator McCaskill have been focused on this as well, and I
10 have been appreciative of working with them. But obviously,
11 the Department of Defense has reorganized its recovery
12 efforts and stood up the new Defense POW-MIA Accounting
13 Agency, the DPAA, in January of 2015, just the beginning of
14 this year. And one of the explicit purposes of this new
15 organization is to effectively increase the number of
16 missing service personnel accounted for from past conflicts.

17 So I wanted to ask -- of course, with your mission in
18 PACOM, this is incredibly important because of our fallen
19 heroes in the Asia-Pacific region including, according to
20 DOD, over 83,000 Americans are missing in action, 73,000
21 from World War II, 7,500 from the Korean War. And in New
22 Hampshire, we had someone who was able to welcome home the
23 remains of his uncle. And this really moved me because we
24 know how important it is to family members to have that kind
25 of closure. And also 1,600 from Vietnam, including 42 from

1 my State.

2 So, Admiral Harris, I know this came up in your advance
3 policy questions. Can you give me an update on how DPAA is
4 doing, what efforts we are taking? And if both of you could
5 let me know your commitment, as we look at this. China has
6 a very important role here in helping us recover our fallen
7 heroes. So could you help me on this?

8 Admiral Harris: Yes, ma'am. As you stated at the
9 beginning, the Joint POW Accounting Command, JPAC, the chain
10 of command was changed, and now it is DPAA. And the chain
11 of command -- now it no longer reports to PACOM. It reports
12 directly to an agency under DOD.

13 My responsibility as PACOM is to be in support of DPAA.
14 And the people in Hawaii who actually work at the facility
15 there, the DPAA facility now, are the same people, and I
16 think they are doing a great job. They just recovered a
17 bunch of remains in one of the Pacific island battles,
18 including the remains of a Medal of Honor recipient. And
19 PACOM's responsibility was to provide support for the
20 airlift and all of that. And I think that is a tremendous
21 effort by them.

22 I acknowledge the importance of going after every POW-
23 MIA case that is extant. I think China -- we need to
24 continue to work with China and with North Korea and the
25 other countries over which our fallen are from all the wars.

1 Senator Ayotte: One thing I wanted to also clarify,
2 Ambassador Shear -- and I appreciate, Admiral Harris, your
3 commitment to this -- is I understand we do have an
4 agreement that was formalized with the Chinese. But at this
5 point, we have been somewhat stymied of getting information
6 that they may have about Korean War POW camp records. And I
7 understand that Mr. Lennington, who is the director of the
8 DPAA, has or will be interacting with the Chinese
9 Government. And I wanted to know what efforts the
10 administration will be making in supporting his efforts to
11 facilitate that communication, as Admiral Harris says, to be
12 able to bring those, our soldiers, home.

13 Ambassador Shear: Ma'am, I strongly support the
14 efforts of the DPAA to make the fullest possible accounting
15 of our missing personnel. And as Ambassador to Vietnam, I
16 participated. I visited recovery sites. I participated in
17 recovery ceremonies. And as Assistant Secretary, I support
18 the efforts of the DPAA just as strongly. I am aware of
19 Director Lennington's efforts in regard to China more
20 broadly, and I support those efforts in discussions with my
21 counterparts.

22 Senator Ayotte: Thank you both for that commitment. I
23 appreciate it. We do not want to ever forget and make sure
24 that we can bring as much closure to our families and bring
25 our soldiers home.

1 Senator Reed: Thank you very much. Gentlemen, thank
2 you for your testimony this morning, and on behalf of
3 Chairman McCain, let me now adjourn the hearing. Thank you.

4 [Whereupon, at 11:41 a.m., the hearing was adjourned.]

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