

Council of the District of Columbia
OFFICE OF COUNCILMEMBER BRIANNE K. NADEAU
1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004

TO: Chairman Phil Mendelson
FROM: Councilmember Brienne K. Nadeau *Brianne K. Nadeau*
RE: Request to Agendize Measures for the April 2, 2024 Legislative Meeting
DATE: March 28, 2024

Pursuant to Council Rule 426 regarding a waiver of Rule 231(c), I request that the following measures be agendized for the April 2, 2024 Legislative Meeting. These measures were approved by the Committee on Public Works & Operations on March 18, 2024 and timely filed with the Secretary the following day.

Permanent Measures

□ **B25-0151 – Open Movie Captioning Requirement Act of 2024**

Open captions are the written, on-screen display of dialogue and non-speech information, which may include music, the identity of the character speaking, and other sounds and sound effects. As opposed to closed captions, open captions are visible to all viewers and cannot be turned on or off in the middle of a showing. B25-0151 establishes requirements for movie theaters in the District to show a minimum number of open captioned movies.

The committee print modifies B25-0151 as introduced in several ways. First, as opposed to a percentage-based requirement, it institutes a nominal requirement for open captioned showings – three showings in the first two weeks of a movie’s release, and two in each subsequent week, with no fewer than one showing per week during peak weekend hours (Fri-Sunday). The Committee believes that structuring the requirements of open captioning in this way would be relatively simple to incorporate into theaters’ existing procedures and would be much more likely to result in violations limited to intentional noncompliance.

The requirements established in the committee print add one additional screening per week to the existing (voluntary) D.C. pilot program, which resulted in approximately 3,900 open captioned showings in 2023, or around 5 percent of all showings. The committee print expands on compliance review and enforcement procedures, outlined below:

Compliance Review: OHR is authorized to review movie theaters’ schedules to ensure compliance with the law’s requirements for OC showings, with a requirement that each theater be reviewed no fewer than 3 times per year.

Remedy: OHR may order a noncompliant theater to add one additional OC screening to the subsequent operating week and has the ability to increase the number of required screenings further, in the case of repeat violations. Each infraction by a movie theater also adds an additional mandatory compliance review within a one-year period, to ensure closer scrutiny of theaters with recent violations.

Consumer Reports: OHR’s authority is complimented by a requirement to build out a portal for consumers to submit reports or complaints of noncompliance. While this is an important element of enforcement, the Committee believes that an enforcement system based solely on individual reports does not result in equitable outcomes, as it is biased towards those with greater knowledge and resources.

The Mayor is required to conduct an ongoing public information campaign about the District’s open movie captioning requirements, and the benefits of the program.

Finally, the committee print expands eligibility, subject to funding, of the District’s film industry incentive grants to include movie theaters, in case there are costs incurred by compliance with OC requirements.

The committee print is attached – for the full PWO committee report, please refer to LIMS.

□ **B25-0469 – Revised Project Labor Agreement Cost Threshold Amendment Act of 2024**

B25-0469, the “Revised Project Labor Agreement Cost Threshold Amendment Act of 2024” amends the Procurement Practices Reform Act of 2010 to revise the cost threshold for the required use of project labor agreements on construction contracts from \$75 million to \$50 million. A project labor agreement (PLA) is an agreement with one or more labor organizations that establishes the terms and conditions of employment for a specific construction project. As a condition of being awarded a contract, the contractor must sign the negotiated PLA with any relevant union organizations. In return, labor strikes and similar disruptions are prohibited. This, in turn, ensures labor peace on high-cost government projects. B25-0469 was introduced on September 18, 2023 by Chairman Mendelson.

The Committee print made one substantive change to the bill as introduced – it struck the language “to the District” from the existing law to ensure that the PLA requirement applies to all District projects that meet the monetary threshold, regardless of whether that threshold is met solely with District funding or includes federal funding.

The committee print is attached – for the full PWO committee report, please refer to LIMS.

Please contact Ariel Ardura, Committee Director, at aardura@dccouncil.gov with any questions.

cc: Members, Council of the District of Columbia
Office of the Secretary
Office of the General Counsel
Office of the Budget Director
Mayor’s Office of Policy and Legislative Affairs