

THE PEOPLE'S REPUBLIC OF CHINA'S HIGH ALTITUDE SURVEILLANCE EFFORTS AGAINST THE UNITED STATES

THURSDAY, FEBRUARY 9, 2023

U.S. SENATE,
SUBCOMMITTEE ON DEPARTMENT OF DEFENSE,
COMMITTEE ON APPROPRIATIONS,
Washington, DC.

The subcommittee met at 10:15 a.m. in room SD-192, Dirksen Senate Office Building, Hon. Jon Tester (chairman) presiding.

Present: Senators Tester, Murray, Schatz, Baldwin, Collins, Murkowski, Moran, and Hoeven.

OPENING STATEMENT OF SENATOR JON TESTER

Senator TESTER. I want thank you all for being here today for this very important briefing. Before we get started, I want to welcome Susan Collins.

Senator, thank you for being here, I look forward to working with you. As the Vice Chair of this Committee, we have had a long working relationship, and we expect to do good things together.

Senator COLLINS. Thank you.

Senator TESTER. Before we get into this briefing, I want to start by setting the tone for what I hope can continue for the next 2 years. As I travel across my State every year, and meet with Montanans face-to-face, it doesn't matter if you are from a rural town, like the one I live in, or a college town, I always hear one thing, and that is: Why is Congress so divided? Last week was a sober reminder of just how petty and divided our politics have become.

Make no mistake about it, what China did last week was completely unacceptable and a real threat to American sovereignty, and it deserves a real response from a United America.

I was very discouraged by some of the responses from elected officials in the House and the Senate, decided this was a great opportunity to score some cheap political points and get attention on social media.

China is a real threat and one we need to take seriously, which is exactly why we are here today.

Senator Collins and I were in touch throughout the day last week when the news broke, we listened to each other, and we agreed, we need to take swift action to make sure China's reckless actions received real attention, not political talking points.

We are holding this briefing today because American public deserves to hear from the Department of Defense, not play politics

with the National Security. I do not care who is in the White House, we will always do our job, and we will always provide oversight. I trust that all of my colleagues here today recognize the importance of these jobs and need to work together to make sure that America is protected.

So do our briefers. I appreciate you all joining this committee on relatively short notice. The American people deserve answers about this Chinese spy balloon that was first publicly reported to be in the United States airspace above my home State of Montana. This is the first congressional meeting open to the public to examine what happened.

Montanans and folks all across this country value their freedom, they value their privacy. Those are American values, and China wants to destroy on their way to replacing us as the world's leading superpower.

I, along with many of my colleagues on this committee, have been ringing the alarm bell on Chinese aggression long before last week's news. And I will take on anyone to make sure China does not weaken our country.

That is why I am prepared to hold anyone accountable including the folks seated before this committee today, to get real answers. This Administration owes Americans answers, not only on what happened this past week, but also on what steps we are going to take to ensure that this never happens again.

That is why it is critical that we look forward and have appropriate practices in place to stop any future provocations from China, or any other foreign adversary.

We live in a time where our technological and defense capabilities are rapidly evolving. I, along with the rest of this committee, look forward to making sure these evolving capabilities are put to good use. That includes making sure that you, at the DoD (Department of Defense), get a budget that you need, on time.

Before you make your opening statements, I want to turn it over to Senator Collins for her opening statement.

STATEMENT OF SENATOR SUSAN M. COLLINS

Senator COLLINS. Thank you Mr. Chairman. Mr. Chairman, let me begin by saying how much I am looking forward to working very closely with you in my new position on this subcommittee.

And I want to thank you also for holding this important hearing on the brazen incursion into America's airspace by a Chinese surveillance balloon.

So let me begin by noting the obvious. This was not a harmless weather balloon somehow blown wildly off course, as the Chinese have claimed. This was a serious and blatant attempt by the Chinese to collect valuable data.

In fact, a sophisticated spy balloon such as this one provides certain advantages over high-tech satellites. A key element of the administration's calculus was to postpone shooting down the Chinese spy balloon resting upon the goal of avoiding undue risk to civilians on the ground.

However, it defies belief that there was not a single opportunity to safely shoot down this spy balloon prior to the Coast of South Carolina.

By the administration's logic we would allow the Chinese to fly surveillance balloons over the Pentagon, or other sensitive sites near populated areas. Obviously, every Administration has an obligation to protect Americans on the ground, but also to defend U.S. airspace against incursions by known foreign surveillance aircraft.

A related question involves the timeline for destroying the spy balloon. NORAD (North American Aerospace Defense) was tracking the balloon as it violated U.S. airspace over Alaska on January 28, yet deliberations with the President to shoot down the balloon apparently did not occur until 2 or 3 days later when it approached the lower 48 States.

As the Senator from Alaska would tell us all, Alaskan airspace is American airspace, period. This balloon could have been shot down; it seems to me, over remote areas in Alaska, or our territorial waters surrounding Alaska.

The best way to avoid conflict with China is for President Xi and the Chinese Communist Party to have no doubt regarding the resolve of the U.S. Government to defend our territory and our interests, as the Secretary of State has said repeatedly, this incursion violated American sovereignty, and international law.

In my judgment, U.S. deterrence was weakened when the spy balloon was permitted to transverse Alaska, and several other States including, hovering over sensitive Military bases and assets.

Finally, I shared the concerns that the Chairman has raised, that there was not a consistent answer. There was also not good communication between the administration and this committee. This incident highlights the ongoing and increasingly blatant threat to the United States posed by the People's Republic of China, which is a pacing threat not just for today but for the foreseeable future.

Ultimately, our subcommittee is responsible for making sure that the Department of Defense has the resources needed to keep America safe. Regarding previous balloons, it is alarming that NORAD and NORTHCOM (Northern Command) were apparently unaware of these incidents in real time. That exposes questions about whether there are unacceptable gaps in the Military's ability to detect and address potential airborne threats.

I look forward to hearing the testimony today, and to better understanding how the Department handled this surveillance, and how it will handle future violations of U.S. airspace.

Thank you, Mr. Chairman.

Senator TESTER. Thank you, Vice Chair Collins, for those comments.

We have four folks in front of us today. We have the Honorable Melissa Dalton who is Assistant Secretary of Defense for Homeland Defense and Hemispheric Affairs.

We have Jedidiah Royal, who is the Principal Deputy Assistant Secretary of Defense for Indo-Pacific Security Affairs.

We have Lieutenant General Douglas Sims II, who is Director for Operations for Joint Staff (J3).

And, we have Vice Admiral Sara Joyner, who is Director of Force Structure, Resources and Assessments, Joint Staff (J8).

Opening statements will be made by Melissa Dalton, and by General Sims.

Melissa Dalton, you may start.

**STATEMENT OF HON. MELISSA DALTON, ASSISTANT SECRETARY OF
DEFENSE FOR HOMELAND DEFENSE AND HEMISPHERIC AF-
FAIRS**

Ms. DALTON. Good morning, Chairman Tester, Vice Chair Collins, and Subcommittee Members. Thank you for convening this important roundtable this morning.

I know that the recent events surrounding the PRC's (People's Republic of China) high altitude surveillance balloon have directly affected a number of your States. I wanted to provide you with a brief overview of events before turning over to my colleagues, and answering any questions that you have.

The balloon entered our U.S. Air Defense Identification Zone and then airspace over Alaska, on Saturday January 28. It was over Alaska for a short period of time, and then flew over Canada. We continued to track and assess the balloon learning more about the PRC's capabilities and tradecraft.

On Tuesday, January 31, the balloon entered U.S. continental airspace. We were able to protect against PRC intelligence collection, which was straightforward since we knew where the balloon was.

The President was briefed that same day and through National Security Advisor, Jake Sullivan, directed the U.S. Military to refine and present options to shoot the balloon down.

The Military recommended taking the balloon down over water, waiting to do so had three benefits. First, it gave us additional time to observe the balloon, again assessing the PRC's capabilities and tradecraft. Simultaneously, we protected against intelligence collection, which again, was relatively straightforward since we knew where the balloon was.

Second, this allowed us to refine options and decrease the risk of debris causing harm to civilians. Please bear in mind, the balloon itself was 200 feet tall with a jetliner size payload. We consulted with NASA (National Aeronautics and Space Administration's) who analyzed and assessed the potential debris field that the balloon would create based on trajectory, weather, and the estimated payload.

And third, waiting to shoot the balloon down over water improved our prospects at recovery, which are ongoing. Throughout Wednesday and Thursday, we continued to track the balloon.

And then on Friday, February 3, President Biden was briefed on the execution of a plan to shoot down the balloon once over water. This plan included the air assets that we would use to take down the balloon, as well as the joint forces we would use to recover it.

He approved the plan, and throughout that night, National Security Staff and the Department of Defense including Joint Staff personnel worked to ensure this mission was successfully executed. Throughout the night, as the President had requested, National Security Advisor Sullivan provided him with regular updates.

Saturday morning, February 4, President Biden spoke with Secretary Austin multiple times about the mission, and it was completed, as you are aware, on Saturday afternoon when the balloon was shot down and crashed in the ocean roughly 6 miles off the Coast of South Carolina, in our territorial waters.

Due to rough seas, debris collection began on February 5. The USS Carter Hall is collecting debris in and around where the balloon came down. The USNS Pathfinder is using sonar to map the ocean floor and search for debris. The Coast Guard is ensuring that the area is kept safe for both the public and our Military personnel.

The PRC is DoD's pacing challenge, and the PRC's irresponsible actions were visible for the American people and all of the world to see. Ultimately, we were able to collect intelligence from the balloon, we are recovering its contents, and we sent a clear message to the PRC that activity such as this is unacceptable.

PDASD Jed Royal is here today to answer any questions you have about U.S. communications with the PRC and Indo-Pacific affairs. We thank you again for convening this morning's roundtable, and I look forward to answering your questions.

Senator TESTER. General Sims.

STATEMENT OF LIEUTENANT GENERAL DOUGLAS SIMS II, DIRECTOR FOR OPERATIONS, JOINT STAFF (J3)

General SIMS. Chairman Tester, Vice Chairwoman Collins, ladies and gentlemen, good morning.

I appreciate today's opportunity to update you on the U.S. Military efforts related to the recent high altitude balloon from the People's Republic of China.

As Ms. Dalton noted, we acquired the balloon on January 28, following the radar acquisition of the balloon as it approached Alaska, and given the determination, the balloon was not a threat to U.S. citizens or aviation traffic, and the lack of its ability to conduct significant intelligence collection at that time the NORAD/NORTHCOM Commander assessed and reported he would continue to observe and report the balloon's movements.

He advised the Chairman of the Joint Chiefs and the Secretary of Defense, who ensured the appropriate senior leaders were aware of the ongoing situation. As the balloon crossed through Canada and approached the United States border the assessment for potential intel risk to sensitive, critical U.S. sites in the Upper Midwest increased, and the President asked for kinetic courses of action.

In determining potential options the risk of Chinese intelligence collection was deemed to be low to moderate, while the risk to U.S. personnel on the ground was assessed at moderate to significant, given the various debris field models combined with potential weaponeering. As the assessment for risk to U.S. personnel outweighed the potential intelligence loss, the recommendation was made to shoot the balloon down over an area that minimized the risk to U.S. citizens. That location was in the U.S. territorial airspace and waters off the South Carolina Coast.

The recommendation was approved by the President, and executed by the NORTHCOM Commander using an F-22 Raptor on February 4. The decision to shoot down the balloon in waters off South Carolina is allowing for the recovery of the balloon and its materials, and the opportunity to gain additional intelligence insights on Chinese balloon and surveillance activities.

It is important to note at any point along the balloon's path the U.S. Military possessed the authorities and the ability to shoot down the balloon in defense of our citizens.

I look forward to your questions and appreciate the chance to be here today. And I should add that Vice Admiral Joyner, the Joint Staff (J8), is here to address any resourcing questions. And I will do my best to cover operationally related items. Thank you.

Senator TESTER. I thank you for your testimony, General Sims. There will be questions. In my particular case, you can direct them anywhere you want to answer them. And keep in mind, at 11:30, I think we have a classified briefing in the SCIF (Sensitive Compartmented Information Facility) for all the Senators, so we are going to try to be prompt.

So the first question I have is, when this entered U.S. airspace, did we know what the Chinese were trying to collect? Do we know? Do we know what they were doing? Do we know what they were trying to collect?

ASSESSMENT

Ms. DALTON. Senator, thank you for the question. As the NORAD/NORTHCOM Commander has said, when the balloon entered North American airspace, NORAD had custody of it, and was tracking it closely.

Senator TESTER. Yes.

Ms. DALTON. As it transited across Alaska, through Canada, which is, of course, part of NORAD, I mean we were sharing intelligence of real time and tracking and assessing with the Canadians. And as it entered the Continental of the United States we were able to track, and assess, and to better understand—

Senator TESTER. I got the tracking, and I got that.

Ms. DALTON. Yes.

Senator TESTER. I want to know if we knew what the Chinese were trying to collect with that balloon, with that reconnaissance balloon.

Ms. DALTON. Jed, do you want to jump in?

Mr. ROYAL. Senator, thanks for the question. We can probably get into details more in the classified setting in terms of what was the intent.

Senator TESTER. You can just say yes or no.

Mr. ROYAL. Sir—

Senator TESTER. You don't need to get into the specifics. Just did we know what they were trying to collect, yes or no.

Mr. ROYAL. Yes, sir. We understand it that this is a broader—part of a broader suite of operations that China is undertaking.

Senator TESTER. So we knew what they were looking for?

Mr. ROYAL. Sir, I think we should talk about this more explicitly in the classified session but, yes sir, we understand that this is part of the broader suite of operations that China is undertaking to try and get a better understanding of U.S. certain—

Senator TESTER. I got it. I mean, there is all sorts of suites of operations we have with what is going on in outer space. But the question is, did we know what that balloon was trying to gather? Do we know what information it was trying to gather from the United States? It did not fly over us by accident. So it was intentional. Do we know what the Chinese Communist Government was looking for?

Mr. ROYAL. Senator we have some very good guesses about that, and we are learning more as we exploit the contents of the balloon and the payload itself.

Senator TESTER. Okay. So it has been brought to the attention, not in classified session, but through the news that this isn't the first time this has happened, this has happened several times before. My question is, if we waited to shoot this one down over water why didn't we shoot the last ones down over water?

Mr. ROYAL. Senator, I will take that question. We are learning more about the balloon program, we are more aware of this balloon program in recent months than we have been in the past. So Senator, I think that our assessments are maturing about the intent behind these balloons, and the operational activity.

Senator TESTER. So let me get this right. I put a lot of faith into the Military leadership. I have met with a lot of Generals, and they are top-flight folks, including the ones here, and Admirals. I put faith in them because I believe they know the issue better than I do. Okay. So the real question here is, if we had an incursion before, and we shot this one down when it hit water, why didn't we shoot the previous ones down and gather intelligence from those so we knew what was going to happen?

And by the way, this is going to happen again. And so why haven't we—either this is no big deal in the Military's eyes, and I don't think you are going to say that, or there is not a consistent plan on how to deal with them. Talk to me.

Ms. DALTON. Senator, thank you for your question. And if I may, just to build upon what Jed was saying. The PRC Government surveillance balloons have transited the continental United States briefly, at least three times during the prior administration, and when—

Senator TESTER. Right. And so the question is, why didn't we shoot them down over water then?

Ms. DALTON. The duration of this particular balloon was much longer.

Senator TESTER. Right.

Ms. DALTON. And the information that we have since gleaned about the balloons that have transited globally was only recently discovered. We can share more in the classified setting.

Senator TESTER. Okay. So we are talking about putting a budget together for the Defense Department. It was a really robust budget last cycle. I do not remember hearing about anything that dealt with balloons in the budget. Do we have a plan and what we are going to do next time this happens?

Ms. DALTON. Senator, thank you. As you know, in the National Defense Strategy from 2022, the PRC is the pacing challenge, and Defense for Homeland is one—

Senator TESTER. I know, but what about the balloons? I got all the other stuff, and we deal with it.

Ms. DALTON. Absolutely.

Senator TESTER. Is there money in the budget; or if you are not into that—if you are not in that pay grade.

Ms. DALTON. Yes.

Senator TESTER. Do we have a plan for when this happens again, and what we are going to do, and when we are going to do it? I

will tell you this, and I appreciate the—but the truth is we think we know what they were going to collect. We don't know. That scares the hell out of me.

Ms. DALTON. Senator, thank you. It is incredibly serious. And please know, as we are recovering the balloon and learning more about it, and also including that with what we learned last week, we are building our understanding of what capabilities they have, and what we need to do going forward.

Senator TESTER. Okay. And what about—and I am over time, and this is the last thing so you can answer, I hope. Do we have a plan for the next thing that happens and how we are going to deal with it? Because quite frankly, I will just tell you, I don't want a damn balloon going across the United States when we potentially could have taken it down over the Aleutian Islands—no offense to Alaska—or Alaska, or in some other areas in Montana?

And I understand public health, I understand doing damage, I understand that could have been a nightmare. But the truth is, I have got a problem with a Chinese balloon flying over my State, much less the rest of the country.

Ms. DALTON. Senator, absolutely. We sent a very clear message to the PRC when we shot it down in our sovereign airspace, in our sovereign waters, that has established that deterrent line.

Jed, maybe turn to you in terms of communications with the PRC.

OUTREACH

Mr. ROYAL. Yes. Thank you, ma'am. We continue to conduct outreach to the PRC, we conducted outreach during the course of the events last week, and have attempted subsequently. Part of the plan is to encourage the Chinese administration to open their lines of communication with—

Senator TESTER. And you can tell the folks at 11:30, in classified session, I want to know what the response is going to be for the next balloon that comes over, Military response.

Mr. ROYAL. Sir, thank you, sir.

Senator TESTER. Senator Collins.

Senator COLLINS. Thank you. Secretary Dalton, according to your testimony, January 31 appears to be the first time that President Biden was briefed by the Pentagon about the surveillance balloon, which had been violating U.S. and Canadian airspace since January 28. Are you aware of any existing Department of Defense policy to treat violations of U.S. sovereign airspace over Alaska differently from violations over the lower 48 States?

Ms. DALTON. Senator Collins, no, I am not aware of such a policy. Alaska is part of the United States, full stop.

Senator COLLINS. Then what explains that delay, days of delay?

Ms. DALTON. Senator, on January 28 when the balloon entered U.S. airspace over Alaska, the Pentagon was tracking it very closely through NORAD, NORAD had custody of it, and there were communications with the White House to apprise them of the balloon's trajectory.

Senator COLLINS. Was the President informed?

Ms. DALTON. I would have to defer to the White House in terms of internal White House communications.

Senator COLLINS. According to the White House Press Secretary, he was not. And according to the testimony that we heard there were 3 to 4 days before he was informed.

Ms. DALTON. Senator, I would have to defer to the White House. Thank you.

Senator COLLINS. General Sims, the Commander of NORAD and NORTHCOM recently said that when NORAD first detected the balloon, as it approached Alaska, he determined that it was in fact a surveillance balloon, but that it did not present a physical military threat to North America. And he explained that he didn't take immediate action because it was not demonstrating hostile attack—or hostile intent. Why wouldn't a foreign military surveillance aircraft, violating U.S. airspace inherently be considered to have hostile intent?

General SIMS. Ma'am, thank you for the question. I think first of all, just to reiterate that General VanHerck did have all the authorities necessary should he have determined it to have been a threat. The key piece here I think, ma'am, is there was no hostile act, or hostile intent, that would be the first. There was no impact to Aviation routes, which would be another piece of that. The other would be there was no—at the time—there was no suspected impact to critical intelligence gathering ability in terms of infrastructure.

That changed as the balloon made—as its path continued, that changed, and that is what prompted a different decision, or a different conversation, as it crossed into the United States.

Senator COLLINS. Well, Alaska has a lot of—and I am going to leave this to my colleague—but a lot of sensitive military installations.

General SIMS. Yes, ma'am.

Senator COLLINS. And the advantage of a balloon over a satellite is it can hover over those sensitive sites.

General SIMS. Yes, ma'am. And throughout the path, and as somebody who lived for a couple of years in Alaska, throughout its path, ma'am, they were tracking exactly where it was in relation to that sensitive critical infrastructure, and intelligence gathering capabilities, it was not near those locations, and as we reconstruct the path, we are not concerned with intelligence gathering in Alaska. And based on that the assessment continued from NORAD/NORTHCOM to continue to observe and report.

Senator COLLINS. Well, it seems to me when you have a craft that is violating international airspace, and you have sensitive military installations whether they are in Hawaii, or Alaska, or the lower 48, we should treat it the same. Could you help educate the committee, the public, on why China is using balloons and what benefits do they offer over satellites, or other intelligence gathering platforms?

General SIMS. I don't have a light on here, I don't know if—

Senator COLLINS. You still have 40 seconds.

General SIMS. Yes, ma'am. Thank you. Ma'am, I think what we have learned is that there are some advantages, it can loiter, but what we think they gained was really very minor in comparison to what we think we can gain with low Earth—LEO, with low Earth

orbiting. And that went into the conversation, as everybody was working through the risk.

And as I mentioned earlier, we deem that risk as it moved from Alaska towards the lower 48, we deemed that risk to change a little, and we also knew that we had the ability to mitigate that risk. And we will be able to talk to that further in the session following.

Senator COLLINS. But just to end. Formerly, Air Force General, Charlie Moore, who is Deputy Commander of Cyber Command, just has pointed out, that if you have a balloon that is moving extremely slowly, you have a persistence that you can't get from a satellite.

Ms. DALTON. Senator, if I may? Just to add. Because we knew where the balloon was tracking we took measures to protect those sites per established protocols, that included sensitive communications, and covering up certain facilities.

Senator COLLINS. Thank you.

TRANSPARENCY

Senator TESTER. Thank you, Senator Collins.

Next, we have the Chair of the Full Appropriations Committee, Senator Murray.

Senator MURRAY. Well thank you very much Senator Tester for holding this briefing. And I just want to say that the Appropriations Committee is really lucky to have you at the helm, here on the Defense Subcommittee. And I look forward to working with you and Senator Collins in this Congress.

I want to start off, by echoing what Senator Tester said earlier. And I will tell you, as Chair of the Appropriations Committee, I appreciate all of you coming before us today. But on issues such as this, especially for Senators whose States were affected, I expect this administration to be timely and straightforward with information.

And more broadly, as Chair, along with Vice Chair Collins, I further expect a very robust dialogue with the administration including the Pentagon and the Joint Chiefs, and through that dialogue it is my priority to have information shared in a timely fashion to make sure that all the members of this Appropriations Committee have a solid handle on matters impacting this committee and this country. So I want to make sure you all knew that before we started questioning.

Let me ask you, one of the aspects of this situation that really concerns me, is when you became aware that the surveillance balloon had entered our airspace. It seems to me it is critical, we are immediately identifying when something like this balloon is approaching, or has crossed into the United States, so we can act quickly and appropriately. And that is, of course, especially important for States on the West Coast, many on this committee, who could be the first impacted by these threats.

So I want to know, as you tracked this balloon approaching over Alaska, when did you determine the threat; and did you have constant surveillance for the entire time it was in the U.S. and Canadian airspace?

Ms. DALTON. Senator, thank you very much for your question. And it is absolutely our intent to provide timely information to this subcommittee, and to Congress as a whole.

On Saturday, January 28, we tracked, through NORAD, that the balloon was entering U.S. Air Defense Identification Zone and U.S. airspace in Alaska. And from there NORAD had custody, and we were tracking it across the——

Senator MURRAY. Did you have constant surveillance the entire time that the balloon was—yes or no?

Ms. DALTON. Yes, it was.

Senator MURRAY. Okay. Let me ask you, do you think there is any need for additional systems or investments to protect against these high altitude surveillance threats?

Ms. DALTON. Senator, thank you. I am happy to start there. And perhaps can turn to Vice Admiral Joyner as well.

MODERNIZATION

As General VanHerck has mentioned, the Department continues to be acutely aware of the need to enhance persistent surveillance of the aerospace and maritime approaches to North America. To that end, we are working closely with our Canadian allies to modernize NORAD surveillance capabilities, pace to the current and future geopolitical environment.

In the near term, we are taking steps with Canada to augment the existing North Warning System, including development of a new system of sensors called “Crossbow” that will enhance NORAD’s ability to detect approaching airborne threats. Longer-term modernization efforts include, but are not limited to, the construction of the Over-the-Horizon radars, in both the United States and Canada, to augment the existing North Warning System and enhance NORAD’s ability to perform its aerospace warning, control, and maritime warning missions.

Vice Admiral Joyner.

Admiral JOYNER. Senator, we continue to modernize the existing systems that we have, so that has been an effort that has been ongoing in conjunction with this Committee. In ’23 significant investments in both the space architecture, which we think is key for future monitoring and understanding of our environment both within the United States, overseas, and abroad.

And then undersea as well, investments have been made as well to counter other threats in an integrated Air and Cruise Missile Defense, the committees in Congress directed us to put forward an acquisition lead, and Air Force is now the acquisition lead for that effort. They are moving forward out on that mission.

Army has the counter UAS (Unmanned Aerial Systems), and then the overall systems and the modernization of the over-the-horizon radars will enhance our ability to look long range and give us persistent forward look, in partnership with our northern neighbors, NORAD/NORTHCOM. So the modernization is important. The existing systems can meet our needs, we continue to maintain and invest in maintaining those systems as we modernize.

Senator MURRAY. Well, it is really important that we all have a real clear handle on incidents like this in full situational awareness over West Coast States of the Pacific. So I know we are an open

session today, but I hope all of you can brief me and my office separately on the ability and capability, to make sure we can adequately, identify and determine threats before they are over the U.S. territory.

And let me just say this, this incident is greatly concerning to me, not just because of the breach of our airspace, but what it signals about our relationship with China, the strength of our diplomacy, and really the state of our domestic capabilities.

This Appropriations Committee is going to be taking a very serious look at our approach to our relationship with China. And I look forward to working with Senator Collins, and with our colleagues here on this subcommittee, and others, on that. Thank you, Mr. Chairman.

Senator TESTER. Thank you Senator Murray.
Senator from Alaska, Senator Murkowski.

ALASKA

Senator MURKOWSKI. Thank you Mr. Chairman. And I appreciate that you and the Vice Chair have called this meeting so timely.

As an Alaskan, I am so angry. I want to use other words but I am not going to. The fact of the matter is, Alaska is the first line of defense for America, right? If you are going to have Russia coming at you, if you are going to have China coming at you, we know exactly how they come. They come up, and they go over Alaska, sometimes they go on the top, sometimes they go straight across, but Alaska is it.

And thank goodness the Pentagon and the Department of Defense have recognized where we sit on the globe to take care of the rest of this country. And thank goodness that we have invested the resources to make sure that we have the eyes on the skies here and every place else.

More fifth-generation fighters sit there in the State of Alaska. We know that we are proud of it and everything that we do to stay focused. Whether it is Cobra Dane out in the Aleutians, or Clear Space Force Station that has the long-range discrimination radar, or out in Greeley where we have the ground based missile defense, we are ready, we are ready, man.

And to the point that Senator Collins makes, it is like this administration doesn't think that Alaska is any part of the rest of the country here. To get to the United States you have got to come through Alaska. So when we see it first, as we did, as we all knew; and as you have suggested, Mr. Royal, I think you suggested, we knew when we first got eyes on this, that this balloon was not a weather station, this was not collecting weather information. We knew that.

And so think about it from Alaska's perspective. You said, Ms. Dalton, that the clear message here, we sent a clear message to the PRC when we shot this down in our sovereign waters.

Seems to me the clear message to China is, we got free range in Alaska because they are going to let us cruise over that until it gets to more sensitive areas. Tell me, tell me where the sensitive areas are.

Alaskans have stepped up willingly and support our Military, but when we are talking about the sovereign waters and the sovereign

territories of this country, Alaska is part of that. I know we are going to have an opportunity for more information in the classified brief. I have already received one, and it was pretty thorough. And I think that the American public deserves more than they have seen in terms of transparency about why this spy balloon was allowed to spend 2 days over our waters and over the State of Alaska, the State that is the guardian for everybody else?

And you are saying that at that time there was not a threat to Alaska citizens, or to the assets that we have? Or that the risk assessment rose later as it was coming into the rest of the lower 48 there?

You know, at what point, at what point do we say: A surveillance balloon, a spy balloon coming from China is a threat to our sovereignty? It should be the minute it crosses the line, and that line is Alaska.

The question that I have; and I apologize that it has taken me this long to get to the question. But I am really concerned about what we have identified as these data gaps.

We know that we have seen balloons previous that were also the surveillance balloons. We didn't realize until later because we weren't able to do the analysis until later. This committee is the Appropriations Committee. If we need to spend the money to make sure that we don't have gaps in our own data, that what we see is clearly understood, we need to know how to fund that.

So Mr. Chairman, I am over my time. I don't think we will get the answers that we need here in this subcommittee. Unfortunately, we are going to have to get them in closed hearing. But I think people in this country deserve to know why the State that is the first line of defense was not able to keep the rest of the country from being more vulnerable when it came to collection of intelligence, as it flew over important installations.

Senator TESTER. Thank you, Senator Murkowski.

Senator from Hawaii, Senator Schatz.

CONUS V OCONUS

Senator SCHATZ. Thank you Mr. Chairman. Thank you Vice Chair.

In terms of the sovereignty of our airspace, is there any distinction between noncontiguous states and the continental United States?

Ms. DALTON. No Senator, there is not.

Senator SCHATZ. In terms of the sovereignty of our airspace, is there any distinction to be made in terms of international law between a brief flyover and a lingering flyover?

Ms. DALTON. Senator, the basis for us to shoot down the balloon where we did, had a strong grounding in both domestic and international law.

Senator SCHATZ. Yes. I am just trying to figure out whether if they had been, you know, let us say they just clipped the corner of the Florida Peninsula. Like let us say they just, you know, go over Hawaii for 10 minutes, isn't that still a violation of international law? Isn't that still a violation of our airspace? And doesn't it merit the same kinetic action that was taken?

Ms. DALTON. It is still a violation of our airspace.

Senator SCHATZ. Is DoD policy changing in this space?

Ms. DALTON. Senator, what I would say is that as we learn more about these balloons, their global activities as we are able to assess the collection capabilities of this particular high altitude balloon, through the recovery efforts, we are going to be assessing our overall posture, and disposition, and strategic approach, and—

Senator SCHATZ. And I respect the need to keep some of this classified, but we all understand that some of the desire to keep things classified has to do with not wanting to disclose to the public things that might be inconvenient, politically, for the Department.

And so it seems to me that if we now—and look, I support the actions that were taken, but I don't see a downside to a signaling to any government that any violation of our airspace that is not inadvertent, and certainly any violation that is intentional and has a military component will be met with immediate kinetic action. And that just doesn't seem to me to be something that—that there is any benefit to keeping secret.

Ms. DALTON. Senator that is not our intent. And I do believe we have sent that signal. This HAB was different than the others in terms of the duration of its flight.

Senator SCHATZ. But that is what I am a little—first of all let us start with this. Did we just set a precedent?

Ms. DALTON. I believe we established a deterrent line.

Senator SCHATZ. Fine. Second of all, is that deterrent line contingent on where they go and how long they linger? Or just, is it a bright red line called: Don't come into our airspace?

Ms. DALTON. It is when our airspace has been violated, we took action when it was safe to do so, given the risk to civilians on the ground per the advice of our Military commanders.

Senator SCHATZ. Do you expect the PRC to proliferate these kinds of programs?

Ms. DALTON. Jed, do you want to take that one?

Mr. ROYAL. Senator, we understand this balloon program is, as I said earlier, a part of a broader suite. We understand that it is connected with a broad range of intrusive action from the PRC with its intent to coerce the United States, our allies, and partners.

Senator SCHATZ. So I have heard two different things in a public setting. One is what the Vice Chair said, which is the persistence at lower altitudes gives them better fidelity on photos, and even, you know, other information. And the other is, look, these things are really deployed because they are cheaper than satellites.

So those things seem to be in conflict with each other, my instinct was always that balloons are cheaper than satellites, and that is really what this is about. But are there capabilities that balloons have that satellites do not?

Ms. DALTON. Senator, thank you for the question. And we will be able to share more in a classified setting.

DAMAGE ASSESSMENT

Senator SCHATZ. And when will the damage assessment be completed?

General SIMS. Thank you. Sir, that is ongoing now. And we continue to recover pieces each day, I think we are thinking days to 2 weeks in terms of everything. But it does continue in conjunction

with the FBI (Federal Bureau of Investigation). So I would like to offer a Military perspective to your comment about kinetic——

Senator SCHATZ. Sure. You have 22 seconds.

General SIMS. Yes, sir. So I think having been in places where, once you take a shot you can't get it back. I think it is important for us to remember that if we establish that precedent that precedent may be met—we may meet the same precedent. In which case as opposed to thinking, and looking, and then reacting, we may create something in which we are—is to our detriment.

Senator SCHATZ. Fair enough.

Senator TESTER. Senator from North Dakota, Senator Hoeven.

Senator HOEVEN. Secretary Dalton, I just was listening to one of your responses, when you then spoke with Senator Murkowski. If you had the opportunity to shoot the Chinese spy balloon down, either over the remote mountains of Alaska, or over water near Alaska, why didn't you? Why is it okay to have the Chinese fly some type of aircraft over Alaskan airspace?

General SIMS. Sir, let me, water to land for first. The first would be, and in terms of the water, General VanHerck, again assessed that it was not a—there was no hostile act, hostile intent, or potential impact to critical intelligence capabilities. More so, he was continuing to characterize the system.

And it is for us now, looking back, there is an assertion that we were absolutely certain that it was in fact conducting surveillance, or intended to go in a certain space, and we will talk more about that in the next session, but that was—those were thoughtful actions.

The other piece I would add, over the land of Alaska, you know, sir we spent a lot of time, as you know, determining where we will take a shot in combat when we are fighting—when we are fighting people who are fighting against us. And we work our way to a near zero probability of collateral damage when we take that shot.

Although Alaska is, in places, not as inhabited as other places, it is inhabited. And at that time we didn't understand, through the modeling, if we shot that, what it would do on the ground. Ultimately, it came back to maybe a 20-mile by 20-mile piece of ground, and without being able to clear that, we wouldn't do that in combat, sir.

And I think in this case we certainly didn't want to take that chance with Alaskans, or any other Americans throughout the flight path.

Senator HOEVEN. So we created a situation now where our adversaries are going to kind of try to figure out what they can and can't fly over our airspace? Well, maybe a balloon.

What are they going to try next, the UAV (Unmanned Aerial Vehicles)—a UAS? Or, I mean, is that where we are at now? They are going to all try to figure—I mean the Russians test our airspace all the time, and you scramble fighters to interdict them, because you are saying nothing can fly over our airspace. That is sovereign airspace. So now we are in a new day where our adversaries get to try to figure out what you are going to let fly over and what you are not?

SAFETY

General SIMS. No, sir. So I think, and kind of back to Senator Tester's earlier comment; I would say, first of all, we are certainly grateful for the support from this committee and for your trust, sir. I would tell you that throughout this, General VanHerck and the men and women who were serving under him had American Safety in mind throughout. And at any moment had it presented some sort of intent to hurt Americans, they would have taken that balloon out of the sky. It would have happened.

I would tell you that it is the same should something else happen. General VanHerck, the rest of the Military stands ready whatever threats come, but we do expect that they will assess and report. And in this case, sir, he assessed and reported based on the intent, and based on where it was at the time.

Senator HOEVEN. So there are some things they can fly over, or near Hawaii, there are some things they can fly over Alaska, but maybe not over California, or possibly over Montana, or North Dakota, it is just kind of, you know, you decide based on the circumstance. Doesn't that create a situation where our adversaries are going to test what you think can and can't fly over different, or proximity to different parts of the country on a regular basis?

Ms. DALTON. Senator.

Senator HOEVEN. Is that good? Or how are you going to prevent that kind of thing from now being tested, you know, even more than you already are? And you are going to start making subjective decisions about different types of aircraft, and what proximity, and where they can fly? What States they can and can't fly over, over Guam, or you know, pick a spot?

This is where, it seems to me, we are getting into a dangerous place, in terms of how this was handled.

Ms. DALTON. Senator, if I may? This flight was different than all the rest, and that is why we took the action that we did. To the question of building upon General Sims' notes about why we didn't take it down over Alaska; a key piece of this is the recovery, for us to be able to exploit and understand this balloon and its capabilities fully.

If we had taken it down over the State of Alaska, which is part of the United States, it would have been a very different recovery operation.

As Senator Murkowski knows, the water depths offshore the Aleutians, at 6-plus nautical miles go very quickly from about 150 feet to over 18,000 feet, you know, the Bering Sea. The winter water temperatures in the Bering Sea hover consistently in the low-30s, which would make recovery and salvage operations very dangerous.

Additionally, the northern portion of the Bering Sea has ice cover, which can be extremely dangerous, which would induce additional risk. So again, a key part of the calculus for this operation was the ability to salvage, understand, and exploit the capabilities of the high altitude balloon. And we look forward to sharing that with you in a classified session, and also openly as we learn more.

Senator HOEVEN. With the indulgence of the Chairman, just finishing up here.

Those are the kinds of things I think are important, people want to understand that. People support our men and women in uniform, we appreciate what you do, I mean we owe you our lives and we are deeply thankful for that, but Americans don't understand this situation. And so they need to understand why the decisions were made that were made and, you know, whether or not that is what is best for National Security.

And just a final quick question is, could that balloon not be forced down some way, other than shooting it down? Obviously we have aircraft that can exceed that altitude, and so just the final question. Couldn't that have been forced down some way rather than shooting it down, which would have, in a lot of ways, been better? You avoid the risk to people on the ground, and you get it intact?

General SIMS. Yes sir. Sir, we were—there were—and we will talk in the next session, I believe, about some thoughts. We didn't have the ability to capture the balloon or bring the balloon down with a particular munition that we thought would make it less dangerous. And quite frankly, we didn't know where it would go if we were to somehow impact its flight path at that point, in terms of our ability to control it, what it would do if it hit the ground.

But that is a great question, sir. I think we will address that greater in the next session.

Senator HOEVEN. Thank you.

Senator TESTER. Yes. So Secretary Blinken canceled a planned trip to Beijing over this incident, the Chinese lost their balloon, that nobody believed was a weather balloon as the Chinese Republic has stated. Do you—is it in your estimation that this was an error by the Chinese Government? Or was this planned?

Mr. ROYAL. Senator, we are continuing to make assessments on the Chinese intent for this specific operation. And we will have further to share in the classified setting along the specific content. I think it would be false to try to characterize this operation as purely a mistake. My understanding, sir, is that this is consistent with a broader set of actions China is undertaking to intrude our sovereign territory and those of our allies and partners.

Senator TESTER. So generally speaking, as this balloon went over Alaska, Canada, and the United States, who got the most information out of this; the Chinese, or us?

Mr. ROYAL. Sir, I don't have a judgment or evaluation to pass along those lines for you right now. I do believe that the United States collection on this particular balloon and on the broader program is ongoing, and is significant.

Senator TESTER. Senator Hoeven said something that is true, not only for the American people, it is true for us. We don't understand. We don't understand because, quite frankly, we have been briefed in this committee over, and over, and over again about the risk that China poses, both economically and militarily. We know for a fact, going back to Senator Schatz's comments, that there have been brief incursions on our airspace. We didn't do anything about that. We also know that China tends to push the envelope all the time, until a line is set down.

It should not have been a surprise that China did this because nothing happened before, at least to our knowledge, nothing has happened before to them for these over flights.

So the question is, and it goes back to everything that everybody on this committee has talked about, and that is, and I am not sure you can answer it in this forum, but a violation of airspace is a violation of airspace, and to know absolutely that this was of no military threat to us. Boy, I want to hear more about that in classified session too, because quite frankly I am not sure that you can say that unequivocally.

And to the point that in Montana, for example, we have some pretty important military assets that we use as a deterrent for those folks who apparently, apparently, I don't know for sure but apparently fly over, not accidentally, some of those, and the same thing with assets in Alaska, and the same thing with assets in the Midwest.

You guys have to help me understand why this "baby" wasn't taken out long before. And because I am telling you that this ain't the last time. We saw brief incursions. Now we have seen a long incursion, what happens next? I am sure you guys have modeled that out too, maybe. I hope. If you haven't, you should.

But in the end either China is a threat or it isn't. And I think it is a huge threat. When this budget comes forth to Senator Collins and I, and the rest of people on this committee, and the rest of people in the Senate and Congress we are going to be working on, I hope this is addressed in some line item.

And not only addressed with dollars but addressed with actions on how these monies will be put to work to make sure that this never happens again. Because quite honestly, and I get it, you guys have a tough job by the way, and as I said in my opening statement the folks who are the Military, whether rank and file, or the leadership, or the salt of the earth. But we really do depend upon you to make the right decision. And I am not sure I am bought and sold that the right decision was made. But we have another hearing that is in classified session that we will take that up further.

Senator Collins, do you have other comments?

Senator COLLINS. Just a few Mr. Chairman.

First, I would associate myself with everything that you just said, and the other members of the committee, I think you hear great frustration, and a great deal of concern about the message that has been sent to China.

General, as I look through publicly available sources at the flight of this balloon, and the bases, and sensitive military sites that it passed over, its flight pattern, clearly, is not accidental. Would you agree with that?

General SIMS. Ma'am, I do have some thoughts on that that will be in the next session. But you are right, the flight path took it over areas that we would think were concerning, and we are pretty certain we mitigated those. And we will discuss that in the next session.

Senator COLLINS. Okay. I look forward to hearing the specifics on that. I want to go back to Senator Murkowski's point about Alaska. The U.S. airspace over and around Alaska is known as the Alaska Air Defense Identification Zone. It is a huge swath of air space that

includes the airspace over territorial waters, military training ranges, and very sparsely populated areas.

And that is why it is so hard for us to understand why the balloon wasn't taken out over Alaska. It is sparsely populated, they are territorial waters, and it is a huge Defense Identification Zone. It has bases, it has sensitive aircraft, it has military equipment that is of great interest to the Chinese for the exact reasons that Senator Murkowski said. And yet the statement was made that when the balloon was over Alaska it did not show evidence of hostile intent. Help me understand that? Why was it there?

General SIMS. Ma'am, while it was in Alaska we were characterizing the balloon, I would tell you, one of the things I think that is very different from our country than—and you can look at historical examples, is we think before we shoot. And in this case we thought before we shot. And again we will talk more about it in other sessions.

I think that is something that as someone who flies around, and Admiral Joyner, certainly, more than I, that we would appreciate of our—of the rest of the world that they would think before they shoot. Once you shoot, you can't take it back.

Ma'am, I will be quite honest, as an American I understand the impact and the unsettling feeling that is here. As someone in the Military who sees the other side of that, I am very confident in the authorities that were granted to the NORAD/NORTHCOM Commander to make decisions here. That the decisions he made were in the best interest of the United States and our citizens, as were the decisions of our senior leadership, and we will present more of that conversation in the next session.

Senator COLLINS. I am not implying that we want to be anything like the Chinese Government in asking this question. But do you think if we had an American surveillance balloon going over sensitive Chinese Military sites; that the Chinese Government would have, for a minute, hesitated before taking it down?

General SIMS. Ma'am, I will not answer on behalf of the Chinese. But I think as an American, if I was flying in that direction, I would hope that they would think before they made a decision.

Senator COLLINS. Well, I have got to tell you, I think they would not hesitate if we violated their territorial airspace, to disable, and take down our surveillance platform.

Thank you, Mr. Chairman.

Senator TESTER. Thank you, Senator Collins. One of the things that was brought up, and then I am probably going to wrap it up, unless you have more, Susan Collins, is that you spoke about communications, Mr. Royal, with China. Could you give me a brief update on where we are at from a communication standpoint with China? Is it totally cut off, or are people still communicating and talking?

Mr. ROYAL. Sir, with respect to this particular operation, we engaged China on an urgent matter during the course of our observations of this particular operation, but subsequent to that, our diplomats engaged to make sure that the Chinese knew that Secretary Blinken's trip would no longer be possible under the current circumstances. And then further engaged the Chinese, subsequent to

the successful downing of the balloon, to make sure they understood what activity we were undertaking and why we did that.

I will say more broadly, sir, that it is really important, during moments like this, that we maintain open lines of communication.

Senator TESTER. Absolutely.

Mr. ROYAL. And unfortunately the Chinese administration has declined a request from Secretary Austin to communicate directly with his counterpart in China. We believe that China needs to be more responsive to the United States when it comes to requests for further communication.

Senator TESTER. I couldn't agree with you more, a hundred percent, and the fact is, they are the ones that violated our airspace, and they should be open to communications, because it was a serious violation, I think, in everybody's opinion.

We appreciate you all being here today. We appreciate you answering the questions, and your testimony. I think this was helpful as an initial conversation. But I will tell you that knowing Susan Collins very well, oversight isn't going to stop here. We have important responsibilities in that vein, and we will continue to do that, whether it is on Chinese threats to our airspace, or any other thing that deals with the Department of Defense.

CONCLUSION OF BRIEFING

And so with that, thank you for the work you guys do every day. This Defense Subcommittee will reconvene on Tuesday, February 14, at 10 a.m., for a classified briefing to discuss other Chinese threats to the U.S. Homeland.

Thank you all. And we stand in recess.

[Whereupon, at 11:25 a.m., Thursday, February 9, the subcommittee was recessed, to reconvene subject to the call of the Chair.]