

SUPPORTING STATEMENT - PART A

Supporting Statement for Clause 852.237-73, Crime Control Act—Requirement for Background Checks OMB Control No. 2900-0863

Summary of Changes from the Previously Approved Collection

- There are no revisions to the previously approved information collection (IC) instrument.
- The supporting statement was updated to the current format.
- Section 3 was revised to show that VA almost always allows this information to be submitted electronically.
- Section 7 and Section 10 were expanded to provide additional information.
- As reflected in Section 15, there is no change in burden hours. The burden cost of this information collection increased by \$7,380 because wage rates were updated.
- The 60-day comment period ended on 11/17/2025. VA received no comments.

1. Need for the Information Collection

The Department of Veterans Affairs (VA), Office of Acquisition and Logistics (OAL), requests the Office of Management and Budget (OMB) grant an extension of a previously approved information collection (IC), OMB control number 2900-0863, for VA Acquisition Regulation (VAAR) clause 852.237-73, Crime Control Act – Requirement for Background Checks.

Under the Crime Control Act of 1990 (34 U.S.C. § 20351), each agency of the Federal Government, and every facility operated by the Federal Government, or operated under contract with the Federal Government, that hires, or contracts for hire, individuals involved with the provision to children under the age of 18 of childcare services shall assure that all existing and newly hired employees undergo a criminal history background check.

Authorities: 40 U.S.C. § 121(c); 44 U.S.C. § 3507; Paperwork Reduction Act of 1995; 34 U.S.C. § 20351, Crime Control Act of 1990.

2. Use of the Information

VAAR clause 852.237 - 73, Crime Control Act - Requirement for Background Checks, is required in all solicitations, contracts, and orders that involve providing childcare services to children under the age of 18, including social services, health and mental health care, child-(day)care, education (whether or not directly involved in teaching), and rehabilitative programs covered under the statute.

The clause requires the contractor to perform the background checks on behalf of VA to assure the safety of children under the age of 18 that are recipients of services under a VA program. It is intended to assure their safety by avoiding hiring individuals with a history of criminal acts and especially acts of child abuse.

3. Use of Information Technology

VA almost always requests or allows offerors/contractors to submit this IC electronically – typically via email or uploaded into VA-provided portal links. VA complies with the policy in Federal Acquisition Regulation (FAR) 4.002 (Deviation, Nov 2025) that mandates using electronic commerce whenever practicable and cost-effective.

4. Non-duplication

The information obtained through this collection is unique and is not already available for use or adaptation from another cleared source.

5. Burden on Small Businesses

This information collection does not impose a significant economic impact on a substantial number of small businesses or entities.

6. Less Frequent Collection

Generally, each prospective hire under the contract will be required to obtain the criminal background check required in the VAAR clause 852.237-73. The protection of contractor proprietary, trade secret, or other confidential information and the Government's right to use that data are covered by contract-specific clauses.

Failure to collect the information from VAAR clause 852.237-73, would potentially result in some VA contractor employees hired without having criminal background checks. This would not only be a failure to comply with the statute but would expose VA to loss of public confidence and to liability for any harm that would come to the children from the possible hiring of a person with a criminal background.

7. Paperwork Reduction Act Guidelines

This collection of information does not require collection to be conducted in a manner inconsistent with the guidelines delineated in 5 C.F.R. §1320.5(d)(2). More specifically to two requirements – one, the nature and extent of confidentiality, the protection of contractor proprietary, trade secret, or other confidential information and the Government's right to use that data are covered by contract-specific clauses available to all offerors.

Secondly, regarding reducing burden on small entities to the extent practicable and appropriate, this information is required by the Government to ensure VA contractors on

applicable contracts, do not hire persons with a criminal background to work with children under the age of 18 for services required under the contract. The clause applies equally to all business sizes. VA permits contractors to submit information in their own form and format and use electronic submission, thus reducing burden on small entities to the extent practicable. The capture and maintenance by a contractor of such information is a standard business practice.

8. Consultation and Public Comments

Part A: PUBLIC NOTICE

A 60-Day Federal Register Notice (FRN) for this collection was published on Wednesday, September 17, 2025. The 60-Day FRN citation is 90 FR 44905. No comments were received during the 60-Day Comment Period.

A 30-Day FRN for this collection was published on Friday, November 21, 2025. The 30-Day FRN citation is 90 FR 52794.

Part B: CONSULTATION

No additional consultation was conducted apart from soliciting public comments through the Federal Register for this submission.

9. Gifts or Payment

No payments or gifts are being offered to respondents as an incentive to participate in the collection.

10. Confidentiality

Data will be kept private to the extent allowed by law. Information provided to VA by a contractor is subject to being requested by third parties under the Freedom of Information Act (FOIA), as amended (5 U.S.C. § 552), but business proprietary information is generally exempt from public disclosure under the FOIA.

A Privacy Act Statement is required for this collection since VA is requesting individuals to furnish personal information for a system of records.

A System of Record Notice (SORN) is required for this collection because records are retrievable by personally identifiable information (PII). The statute requires the Federal agency or federal contractor seeking a criminal history record check first to obtain the signature of the employee or prospective employee indicating that the employee or prospective employee has been notified of the employer's obligation to require a record check as a condition of employment and the employee's right to obtain a copy of the criminal history report made available to the employing Federal agency and the right to challenge the accuracy and completeness of any information contained in the report.

A Privacy Impact Assessment (PIA) is required for this collection because PII is being collected electronically.

Contract laws and regulations specify the record retention requirements for VAAR Clause 852.237-73, Crime Control Act – Requirement for Background Checks information collections that would be submitted under specific contracts. FAR subpart 4.7, Contractor Records Retention, states the required records retention period based on different contract actions and circumstances, which applies to all contracts that are required to report the information found in the VAAR Clause 852.237-73.

11. Sensitive Questions

The information being collected is highly sensitive and deals with sexual behavior of individuals being checked. This is the express requirement of the statute. The information will only be used to determine if the prospective employee is suitable for this type of work involving children and that he or she poses no threat to the children.

The employee is notified that the criminal background check will be made and is given a copy of any resulting report and provided an opportunity to challenge its accuracy and completeness.

12. Respondent Burden and its Labor Costs

Part A: ESTIMATION OF RESPONDENT BURDEN

The update does not alter the burden hour calculation as reported previously.

- 1) VAAR Clause 852.237-73
 - a) Number of Respondents: 150
 - b) Number of Responses Per Respondent: 10 per each solicitation
 - c) Number of Total Annual Responses: 1,500
 - d) Response Time: 60 minutes (1 hour)
 - e) Respondent Burden Hours (1,500 x 60) ÷ 60 equals: 1,500 hours
- 2) Total Submission Burden (Summation or average based on collection)
 - a) Total Number of Respondents: 150
 - b) Total Number of Annual Responses: 1,500
 - c) Total Respondent Burden Hours: 1,500 hours

Part B: LABOR COST OF RESPONDENT BURDEN

- 1) VAAR Clause 852.237-73
 - a) Number of Total Annual Responses: 1,500
 - b) Response Time: 1 hour
 - c) Respondent Hourly Wage: \$105.12

- d) Labor Burden per Response: \$105.12
 - e) Total Labor Burden: \$157,680
- 2) Overall Labor Burden
- a) Total Number of Annual Responses: 1,500
 - b) Total Labor Burden: \$157,680

The Respondent hourly wage was determined by using the Bureau of Labor Statistics (BLS) website at: [Occupational Employment and Wage Statistics \(OEWS\) Profiles 2024](#) (search for Detailed occupations: Human Resource Managers). The BLS gathers information on full-time wage and salary workers. According to the latest (2024) available BLS data, the mean hourly wage is \$77.15 on BLS wage code – “11-3121 Human Resources Managers” plus 36.25% per OMB Memo M-08-13 dated March 11, 2008, yields an hourly wage of \$105.12.

13. Respondent Costs Other Than Burden Hour Costs

There are no annualized costs to respondents, other than the labor burden costs addressed in Section 12 of this document, to complete this collection.

14. Cost to the Federal Government

Part A: LABOR COST TO THE FEDERAL GOVERNMENT

The change does not alter the below labor cost as reported previously.

- 1) Collection Instrument(s)
- 2) VAAR Clause 852.237-73
 - a) Number of Total Annual Responses: 1,500
 - b) Processing Time per Response: 1 hour
 - c) Hourly Wage of Worker(s) Processing Responses: \$66.61
 - d) Cost to Process Each Response: \$66.61
 - e) Total Cost to Process Responses: \$99,915
- 3) Overall Labor Burden to the Federal Government
 - a) Total Number of Annual Responses: 1,500
 - b) Total Labor Burden: \$99,915

It is estimated that the review and statement will be prepared by a Senior Contract Specialist equivalent to a GS-13. Based on a GS-13, step 5 salary, for 2025 – see Salary Table 2025 GS ([Pay & Leave : Salaries & Wages - OPM.gov](#)) plus 36.25% per OMB Memo M-08-13 dated March 11, 2008, the hourly rate is ($\$48.89 \times 136.25\% = \66.61).

Part B: OPERATIONAL AND MAINTENANCE COSTS

The change does not alter the below operational and maintenance cost calculation as reported previously.

- 1) Cost Categories
 - a) Equipment: \$0
 - b) Printing: \$0
 - c) Postage: \$0
 - d) Software Purchases: \$0
 - e) Licensing Costs: \$0
 - f) Other: \$0

- 2) Total Operational and Maintenance Cost: \$0

Part C: TOTAL COST TO THE FEDERAL GOVERNMENT

The change does not alter the below total cost as reported previously.

- 1) Total Labor Cost to the Federal Government: \$99,915
- 2) Total Operational and Maintenance Costs: \$0
- 3) Total Cost to the Federal Government: \$99,915

15. Reasons for Change in Burden

There is no change to the burden hours or the estimated number of respondents. The burden cost estimate has increased since the previous approval due to updated wage rates. This results in a net increase of \$7,380 in burden cost, as shown below.

Summary of the cost differences between this SS and last SS

SS Block #	Cost This SS	Cost Last SS	Increase (Decrease)	Reason
12	\$157,680	\$160,080	(\$2,400)	Decrease in BLS rate.
14	\$99,915	90,135	\$9,780	Increase in GS rate.

16. Publication of Results

The results will not be published.

17. Non-Display of OMB Expiration Date

VA is not seeking approval to omit the display of the expiration date of the OMB approval on the collection instrument.

18. Exceptions to "Certification for Paperwork Reduction Submissions"

VA is not requesting any exemptions to the provisions stated in 5 C.F.R. § 1320.9.