



U.S. Department of Justice

Civil Rights Division

*Office of the Assistant Attorney General
950 Pennsylvania Ave, NW - RFK
Washington, DC 20530*

MEMORANDUM

TO: Melody Braswell
Policy and Planning Staff
Office of the Chief Information Officer
Justice Management Division

FROM: Christina Galindo-Walsh
Deputy Chief
Disability Rights Section
Civil Rights Division

SUBJECT: Untimely Comment on ADA Movie Rule Paperwork Reduction Act Notice

DATE: December 10, 2019

As you know, the Disability Rights Section (DRS) is currently seeking an extension of the Office of Management and Budget's (OMB's) control number for movie theater accessibility notices (OMB # 1190-0019), which was due to expire on November 30, 2019. As of yesterday morning, we submitted each of the three required documents to the Justice Management Division (JMD):

- 1.) 60-day notice published at 84 FR 48379 on September 10, 2019, with a comment period closing on November 12, 2019;
- 2.) 30-day notice published at 84 FR 65185 on November 26, 2019, with a comment period closing on December 26, 2019; and,
- 3.) A supporting statement.

Following the submission of the supporting statement, we identified an untimely comment to the 60-day notice. The comment period for that notice expired on November 12, 2019, and the comment was received on November 14, 2019.

As background, the Title III regulation, at 28 CFR 36.303(g), requires covered movie theaters to advise the public of the availability of closed captioning and audio description devices for movies providing those features. Under the Paperwork Reduction Act (PRA), this notice requirement is considered an information collection request and must have a valid OMB control number. There is no form associated with this requirement.

I appreciate your taking time yesterday to discuss the best way to address this late arriving comment. As I mentioned to you, the comment is from an industry organization called the National Association of Theater Owners (NATO). The comment concludes that NATO estimates that it takes movie theater owners approximately 18 minutes per week to add the required accessibility notices to their movie advertisements. The Department's estimate, which it references in its two notices and the supporting statement, are that it takes movie theater owners approximately 10 minutes per week to add the required notices.

In our conversation, you explained that because NATO's comment was late and because the PRA process merely calls for the Department to estimate the time burdens, there was no need to modify the supporting statement to reference the NATO comment. In addition, you indicated that out of an abundance of caution, you will provide a copy of this memorandum and the attached NATO comment to OMB as a document that is related to the record. We appreciate your input on this matter. If at any time in the future you or OMB would like us to take any other actions regarding this untimely comment, please do not hesitate to let me know.

I am attaching the NATO comment here for your reference.