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

Thursday, September 17, 2015

U.S. Senate  
Committee on Armed Services  
Washington, D.C.

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

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

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 bases, 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 that 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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