

Tulsi Gabbard Confirmation Hearing to be Director of National Intelligence

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Speakers:

Tom Cotton - 63.79%

Senator

R-Arkansas

Intelligence Committee Chair

Tulsi Gabbard - 36.21%

Nominee Director of National Intelligence

Notes:

No notes.

Tom Cotton

00:00:00

It's. Ladies and gentlemen, welcome. Before we get underway today, I'd like to take a brief moment to recognize the terrible loss of life that occurred just a few miles away from here last night. Our hearts and prayers are with the families and friends who lost loved ones last night, as well as the brave first responders who are still on the scene.

I'd like to ask everyone to join us in a moment of silent prayer and reflection for the souls lost. Thank you. Next, I want to remind everyone in attendance here that while you are all welcome to observe today's hearing, I will not allow or tolerate disruptions from the audience. Audience members may not verbally or physically distract from the hearing, including by shouting, standing, raising signs, or making gestures that block the view of other members of the audience or the cameras.

Tom Cotton

00:02:49

For those watching on television or online, anyone who does so will be removed immediately by the Capitol Police and banned from return. Welcome, everyone, to this hearing on President Trump's nomination of Tulsi Gabbard to be the Director of National Intelligence. Ms. Gabbard, welcome to the Senate Intelligence Committee. I also want to welcome your family in attendance today, including your husband, Abraham, your mother, Carol, and your sister friend Dobbin.

Tom Cotton

00:03:23

I also want to acknowledge some very special friends of yours, Dakota Myers and Pat Payne, both Medal of Honor recipients. Gentlemen, on behalf of a grateful nation, I extend my deepest thanks to you and the heroes with whom you served. Also note that our next Attorney General, Pam Bondi, is joining us. Apparently, she didn't have enough fun at her own confirmation hearing.

Tom Cotton

00:04:01

Ms. Bondi, welcome and congratulations. And finally, finally, Senator Joni Ernst. And former Senator and Chairman of this committee, Richard Burr, will introduce Ms. Gabbard shortly. We look forward to your remarks. I think it's fair to say that Ms. Gabbard's nomination has generated a bit more interest and attention than do most nominees before this committee.

Tom Cotton

00:04:29

But I want to stress that Ms. Gabbard has been and will be treated with the exact same respect, consideration and professionalism that we extended to every nominee. No more, no less, no better, no worse. That's how we treated CIA Director John Ratcliffe just two weeks ago. And how we have treated DNI nominees like Avril Haynes and Dan Coates.

Tom Cotton

00:04:54

In the past, for instance, Ms. Gabbard has conducted dozens of office meetings with senators. She has completed the committee's standard questionnaire. She has answered 247 questions in writing. This is all in keeping with the committee's customs, precedents and rules. Before I address the important work ahead at the DNI, please Also, let me make

two observations about some of the accusations about Ms.

Tom Cotton

00:05:25

Gabbard. First, I'm dismayed by the attacks on Ms. Gabbard's patriotism and her loyalty to our country. For instance, Hillary Clinton has smeared Ms. Gabbard, calling her an asset of a foreign nation. Let me remind everyone that Ms. Gabbard has served in our army for more than two decades. She has multiple combat tours, and she still wears the uniform to this day.

Tom Cotton

00:05:55

She has undergone five FBI background checks. I spent more than two hours last week reviewing the latest, putting eyes on more than 300 pages. It's clean as a whistle. It's fine that we have differences of opinions on policies and programs. I suspect some of my Republican colleagues might disagree with some of Mrs.

Tom Cotton

00:06:21

Gabbard's votes in the House of Representatives, just as I suspect that some of my Democratic colleagues might criticize Ms. Gabbard's statements and actions since she saw the light and left the Democratic Party. But I sincerely hope that no one today will impugn Ms. Gabbard's patriotism and integrity. Second, I can only laugh at some critics who say that Ms.

Tom Cotton

00:06:50

Gabbard has unconventional views. No doubt she has some unconventional, unconventional views, like her criticism of Barack Obama's regime change interventions in Egypt and Libya. But guess what? I opposed the disastrous interventions in Egypt and Libya as well. Mubarak was a longtime American partner, and Egypt was a linchpin of our security system in the Middle East.

Tom Cotton

00:07:18

Gaddafi had been scared straight after we toppled the Taliban in Saddam Hussein. He turned over his weapons of mass destruction and cooperated against terrorists. In return, we had lifted sanctions and re established diplomatic ties. But President Obama intervened to topple both regimes. And what came next? The Muslim Brotherhood in Egypt and dangerous chaos in Libya.

Tom Cotton

00:07:43

To this day, no one ever mistook Mubarak or Gaddafi as the little sisters of the poor. But let's not kid ourselves. The world is a dangerous place, not a church picnic. Ms. Gabbard

understands this, which is why she also saw the problem with regime change interventions in these places. The vast number of governments throughout history and still today are not democratic.

Tom Cotton

00:08:12

We may wish it were different, and we can work to improve it, but that's the way the world is. If we only befriended nations that shared our system of government and our social and cultural sensibilities, well, we wouldn't have many friends in a fallen world. We have to take our friends where we find them.

Tom Cotton

00:08:31

No question, stable democracies make the most stable friends. But what matters in the end is less whether a country is democratic or non democratic, and more whether the country is pro American or anti American. I'll confess that those views may be somewhat unconventional. But look at where conventional thinking has got us. Maybe Washington could use a little more unconventional thinking.

Tom Cotton

00:09:00

And I'm sure that the Office of the Director of National Intelligence could use more unconventional thinking. Ms. Gabbard, I submit that if confirmed, the measure of your success will largely depend on whether you can return the ODNI to its original size, scope and mission. When Congress created the odni, we intended to put one office in charge to manage the different agencies of the intelligence community.

Tom Cotton

00:09:28

Congress intended the ODNI to be a very lean organization that would use small staffs to execute specific tasks. Congress in no way wanted yet another unruly bureaucracy layered on top of an already bureaucratic intelligence community. Unfortunately, 20 years later, that's exactly what the ODNI has become. Incredibly, the ODNI now has now larger than any agencies it was established to manage.

Tom Cotton

00:10:00

It has 15 offices and centers which have many subunits within them. The ODNI staff is measured in the thousands, when it should be measured in the dozens or maybe a few hundred. I promise that's going to change. I intend to get personnel at the ODNI back to their home agencies doing real intelligence work, not bureaucratic make work.

Tom Cotton

00:10:27

I also expect to cap the size of the ODNI. Ms. Gabbard, if confirmed, I hope you'll be a

partner in these vital efforts. Another example of bureaucratic mission creep and empire building is what's come to be known in the intelligence community as DNI taxes. The ODNI levies these so called taxes on other agencies, shifting and directing funds away from the intelligence community's core mission to the whims and fancies of any particular dni.

Tom Cotton

00:10:56

That practice, which seems to have grown and run rampant under Director Haynes, is also going to stop. Ms. Gabbard, if confirmed, you have a lot of work ahead of you. And as Chairman of this committee, I'm committed to ensuring that we see it all the way through at this moment. I'll now recognize Senator Risch for a brief statement.

Tom Cotton

00:11:19

Thank you very much, Mr. Chairman. I appreciate that. And I want to thank Ms. Gabbard for meeting with me and having the candid conversation we did on the issues. Unfortunately, I have to chair the Foreign Relations Committee. We have our first substantive meeting today on malign influence of China here at home and abroad.

Tom Cotton

00:11:38

So I'm not going to be able to stay for the hearing. I'm not going to get a chance to ask questions. However, we are going to have a closed session immediately following. And the questions I have trespass upon the. Upon security of country. And as a result of that, they need to be done in a classified setting in any event.

Tom Cotton

00:11:58

So if I beg indulgence to be excused to preside over the other committee. Good luck. I know you'll do well. Thank you. You are excused. I was going to leave whether you excuse me or not, but thank you very much. I will now recognize the Vice chairman, Senator Warner, for his opening remarks.

Tom Cotton

00:12:17

Well, thank you, Mr. Chairman. And particularly thank your comments at the top. I've spent most of the morning at National Airport. I know Senator Moran was there last night. It's a horrible tragedy. The victims families are still being notified. For those of us who live in this region, you know, it's always kind of complicated.

Tom Cotton

00:12:41

We've got Virginia, D.C. maryland and a host of local jurisdictions. But last night when this tragedy took place, and I happened to be driving by national on the way home and saw all the first responders rushing to the scene. People came from as far away as Baltimore,

Fairfax County. We had DOD and federal officials there.

Tom Cotton

00:13:05

And these first responders, as always, ran towards the tragedy. There'll be a time to figure out how what happened and how we rectify it. But today our thoughts and prayers ought to be with the families and again thanking our first responders. Ms. Gabbard, welcome. And congratulations on your nomination to be the next Director of National Intelligence.

Tom Cotton

00:13:29

I'd like to begin by thanking you literally for your decades of public service, both in uniform and as a member of Congress from Hawaii. I applaud your continuing commitment to serve should you be confirmed. Now, the President has nominated you to be Director of National Intelligence. Most folks probably don't understand the importance of this position.

Tom Cotton

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If confirmed, you would lead 18 agencies of the IC. You'll also serve as the principal advisor to the President, the National Security Council and the Homeland Security Council for all intelligence matters related to national security. And in this role, you'll be responsible for over \$100 billion between the National Intelligence Program and the Military Intelligence Program, or the NIP and the MIP, as we call them here.

Tom Cotton

00:14:27

It's a position of great importance and significance to our national security, created after one of our worst national security failures. 9, 11. For that reason, when Congress established this position, thanks in large part to our colleague and our friend Susan Collins, it mandated in law that any individual nominated for this position must have, and I quote, extensive national security expertise.

Tom Cotton

00:14:55

Now, I appreciated you taking the time to meet with me. And as I noted in that office, both before and after, I continue to have significant concerns about your judgment and your qualifications to meet the standards set by law. First, as I noted previously, the DNI was created in part to make sure we had appropriate intelligence sharing, which prior to 9 11, obviously we haven't.

Tom Cotton

00:15:22

But the mission also is to not only share information between the ic, but also with our allies. There's no legal requirement that our allies share intelligence with us. It's all

predicated on trust. Trust that our allies will protect each other's secrets. It appears to me you have repeatedly excused our adversaries worst actions, instead often blamed them on the United States and those very allies.

Tom Cotton

00:15:55

For example, you blamed NATO for Russia's 2022 invasion of Ukraine. You rejected the conclusion that Assad used chemical weapons in Syria, despite it being the unanimous assessment of the then Trump administration's dod, State Department and ic, as well as the assessment of our European allies. Instead, you blame the United States for supporting terrorist groups in Syria.

Tom Cotton

00:16:22

Now, I don't know if your intent in making those statements was to defend those dictators or if you were simply unaware of the intelligence and how your statements would be perceived. In either case, it raises, at least for this Senator, serious questions about your judgment. It also leads me to question whether you can develop the trust necessary to give our allies confidence that they can share their most sensitive intelligence with us.

Tom Cotton

00:16:54

Make no mistake about it, if they stop sharing that intelligence, the United States will be less safe. We've seen this as recently as this past year where people, because of those strong intelligence sharing between the United States and Austria, countless lives were saved by disrupting a terrorist attack that was going to take place at the Taylor Swift concert in Vienna.

Tom Cotton

00:17:18

Second, you have been publicly outspoken in your praise and defense of Edward Snowden, someone who betrayed the trust of our nation and jeopardized the security of our country. The truth is, the vast majority of the information he stole and leaked before running off to China and Russia, might I add, had nothing to do with Americans privacy and compromised our most important sources and methods.

Tom Cotton

00:17:49

And in many ways, we're still paying a price for that. And I believe that Edward Snowden's action put our men and women in uniform and place places like Iraq and Afghanistan at risk. You have celebrated Snowden as, quote, brave whistleblower and actually put forward legislation asking for his pardon. Furthermore, when given the opportunity to clarify your position in pre hearing questions, you declined.

And instead you expressed, and again I quote, the DNI has no role in determining whether or not Edward Snowden is a lawful whistleblower. That is troubling to me in so many ways. Not only do you think that someone who divulged secrets and then ran off to Russia should be celebrated as brave, but you don't seem to understand the DNI's role in determining whistleblower determinations.

Tom Cotton

00:18:46

In fact, the DNI has a significant role in transmitting lawful whistleblower complaints to this committee. They're all laid out right here in the statute. And I would have serious concerns about confirming someone who cannot distinguish between complaints that are made lawfully and those that are made not. In the statute, it says the job of the DNI is to protect intelligence sources and methods from unauthorized disclosure.

Tom Cotton

00:19:17

That's a quote. I guess I'm asking what message would it send to have a DNI who would celebrate the work of a member of the IC or a contractor that would, on their own mission, decide what's appropriate to leak? I don't understand that. Third, until recently, you had a clear and consistent record of opposing FISA.

Tom Cotton

00:19:42

702. I know members on this committee already understand how important this is, but for folks who don't, this law is critical to our national security. Literally 60%, on average, of what goes into the President's Daily Brief, what President Trump will read each day in assessing what's going on in the world, comes from this important piece of law that allows us to seek out those foreign foreigners abroad for coverage.

Tom Cotton

00:20:16

And it's helped prevent terrorist attacks, it helps us prevent foreign cyber attacks, it helps us on a topic that a lot of folks are looking at, fentanyl trafficking. Now, many in this Congress and many on the committee have tried to reform this legacy legislation to better balance security and civil liberties. However, you have consistently gone further.

Tom Cotton

00:20:41

Not only did you vote against reauthorizing 702, you actually introduced legislation to fully repeal the whole thing, calling it, again, quote, a blatant disregard for our Fourth Amendment constitutional rights. Now, I understand that since you've been nominated to the DNI, you've expressed a change of heart. I think that's welcome. But I have to tell you, as I try to make.

I view this as a job interview. As I try to make my judgment on whether you should be confirmed, I think this. I don't find your change of heart credible, because the world today is more complex and more dangerous than ever before. And we need serious people with sufficient experience to be able to navigate that complexity.

Tom Cotton

00:21:27

I hope you use this opportunity to address my concerns and all of the members of this Committee, I appreciate again your service and I'm looking forward to a thorough discussion. Thank you, Mr. Chairman. Thank you, Mr. Vice Chairman. We welcome back Senator Richard Burr, the former Chairman of this committee, who has emerged from retirement to introduce Ms.

Tom Cotton

00:21:52

Scabbard. Yet still in retirement, he still seems unable to find a pair of socks. Nonetheless, we say thank you and welcome you back. Senator Burr. Some things are very predictable. Mr. Chairman. Mr. Chairman Cotton. Vice Chairman Warner. Members of this distinguished committee, I want to thank you for allowing me to join you today to provide my thoughts and support on behalf of Tulsi Gabbard's nomination to be Director of National Intelligence.

Tom Cotton

00:22:23

This is my first visit back to the Senate in slightly over two years. Permit me to say from this side of the dais, you're not as intimidating as I thought when I was on your side of the dais. When I was Chairman of this committee, Senator Warner and I stuck to a single refrain with our staff.

Tom Cotton

00:22:43

Follow the facts wherever they lead. Today, an anonymous person or group launching a campaign using rumors as source sources and accusations as fact can drive the outcome of an election and of public opinion. I know it to be true. Remember, I sat in your chair for the Russia investigation, where we found much of the influence to be the result of fictitious narratives driven by Russia.

Tom Cotton

00:23:16

Now, some of you may be wondering, why do I support Tulsi Gabbard and why am I here to introduce her as a nominee? I've experienced firsthand a coordinated attempt to influence this nominee's support in the United States Senate and with the American people. I was contacted by several national journalists shortly after the President nominated Tulsi, asking me to confirm one of the many rumors circulating about this nominee.

I informed each journalist over a five week period that the rumor shared with me was simply not true. This narrative was shared from one journalist to the next journalist to the next journalist. I assume today they ran out of journalists. This was a coordinated effort to kill this nomination. Advising consent is the responsibility of the United States Senate, and I truly believe that each member takes it seriously.

Tom Cotton

00:24:15

All members of this committee were offered the opportunity for individual meetings with Tulsi. And if you chose not to meet with her, it's on you. I've done my homework and here are the facts. Tulsi Gabbard's historic life began at birth. She's the first American Samoan born member of Congress, Period. She graduated from Hawaii Pacific University with a degree in Business Administration with a concentration in international business.

Tom Cotton

00:24:46

In 2002, at age 21, Tulsi became the youngest woman in America ever elected as a state representative. That was not enough. In 2003, she joined the Hawaii National Guard. When deployed in a reelection, her opponent raised the issue, could you serve the people that elected you if in fact you were deployed? What did Tulsi do?

Tom Cotton

00:25:17

She withdrew from a reelection campaign in order to continue to serve our country in the war on terror. This would not be the first or the last time Tulsi put her country above her career. After multiple deployments and serving in the Hawaii City Council, she was elected to the United States House of Representatives, where she served four terms.

Tom Cotton

00:25:41

Throughout her political career, she maintained her military service either in the National Guard or the Army Reserve. Media stories and anonymous rumors have questioned her qualifications, her patriotism, and whether she can be trusted, just to name a few. I refuse to question the qualifications of a woman who's worn the uniform of her Nation for 22 years and never taking it off.

Tom Cotton

00:26:10

No fewer than five times has the Department of Defense reviewed her security clearance and extended it. Every single time. If Tulsi's guilty of anything, it's that since she was born, her views, opinions and beliefs have evolved to reflect her life's experiences. Winston Churchill once said, those that never change their minds never change anything.

Tom Cotton

00:26:38

She served her city, her state, her country, while winning. While winning the support of the people she represented. She's fought in war, and yes, she's tried to stop wars at the ripe age of 43. Tulsi has the life experiences that match or exceed most members of Congress. Tulsi was serving in uniform three years before some of us here today voted to create the Director of National Intelligence.

Tom Cotton

00:27:14

Chairman Cotton, Vice Chairman Warner, Members of the committee, it's my honor to support and to introduce to the committee Lieutenant Colonel Tulsi Gabbard. Thank you, Mr. Chairman. Thank you. Thank you, Senator Burr. Now, our colleague, Senator Joni Ernst of Iowa has taken a few minutes out of her very busy schedule to be here to introduce Ms.

Tom Cotton

00:27:42

Gabbard as well. Senator Ernst. Thank you, Chairman Cotton and Ranking Member Warner. And good morning to my distinguished colleagues.

Tulsi Gabbard

00:27:52

I also do want to take a moment this morning to recognize the lives.

Tom Cotton

00:27:56

That were lost in the collision near DCA last night. It is a truly heartbreaking tragedy.

Tulsi Gabbard

00:28:03

My prayers are with the victims, families and their loved ones.

Tom Cotton

00:28:07

So thank you. Duty, honor, service. These are not just words. They are principles that have guided Lt. Col. Gabbard. As a young enlisted soldier in the Hawaii National Guard, Tulsi answered the call to duty upon her deployments to the Middle east. From graduating at the top of her class from the Accelerated Officer Candidate School at the Alabama Military Academy, the first woman to do so.

Tom Cotton

00:28:48

To serving as the youngest member of Hawaii's legislature. She upheld honor while breaking barriers both in uniform and in her civilian leadership roles. And today, Lieutenant Colonel Gabbard demonstrates her commitment to service by sitting before this committee prepared to answer the nation's call yet once again, this time as the next Director of National Intelligence.

Tulsi and I share similar backgrounds both to our nation and to our communities. We've worn the same uniforms serving in the Army National Guard and Army Reserves, leading battalions and deploying to Iraq and Kuwait. We've both had the privilege of serving in our state legislatures and in Congress, representing the people who shaped our lives and our communities.

Tulsi Gabbard

00:29:58

Tulsi exemplifies what it means to rise.

Tom Cotton

00:30:01

Above partisanship, putting the needs of the.

Tulsi Gabbard

00:30:06

American people over political divisions. She put her own life on the.

Tom Cotton

00:30:12

Line in combat operations and now has set aside partisan differences as a former Democrat member of Congress to answer the call to serve in a Republican administration. The mainstream media has fought to paint their own picture of Tulsi Gabbard. But let's talk about the real Tulsi Gabbard, the woman and the soldier who I've come to know and respect.

Tom Cotton

00:30:45

And I've known Tulsi for the past decade. Relationships matter. In 2015, then Congresswoman Gabbard met my dear friend Owen, who was a dear friend of mine from Iowa State University. Owen was a wounded special operations warrior who embodies the resilience and strength of our military community. Owen was the subject of an attack in Afghanistan where he lost his leg and his left eye serving in the war.

Tom Cotton

00:31:27

After this attack or during this attack, Owen was tossed into the dead pile. Owen, bleeding and in excruciating pain, cried out to his teammates, I'm not dead. Thankfully, his fellow war fighter attended to Owen, but the road to recovery was long and hard, including a stint at.

Tulsi Gabbard

00:31:51

Walter Reed Medical Center. During this time, Owen met a fellow.

Warrior and patriot, Congresswoman Tulsi Gabbard, who became a friend. And today they remain in touch.

Tulsi Gabbard

00:32:08

Owen prides himself in being a very.

Tom Cotton

00:32:10

Good judge of character. And Tulsi, he speaks volumes of your character. Owen's final message to me before this hearing was tulsi has maintained her integrity throughout her career. She's the same gal I met in 2015. She always makes time for our old, broken warriors and colleagues. I will leave you with this. You know me.

Tom Cotton

00:32:47

I trust Tulsi Gabbard. She will be honest with you. She will listen to your concerns. She will be receptive to your feedback. And rest assured, Lt. Col. Gabbard loves this country. A fact proven by her willingness to put her life on the line to defend it. For over 20 years, she has put on the uniform and checked her political views and at the door with one mission in mind, to protect and defend our great United States of America.

Tom Cotton

00:33:36

Tulsi, duty, honor and service have marked your life. Thank you for your extraordinary dedication to our nation, for embodying the values that make our military the best in the world, and for stepping up to serve yet once again as President Trump's Director of National Intelligence.

Tulsi Gabbard

00:34:03

Relationships matter.

Tom Cotton

00:34:06

I urge my colleagues to support this nomination. My best wishes to you, Tulsi, and to your family. God bless our country. Thank you, Mr. Chair. Thank. Thank you, Senator Ernst. I know that Senator Ernst has a busy schedule to include a hearing for Dan Driscoll, the Secretary of army nominee, at the Armed Services Committee.

Tom Cotton

00:34:32

I'm sure Senator Burr has to go on a fishing trip or something, so we will excuse both senators from the witness T. Ms. Gabbard, before we move to your opening statement, it is the custom of the Committee to ask a series of obligatory questions to all nominees. First, do you swear or affirm to give this committee your full and truthful testimony?

I do.

Tom Cotton

00:34:59

Second, do you agree to appear before the Committee here or in other venues when invited?

Tulsi Gabbard

00:35:04

Yes.

Tom Cotton

00:35:05

Third, if confirmed, do you agree to send officials from your office to appear before the committee and designated staff when invited?

Tulsi Gabbard

00:35:12

Yes.

Tom Cotton

00:35:13

Fourth, do you agree to provide documents or any materials requested by the committee in order for it to carry out its oversight and legislative responsibilities? Fifth, will you ensure that your office and your staff provide such material to the Committee when requested?

Tulsi Gabbard

00:35:28

Yes.

Tom Cotton

00:35:29

Sixth, do you agree to inform and fully brief, to the fullest extent possible, all members of this committee of intelligence activities and covert actions, rather than only the chairman and the Vice Chairman?

Tulsi Gabbard

00:35:40

Yes.

Tom Cotton

00:35:41

Thank you for those answers, Ms. Gabbard. We now welcome the opportunity, finally, to hear from you in your own words.

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Thank you very much, Mr. Chairman. Before I begin, I, too, would like to start by offering my prayers and condolences to those who were killed in last night's horrific crash. Senator Warner, Senator Moran, our condolences and prayers are with you and all of your constituents. Again, Chairman Cotton, Vice Chairman Warner, and all of the members of the Committee, it's an honor to be here before you today.

Tulsi Gabbard

00:36:19

I've appreciated the opportunity to meet with so many of you and address your questions and concerns before today's hearing. I know they've gone, but I'm grateful to Senators Burr and Ernst for their trust and their confidence in taking time to join us here today. To my husband Abraham, my family, friends, fellow veterans, Medal of Honor recipients and patriots, thank you for your love and support.

Tulsi Gabbard

00:36:44

I'm honored and grateful to President Trump for his trust and confidence in nominating me to serve our country as the Director of National Intelligence at a time when trust in the intelligence community unfortunately is at an all time low. Chuck Schumer admitted a few years ago, quote, you take on the intelligence community, they have six ways from Sunday at getting back at you.

Tulsi Gabbard

00:37:06

For too long, faulty, inadequate or weaponized intelligence have led to costly failures and the undermining of our national security and God given freedoms enshrined in the Constitution. The most obvious example of one of these failures is our invasion of Iraq based upon a total fabrication or complete failure of intelligence. This disastrous decision led to the deaths of tens of thousands of American soldiers, millions of people in the Middle east, mass migration, destabilization and undermining of the security and stability of our European allies, the rise of isis, strengthening of Al Qaeda and other Islamist jihadist groups, and strengthening Iran.

Tulsi Gabbard

00:37:50

Here are just a few other examples. The American people elected Donald Trump as their President not once but twice and yet the FBI and intelligence agencies were politicized by his opponents to undermine his presidency and falsely portray him as a puppet of Putin. Title one of FISA was used illegally to obtain a warrant to spy on Trump campaign adviser Carter Page using a Clinton campaign funded false dossier as their so called evidence.

Tulsi Gabbard

00:38:18

Biden campaign adviser Tony Blinken was the impetus for the 51 former senior intelligence officials letter dismissing Hunter Biden's laptop as disinformation specifically

to help Biden win the election. Former DNI James Clapper lied to this committee in 2013, denying the existence of programs that facilitated the mass collection of millions of Americans phone and Internet records, yet was never held accountable.

Tulsi Gabbard

00:38:46

Under John Brennan's leadership, the CIA abused its power to spy on Congress to dodge oversight, lied about doing it until he was caught, and yet has never been held responsible. Under Biden, the FBI abused its power for political reasons to try to surveil Catholics who attend traditional Latin Mass, labeling them as quote unquote radical traditionalist Catholics.

Tulsi Gabbard

00:39:10

Personally, just 24 hours after I criticized Kamala Harris and her nomination, I was placed on a secret domestic terror watch list called Quiet Skies. Sadly, there are more examples. The bottom line is this, this must end. President Trump's reelection is a clear mandate from the American people to break this cycle of failure, end the weaponization and politicization of the intelligence community and begin to restore trust in those who've been charged with the critical task of securing our nation.

Tulsi Gabbard

00:39:42

If confirmed as dni, I will do my very best to fulfill this mandate and bring leadership to the intelligence community with a laser like focus on our essential mission ensuring the safety, security and freedom of the American people. As the President's principal Intelligence Advisor, I'll begin by leading by example, checking my own personal views at the door and committing to delivering intelligence that is collected, analyzed and reported without bias, prejudice or political influence.

Tulsi Gabbard

00:40:16

I enlisted in the army because of the horrific terrorist attack on September 11th and volunteered to deploy to Iraq in 2005 where I served in a medical unit. After nearly 22 years in uniform with three combat deployments to the Middle east and Africa. I'm now a Lieutenant Colonel in the US Army Reserve where I serve as a battalion commander of soldiers in Oklahoma, Missouri and Arkansas.

Tulsi Gabbard

00:40:41

I served in Congress for eight years on the Homeland Security, Foreign affairs and Armed Services Committees and it's my experience in the military and in the halls of Congress that have given me a deep understanding of the complex challenges that our nation faces in both roles, engaging with world leaders in both roles, being privy to highly classified intelligence.

So I know firsthand how essential, accurate, unbiased and timely intelligence is to the President, to Congress and to our war fighters. I also know the heavy cost of intelligence failures and abuses. Senator Collins, you led the creation of ODNI specifically to address those intelligence failures of 9, 11 and Iraq's so called WMDs.

Tulsi Gabbard

00:41:28

The need for the ODNI under strong leadership still exists today. If confirmed, I'll bring my experience and fresh eyes to leading the intelligence community and my day one priorities will to assess the global threat environment, identify where gaps in our intelligence exist, integrate intelligence elements, increase information sharing and ensure that unbiased apolitical objective collection and analysis to support the President and policymakers decision making occurring.

Tulsi Gabbard

00:42:00

I'll work to end the politicization of the intelligence community and ensure there is a clear mission focus in the IC on its core mission of this unbiased apolitical collection and analysis of intelligence to secure our nation. I'll work to rebuild trust through transparency and accountability. This is a national security imperative and I'll work to assess and address efficiencies, redundancies and effectiveness across ODNI to ensure focus of personnel and resources is on our core mission of national security.

Tulsi Gabbard

00:42:35

In my meetings that I'VE had with many of you. You expressed bipartisan frustration about recent intelligence failures, as well as the lack of responsiveness to your requests for information. Whether it's the surprise October 7th Hamas terrorist attack to the sudden takeover of Syria by Islamist extremists, failures to identify the source of COVID anomalous health incidents, UAPs, drones, and more.

Tulsi Gabbard

00:43:00

If confirmed, I look forward to working with you to address these issues. Ensuring the safety, security and freedom of the American people is a mandate of leadership that rises above partisan politics. If confirmed, my commitment to the President, to you and to the American people is this. I will do my very best to find the truth, no matter where it leads, and share that truth with President Trump, his advisors, and you in Congress, providing you with that unbiased, timely and accurate intelligence as you make the tough decisions that will impact the safety, security and freedom of the American people.

Tulsi Gabbard

00:43:41

Now, before I close, I want to warn the American people who are watching at home. You may hear lies and smears in this hearing that will challenge my loyalty to and my love for

for our country. Those who oppose my nomination imply that I am loyal to something or someone other than God, my own conscience and the Constitution of the United States, accusing me of being Trump's puppet, Putin's puppet, Assad's puppet, a guru's puppet, Modi's puppet, not recognizing the absurdity of simultaneously being the puppet of five different puppet masters.

Tulsi Gabbard

00:44:19

The same tactic was used against President Trump and failed. The American people elected President Trump with a decisive victory and mandate for change. The fact is, what truly unsettles my political opponents is I refuse to be their puppet. I have no love for Assad or Gaddafi or any dictator. I just hate Al Qaeda.

Tulsi Gabbard

00:44:44

I hate that we have leaders who cozy up to Islamist extremists, minimizing them to so called rebels. As Jake Sullivan said to Hillary Clinton, quote, al Qaeda is on our side in Syria. Well, Syria is now controlled by an Al Qaeda offshoot, hts led by an Islamist jihadist who danced in the streets on 911 and who was responsible for the killing of many American service members.

Tulsi Gabbard

00:45:12

Democrat senators in the past resorted to anti Christian bigotry against some of President Trump's judicial nominees like Amy Coney Barrett and Brian Boucher. I condemn those actions as a Democrat in Congress at the time, as religious bigotry must be thoroughly condemned by all of us, no matter the religion. Unfortunately, there are some Democrat senators who still don't understand the principle of freedom of religion and Article 6 of the Constitution, quote, no religious test shall ever be required as a qualification to any office or public trust under the United States.

Tulsi Gabbard

00:45:49

Unfortunately, they're once again using the religious bigotry card, but this time trying to foment religious bigotry against Hindus and Hinduism. If anyone is sincerely interested in knowing more about my own personal spiritual path of Hinduism, I welcome you to go to my account on X, where I'll share more on this topic. If confirmed as Director of National Intelligence, I will continue to live by the oath that I have sworn at least eight times in my life, both in uniform and as a member of Congress.

Tulsi Gabbard

00:46:25

I will support and defend our God given freedoms enshrined in the Constitution of the United States States against all enemies, foreign and domestic. And I will bear true faith and allegiance to the same. Thank you very much for your time. I look forward to your

questions.

Tom Cotton

00:46:42

Thank you, Ms. Gabbard. A few reminders before we begin our five minute round of questioning. First, a reminder to the audience. Once again, I will not tolerate disruptions or disturbances either in favor of or in opposition to Ms. Gabbard. We all came to hear from Ms. Gabbard, not from you. Two reminders to my colleagues.

Tom Cotton

00:47:04

We'll have a five minute round of questions. Not five and a half, not six. Five minute round. We will also have a closed session after this hearing in which you'll have another five minute opportunity to ask questions. Second, if any question, as Senator Risch alluded to, begins to approach the line of classified material, my crack staff will advise me and I will ask you to hold the question until we get to a closed setting.

Tom Cotton

00:47:32

Mr. Chairman, could I just inquire. I was under the understanding that if in the open round, because this is the only time the American people will be able to see this judgment. You'd agreed if certain members needed to ask a second round of questions in the public setting, that would be available. As is our custom, if a member waits until the end of the opening round and has a follow up question, then we will permit that follow up question.

Tom Cotton

00:47:53

Thank you, Mr. Chairman. Ms. Gabbard, if confirmed, you'll be entrusted with our nation's most important secrets. We're all entrusted with that information to serve the American people and to keep our country safe. Unfortunately, as you said in your opening statement, we've seen too many instances in recent years of people who were trusted with classified information and went on to abuse and politicize that trust.

Tom Cotton

00:48:16

For example, in October 2020, more than 50 former intelligence officers, many of whom still held a Top Secret clearance, wrote a letter invoking their credentials to make false claims about Hunter Biden's laptop likely being Russian disinformation. Do you agree that this was an example of intelligence professionals abusing and politicizing their past positions and credentials?

Tulsi Gabbard

00:48:40

Yes, Mr. Chairman, I do. And it is an example of what needs to end and why the American people elected President Trump to bring about those necessities, necessary reforms.

Thank you. Will you commit that no one who abuses his past position and credentials in this fashion will hold a security clearance in the future?

Tulsi Gabbard

00:48:57

Yes.

Tom Cotton

00:48:57

Thank you. Now, I want to be fair to my Democratic colleagues. Such abuses aren't just a problem on the left. Also, in 2020, President Trump's former national Security advisor, John Bolton, published a book in which he revealed sensitive conversations with the president on national security matters, including highly classified information. He didn't submit this book for review and approval to ensure that our national security secrets were protected.

Tom Cotton

00:49:20

Do you agree that John Bolton's actions likewise undermined public trust?

Tulsi Gabbard

00:49:24

Yes. Mr. Chairman.

Tom Cotton

00:49:25

Will you commit that no one who so abuses his past position and risks the exposure of classified information by publishing a book without submitting it for review and getting approval before publication will hold a security clearance again or be trusted with classified information again?

Tulsi Gabbard

00:49:40

Yes.

Tom Cotton

00:49:40

Thank you. Let's move on to the topic of ODNI reform that I mentioned in my opening statement. Congress originally envisioned the ODNI to be a small coordinating agency that directs rather than replicates the now 18 constituent agencies that make up our intelligence community. Over the years, however, the ODNI has strayed from this vision to an organization that now publicly boasts nearly 2,000 people, more than half of whom are not detailed from an intelligence agency, but rather are career ODNI bureaucrats.

Tom Cotton

00:50:13

They've even developed centers that are producing their own analysis. Will you commit

today to working with this committee to restoring the ODNI to its original size, scope, and function?

Tulsi Gabbard

00:50:24

Yes, Senator. I look forward to working with you and the committee as I, if confirmed, assess the current status of who is working in the ODNI and the function that they fulfill to make sure of its effectiveness and elimination of redundancies and bloating.

Tom Cotton

00:50:40

Thank you. Do you support some of the policy proposals I mentioned in my opening statement about capping the size of the odni, eliminating ODNI taxes, returning employees back to their home agencies to do real intelligence work?

Tulsi Gabbard

00:50:54

Yes. Senator, I look forward to working with you as we assess where the ODNI needs to be in order to fulfill its core mission and function.

Tom Cotton

00:51:03

Thank you. And in your preparation for this hearing and this important responsibility, have you developed any thoughts that explains the mission creep and the empire building that we've seen at the ODNI in recent years?

Tulsi Gabbard

00:51:16

Yes. Senator, I've had the opportunity to review the history of the odni, to speak to Ambassador Negroonte, the first Director of National Intelligence, as well as others who have served in this position. I think there are a number of contributing factors to the creation of centers, or not centers, but offices like the recently eliminated Office of DEI within ODNI and other areas where I need to go in and assess the replication and the duplication of responsibilities that exist elsewhere, and some of the other intelligence elements that ODNI has oversight over.

Tom Cotton

00:51:57

Thank you, colleagues. I will lead by example and yield back one minute of my time and recognize the Vice Chair. Well, thank you, Mr. Chairman. That is a first. And, Ms. Gabbard, let me be clear, at least in my views. I salute your service to our country, but I have serious doubts about your judgment, and those are some of the areas that I want to pursue.

Tom Cotton

00:52:25

First, until you are nominated by the President to be the dni, you consistently praised the

actions of Edward Snowden, some who I believe, jeopardized the security of our nation. And then, in an effort to flaunt that, fled to Russia. You even called Edward Snowden, and I quote here, a big, brave whistleblower. Every member of this committee supports the rights of legal whistleblowers, but Edward Snowden isn't a whistleblower.

Tom Cotton

00:52:59

And in this case, I'm a lot closer to the chairman's words where he said Snowden is, quote, an egotistical serial liar and traitor who, quote, deserves to rot in jail for the rest of his life. Scabbard. A simple yes or no question. Do you still think Edward Snowden is brave?

Tulsi Gabbard

00:53:21

Mr. Vice Chairman, Edward Snowden broke the law. I do not agree with or support with all of the information and intelligence that he released, nor the way in which he did it. There would have been opportunities for him to come to you on this committee or seek out the IG to release that information.

Tulsi Gabbard

00:53:39

The fact is, he also, even as he broke the law, released information that exposed egregious, illegal, and unconstitutional programs that are happening within our government.

Tom Cotton

00:53:50

Excuse me.

Tulsi Gabbard

00:53:51

That led to serious reforms that Congress undertook.

Tom Cotton

00:53:54

Chairman, we got five minutes. So I take your answer. You know, and these are your quotes. Brave. Please join my bipartisan legislation calling for charges to be dropped against him. Do you disagree? That legislation was not appropriate. Do you believe he is brave or not?

Tulsi Gabbard

00:54:18

Back those words once again, Senator. Edward Snowden broke the Law. He also released that we agree that.

Tom Cotton

00:54:26

Snowden that exposed the United States government, your legislation and your words are still your beliefs. Yes or no, please.

Tulsi Gabbard

00:54:36

I'm making myself very clear. Edward Snowden broke the law. He released information about the United States government illegal activities. If I may just finish my thoughts, Senator. In this role that I've been nominated for, confirmed as Director of National Intelligence, I will be responsible for protecting our nation's secrets. And I have four immediate steps that I would take to prevent another Snowden like leak.

Tom Cotton

00:55:02

Ma'am, I would simply ask you again. I don't think you're gonna answer. I agree with Tom Cotton. He's a traitor. You, for years, until you got chosen by President Trump, have celebrated this guy as brave. You've called for him to be pardoned, for his charges to be dropped. I cannot imagine a Director of National Intelligence that would say that kind of behavior is okay.

Tom Cotton

00:55:32

How would we maintain the trust of the IC and the contractors who work for. How would we maintain the trust of our five eye partners? I find it very troubling. Let me move to 702. I know other members are going to raise this. 702 is critical to our national security. 60% of the President's Daily Brief, 60% of the information President Trump gets every day in the PDB will come from this.

Tom Cotton

00:55:57

You've had a long history of opposing 702. Many members of Congress have. But one of the things you actually done that not many have is not to reform it. But you actually said you wanted to repeal it. But now, whether it's, you know, confirmation conversion or whatever you call 702, vital, and I'm quoting because of significant FISA reforms have been enacted since you left Congress.

Tom Cotton

00:56:22

Ms. Gabbard, what are the reforms that have led you to now support? 702.

Tulsi Gabbard

00:56:28

In the short time that I have, Senator, I will just note that my actions in legislation and Congress were done to draw attention to the egregious civil liberties violations that were occurring at that time.

Ms. Gabbard, you said. Ms. Gabbard, I ask you a question, Please give me the courtesy of responding. You said the reforms now make you supportive. What can you cite? Which reforms?

Tulsi Gabbard

00:56:51

There are a number of reforms to include getting in the new law that all of you and your wisdom.

Tom Cotton

00:56:57

My time is getting short. But I gotta just tell you, after the reforms were passed into law In April of 24, you went on Joe Rogan's podcast in May, the bill is now law. And you said, quote, this bill took an already bad problem and made it many, many times worse. Again, in my mind, this is a question of judgment.

Tom Cotton

00:57:30

702 is critical. I appreciate this late conversion, but I'm not sure I buy it. Because you've had such a consistent position. Again, I know my colleague's gonna raise these. But rather than standing up to dictators like Putin and Assad, you've sometimes amplified his talking points. I mean, I just do not understand how you can blame NATO for Putin's brutal invasion of Ukraine.

Tom Cotton

00:57:57

And when Assad used chemical weapons against his own people, he didn't condemn him. I can go through all the quotes. You actually question Americans intelligence. Now, you mentioned a lot about trust. You know, and one of the things that I'm so proud on this committee is my friend Senator Burr said, we always follow the truth.

Tom Cotton

00:58:20

I say on this committee, the most valuable work I do in this Senate, we have a bipartisan approach to intelligence. I think we have worked to try to keep the intelligence community and earn their trust and frankly, earn the trust of the American people. But I respectfully, ma'am, I just don't believe on your judgment and credibility issues that this is the appropriate role that you should take going forward.

Tom Cotton

00:58:44

Thank you, Mr. Chairman. Senator Collins.

Tulsi Gabbard

00:58:47

Thank you, Mr. Chairman.

Ms. Gabbard, Edward Snowden does stand out.

Tulsi Gabbard

00:58:53

As having done particularly grave harm to our national security security by revealing top secret information, including sensitive sources and methods, thus jeopardizing agents in the field. So let me ask you a question. If confirmed, would you support or recommend.

Tom Cotton

00:59:20

A pardon or any kind of clemency for Edward Snowden?

Tulsi Gabbard

00:59:28

Thank you for the question, Senator Collins. If confirmed, as the Director of National Intelligence, my responsibility would be to ensure the security of our nation's secrets and would not take actions to advocate for any actions related to Snowden. So the answer is no. Is that correct? In 2020, you introduced the Protect Brave Whistleblowers act, which would amend the Espionage act to make it more difficult to prosecute individuals who reveal classified information.

Tulsi Gabbard

01:00:06

In particular, the bill would allow individuals to disclose even top secret information as long as it's not done with the specific intent to injure the United States.

Tom Cotton

01:00:22

Or advantage any foreign nation. Your bill would also have created an.

Tulsi Gabbard

01:00:28

Affirmative defense if public disclosure of classified information were made for several reasons, one of which was to expose gross waste of funds. I strongly oppose the this legislation, which would hamper our ability to prosecute people who give our adversaries classified information. So let me ask you this, Ms. Gabbard.

Tom Cotton

01:00:58

Do you still support providing individuals who.

Tulsi Gabbard

01:01:03

Have access to top secret Information with the ability to make their own decision.

Tom Cotton

01:01:10

Decisions regarding whether that information should be.

Tulsi Gabbard

01:01:14

Publicly disclosed, even though disclosure may cause tremendous harm to our country or our allies. Senator, we cannot and should not have individual vigilantes within the intelligence community making their own decisions about how and where and when to expose our nation's safety secrets. The intent of the legislation that you have pointed out was pointed towards ensuring due process for those who are charged under the Espionage act in a court of law.

Tulsi Gabbard

01:01:48

This is a law that has been abused in some cases and used for political purposes. President Obama charged more people under the Espionage act than any all other presidents combined. If confirmed as the Director of National Intelligence, my sole focus and goal would be our nation's security, which includes ensuring the security of our nation's secrets.

Tulsi Gabbard

01:02:14

And I would work to make sure that we don't have any disclosures or vigilantes taking it upon themselves. There are numerous legal paths that will protect this information for those who feel they have concerns. And I look forward to working with you and this committee on making sure that those protections are known by every single person in the workforce and effectively implemented.

Tom Cotton

01:02:41

So you do not support allowing individuals.

Tulsi Gabbard

01:02:45

To make their own decisions without authorization to disclose secret information? Classified? Yes. And I believe we have the legal structure in place for those who have concerns to address them. As you know, there has been speculation in the press that you met with Hezbollah, a terrorist organization affiliated with Iran. Have you ever knowingly met with any members, leaders or affiliates of Hezbollah?

Tulsi Gabbard

01:03:23

No, and it is an absurd accusation. Let me ask you one final question. In the short time we have left with Hamas, isis, k the Houthis, all the Iranian proxies in Syria and Iraq, Yemen and Al Qaeda all posing general resurgences in the Middle East, Africa and central Central Asia.

I'm alarmed at the lack of focus.

Tulsi Gabbard

01:03:56

By the IC on this threat to our safety. We don't want to have to call you back to this room after a terrorist attack and ask, how did the IC miss this great power competition? China, Russia t definitely pose threats to our country, but the terrorist threat is arguably the most imminent threat, according to former FBI Director Chris Wray.

Tulsi Gabbard

01:04:29

If confirmed, what would be your strategist? Your strategy to refocus the IC on the terrorist threat to our country and to Americans abroad. Thank you, Senator. I agree with your assessment. And this speaks to the need for the ODNI to exist to redirect those resources, identifying the gaps in intelligence so that we are able to get ahead of these threats instead of coming around after the fact and trying to assess why did we not know about this sooner so that we could have taken action to prevent it.

Tom Cotton

01:05:06

Thank you, Senator Wyden. Thank you very much, Mr. Chairman. Welcome, Ms. Gabbard.

Tulsi Gabbard

01:05:11

Thank you.

Tom Cotton

01:05:11

I'm going to try to get from four questions in, so I'll be brief, and if you can reciprocate, that would be very much appreciated. We've been Talking about Section 702, the Foreign Intelligence Surveillance act, and I believe it's critical that the DNI support additional reforms to protect the privacy of law abiding Americans.

Tom Cotton

01:05:34

In your written response to committee questions, you wrote, and I quote, warrants should generally be required before an agency undertakes a US person query of Section 702. Is this your current position?

Tulsi Gabbard

01:05:52

Yes, it is, Senator. And as you'll note in that written response, I noted some exigent circumstances with which there may be other options. But I also want to make a note that a simple warrant requirement is ultimately going to be a policy decision that all of you will make. I would point to history to some examples.

Time is short. I'm glad you answered in line with your written answer that you support a warrant. Section 702 also involves a huge loophole now that was included recently that could allow the government to force anyone with access to a WI fi, router or cable box to secretly participate in the warrantless surveillance program.

Tom Cotton

01:06:33

Do you support, as I do, eliminating this language, Senator?

Tulsi Gabbard

01:06:37

I would have to look more into that and assess, if confirmed, what the impacts of the implementation of the existing safeguards are and come back to you and Congress as you look at reauthorization.

Tom Cotton

01:06:48

It is a massive loophole, and I hope to hear, after you've looked at it, that you'll be supportive of my efforts. Let me turn now to the question of the inspector general situation. Can the President of the United States refuse to fund the inspector general for the intelligence community dispute despite appropriations from Congress?

Tom Cotton

01:07:07

And here I'd like a yes or no.

Tulsi Gabbard

01:07:11

Senator. I don't know about the legal authorities, but I understand the essential role that the inspectors general play and if confirmed, look forward to empowering our inspector general to fulfill their responsibility.

Tom Cotton

01:07:24

Good, because Congress either has the power of the purse or it doesn't. And I think in your answer to me, you recognize that you have an independent obligation to follow the law. I think that's a constructive answer. Let me turn now to the matter of spying on journalists. You wrote in your response to the committee questions that you support the Biden administration Department of Justice's policy restricting the collection of Reporters records and you called for the codification of those restrictions.

Tom Cotton

01:07:55

Will you reconfirm that position this morning?

I believe strongly in the First Amendment, which protects a free press.

Tom Cotton

01:08:02

So you will in effect say that you will continue to support the Biden administration policy to protect journalists.

Tulsi Gabbard

01:08:09

I'm not familiar with the specific Biden administration policy, but I believe strongly in the defense of the First Amendment.

Tom Cotton

01:08:15

It is a policy that restricts the collection of reporters records and you have called for the codification of those records. So I. I'm going to accept that you're not changing your position and I appreciate it. I got time, I think, for one more question. While you were in Congress, you introduced legislation prohibiting the government from mandating that Americans phones or apps include mechanisms to allow the government to bypass encryption or other privacy technology.

Tom Cotton

01:08:42

In your written responses to the committee questions, you reconfirmed your opposition to these mandates. Is that still your position?

Tulsi Gabbard

01:08:50

Yes. These back doors lead down a dangerous path that can undermine Americans fourth Amendment rights and civil liberties.

Tom Cotton

01:08:57

You are being very helpful by moving so quickly. Let me turn to whistleblowers. You wrote in your response that whistleblowers must have clear protected channels to report concerns including the unauthorized transmittal of classified information to appropriate entities such as members of Congress. Do you agree that IC whistleblowers must have a clear path to this committee and that they don't need permission from agencies to talk to us?

Tulsi Gabbard

01:09:24

That's a yes or no, Senator. The answer is clearly yes. I would like to state a few other actions I would take if confirmed as Director of National Intelligence is number one, make sure that we don't have illegal and unconstitutional programs within the intelligence community. Making sure that we enact security clearance reform to limit access to our

nation's top secrets.

Tulsi Gabbard

01:09:45

Make sure that every single person in the workforce understands their rights as whistleblowers. And the legal channels to take, which would include coming directly to you as members of Congress, as well as establishing a direct hotline to myself should they choose to take that path.

Tom Cotton

01:10:01

One last question, if I might. Would you support the declassification of the committee's full report on the CIA's torture program?

Tulsi Gabbard

01:10:12

Senator, I believe in transparency. I have not seen this and so cannot make an honest assessment for that answer.

Tom Cotton

01:10:19

Thank you, Mr. Chairman. Senator Cornyn, welcome. Ms. Gabbard, congratulations and thank you for your service to our nation. I hope you will take to heart the Chairman's comments about the exploding bureaucracy, not only in the government generally, but in the Office of the Director of National Intelligence. This is a critical role to be played.

Tom Cotton

01:10:46

But unfortunately, that role is not made easier or more effective by such a large, unwieldy bureaucracy. Do you believe that the President of the United States should get all of the lawfully collected intelligence that's available in order to inform his judgments as Commander in Chief?

Tulsi Gabbard

01:11:07

Senator, not only is the answer a strong yes, I would say that it is the Director of National Intelligence responsibility to make sure that the President has access to all the intelligence so that he can make the best informed decisions for our country.

Tom Cotton

01:11:21

And you will be the one actually briefing him on a daily basis, correct?

Tulsi Gabbard

01:11:25

That's correct.

And the President's daily brief, and we've heard that that is composed of about 7/5, 60% of it's composed of information gleaned by collection under section 702 of the Foreign Intelligence Surveillance Act. I've heard your comments to Senator Wyden and others. You and I talked about the importance of getting dissenting views in front of the President so that we don't have group think, which can be very dangerous, particularly in the intelligence collection areas.

Tom Cotton

01:12:02

And I appreciate your agreeing that presenting the policymakers, including the President, with dissenting views is very important. Are you aware that overwhelmingly the courts that have looked at a challenge to Section 702 based on the Fourth Amendment and any potential warrant requirement have overwhelmingly said that the Fourth Amendment is not implicated by search of lawfully collected intelligence?

Tulsi Gabbard

01:12:33

I am aware. Yes, Senator.

Tom Cotton

01:12:35

And do you disagree with that?

Tulsi Gabbard

01:12:39

What I began to say and in answer to Senator Wyden's previous question on this issue is, number one, the decision about a warrant requirement will be yours to make, not mine. As Director of National Intelligence, you'll be.

Tom Cotton

01:12:52

The Director of National Intelligence, and people will be on wanting to hear from you about what we should do as policymakers. Admittedly, you're not going to be a policymaker, but you certainly will inform us. And wouldn't you? You do agree that the courts have overwhelmingly held that a warrant is not required, correct?

Tulsi Gabbard

01:13:15

Yes, Senator, I'm aware of the court rulings. What my commitment is to make sure that we uphold the Fourth Amendment rights of Americans and protecting against unlawful seizure and search. There are many different ways to do this. The devil is in the details. There are examples of how even in situations under Title 1 where a warrant is required to surveil a US person.

Tom Cotton

01:13:38

Title 1 is different. I agree with you on that.

Tulsi Gabbard

01:13:41

But my point, Senator, if I may just finish.

Tom Cotton

01:13:43

Excuse me, if that was misused in the case of Carter Page and basically an FBI lawyer lied in order to secure that warrant. Which is why they're saying what would be necessary to be shown in order to establish probable cause to a judge in order to obtain a warrant.

Tulsi Gabbard

01:14:07

Again, Senator, that's not for me to say. That would be for you all to decide and for the Attorney General to weigh in on.

Tom Cotton

01:14:13

Do you know what the elements of probable cause are and whether that's a practical and workable solution?

Tulsi Gabbard

01:14:20

This is the center of the debate. The high standard of probable cause that's required to get a warrant and why this will continue to be a conversation again with the Attorney General weighing in and all of you in Congress making this policy decision.

Tom Cotton

01:14:36

The CIA Director, John Ratcliffe, said during his testimony before this committee that he believed that a warrant is not only required by law, but is actually impractical. Do you disagree with that or agree with that?

Tulsi Gabbard

01:14:54

I will be in a better position to make an assessment on the practical implications of this if confirmed. As dni, my commitment remains to uphold the Constitution and Americans Fourth Amendment rights.

Tom Cotton

01:15:06

Where would the warrant be sought? Would it be in the Foreign Intelligence Surveillance Court or would it be in Some other Article 3 court?

Tulsi Gabbard

01:15:14

My understanding is that it would be in the Foreign Intelligence Surveillance Court.

Tom Cotton

01:15:18

Are you aware of the fact the Foreign Intelligence Surveillance Court has held that a warrant is not required?

Tulsi Gabbard

01:15:24

I am aware.

Tom Cotton

01:15:26

Thank you. Thank you, Senator Heinrich. Thank you, Chairman. Welcome. You traveled to Syria and Lebanon in January 2017. Bassam Kawam personally paid for that trip. And Bassam and his brother Ilias accompanied you to both Lebanon and Syria. The Quam brothers have links to the Syrian Social Nationalist Party, an ally of Hezbollah. And in fact, in 2008, the Syrian Social Nationalist Party participated in the assassination of a former Lebanese Prime Minister and assisted Hezbollah in Beirut.

Tom Cotton

01:16:04

When did you become aware of the links between the Kawam brothers and the Syrian Social Nationalist Party?

Tulsi Gabbard

01:16:10

Senator, thank you for your question. Just a point of clarification. I paid for my own expenses and travel on that trip. I was not aware of any accusations of these two Lebanese Americans associations until after the trip occurred.

Tom Cotton

01:16:27

And that's when you reimbursed.

Tulsi Gabbard

01:16:29

Correct? Correct. Not because of. I wanted to make sure that there were no perceived conflicts of interest. I addressed this specific question to these Lebanese Americans who had organized the trip and they vehemently denied any associations with that group.

Tom Cotton

01:16:51

There is not a great deal in the public record about what you and Syrian dictator Bashar Al Assad discussed for so long in January of 2017. And I think there's a great deal of interest from the American people about what was discussed in that meeting. So what did you talk

about? And did you press Assad on things like his use of chemical weapons, systematic torture, and the killing of so many Syrians?

Tulsi Gabbard

01:17:25

Yes, Senator. Upon returning from this trip, I met with people like then leader Nancy Pelosi and Steny Hoyer, talked to them and answered their questions about the trip. And quite frankly, I was surprised that there was no one from the intelligence community or the State Department who reached out or showed any interest whatsoever in, in my takeaways from that trip.

Tulsi Gabbard

01:17:48

I would have been very happy to have a conversation and give them a back brief. I went with former Congressman Dennis Kucinich, who had been there many times before and who had met with Assad before. A number of topics were covered and discussed. And to directly answer your question, yes, I asked him tough questions about his own regime's actions, the use of chemical weapons, and the brutal tactics that were being used against his own people.

Tom Cotton

01:18:15

Were you able to extract any concessions from President Assad?

Tulsi Gabbard

01:18:19

No, and I didn't expect to. But I felt these issues were important to address.

Tom Cotton

01:18:25

According to your revised trip report, your third meeting in Syria after meeting with Assad and then his wife was with Grand Mufti Ahmad Badreddin Hassoon, forgive me if I'm not pronouncing that correctly. In an October 2011 speech, the Grand Mufti warned the US and Europe that we will prepare suicide bombers who are already in your countries.

Tom Cotton

01:18:53

If you bomb Syria or Lebanon, what was the goal or what did you accomplish by meeting with Grand Mufti?

Tulsi Gabbard

01:19:01

Senator, before going on the trip and during their, during my time both in Syria, Syria and Lebanon, I made it a point to meet with different religious leaders, both Muslim leaders, as well as various Christian and Catholic leaders who were there in the region. I did that both in Syria and in Lebanon to hear from them about what their concerns or thoughts were

with regard to the war that was being raged at the time.

Tom Cotton

01:19:28

Were you aware of his threats regarding suicide bombers in the United States?

Tulsi Gabbard

01:19:34

I was not and had not heard that until today.

Tom Cotton

01:19:37

Who vetted the people that you met with on this trip to Syria and Lebanon?

Tulsi Gabbard

01:19:43

The itinerary was created by former Congressman Dennis Kucinich, his constituents, who he had traveled with to Syria and Lebanon a number of times before. Some of the individuals that I met with were looked at prior to the trip. Others came, came up during the trip that were unexpected.

Tom Cotton

01:20:05

Just in complete hindsight, would you view this trip as good judgment?

Tulsi Gabbard

01:20:13

Yes, Senator. And I believe that leaders, whether you be in Congress or the President of the United States can benefit greatly by going and engaging boots on the ground, learning and listening and meeting directly with people, whether they be adversaries or friends.

Tom Cotton

01:20:27

Last question. Who do you blame? Who is responsible for the war in Ukraine?

Tulsi Gabbard

01:20:32

Putin started the war in Ukraine.

Tom Cotton

01:20:35

Thank you, sir. Moran, before your questions, I want to extend all of our condolences to the in particular to you for the loss of life for your fellow Kansans last night in that air crash. Our prayers are with all of your people back home who lost loved ones. Thank you, Mr. Chairman. So many people here and throughout the halls of Congress have been very kind and expressing their condolences.

And I appreciate you saying this in this setting just now. Lt. Col. Gabbard, you were asked in your questionnaire about your priorities and you listed Iran and Hamas and Hezbollah and North Korea. You also mentioned Russia. But the only thing you said about Russia in fulfill in fully explaining, explaining why it's a priority is ending the war with Russia.

Tom Cotton

01:21:28

When you talk about Russia, what are your fears or policy priorities beyond ending the war? How do you see Russia as a threat to the United States?

Tulsi Gabbard

01:21:41

Senator, if confirmed as the Director of National Intelligence, it will be paramount for me to assess where our intelligence gaps may exist so that I can provide the President and all of you with the most accurate full picture of that threat assessment to directly answer your questions. I think that it is a complex environment.

Tulsi Gabbard

01:22:05

Russia remains a strategic competitor. There are a number of concerns that have to do with their nuclear weapons, as well as how the decisions and policies that are being made by this body and by the President will impact our own national security, which is my foremost concern.

Tom Cotton

01:22:24

I want to make certain that in no way does Russia get a pass in either your mind or your heart or in any policy recommendation you would make or not make.

Tulsi Gabbard

01:22:38

Senator, I'm offended by the question because my sole focus, commitment and responsibility is about our own nation, our own security, and the interests of the American people in carrying out the responsibilities of the Director of National Intelligence. If confirmed, no country, group or individual will get a pass in my fulfilling that responsibility of providing that full intelligence picture so that you all can make the best informed policy decisions for the safety, security and freedom of of the American people.

Tulsi Gabbard

01:23:14

You have my commitment to be completely objective, unbiased and apolitical. And I hope you understand my commitment to our country's interest.

Tom Cotton

01:23:23

I absolutely do. You have answered my question in the manner in which I wanted to hear

that you will do this in an objective manner, provide the information necessary and that Russia, if it's a threat, you will tell us so and tell us the details of that threat.

Tulsi Gabbard

01:23:39

Yes.

Tom Cotton

01:23:39

Senator, how would you restructure the National Intelligence Priority Framework to better align with President Trump's national security goals?

Tulsi Gabbard

01:23:48

Senator, this is a discussion, if confirmed, I look forward to having with the president and his National Security advisor again, based on the threat assessment and based on the President's priorities. He has spoken about a number of different priorities in different parts of the world. I would work with them on that National Intelligence Priorities Framework, which will serve as the foundation for the intelligence elements under odni.

Tom Cotton

01:24:14

Any recommendations that you have in mind to make to President Trump in that regard?

Tulsi Gabbard

01:24:19

I want to make sure that any recommendations that I make to the president are fully informed. From where I sit now, I don't believe that I can make those recommendations. I take that responsibility seriously and wouldn't want to shortchange him without first doing the due diligence and work to make sure my recommendations are well founded.

Tom Cotton

01:24:37

How will you, Lieutenant Colonel, as the dni, if confirmed, meet the objectivity and political neutrality requirements to ensure that you're telling the White House what they need to hear and not what they want to hear? A follow up to that is how will you handle conflicting intelligence reports from the various members of the intelligence community and present a broad intelligence picture to the President?

Tulsi Gabbard

01:25:05

Yeah. Thank you for the question, Senator. I hope that you have confidence in my ability to extract politics from what my role will be as Director of National Intelligence, because it's something I've done for almost 22 years now of wearing the uniform, both serving in the National Guard and the Army Reserve, even while holding political office.

There is a brick wall between the two. And I have fulfilled that obligation in uniform, as I will as Director of National Intelligence if confirmed. I think the President. I know the President values hearing a lot of different views. And I would make sure that in the intelligence community's responsibilities, that dissenting views are not only allowed but encouraged and where they present themselves, make sure that the president and you as policymakers are aware so that you can make your best informed decision.

Tom Cotton

01:25:55

Would you agree with me that bias and prejudice, if it exists, any place, exists on both sides of an issue, both partisan sides of this place called Washington, D.C. and the goal, the effort that you will make is to make certain that all the information is presented in a nonpartisan, direct and manner based upon the facts as known?

Tulsi Gabbard

01:26:20

Yes, Senator, I agree. And you have my commitment. This is essential for the American people and all of you to have faith and trust in the intelligence products that are being delivered.

Tom Cotton

01:26:30

One of the greatest challenges is knowing who's telling us the truth. And we need a DNI who tells the truth. True.

Tulsi Gabbard

01:26:37

Yes. I have a long record of speaking truth to power and would continue that commitment if confirmed in this role.

Tom Cotton

01:26:43

Thank you. Thank you, Senator Moran, Senator King. Thank you, Mr. Chairman. And Ms. Gabbard. I certainly want to applaud and express my appreciation for your service both in the military and in the Congress. Two very challenging jobs. And I want to thank you for that. I noted that Edward Snowden was in Hawaii, of all places, for a year and a half before he fled to Hong Kong and then on to Russia.

Tom Cotton

01:27:10

Did you ever meet him or have any contact with him during that period or subsequently with telephone calls, emails, zooms, contact with he or his lawyers?

Tulsi Gabbard

01:27:21

No, Senator. Not at any time have I had contact with Edward Snowden.

And you introduced a bill in 2020 that was essentially a pardon. It basically said all charges should be dropped. You had a lot of whereases in that bill. Where did the factual basis for those whereas clauses come from, Senator, if I.

Tulsi Gabbard **01:27:47**

Recall in that bill, it came from publicly available information.

Tom Cotton **01:27:51**

I see. And were you aware that there was a bipartisan committee report from the House intelligence committee in 2016 on Snowden's activities?

Tulsi Gabbard **01:28:05**

I don't recall specifically at that time, but I am aware of that committee's report and executive summary that was reported publicly. I did not have access to the classified report that that summary was based on.

Tom Cotton **01:28:17**

Did you read that report prior to filing your bill in 2020, Senator?

Tulsi Gabbard **01:28:23**

I don't recall specifically. I remember reading a lot of materials prior to filing that bill.

Tom Cotton **01:28:29**

Well, the bipartisan committee report number, the first item. Edward Snowden perpetrated the largest and most damaging public release of classified information in US Intelligence history goes on to say Snowden caused tremendous damage to national security, and the vast majority of the documents he stole have nothing to do with programs impacting individual privacy.

Tom Cotton **01:28:55**

But you. You don't recall ever seeing the work of that committee?

Tulsi Gabbard **01:28:59**

I'm aware of those conclusions drawn.

Tom Cotton **01:29:03**

Edward Snowden, were you aware at the time?

Yes, I was, Senator. Edward Snowden broke the law. There's no question about that. He should not have released all of that information that caused that harm. There's no question about that.

Tom Cotton

01:29:15

How many documents did he release?

Tulsi Gabbard

01:29:18

I know that he took over a million documents. I don't know specifically how many of those million he specifically released.

Tom Cotton

01:29:26

Well, you stated very unequivocally today Snowden broke the law, but you introduced A bill in Congress along with Congressman Matt Gates to essentially pardon him. So he broke the law, but it wasn't all that serious. Is that what you thought in 2020?

Tulsi Gabbard

01:29:40

I take very seriously upholding our Constitution and have sworn an oath to support and defend that Constitution over eight times in my life. My statements in the past have been reflective of the egregious and illegal programs that were exposed in that leak.

Tom Cotton

01:29:57

But you ignore the vast majority as the committee found bipartisan. I think Devin Nunes was the chair. Adam Schiff was the Vice chair. The conclusion was that the vast majority of these things that he released had nothing to do with constitutional rights, the fourth Amendment, but indeed were enormous compromises of our national security.

Tulsi Gabbard

01:30:22

Senator, I focused on raising concerns around egregious, illegal and unconstitutional programs that our government was conducting that clearly violated Americans Fourth Amendment rights. I think the most important thing that I hope all of you find to be relevant here is that if confirmed as Director of National Intelligence, I would take seriously the responsibility to protect our nation's secrets.

Tulsi Gabbard

01:30:46

Just as I have for almost 20 years of holding a security clearance of some sort myself, either secret or top secret, and have never once violated the responsibility and privilege that comes with holding that clearance and have a specific action plan in place to make sure that there is not another Snowden type leak in the future.

I think you testified that you never saw the classified version of this report.

Tulsi Gabbard 01:31:10

That's correct.

Tom Cotton 01:31:11

On page 22 of the report there's a heading that's not classified that says what damage did Snowden cause? And then there's a lot of redacted material. Did that not raise a red flag for you or do you not recall.

Tulsi Gabbard 01:31:27

Edward Snowden broke the law? Like I said, I did not have access to that classified.

Tom Cotton 01:31:32

Did you seek access to it?

Tulsi Gabbard 01:31:35

I believe so, yes. This was quite some time ago.

Tom Cotton 01:31:40

But you still introduced your bill to.

Tulsi Gabbard 01:31:41

Essentially I take very seriously the protection of American civil liberties and our fourth Amendment rights. If confirmed as Director of National Intelligence, I'd make sure that there is no further Snowden type leak in the future and that those who have concerns have legal channels to raise those concerns so that we don't violate and release our nation's secrets.

Tom Cotton 01:32:02

There are about 20 countries. Thank you. Senator King. Senator King, time has expired. Senator Lankford Tulsi, it's good to see you again. Thanks for the time.

Tulsi Gabbard 01:32:12

Thank you.

Tom Cotton 01:32:12

That we got a chance to be able to spend together and be able to talk through a lot of these issues. Thank. Thanks for your service to the country. Both In Congress, though, you were in the wrong party at the time. And in your service to the country, through your service there, including in my great state in Oklahoma, that you had the opportunity to be able to serve there, I want to give an opportunity for you to be able to answer a few things on it, and I want to set some context.

Tom Cotton

01:32:33

There's been a lot of questions about 702 and about Edward Snowden, and it may seem like this is repetitive to be able to come through it, but there are thousands of intelligence employees and folks that have. They have also taken an oath to the country and to the Constitution. They serve our country every day.

Tom Cotton

01:32:51

They're the folks that don't have a uniform on that. No one ever says thank you to them and no one ever buys them lunch because people don't know who they are. But they every day put their lives on the line and they work very hard to be able to protect Americans. And when Edward Snowden got mad at his employer that he didn't get the promotion that he wanted and started harvesting information and then found some things that he didn't like on it and then kept going and then released them to media and went to China, and then went from China to Russia and became a Russian citizen and continued to be able to layer out intelligence unrelated to the civil liberties of any American, and then said, I have more and I can release them at any time I want.

Tom Cotton

01:33:37

They don't see him as brave. They see him as a traitor. And the concern among so many here, and I think what a lot of the folks in the intelligence community that you'd have the responsibility to oversight, is they want to hear that you also believe the same thing, that not just he broke the law, but that he's a traitor, because they don't want that to ever happen again.

Tom Cotton

01:34:00

And all the sources that they had that they trusted and they trusted them, now their lives were at risk, and all the programs that they had that were determined lawful all collapsed. And that intelligence then was gone. And the President didn't have access to a lot of information for decision making. So this is a big deal to everybody here because it's a big deal to everybody that you'll also oversee in that role as well.

Tom Cotton

01:34:27

And so it's helpful for them to be able to hear your heart on this. So was Edward Snowden

a traitor?

Tulsi Gabbard

01:34:33

Senator, my heart is with my commitment to our Constitution and our nation's security.

Tom Cotton

01:34:39

Ours too.

Tulsi Gabbard

01:34:40

Thank you. I have shown throughout my almost 22 years of service in the military, as well as my Time in Congress, how seriously I take the privilege of having access to classified information and our nation's secrets. And that's why I'm committed, if confirmed as Director of National Intelligence, to join you in making sure that there is no future Snowden type leak.

Tulsi Gabbard

01:35:04

And I would do so by taking four specific actions. Number one, again, to make sure that there are no illegal and unconstitutional programs limiting, in a big way, those who have access to our nation's top secrets through security clearance reform, making sure that every single person in the workforce knows about the legal whistleblower channels available to them, and making sure that there's a direct line available to me should anyone have concerns.

Tulsi Gabbard

01:35:32

If people choose to step outside of those legal channels to raise any concerns about programs or actions that exist within the intelligence community that are classified, there will be no excuse to do so, and they should be charged and prosecuted under the law.

Tom Cotton

01:35:47

Was he a traitor at the time when he took America's secrets, released them in public, and then ran to China and became a Russian citizen?

Tulsi Gabbard

01:35:53

Senator, I'm focused on the future and how we can prevent something like this from happening again.

Tom Cotton

01:35:59

So you would have the responsibility to be able to give counsel to the President, which is a

great privilege. You already have his ear, quite frankly, and you all have a great relationship on that, which is very beneficial. But when President Trump chose to take the strike on Soleimani, he was also at that same time going through an impeachment in the House.

Tom Cotton

01:36:17

And you were kind of tough on him at the time about that. You called it a declaration of war. You said that the Soleimani strike will lead to an outcome that will further undermine our national security. As a member of Congress, I also take seriously declaration of war and our responsibility in that he was acting in a way that he came out and the intelligence gave that Soleimani was in the process of preparing a strike on American citizens and those folks that were in the field at the time.

Tom Cotton

01:36:46

I guess the question that I have is the ODNI will sit with the President, will provide options to the President, and say, here are the options that you could take. Would you have presented a Soleimani strike at that time, looking back at it now in retrospect and saying, this is an option you could take and here's how to be able to do it?

Tulsi Gabbard

01:37:05

Yeah. Thank you, Senator. It's an important question. If confirmed as Director of National Intelligence, I would make sure that the President has all of the objective analysis and intelligence reporting so that he can make that best informed decision, including all of the options and actions that he has available to him, which should exist alongside an assessment of what the possible repercussions or responses to those actions may be.

Tulsi Gabbard

01:37:33

My own personal views have no place in that assessment. And that providing to the President and his advisors with all of those options available.

Tom Cotton

01:37:43

Thank you, Senator Lankford. Senator Bennett. Thank you. Mr. Chairman. I would like to repeat my colleague's question to you. Thank you for being here to answer these questions and for your service. Was Edward Snowden a traitor to the United States of America?

Tulsi Gabbard

01:38:04

Senator, I will also repeat my answer.

He broke the law. You said earlier that you were offended by a question that my colleague from Kansas asked, which I think was his duty as somebody on this committee to fulfill his responsibility to. To advise and consent. We are not here to be a rubber stamp for the President of the United States.

Tom Cotton

01:38:27

So let me ask you again. Do you believe, as the chairman of this committee believes, as the vast majority of members of our intelligence agencies believe, that Edward Snowden was a traitor to the United States of America?

Tulsi Gabbard

01:38:42

Senator. Have confirmed as when the rubber hits intelligence.

Tom Cotton

01:38:46

This is.

Tulsi Gabbard

01:38:46

I will work with you to make.

Tom Cotton

01:38:48

Sure that there is not another Snowden likely media. It's not a moment to propagate theories, conspiracy theories or attacks on journalism in the United States. This is when you need to answer the questions of the people whose votes you're asking for to be confirmed as the chief intelligence officer of this nation. As my colleague said, this is not about you.

Tom Cotton

01:39:18

It's about the people that serve the intelligence agencies of the United States. Is Edward Snowden a traitor to the United States of America? That is not a hard question to answer when the stakes are this high.

Tulsi Gabbard

01:39:39

Senator, as someone who has your answer.

Tom Cotton

01:39:41

Yes or no, is Edward Snowden a traitor to the United States of America?

Tulsi Gabbard

01:39:48

As someone who has worn a uniform in combat, I understand how critical our national security is.

Tom Cotton

01:39:56

Apparently you don't. Apparently you don't. Let me. Let me ask you. I've worked very hard to put your own words here in front of the committee. Not, you know, fake news, not conspiracy theories on the Internet, but the actual things that you have said. On February 23, 2022, at the very moment that Russian tanks were rolling across the peaceful border of Ukraine for the first time, you tweeted at 11:30pm your time.

Tom Cotton

01:40:30

This war and suffering could have easily been avoided if Biden administration NATO had simply acknowledged Russia's legitimate, legitimate security concerns regarding Ukraine's becoming a member of NATO. Did you say that? Yes or no?

Tulsi Gabbard

01:40:47

I believe you're reading My tweet, Senator.

Tom Cotton

01:40:49

Yes. Is the answer. A few months later, you said on your podcast, and I quoted it, quote, but this regime change, war against Russia that the US And NATO are waging via their proxy in Ukraine didn't begin when Putin invaded Ukraine. They had their eyes set on this objective long before that. Did you say that?

Tom Cotton

01:41:14

Yes or no?

Tulsi Gabbard

01:41:15

I believe you're reading my tweet.

Tom Cotton

01:41:17

There's a lot more. Yes.

Tulsi Gabbard

01:41:19

You're quoting a podcast that provided much more.

Tom Cotton

01:41:21

To have a conversation with the chairman about whether I'm taking anything out of

context. I don't think I am. And your answer is yes. Are you aware that your comments about proxy wars and Russia's legitimate, legitimate security concerns, to quote your own words, are in alignment with what the Russians have said to justify their invasion of Ukraine?

Tom Cotton

01:41:51

Yes, Senator.

Tulsi Gabbard

01:41:52

I don't pay attention to Russian propaganda. My goal is to take the truth.

Tom Cotton

01:41:57

The answer is, regardless of whether you.

Tulsi Gabbard

01:41:59

Like it or not, take.

Tom Cotton

01:42:00

That's fine. You said you are used to speaking truth to power. I'm shocked to hear you now say that. You know, you are. You are agreeing. I'm not shocked because I know you said it. You are agreeing that you basically said that Putin was justified in rolling over the peaceful border of Ukraine, the first time since World War II, that a free nation had been invaded by a totalitarian state.

Tom Cotton

01:42:28

And you were there at 11:30pm that night to say that you were with them, not us. And let me tell you something. You say you don't know because you don't read Russian propaganda. Russian state TV then aired your comments.

Tulsi Gabbard

01:42:44

Did you know that, Senator, I think you should also quote the statement that I made criticizing Putin for his invasion.

Tom Cotton

01:42:53

What I would say, Mr. Chairman, with the last. It's up to all of us. We're the Senate. We get to decide whether we're going to confirm this nominee. Obviously, we didn't select this nominee, but can't we do better than somebody who doesn't believe in 702? Can't we believe that somebody who can't answer whether Snowden was a traitor five times today,

who made excuses for Vladimir Putin's invasion of Ukraine, the first time that I'm aware of any American official has done that.

Tom Cotton

01:43:29

I'm questioning her judgment. That's the issue that's at stake here. And as you said, and I totally agree, this is about our intelligence officers, and you cannot. Most of what we do here is in secret. This is one of the very few opportunities that you will ever have to have a conversation with this Panel in public.

Tom Cotton

01:43:52

And the record is going to be very clear about the position you took with regard to Edward Snowden. And the record is going to be very clear about your reaffirmation of the statements you made in the middle of the night when Russia was invading the free country of Ukraine. Senator Bennett, we will take that into consideration.

Tom Cotton

01:44:14

When are we to have this book? Your time has expired. I will. I will note that during Senator Bennett's question and answer, there was two disturbances in the room. The first sounded like a cell phone. I would ask everyone on both sides of the dais, if you have not silenced or turned off your cell phone, please do so now.

Tom Cotton

01:44:32

The second disturbance was the cries of a small child. We will welcome such disturbances because the cries of an infant are the sound of answered prayers, Senator Rounds, not only here, but the answered prayers in church when they cry as well. Mr. Chairman, first of all, thank you for your service to our country.

Tom Cotton

01:44:55

I think part of the discussion here, as you can see, we feel very, very strongly about FISA 702. We work with it literally every day. As you can also tell, we have some very, very strong feelings here with regard to the actions of Edward Snowden. I want to come back and I'm going to give you an opportunity to make any corrections or to make any other comments with regard to both of those issues that have been brought up here.

Tom Cotton

01:45:23

But before I get into that, I want to go back into a little bit of your previous history as well. You did service Hawaii's. You served as a congressperson for what, eight years?

Tulsi Gabbard

01:45:35

Yes, Senator.

Tom Cotton

01:45:37

And during that time, you served on the Armed Services Committee. And during that time period, you did carry a TS SCI clearance. You worked your way through that time period. You had an opportunity to look at a lot of information. Can you share just a little bit about the way that you've looked at that, not just as a member of the Congressional delegation from Hawaii, but also during the time in which you were a lieutenant colonel serving up, through and including a battalion commander.

Tom Cotton

01:46:12

Talk about that a little bit, please.

Tulsi Gabbard

01:46:14

Thank you, Senator, for your question. In both of those roles, I had exposure to different sides of how critical our national security is and the unique role that our intelligence community plays in ensuring our national security. My most recent deployment with the military was as part of a Joint Special Operations Task force to Djibouti and Somalia, where our mission was to support the Somali government and military's focus on defeating Al Shabaab, which is Al Qaeda's element there within East Africa.

Tulsi Gabbard

01:46:52

One of the things that we came across there that I hadn't known previously, even having served in Congress for eight years, because it hadn't been focused on was how Al Shabaab specifically was the biggest funder of Al Qaeda in the Arabian Peninsula, which again, should be of unique concern and interest to our own national security concerns.

Tulsi Gabbard

01:47:14

Being able to engage with world leaders in both capacities in uniform, and as a member of Congress, being a customer of intelligence in both of those roles gives me a unique perspective, if confirmed as Director of National Intelligence, to come in with fresh eyes, to come in with some of the frustrations that I experienced as a member of Congress with the lack of information that we received from the intelligence community, oftentimes feeling as though everything we heard in a brief could have been read in the newspaper that morning.

Tulsi Gabbard

01:47:44

And the essential oversight role that all of you play here in Congress, you are unable to do so unless you. You are equipped with that intelligence and information. I'm committed to

fulfilling that responsibility if confirmed as Director of National Intelligence.

Tom Cotton

01:47:58

Okay. Now, when you and I first met, I told you that I thought you needed to kind of take a change in the direction that you were going with regard to how you were approaching the private conversations, and that we wanted you to sit down and meet with some folks who were directly involved in gathering the intelligence and so forth.

Tom Cotton

01:48:16

You did that?

Tulsi Gabbard

01:48:17

Yes.

Tom Cotton

01:48:17

And then we came back and we sat back down again and what those individuals who I had talked to and I asked you to talk with shared with me that they thought that you were a quick study and that you had the opportunity to look at a number of the issues that this committee considers to be extremely sensitive, 702 in particular.

Tom Cotton

01:48:37

Now, I've got about a minute left, but I want to give you an opportunity to, in front of this committee, to share your position in your own words about how strong or how much it is needed with regard to the continuation of 702 and your support for it.

Tulsi Gabbard

01:48:54

Thank you, Senator. 702 provides a unique security tool and capability that is essential for our national security. There are a number of areas that we would be blind from a national security perspective without this capability. It also must exist next to having safeguards in place to ensure Americans civil liberties are protected. As you know, Senator Seven, it is illegal under 702 to target any US person.

Tulsi Gabbard

01:49:26

There are several other sections within FISA that speak to some of the civil liberties reforms that you all passed in last year's legislation.

Tom Cotton

01:49:36

So let me, let me finish with this. 702 in its current form, stays in effect for the Next year

you would agree that there were reforms made which fixed a number of the items that you had a problem with in the first place, Is that correct?

Tulsi Gabbard

01:49:51

It's correct, Senator. And some of those reforms that you enacted were a specific. Specific to some of the legislation that I introduced back when I was in Congress, such as prohibiting the ABOUTS collection as well.

Tom Cotton

01:50:05

Thank you. Thank you, Senator Rams. Senator Gillibrand. Thank you, Mr. Chairman. Thank you, Ms. Gabbard, for your service both in Congress and in our US Military. I want to talk to you a little bit about your perspectives on China. How do you view China in your national security role?

Tulsi Gabbard

01:50:23

Our relationship with China is one that is complex given how closely our economies are linked. There are a number of challenges and threats that need to be navigated with respect to China, some of which have come up most recently with this very serious cyber exploitation and salt typhoon and Volt typhoon that seemingly took us by surprise in the compromising of our major telecom companies and an area of significant and great concern.

Tom Cotton

01:50:54

So some of your past statements that that are relevant to China are concerning because I don't think it fully appreciates China's perspective towards the United States. For example, with regard to TikTok, your past statements have essentially said that requiring domestic ownership of TikTok is a violation of civil liberties and the national security concerns are complete BS.

Tom Cotton

01:51:24

Can you explain why you have this view on TikTok?

Tulsi Gabbard

01:51:27

The position that I previously made, obviously not as a member of Congress as you consider the TikTok legislation were centered around the protection of Americans First Amendment rights and the lack of data privacy legislation. Frankly, that would apply to TikTok, Facebook X, all of these different social media applications that collect on us as users of these applications.

There were other provisions within that legislation that granted very vague and grandiose authorities to the President on deciding which private companies are or are not a national security threat.

Tom Cotton

01:52:11

So let's talk about China specifically, because this is where I want to make sure you understand what's at stakeholders at stake. We've had concerns over many years that when China owns infrastructure, it can manipulate that infrastructure. It can use it for spying. It could use it turn it on or off. And you've actually addressed some of the most recent cyber attacks that we believe China had relevant participation.

Tom Cotton

01:52:34

The challenge is if China owns TikTok, it means they can spy on the United States, on the American people. It can take all the data from our children. It can change the narrative about what people are talking about through their algorithms. If it wants to create misinformation or malign foreign influence, it's very easy.

Tom Cotton

01:52:51

So can you understand why it's so important that we require domestic ownership of TikTok?

Tulsi Gabbard

01:52:57

I understand the concern, Senator. I would just reiterate some of my concerns that I stated in the past about how this really is an issue about data privacy because so much of what is collected by all of these, even US Owned companies, understood. I'm just concerned about country.

Tom Cotton

01:53:15

I get it. And that is a bigger issue for Congress to wrestle. And I am all in for that conversation. But I want you to appreciate China. What is your view with regard to Taiwan? Do you think it is something that your intelligence efforts will understand how important our relationship is with Taiwan, specifically on chips manufacturing?

Tom Cotton

01:53:36

I think President Trump has most recently decided to have 100% tariff on all Chinese chips from Taiwan. And your statements, particularly about the bill we passed, the CHIPS act to make sure that domestic production is invested in and so that we have that supply chain and so we have that national security. But your public statements about the CHIPS act have been very negative and don't seem to appreciate how important that independence

is for our national security.

Tom Cotton

01:54:01

To be beholden to China, to be beholden to Taiwan, to be in a place where we can't do our own national intelligence.

Tulsi Gabbard

01:54:10

Yes, Senator. I fully support the investment in building and strengthening our own domestic capabilities. If I recall, that legislation had a lot of other provisions in it that had nothing to do with the production of our own capability and I felt were a distraction away from and a potential obstacle towards achieving that.

Tom Cotton

01:54:32

So you will recommend to the President that we continue to invest in the semiconductor industry in the United States for our own independence as well as our own national security.

Tulsi Gabbard

01:54:41

Yes, Senator. And I would base my recommendations on a number of these, all of these issues, if confirmed as dni, based on the full assessment of the intelligence picture. So the President understands the ramifications and the potential cost towards any one of these policy positions that he will make and all of you will make.

Tom Cotton

01:55:00

And last, I want to return to the Soleimani strike. At the time you said it was illegal. That President Trump did was illegal, would cause very significant problems down the line. What is your position on that strike and will you be able to advise the President in future issues with regard to national security?

Tulsi Gabbard

01:55:18

Those broader issues that I raised with regard to war powers, I have been consistent on. I didn't have access to all of the information behind that strike at the time. And my concerns were that that may be an escalatory action. President Trump was right. There was no escalation beyond that. And his policies towards Iran turned out to be very effective for our own national security.

Tom Cotton

01:55:43

Do you. Thank you, Senator. General. Brad, can I just. Do you disagree with the President taking away the protection for those who are now being targeted in retaliation for the

Soleimani strikes, such as previous Secretary Pompeo?

Tulsi Gabbard

01:55:54

Senator, I can't answer that without being able to look at the intelligence assessment and the threat assessment for that or other decisions.

Tom Cotton

01:56:00

Thank you. Senator Gillibrand. Senator Young. Tulsi, good to see you. We had a nice visit in the office.

Tulsi Gabbard

01:56:06

Thank you.

Tom Cotton

01:56:06

Appreciate you being here today. It was clear from that visit in the office that we share a lot of concerns. Concerns about ill advised foreign regime change interventions, about the weaponization in certain instances of, of our domestic law enforcement in intel authorities. Let me talk about something Edward Snowden on which we may not agree.

Tom Cotton

01:56:32

It's been recognized he fled overseas with the numbers one and a half million classified documents. He shared them with the press. He absconded to China and Russia. Do you have any response to the bipartisan findings of the House Intel Committee which stated that, quote, Snowden caused tremendous damage to national security, unquote, including to military, defense and intelligence programs of great interest to America's adversaries?

Tom Cotton

01:56:58

I'll give you an opportunity to respond, hopefully briefly.

Tulsi Gabbard

01:57:01

Thank you, Senator. As I've said before, Edward Snowden broke the law. And I do not agree with how he chose to release information and the extent of the information and intelligence that he released. It's my focus on the future. And I think we can all agree that we do not want to have another Snowden type leak.

Tulsi Gabbard

01:57:20

And I've laid out specific actions, if confirmed as dni, to do that.

Okay, well, it's notable you didn't say yes, it clearly hurt in various ways, our national security. The same House committee also reported that based on DoD assessments, should the Chinese or Russians access certain documents relating to DoD capabilities that we know Snowden stole, quote, American troops will be at greater risk in any future conflict, unquote.

Tom Cotton

01:57:52

Do you have any reflection on this assessment?

Tulsi Gabbard

01:57:54

I would be very concerned about that. I have not had access to the information or intelligence that led to that assessment. But anything that puts our men and women in uniform unnecessarily at risk should be a grave concern.

Tom Cotton

01:58:07

Yeah, I share that sentiment as a former Marine Corps intelligence officer. When we find that Americans, whether private citizens or contractors or uniform personnel, have shared sensitive designs about military technology or plans to a foreign government, however well intentioned, we rightfully throw the book at them. Snowden did just that. Yet you have argued many times that he should be pardoned.

Tom Cotton

01:58:42

You introduce legislation, as has been discussed here. He's been able to publicly hide, as I see it, behind this facade of being a so called whistleblower. But he likely endangered American lives through his actions. So as the leader of the intelligence community, how would you, how would you think you would be received based on some of these past actions, to support or even to pardon Edward Snowden, rank and file intelligence analysts and intelligence professionals, how do you think it'll be received?

Tulsi Gabbard

01:59:23

I'm grateful, Senator, to have received letters of endorsement and support from many current and former individuals who've worked within the intelligence community, those who've worked or are still working within our military, because I believe, they trust that my goal, my sole goal and interest is in our nation's security and upholding our oath to the Constitution.

Tulsi Gabbard

01:59:49

And they trust that if confirmed as Director of National Intelligence, I will take the very specific steps that I have laid out in informing every single person within the intelligence

community about the legal pathways they have to blow the whistle or to bring any concerns to the forefront to include coming directly to members of Congress to limit access so that we don't have People who are E3s or E4s or people in any situation taking it upon themselves to release classified information, giving them a direct line to me to once again make sure that we are all fulfilling our responsibility to ensure our national security and uphold our Constitution.

Tom Cotton

02:00:30

Thank you. Tulsi, was Edward Snowden false to an obligation or false to a duty?

Tulsi Gabbard

02:00:39

I don't understand what you're saying.

Tom Cotton

02:00:40

False? Yes. Did he betray a duty? Did he betray the trust of the American people, which is, according to Merriam Webster, that's the definition of a traitor.

Tulsi Gabbard

02:00:54

Edward Snowden broke the law and he released this information in a way that he should not have. He also acknowledged and exposed information that was unconstitutional, which drove a lot of the reforms that this body has made over the years to make sure that Americans constitutional rights are protected.

Tom Cotton

02:01:12

For what it's worth, Mr. Snowden is watching these proceedings. He's posted on social media, even indicating that Tulsi Gabbard should indicate that I harmed national security. This may be the rare instance in which I agree with Mr. Snowden. I think it would befit you and be helpful to the way you are perceived by members of the intelligence community if you would at least acknowledge that the greatest whistleblower in American history, so called, harmed national security by breaking the laws of the land around our intel authorities.

Tom Cotton

02:01:52

So thank you for being here.

Tulsi Gabbard

02:01:54

Thank you.

Thank you. Senator Young. Senator Kelly. Thank you, Mr. Chairman. Colonel Gabbard, I want to first say thank you for your service to this country, likewise in Congress and in the Army. Thank you for meeting with me a couple weeks ago, and thank you for being here today. You're nominated to lead and coordinate across the intelligence community's numerous sources of collection and analytic capabilities.

Tom Cotton

02:02:18

In a few sentences, can you describe how you make assessments and how you're going to sift through all this intelligence and make careful and thoughtful conclusions?

Tulsi Gabbard

02:02:28

Yes, Senator. There are great professionals who work within the intelligence community. I will build a strong team around me as they present the intelligence reporting to provide to the President through the President's daily brief, and to respond to issues and concerns that this body has. I will welcome dissenting voices to be able to make sure that this information intelligence is thoroughly vetted prior to presenting it, and make sure that the truth is reported, whether that truth is convenient or not.

Tom Cotton

02:02:59

Well, thank you, Ms. Colonel Gabbard. And I appreciate that the President and others are going to rely on that. I want to discuss such an assessment made by the IC. For years, the US analyzed evidence of numerous chemical weapons attacks in Syria. Eventually, we were able to assess that Bashar Al Assad was responsible for a number of these attacks that slaughtered his own civilians.

Tom Cotton

02:03:24

Do you accept the conclusion, broadly, that Assad used chemical weapons against Syrians?

Tulsi Gabbard

02:03:31

Yes, and I'm on the record for years of agreeing with that broad assessment.

Tom Cotton

02:03:35

Thank you. Among the attacks the US assessed, Assad was responsible for two that occurred in Douma and Khancheikun in Syria. As a member of Congress and as a presidential candidate, and as recently as this month, in your written responses to this committee, you have cast doubt on the assessment that Assad is culpable in these two attacks.

Is that still your position.

Tulsi Gabbard

02:04:04

Senator? I raised those questions given conflicting information and evidence that was presented at that time.

Tom Cotton

02:04:13

Well, thank you. So, to help inform the public, the Trump administration released declassified intelligence in 2017 and again in 2018, showing how experts analyze multiple types of evidence. Satellite imagery, medical experts, witnesses describing sources, and showing the reasoning used to determine Assad's culpability in using these chemical weapons, including Induma and Kanche Kun, in these attacks.

Tom Cotton

02:04:41

The ones that you question, I have two documents I want to submit for the record. Mr. Chairman. Admitted. Thank you. Were you aware of the declassified assessments, the one I referenced?

Tulsi Gabbard

02:04:55

Yes, I was.

Tom Cotton

02:04:56

And as a member of the House Armed Services Committee and the Foreign Affairs Committee, did You take time to review these?

Tulsi Gabbard

02:05:02

Yes.

Tom Cotton

02:05:03

Okay, thank you. And can you explain to me then why you doubted the intelligence community's conclusions in these two cases, Duma and Kanche Kun, but not the others. And please be specific.

Tulsi Gabbard

02:05:20

These two cases were being looked at to be used as a pretext for major military movement. And another, my fear was a repeat of the deployment of another half a million soldiers like we saw in Iraq towards what was the Obama administration's goal, which was regime change in Syria. The questions specifically that I raised around these two came

about because there were two reasons.

Tulsi Gabbard

02:05:52

One, that assessment was made with high confidence and low information. The information that they had come from those on the ground in an Al Qaeda controlled area and therefore were Al Qaeda linked sources. And there was conflicting information that came from the UN's office on the prohibition of chemical weapons inspectors, as well as an MIT professor, Ted Postol.

Tulsi Gabbard

02:06:15

I want to talk about him extensively.

Tom Cotton

02:06:17

So did you look into his credentials? Yes or no?

Tulsi Gabbard

02:06:21

Yes.

Tom Cotton

02:06:21

And were you aware of his appearances on Russian Today, which is used by the Russians to disseminate government approved messages? No. Were you aware Postol relied on a chemistry student with a record of defending the Assad regime at that time?

Tulsi Gabbard

02:06:41

I was not. I have been made aware since.

Tom Cotton

02:06:43

Do you consider this person or these two individuals now, do you consider them a better source for the chemistry of sarin gas than the US intelligence community?

Tulsi Gabbard

02:06:54

I assess that at the time, the information, I don't know the second person you're referring to, but MIT Professor Ted Postol and the inspectors of the OPCW provided some credible questions that deserved examination.

Tom Cotton

02:07:09

Okay, thank you. Did you attempt to weigh Postal's claims against the significant evidence and assessments already conducted by the ic?

Yes, I did.

Tom Cotton

02:07:19

Okay, thank you. So here's my concern here, Colonel. When we began this, you described a thoughtful approach to analyzing intelligence and reaching conclusions. This is what we expect of our professionals. But we just kind of walk through how you came to question Assad's use of chemical weapons in these two cases with a different approach.

Tom Cotton

02:07:40

And I don't reject seeking out differing viewpoints. We need to do that. But you started from a place of doubting the conclusions of the U.S. intelligence community, and then you sought out information that confirmed your viewpoint that led you to embrace the opinions of two individuals that. I think we disagree on this.

Tom Cotton

02:08:02

You think they had expertise? I do not. And others do not. But these individuals were sympathetic to Russia and the Assad regime. It also led you to minimize or discount the overwhelmingly information that contradicted your viewpoint. Including the expert assessments of our own intelligence community. And they don't get it right 100% of the time.

Tom Cotton

02:08:27

I get that. But what I have seen makes it clear that at the same time that you were skeptical of our intelligence community's assessments, you would not apply the same skepticism to information that came from sympathizers of Russian Assad. And I think that's something that we should all be concerned about. Thank you.

Tom Cotton

02:08:46

And I'm sorry for going over. Thank you. Senator Kelly. I want to recognize and welcome to the committee, our newest member, Senator Budd. Although we all regret Senator Rubio's departure, we're all pleased, as evidenced by the 99 to nothing vote, that he is now the Secretary of State. And also pleased that we have a great new member on our committee, Senator Budd.

Tom Cotton

02:09:05

Thank you, Mr. Chairman. I am grateful for your leadership here as well. Colonel Gabbard, great to see you again. I enjoyed meeting you in my office a while back. And I've enjoyed our friendship and our time serving together in the U.S. house. So, as you know, section 3023 of Title 50 states any individual nominated for appointment as DNI shall have

extensive national security expertise.

Tom Cotton

02:09:31

You served four terms as a member of the House of Representatives, which is a constitutional office. And throughout your tenure, you are a member of the Armed Services Committee and the Foreign Affairs Committee. Is that correct?

Tulsi Gabbard

02:09:43

Yes.

Tom Cotton

02:09:44

Senator, you also served over two decades in the US army, including holding commands at multiple levels, and served through administrations of both political parties. Is that correct?

Tulsi Gabbard

02:09:56

Yes.

Tom Cotton

02:09:56

Senator, throughout your time in the US House and in the army, you've been both a consumer of intelligence and a policymaker. How important is it for the intelligence community to provide timely, relevant, factual, and objective intelligence to policymakers?

Tulsi Gabbard

02:10:14

Senator, it is nothing less than a matter of our national security. Too often, in the multitude of intelligence failures that our country has seen, that objective has not been met. Now, CIA Director Ratcliffe talked about in his testimony before this committee how the CIA's own internal metrics have shown that analytic objectivity has gone down within that organization.

Tulsi Gabbard

02:10:40

This is the very kind of thing that I would seek to address if confirmed as Director of National Intelligence. Is ensuring that politics, biases or personal views are checked at the door. I would lead by example, by doing it myself, and ensuring that that intelligence analysis and reporting meets the objective that the President and Congress requires, which is no politics, no personal abuses, and making sure that that objectivity in a timely, relevant fashion is brought to the President so that we can get ahead of problems in ensuring our national security.

Rather than being caught on our heels in being forced to respond to them.

Tom Cotton

02:11:20

Thank you for that. I think it's clear from your background experience that you more than meet the statutory requirements for this position. I want to switch gears a little bit. There's been a lot of discussion today, I think it's a necessary discussion about your position on 702, section 702 of FISA. So I've personally had concerns and I think we even talked about this when we served in the House together and I actually voted against its reauthorization when I was in the House.

Tom Cotton

02:11:45

However, I recently voted to reauthorize Section 702 with additional safeguards to end the politicization of the tool and to ensure national or to ensure privacy and civil liberties that they're protected. So Ms. Gavard, tell us, how has your thinking on section 702 developed over time and why and if confirmed, what will you do to ensure that this new statutory safeguards that they're fully implemented?

Tulsi Gabbard

02:12:14

Senator, as you pointed out, many of the concerns that we raised when we served in the House of Representatives were centered around the lack of safeguards to protect Americans Fourth Amendment rights and civil liberties as it pertains to searching of U.S. persons with that incidental collection that occurs under 702. You and I both know and agree that the national security capability that is provided by section 702 that enables this foreign surveillance on non U.

Tulsi Gabbard

02:12:43

S persons overseas is critical, Period. My commitment is to make sure that our national security tools are maintained to fulfill that requirement while also protecting Americans Fourth Amendment rights and protection against unlawful search and seizure. There are a number of those reforms that you referenced, such as the prohibition of ABOUTS collection which we brought up when we served in the House, making sure that 100% of U.S.

Tulsi Gabbard

02:13:14

persons by the FBI on this incidental collection are reviewed by the Attorney General herself. There are a number of other reforms that I believe strengthen significantly those safeguards. A number of them that I had worked to try to bring into place place when I was in the House of Representatives. I look forward, if confirmed as Director of National Intelligence, to overseeing and assessing the implementation of these reforms and reporting back to you as you begin to consider next year's reauthorization and meeting

that mark of ensuring our security and upholding American's Fourth Amendment protections.

Tom Cotton

02:13:52

Thank you. Switching gears a little bit, talking briefly if you will, about the dual task of simultaneously protecting whistleblowers and protecting classified information.

Tulsi Gabbard

02:14:01

Senator, there are more than sufficient legal, legally protected routes for whistleblowers to come forward should they have concerns on any actions occurring within the intelligence community. I've spoken about the additional protections that I personally will put in place if confirmed as Director of National Security Intelligence. Understanding the seriousness of protecting our nation's secrets and one that I will, that I hold personally.

Tom Cotton

02:14:27

Thank you.

Tulsi Gabbard

02:14:28

Thank you.

Tom Cotton

02:14:28

Thank you, Senator Budd. I will recognize Senator Wicker, an ex officio member of our committee, which is Latin for so powerful a man, he can go to any committee he wants and ask questions any time. I look at it differently, Mr. Chairman. I think what you're saying is that I'm the only non voting member of this committee that's here at this hearing and I've been at, at an Armed Services Committee hearing most of the morning.

Tom Cotton

02:14:53

Let me ask about something that happened a long time ago and something about something that's happening right now. Colonel Gabbard. I was a member of the House of Representatives on 9/11 2001. As a matter of fact, I was at the Pentagon that very morning when. When the attacks happened. Where were you when 9/11.

Tom Cotton

02:15:19

We all remember where we were.

Tulsi Gabbard

02:15:20

Yes, I was in Hawaii. There was a five or six hour time difference. And so when I woke up

that morning, it was several hours. And I remember the first thing I saw in waking up was that horrific footage of those airplanes attacking the Twin Towers in New York City.

Tom Cotton

02:15:35

And I think there's. You obviously have read a lot about it during the 24 plus years since that most Americans have. There's a general consensus that there was a massive intelligence failure. This caught us all by surprise. Even though the World Trade center had been attacked earlier. Do you think stove piping was a problem in our intelligence failure?

Tulsi Gabbard

02:16:10

There's no question about it, Senator.

Tom Cotton

02:16:14

Okay, well, based on your reading. Okay. Could you elaborate just.

Tulsi Gabbard

02:16:23

Absolutely. Senator. When we looked back at the Post 911 reporting and the Post assessments that were made, it was very clear that there was stovepiping of information and intelligence that occurred at many levels. At the highest, but also at the lowest levels where information that was collected by the FBI, information that was collected by the CIA was not being shared.

Tulsi Gabbard

02:16:46

There was almost ships passing in the night where if there was an integration of those intelligence elements and information being shared, it is highly likely that that horrific attack could have been prevented.

Tom Cotton

02:16:58

And that's the reason really your position was created. There's been some discussion this morning. Again, I have not been able to listen in, but I understand there's been some discussion about reforming the office of DNI to eliminate redundancy. And increase effectiveness. Do you worry that in doing so, we might be getting back to the same problem that we had in 2001?

Tulsi Gabbard

02:17:31

The problem that we had in 2001, Senator, remains at the forefront of my mind. And as you said, this is exactly why the ODNII was created. Given my limited vantage point not being in this seat, I am concerned that there are still problems with stove piping that need to be addressed. And in some cases, my concern would be that unnecessary bureaucratic

layers may be contributing to that problem.

Tulsi Gabbard

02:17:58

This is where coming in and being able to really take a fresh look, given my experience and my background, will be essential to making sure that the ODNI is accomplishing the reason why it was created in the first place.

Tom Cotton

02:18:11

Okay. And I have a lot of suggestions about how to make the Department of Defense more efficient. Also, I would simply caution you, before I move on to my other quick question, that as we are trying to eliminate overlaps that, that we avoid getting back to the thing that, that created your agency to start with.

Tom Cotton

02:18:40

Now, let me just ask about anomalous health incidents. I know you're not in the intelligence community yet, but having read, as most of us have, about these Havana Syndrome incidents, what is, what is your understanding of that now? And what are your plans?

Tulsi Gabbard

02:19:04

Yeah, Senator, thank you for this question. It's been deeply concerning throughout this period, from the first time this was discovered so long ago to where we are today, that the intelligence community still has failed to identify the source and the cause for Havana Syndrome, as it's commonly known, even as many people who are in service are suffering the consequences of it.

Tulsi Gabbard

02:19:29

I look forward, if confirmed as Director of National Intelligence, to addressing this. Of course, making sure that those who have been impacted are getting the care that they need and deserve. But getting to the truth behind how and why this has occurred.

Tom Cotton

02:19:44

Do you. Do you. Are you saying that we're not any closer to understanding where these came from?

Tulsi Gabbard

02:19:51

Based on my understanding, there has not been any definitive reporting from the intelligence community on the source and the cause for these anomalous health incidents.

Okay. Well, perhaps you'd like to. I could follow up on the record.

Tulsi Gabbard

02:20:07

I'd look forward to that.

Tom Cotton

02:20:08

I think there's some more public information that is. Is recent about that. Thank you, ma'am. Appreciate it.

Tulsi Gabbard

02:20:14

Thank you, Senator.

Tom Cotton

02:20:15

Senator Wicker, as I acknowledge at the outset is the custom of this committee to allow a follow up question for Senators who remain present at the end of the regular five minute round of questions. I remember everyone. This is a follow up question question, not a five minute round. We will have Ms.

Tom Cotton

02:20:29

Gabbard in a closed session where each of us will have yet another five minute round of questioning. Is there any senator who wishes to be recognized for a follow up question? Senator Wyden. Thank you very much, Ms. Gabbard. There was an area that I believe is still uncertain and this is what my question's about.

Tom Cotton

02:20:45

Earlier this week, the Trump administration illegally attempted to withhold federal funds from a broad range of organizations. I'm interested in knowing what you would do if President Trump told you to withhold congressionally approved funds from the intelligence community Inspector General. So my question is, if President Trump orders you to withhold appropriated funds from the Inspector general, will you refuse that illegal order?

Tulsi Gabbard

02:21:15

I don't believe for a second President Trump would ask me to do something that would break the law.

Tom Cotton

02:21:19

That's not what I'm asking. I'm asking, if you are asked about an illegal order, what will you

do? You can say, oh, it'll never happen. What will you do if you're dealing with an illegal order?

Tulsi Gabbard

02:21:32

My commitment has been and will be if confirmed, as Director of National Intelligence to comply with the law.

Tom Cotton

02:21:38

Given you've actually asked two questions already. I'm not asking you. You've asked two questions. I said there's one question allowed. Are there other senators who would like follow up question. Senator King, I'd like to follow up on my line of questioning about Edward Snowden and understand how you analyzed the facts leading up to your 2020 bill providing him with a pardon.

Tom Cotton

02:22:03

There was. The House Committee report, which granted, was redacted, but under the heading what damage did it cause? Were five and a half pages of redacted material. I would have thought that would raise a question in your mind. Secondly, Edward Snowden. There are about 20 countries that don't have extradition treaties with the U.S.

Tom Cotton

02:22:24

he chose to go to Russia, become a Russian citizen. Given that information, how did you decide to introduce a bill providing him with a pardon? Introducing a bill in the United States Congress is not the same as a 20 tweet or a commentary on a podcast. I'm concerned about your apparent lack of interest in the scope of Edward Snowden's traitorous activities.

Tulsi Gabbard

02:22:55

Senator, I've answered some version of this question many times in this hearing already. My foremost concern has been, remains and will continue to be in upholding my oath to the Constitution to support and defend Americans Fourth Amendment constitutional rights if confirmed. As Director of National Intelligence, I'm committed to ensuring that we protect our nation's secrets by implementing A number of actions I've outlined so that those who have concerns about programs within our intelligence community that we don't have another Snowden like leak, and they are able to raise those concerns either directly with Congress or through any one of a number of legal paths that are available.

Tulsi Gabbard

02:23:39

And I think it's also important and in line with many of the bipartisan concerns I've heard

from this committee in security classification, security clearance and classification reform, in narrowing severely those who have access to the most sensitive and compartmentalized intelligence reporting and capabilities.

Tom Cotton

02:24:03

Senator Bennett, thank you. Thank you for your generosity, Mr. Chairman, in letting us have a second question. Thank you again for hanging in there with this discussion. Colonel Gabbard. The House Intelligence Committee review of the Snowden disclosures found not only that he was a traitor, but that since Snowden's arrival in Moscow, he has had and continues to have contact with Russian intelligence services.

Tom Cotton

02:24:36

You can see the deep concern on both sides of the aisle here. You had in your opening statement all kinds of complaints about former officials in the intelligence agencies, the United States press, the journalists, the media, Democrats suggested that you weren't being treated fairly when you were coming here. No condemnation at all for this.

Tom Cotton

02:25:02

Which leads me to wonder why it is so hard for you to say that Edward Snowden was a traitor to our country. And the question I guess I have for you is how if you can't say that you feel that, that the concerns that this committee has, that we need somebody here who will actually honor their oath, as you said, Edwin, maybe I should make it easier for you.

Tom Cotton

02:25:29

Edwin Snowden did not honor his oath to the Constitution, which is what you just said was the most important duty, most important obligation that you have in this role. Why is he being treated like a folk hero by you instead of the traitor that he was?

Tulsi Gabbard

02:25:53

Senator, as I said, my focus and what should be of relevance to all of you and everyone watching is what I will do as Director of National Intelligence to work with you to make sure there's not another Snowden like leak. Given the paramount importance of our national security and keeping our nation's secrets, I've laid out a number of ways that I intend to do that if confirmed in fulfilling my responsibility in this role.

Tom Cotton

02:26:18

Thank you, Mr. Chairman. Senator Gillibrand. Thank you, Mr. Chairman. I just wanted to continue along with regard to China because it's such an important part of your portfolio. And I know on armed services you've had hearings over the last 15 years about their

architecture and how they're building up space capabilities, Sea capabilities, air force capabilities, every type of capability they possibly could.

Tom Cotton

02:26:42

And that aligned with their malign foreign influence and with their ambition with regard to Taiwan. It just creates a very dangerous scenario and concerning one. And so I wanted to ask you about Japan because recently, about a year and a half ago, 13 months ago, you said that you didn't think it was wise to, to allow Japan to build up their own defense architecture and you thought it was short sighted.

Tom Cotton

02:27:13

Can you speak a little bit about that? Because our alliance with Japan is so important in our ability to defend against malign activities of China, not only geographically, but because for the last 50 years they've been close allies, allies that we rely on. We share intelligence, we share operations. They are a great ally.

Tom Cotton

02:27:32

So what was your concern about? And have you had any views that have shifted in that regard?

Tulsi Gabbard

02:27:39

Thank you for the question, Senator. I agree Japan has been a strong ally of the United States in a different capacity. As a member of the Hawaii National Guard, I've gone and conducted training missions in Japan with the Japanese Self Defense Force. Their forces and their constitution has been primarily focused on self defense.

Tulsi Gabbard

02:28:02

The concerns that I had raised previously had to do with really looking at the bigger picture of the context of the history with Japan and China and recognizing the implications of how this kind of shift from a self defense posture that Japan has had constitutionally to a more offensive posture could result in escalation.

Tulsi Gabbard

02:28:26

And given the history, we need to acknowledge what the ramifications could be to our own security interests. And that's something that I am looking forward to being able to provide to all of you and to the President confirmed as Director of National Intelligence. Is that in depth analysis and assessment so that various policies or actions that you all or the President are considering are fully thought through given that broader context of nuance of history and the complexities that exist within the Asia Pacific region.

Having grown up there, I'm very familiar with, but you do.

Tom Cotton

02:29:04

Thank you, Senator Gillibrand. Senator Kelly. Thank you, Mr. Chairman. Colonel Gabbard, when Russia was denying Assad's use of chemical weapons, they accused the US of supporting terrorists. This is a line that Putin used frequently during the Syrian civil war as he supported Assad. Syrian officials made similar comments. They did it repeatedly. They did it in public.

Tom Cotton

02:29:28

They did it at the United Nations. In 2016, you gave an interview in which you said, and this is a quote, the U.S. is providing direct and indirect support to terrorist groups in order to overthrow the Syrian government. And in 2019, on the Democratic presidential debate stage, you said of President Trump.

Tom Cotton

02:29:49

This is a quote. This current president is continuing to betray us. We were supposed to be going after Al Qaeda, but over years now, not only have we not gone after Al Qaeda, our President is supporting Al Qaeda. So I'm interested to hear what was your goal in saying these things and did you consider before saying them the motives of Iran and Russia, what their motives might have been before making these claims?

Tulsi Gabbard

02:30:19

Senator, as someone who enlisted in the military specifically because of Al Qaeda's terrorist attack on 9/11 and committing myself and my life to doing what I could to defeat these terrorists, it was shocking and a betrayal to me and every person, person who was killed on 9/11, their families and my brothers and sisters in uniform.

Tulsi Gabbard

02:30:43

When I was a member of Congress, I learned about President Obama's dual programs that he had begun really to overthrow the regime of Syria and being willing to, through the CIA's Timber Sycamore Program that has now been made public of working with and arming and equipping Al Qaeda in an effort to overthrow that regime, starting yet another regime change war in the Middle East.

Tulsi Gabbard

02:31:13

DoD train and equip program again begun under President Obama is widely known, looked at and studied that ultimately resulted in over half a billion dollars being used to train who they called moderate rebels, but were actually fighters working with and aligned

with Al Qaeda's affiliate on the ground in Syria, all to move forward with their regime change and not acknowledging what was obvious at the time and what has unfortunately borne true, which was that a regime change war in Syria, much like the regime change wars in Iraq, the toppling of Gaddafi and Mubarak, while these are all dictators, would likely result in the rise of Islamist extremists like Al Qaeda taking power.

Tulsi Gabbard

02:31:59

I shed no tears for the fall of the Assad regime. But today we have an Islamist extremist who is now in charge of Syria, as I said, who danced on the streets to celebrate the 911 attack, who ruled over Idlib with an Islamist extremist governance and who has already begun to persecute and kill and arrest religious minorities like Christians in Syria.

Tulsi Gabbard

02:32:25

I understand why that should be acceptable to anyone is beyond me.

Tom Cotton

02:32:28

It shouldn't be.

Tulsi Gabbard

02:32:29

Certainly not.

Tom Cotton

02:32:31

I appreciate your answer and thank you. My concern has to do with the tendency to repeat Russian and Syrian and even in some cases I think we'll get into in the closed session Iranian information and to discount what comes from our intelligence community.

Tulsi Gabbard

02:32:53

Senator, every American deserves to know that people in our own government, we're providing support to our sworn enemy Al Qaeda that should not be acceptable by anyone.

Tom Cotton

02:33:04

Thank you, Senator Kelly Muscabbard. In conclusion. Senator Warner. Yeah, thank you, Mr. Chairman. You know, one of the things I love about this committee and I know folks who are here for Ms. Scabbard may not fully, but this has always been a bipartisan committee. And my friend Richard Burr, who said we always kind of follow the truth, one of the things I was always proudest of in the very challenging Russia investigation was, you know, people would come in, they didn't know whether the staffer was a Democrat or Republican because we were all looking out for the same thing.

Gabbard, I support and commend you for your service. But we have heard this morning taking some individuals advice on chemical attacks, not taking American intelligence community that as we subsequently discovered, had iffy ties, not enough due diligence. We heard this morning on your trip to Lebanon that you weren't fully aware that the folks who originally paid for the trip had these relations and ties to the Syrian party.

Tom Cotton

02:34:11

I know I've asked you, and I understand on the trip that you said you met with Shia religious figures and you didn't know who were there, who they were. I can understand that, although I can't imagine Shia religious figures that in the back of valley that didn't have ties to Hezbollah. We can have a difference of opinion on TikTok chairman, and I feel very strongly that it is a national security threat on 702.

Tom Cotton

02:34:42

I'm, I'm candidly confused. I thought you answered. Senator Wyden, you're in favor of a warrant. Senator Cornyn, I thought you backed off of that. And then on Edward Snowden, you won't back off of Brave, you won't back off of your legislation, you won't call him a traitor. And I think again about this is being watched by our allies around the world.

Tom Cotton

02:35:07

I think even RT has been tweeting about it today, blasting me and the men and women of the intelligence community. I don't know how they're going to have confidence that if some under your leadership, if somebody else stepped out, that you wouldn't take the same position that you've not walked away from on Mr.

Tom Cotton

02:35:27

Snowden. So I guess my last question, this is one I think was in some of the press and I believe you and your husband took a trip to Rome last summer. And you know, I'm not talking about the conference. I think you didn't ask who paid for the trip. I just want to get this off the record right now.

Tom Cotton

02:35:45

Not if you and your husband Reimbursed but did you pay for the trip in the outset or who?

Tulsi Gabbard

02:35:52

There was a non profit organization that was coordinating with the Vatican to set up this meeting that was centered around peace and security interest in the Western Hemisphere.

I'm not going to go into that. Paid for the trip. So you didn't understand. Your trip was paid for by a gentleman named Pierre Lavar and the Clementi foundation.

Tulsi Gabbard

02:36:13

The nonprofit, my understanding, was paid for.

Tom Cotton

02:36:16

Extensive records.

Tulsi Gabbard

02:36:17

Paid for the trip.

Tom Cotton

02:36:18

Mr. Louvier A has enormous ties to Constantine Malov. I'm mispronouncing his name, but who is somebody that America has sanctioned. I imagine we can get into this in the classified hearing. But again, the due diligence that's required before you take these trips or make these assumptions is something that I find very troubling.

Tom Cotton

02:36:40

Thank you, Mr. Chairman. Thank you, Senator Warner. I would also note that that same New York Times story reported there is no indication that Ms. Gabbard did anything wrong on that trip. Ms. Gabbard, thank you for your time and for your testimony. Thank you, most importantly, for your service to our nation. As I said at the outset, it's no secret that this nomination has generated more attention and interest than most nominees before this.

Tom Cotton

02:37:02

Here before this committee, we have received a large number of statements, letters and other such materials in support of and in opposition to Ms. Gabbard's nomination. I will submit all of those for the record. For the benefit of Senators, it is also my intention to hold a committee vote on Ms. Gabbard's no nomination as soon as possible.

Tom Cotton

02:37:22

Therefore, for planning purposes, any Senator who wishes to submit questions for the record after today's hearing, please do so by close of business tomorrow. That is Friday, January 31st, 5:00pm Eastern Time. Now, let me explain what will happen next. Committee security and Mrs. Gabbard. Security will escort her and her immediate party out of this room through the door behind me.

Everyone else will remain seated in this room. The Capitol Police will secure that door so no one else leaves this room until Ms. Gabbard has reached her break room. In preparation for the closed session, we will convene in that closed session in approximately 30 minutes at 1:10pm this open session is adjourned. Earlier today, former Congresswoman Tulsi Gabbard testified before the Senate Intelligence Committee on her nomination to be the next Director of National Intelligence.

Tom Cotton

02:40:20

You can watch the full confirmation hearing tonight starting at 9 Eastern on C span 2. It's also available to watch on the free C Span now video app or online@cspan.org.