



U.S. Department of Justice

Federal Bureau of Prisons

Washington, DC 20535

June 10, 2015

The Honorable Charles E. Grassley  
Chairman, Committee on the Judiciary  
United States Senate  
Washington, DC 20510

Dear Mr. Chairman:

This is in response to your correspondence dated April 7, 2015, regarding religious contractors in the Bureau of Prisons (Bureau). Specifically, you inquired about the hiring process, background checks, and other credentialing performed by the Bureau prior to hiring religious instructors. The Bureau takes the hiring of all contractors, especially those who will have direct contact with inmates, seriously and is dedicated to running an effective process. We appreciate your interest in receiving responsive information according to the numbered questions in your letter, but in this instance, we believe the narrative set forth below presents the information in a more coherent and understandable manner than would be achieved through a numbered paragraph structure.

The primary mission of the Religious Services Branch is to accommodate the free exercise of religion by providing pastoral care to all federal inmates and facilitating opportunities to pursue individual religious beliefs and practices in accordance with law, federal regulations, and Bureau policy. Chaplains rely on the participation of faith-based contractors of various faith traditions for support in meeting the diverse spiritual needs of the inmate population.

Religious services contractors are procured in accordance with the Federal Acquisition Regulation and the Bureau of Prisons Acquisition Policy (attached, also available at [www.bop.gov/policy\\_progstat/4100\\_004.pdf](http://www.bop.gov/policy_progstat/4100_004.pdf)). As such, the assessment of religious services contract requirements and the vetting of potential contractors are done through the contracting process.

When the Bureau has a need for a religious services contractor, it solicits services from multiple sources. The solicitation details the requirements each religious contractor must meet to be eligible to receive a contract award. While contract positions in different locations may have varied requirements, the basic requirements for religious services contractors include: (1) recognition as spiritual leader by their respective faith community, (2) being licensed/ordained by their faith community, (3) a statement of renunciation of radicalization/extremism, and (4) the successful completion of required security background checks. Potential contractors submit proposals in response to the solicitation and the proposals are evaluated according to the stated requirements.

To assist in the assessment of religious services contractors, the Bureau often utilizes the knowledge of subject matter experts within its Religious Services Branch, which includes Bureau Chaplains of the respective faith. The Bureau also requires potential contractors to complete a Credential of Religious Services Contractor form to, among other things, provide information for interviews and ensure that potential contractors are credentialed by appropriate certifying authorities (attached, also available at [http://www.bop.gov/policy/forms/BP\\_A0778.pdf](http://www.bop.gov/policy/forms/BP_A0778.pdf)).

As part of the vetting process, each contractor is required to pass two background checks. The first is a National Crime Information Center (NCIC) check, which is performed by the Bureau. The second is the Moderate Risk Background Investigation (MBI), which is performed by the Office of Personnel Management. If a contractor does not pass both of these checks, he/she will not be awarded a contract.

The Bureau has no knowledge of these background checks revealing evidence of potential contractors advocating violence against those who criticize Islam or making any other incendiary remarks in the past. The Bureau's policy on Religious Beliefs and Practices (attached, also available at [www.bop.gov/policy/progstat/5360\\_009.pdf](http://www.bop.gov/policy/progstat/5360_009.pdf)), however, expressly states that "language or behaviors that could reasonably be construed as a threat to safety, security, or the orderly running of the institution, (e.g., curses); . . . proselytizing;" and "disparagement of other religions" are unauthorized practices.

The Bureau has not knowingly contracted with religious services providers who have made statements endorsing violence against those who do not agree with particular religious tenets and does not intend to do so in the future. As referenced in your letter, the Bureau recently learned of inappropriate statements made by a former religious services contractor, Imam Fouad A. ElBayly. The statements by this former contractor remain a concern to the Bureau and we are currently reevaluating our background check procedures to prevent such hires in the future.

As you requested, Imam ElBayly's file is attached. The file reveals that Imam ElBayly was interviewed by the local program manager/Chaplain and the Credentials of Religious Services Contractor form was completed. During the interview and reference phase of the process, there were no indications that Imam ElBayly held an extremist view of the Islamic faith. As such, his paperwork was forwarded for additional processing. Unfortunately, while Imam ElBayly did pass an NCIC check, our review of this case indicates the MBI was not fully completed. Accordingly, training was provided to FCI Cumberland staff regarding the thorough completion of background checks and a complete audit of all contractors was initiated to ensure compliance. Imam ElBayly is no longer a contractor for the Bureau and a review has not identified any security or faith-based issues during his time at the Federal Correctional Institution in Cumberland, Maryland.

To ensure the continuity and integrity of the vetting process, the Bureau is currently reexamining and updating the national training course for all Bureau Chaplains, contract

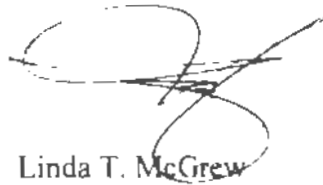
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specialists, and human resource staff. This will help ensure proper vetting procedures are followed and emphasize the importance of checking references. In addition, the Bureau plans an agency-wide audit to ensure all institutions are complying with policy and guidance pertaining to the hiring of religious services contractors.

Finally, the Bureau has implemented multiple steps aimed at reducing the likelihood of radicalization and recruitment by religious extremist groups within our prisons. For example, intermittent visual and audio supervision by staff is required for all religious programs led by volunteers and contractors. Most chapels are equipped with audiovisual equipment to conduct this supervision. The Bureau also provides mandatory training for all Bureau Chaplains on chapel security procedures and countering religious extremism.

As requested in your letter, my staff is available for a briefing on this issue. We hope this information is helpful. Please do not hesitate to contact us if we may provide additional assistance regarding this or any other matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Linda T. McGrew". The signature is fluid and cursive, with a large loop at the end.

Linda T. McGrew  
Assistant Director  
Reentry Services Division

cc: The Honorable Patrick J. Leahy  
Ranking Member