

United States Senate
COMMITTEE ON THE JUDICIARY
WASHINGTON, DC 20510-6275

October 9, 2026

The Honorable Don R. Berthiaume
Inspector General
U.S. Department of Justice
950 Pennsylvania Avenue NW
Washington, DC 20530

Dear Inspector General Berthiaume:

I write to request that you investigate the Federal Bureau of Investigation's (FBI) decision to modify the hiring standards that govern the FBI's workforce by removing theft from an employer, sex solicitation, and bestiality from its list of automatic hiring disqualifications.

In June 2026, the FBI reportedly issued an internal directive removing these restrictions,¹ and some of these changes may have been implemented as early as February 2025.² These changes threaten to undermine the work of the FBI and pose a grave risk to the Bureau's integrity—in the case of solicitation of prostitution for example, controlling Department of Justice policy describes it as “threaten[ing] the core mission of the Department, not simply because it invites extortion, blackmail, and leaks of sensitive or classified information, but also because it undermines the Department's efforts to eradicate the scourge of human trafficking.”³

Republican and Democratic Senators questioned Director Kash Patel about this policy change and its application during his appearance before the Senate Judiciary Committee on September 15, 2026,⁴ but Director Patel's responses did little to clarify the purpose or effects of these changes. Director Patel stated that these changes were made to allow victims of these acts to apply to the FBI if they had been forced to commit one of those acts against their will.⁵ However,

¹ Sarah N. Lynch & Daniel Klaidman, *At the FBI, a history of hiring prostitutes or stealing from employer may no longer be a barrier to being hired*, CBS NEWS (Aug. 28, 2026), <https://www.cbsnews.com/news/fbi-candidatesprostitutes-theft>.

² See Employment Eligibility, FED. BUREAU OF INVESTIGATION (attached to this letter). Metadata indicates this document was created on February 28, 2025, and last updated March 27, 2025. This document was available at https://fbijobs.gov/sites/default/files/2025-02/guide_eligibility.pdf as of September 2026, but was recently removed from the FBI's website.

³ Memorandum from Eric H. Holder, Jr., Prohibition on the Solicitation of Prostitution, Office of the Att'y General (Apr. 10, 2015), available at <https://www.justice.gov/jmd/media/944251/dl?inline>.

⁴ Oversight of the Federal Bureau of Investigation: Hearing Before the S. Comm. on the Judiciary, 119th Cong., (Sept. 15, 2026) (statements of Sen. Richard J. Durbin, Ranking Member, and Sen. John Kennedy, Member, S. Comm. on the Judiciary), <https://www.judiciary.senate.gov/committee-activity/hearings/oversight-of-the-federal-bureau-of-investigation-09-15-2026>.

⁵ Senator Durbin asked Director Patel whether “those who have previously stolen from employers, solicited sex or engaged in bestiality are qualified candidates that the FBI is losing.” Patel replied, “We did not want to make it an automatic disqualification . . . if you were a victim of these awful, heinous acts. . . . Applicants who have engaged in

this explanation appears to contradict the actual effect of the changes, which removed the restrictions outright without differentiating between victim and perpetrator.

Changes of this magnitude with no discernible justification must be scrutinized. I ask that your office investigate the circumstances around the development and implementation of these policy changes, including:

- The number of applicants hired, extended conditional offers, or placed under case-by-case review since June 16, 2026, whose files would previously have been automatically disqualified for theft from an employer or engagement in prostitution or bestiality, broken out by category of conduct;
- The number of applicants hired, extended conditional offers, or placed under case-by-case review since February 28, 2025, whose files would previously have been automatically disqualified for theft from an employer or engagement in prostitution or bestiality, broken out by category of conduct;
- Any analysis the Bureau conducted, before or after February 28, 2025, of the effect these changes could have on courtroom credibility, counterintelligence exposure, or blackmail vulnerability among personnel hired under them;
- Why the FBI made these changes, what process was followed to make the changes, and who was involved in this process;
- All guidance issued to background investigators, polygraph examiners, and adjudicators instructing them on how to apply the revised standards;
- Whether these policies were changed in order to employ a specific applicant or applicants who otherwise would have been barred from serving in the FBI; and
- Whether these changes equally to the victims of this conduct or those who were coerced to participate in this conduct, and those who willingly participated in soliciting sex or committing an act of bestiality.

Please contact my office for any additional information you may need to investigate this matter. Thank you for your attention to this request.

Sincerely,



Richard J. Durbin
Ranking Member

bestiality means they were victims of bestiality because they were forced to do so.” Senator Kennedy then asked, “It [the application of the policy] is not if you frequented a prostitute, it’s if you were a prostitute?” Patel responded, “Yes, if you were the victim. Forced into it.” *Id.*