

practicably be performed by nonexempt employees, but are the means for an exempt employee to properly carry out exempt functions and responsibilities, are considered exempt work. The following factors should be considered in determining whether such work is exempt work: Whether the same work is performed by any of the exempt employee's subordinates; practicability of delegating the work to a nonexempt employee; whether the exempt employee performs the task frequently or occasionally; and existence of an industry practice for the exempt employee to perform the task.

Sec. 541.708 Combination exemptions. Employees who perform a combination of exempt duties as set forth in the regulations in this part for executive, administrative, professional, outside sales and computer employees may qualify for exemption. Thus, for example, an employee whose primary duty involves a combination of exempt administrative and exempt executive work may qualify for exemption. In other words, work that is exempt under one section of this part will not defeat the exemption under any other section.

Sec. 541.709 Motion picture producing industry. The requirement that the employee be paid "on a salary basis" does not apply to an employee in the motion picture producing industry who is compensated at a base rate of at least \$695 a week (exclusive of board, lodging, or other facilities). Thus, an employee in this industry who is otherwise exempt under subparts B, C or D of this part, and who is employed at a base rate of at least \$695 a week is exempt if paid a proportionate amount (based on a week of not more than 6 days) for any week in which the employee does not work a full workweek for any reason. Moreover, an otherwise exempt employee in this industry qualifies for exemption if the employee is employed at a daily rate under the following circumstances: (a) The employee is in a job category for which a weekly base rate is not provided and the daily base rate would yield at least \$695 if 6 days were worked; or (b) The employee is in a job category having a weekly base rate of at least \$695 and the daily base rate is at least one-sixth of such weekly base rate.

Sec. 541.710 Employees of Public Agencies. (a) An employee of a public agency who otherwise meets the salary basis requirements of section 541.602 shall not be disqualified from exemption under sections 541.100, 541.200, 541.300 or 541.400 on the basis that such employee is paid according to a pay system established by statute, ordinance, or regulation, or by a policy or practice established pursuant to principles of public accountability, under which the employee accrues personal leave and sick leave and which requires the public agency employee's pay to be reduced or such employee to be placed on leave without pay for absences for personal reasons or because of illness or injury of less than one work-day when accrued leave is not used by an employee because: (1) Permission for its use has not been sought or has been sought or denied; (2) Accrued leave has been exhausted; (3) The employee chooses to use leave without pay. (b) Deductions from the pay of an employee of a public agency for absences due to a budget required furlough shall not disqualify the employee from being paid on a salary basis except on the workweek in which the furlough occurs and for which the employee's pay is accordingly reduced.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

9847. A letter from the Director, Regulatory Review Group, Farm Service Agency, Department of Agriculture, transmitting the Department's final rule — Guaranteed Loans—Rescheduling Terms and Loan Subordinations (RIN: 0560-AG53) received August 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9848. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Folpet; Pesticide Tolerance [OPP-2004-0168; FRL-7369-1] received August 20, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9849. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Flumioxazin; Pesticide Tolerances [OPP-2004-0212; FRL-7369-9] received August 20, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9850. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — DCPA; Pesticide Tolerance [OPP-2004-0200; FRL-7673-6] received August 20, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9851. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Pesticide Worker Protection Standard; Glove Liners, and Chemical-Resistant Glove Requirements of Agricultural Pilots [OPP-2003-0169; FRL-7352-3] (RIN: 2070-AC93) received August 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9852. A communication from the President of the United States, transmitting requests for an emergency FY 2004 supplemental appropriations for the Departments of Agriculture, Commerce, Defense, Homeland Security, the Interior, Justice, Transportation, and Veterans Affairs; as well as the Corps of Engineers, International Assistance Programs, and the Small Business Administration; (H. Doc. No. 108-220); to the Committee on Appropriations and ordered to be printed.

9853. A letter from the Inspector General, Department of Defense, transmitting the results of an audit of undefinitized contractual actions that was conducted in response to Section 908(b) of the "Continuing Appropriations for Fiscal Year 1987," pursuant to Public Law 99-591, section 908(b)(2) (100 Stat. 3341-140); to the Committee on Armed Services.

9854. A letter from the Acting General Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Suspension of Community Eligibility [Docket No. FEMA-7837] received August 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

9855. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to Romania pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

9856. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the Arizona State Implementation Plan, Arizona Department of Environmental Quality [AZ 126-0074a; FRL-7789-9] received August 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9857. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — OMB Approvals Under the Paperwork Reduction Act; Final Rule [FRL-7803-6] received August 20, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9858. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — National Primary Drinking Water Regulations: Analytical Method for Uranium [OW-2003-0067; FRL-7805-5] (RIN: 2040-AE62) received August 20, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9859. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of State Plans for Designated Facilities and Pollutants; State of Iowa [R07-OAR-2004-IA-0003; FRL-7805-4] received August 20, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9860. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; State of Missouri [R07-OAR-2004-MO-0002 FRL-7805-1] received August 20, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9861. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans Indiana; Revised Mobile Source Inventories and Motor Vehicle Emissions Budgets for 2005 and 2007 Using MOBILE6 [R05-OAR-2004-IN-0003; FRL-7806-5] received August 20, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9862. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Virginia; Revision of Flow Control Date in Nitrogen Oxides Budget Trading Program [VA159-5083a; FRL-7805-7] received August 20, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9863. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, Antelope Valley Air Quality Management District and Mojave Desert Air Quality Management District [CA 207-0437; FRL-7804-1] received August 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9864. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — National Emission Standards for Hazardous Air Pollutants: Solvent Extraction for Vegetable Oil Production [OAR-2004-0006; FRL-7808-4] (RIN: 2060-AK32) received August 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9865. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; New Jersey; Revised Motor Vehicle Transportation Conformity Budgets [Region II Docket No. R02-OAR-2004-NJ-0002, FRL-7807-6] received August 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9866. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Washington [WA-04-002; FRL-

7807-1] received August 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9867. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Federally Enforceable State Operating Permit Program for Allegheny County [PA 138-4230; FRL-7807-3] received August 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9868. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Changing the Ozone Monitoring Season in Idaho from April Through October to May Through September [Docket # ID-04-003a; FRL-7801-6] received August 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9869. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to India (Transmittal No. DDTC 057-04), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

9870. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Canada, Norway, Ireland, and the United Kingdom (Transmittal No. DDTC 073-04), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

9871. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report on employment of U.S. citizens by certain international organizations during 2003, pursuant to 22 U.S.C. 276c-4; to the Committee on International Relations.

9872. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the sixth and final annual report on enforcement and monitoring of the Convention on Combating Bribery of Foreign Public Officials in International Business Transactions of the Organization for Economic Cooperation and Development, pursuant to paragraph (c)(1) of the resolution of advice and consent, adopted by the United States Senate on July 31, 1998; to the Committee on International Relations.

9873. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's final rule — Schedule of Fees for Consular Services, Department of State and Overseas Embassies and Consulates (RIN: 1400-AB94) received September 22, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

9874. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a Memorandum of Justification under section 451 of the Foreign Assistance Act of 1961, as amended to provide emergency assistance for Darfur, Sudan; to the Committee on International Relations.

9875. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of the Memorandum of Justification under Section 610 of the Foreign Assistance Act of 1961 regarding determination to transfer FY 2004 funds appropriated for International Organizations and Programs (IO&P) to the Economic Support Fund; to the Committee on International Relations.

9876. A letter from the Acting Director of Communications and Legislative Affairs, Equal Employment Opportunity Commission, transmitting the Commission's

(EEOC's) Year 2004 Inventories of Commercial and Inherently Governmental Activities in accordance with the Federal Activities Inventory Reform (FAIR) Act of 1998; to the Committee on Government Reform.

9877. A letter from the Archivist, National Archives and Records Administration, transmitting the FY 2004 Commercial Activities Inventory and Inherently Governmental Inventory, as required by the FAIR Act and OMB Circular A-76; to the Committee on Government Reform.

9878. A letter from the Inspector General, Nuclear Regulatory Commission, transmitting a copy of the FY 2004 Commercial and Inherently Governmental Activities Inventories for the Commission as required by the Federal Activities Inventory Reform Act of 1998 and guidance issued by the OMB; to the Committee on Government Reform.

9879. A letter from the Secretary, Department of Agriculture, transmitting a draft bill "To designate certain National Forest System land in the State of Oregon as a component of the National Wilderness Preservation System"; to the Committee on Resources.

9880. A letter from the Director, Administrative Office of the United States Courts, transmitting a report on compliance within the time limitations established for deciding habeas corpus death penalty petitions under Title I of the Antiterrorism and Effective Death Penalty Act of 1996, pursuant to 28 U.S.C. 2266(b) and (c); to the Committee on the Judiciary.

9881. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the designation as "foreign terrorist organizations" pursuant to Section 219 of the Immigration and Nationality Act, pursuant to 8 U.S.C. 1189; to the Committee on the Judiciary.

9882. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Certification of Aircraft and Airmen for the Operation of Light-Sport Aircraft; Correction [Docket No. FAA-2001-11133; Amendment No. 91-282] (RIN: 2120-AA19) received September 22, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9883. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Restricted Areas 5802C, D, and E; Fort Indiantown Gap, PA [Docket No. FAA-2003-13850; Airspace Docket No. 02-AEA-19] (RIN: 2120-AA66) received September 22, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9884. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Amendment to Class E Airspace; La Junta, CO [Docket No. FAA-2003-16029; Airspace Docket No. 03-ANM-08] received September 22, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9885. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Wayne, NE [Docket No. FAA-2004-17912; Airspace Docket No. 04-ACE-38] received September 22, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9886. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; California City, CA [Docket No. FAA-2004-18609; Airspace Docket No. 03-AWP-15] received September 22, 2004, pursuant to 5 U.S.C.

801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9887. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Northwood, ND [Docket No. FAA-2004-17094; Airspace Docket No. 04-AGL-03] received September 22, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9888. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30419; Amdt. No. 3101] received September 22, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9889. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Fuel Tank Safety Compliance Extension (Final Rule) and (Request for Comments); Extension of Comment Period [Docket No. FAA-2004-17681; Amendment No. 91-283, 121-305, 125-46, 129-39] (RIN: 2120-AI20) received September 22, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9890. A letter from the Attorney, Office of Aviation Enf. & Proceedings, Department of Transportation, transmitting the Department's final rule — Passenger Baggage Liability (RIN: 2105-AD42) received September 22, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9891. A letter from the Administrator, Environmental Protection Agency, transmitting the Agency's report entitled "The Superfund Innovative Technology Evaluation Program: Annual Report to Congress FY 2002"; to the Committee on Science.

9892. A letter from the Director, Regulations Management, Office of Regulation Policy and Management, Department of Veterans Affairs, transmitting the Department's final rule — Compensation for Certain Cases of Bilateral Deafness (RIN: 2900-AL59) received August 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

9893. A letter from the Chairman and Vice-Chairman, Advisory Committee for Trade Policy and Negotiations, transmitting the ACTPN's assessment of the World Trade Organization (WTO) Doha Round framework agreement reached in Geneva at the end of July, pursuant to 19 U.S.C. 2903; to the Committee on Ways and Means.

9894. A letter from the Secretary, Department of Health and Human Services, transmitting the final report on the Implementation of the Performance-Based Incentive System, submitted in compliance with Section 201 of the Child Support Performance and Incentive Act of 1998 (CSPIA); to the Committee on Ways and Means.

9895. A letter from the Chair of the Board of Directors, Office of Compliance, transmitting Notice of Proposed Rulemaking implementing certain substantive rights and protections of the Fair Labor Standards Act of 1938, as required by Section 203 of the Congressional Accountability Act of 1995 (CAA), 2 U.S.C. 1313, for publication in the Congressional Record, pursuant to Public Law 104-1, section 303(b) (109 Stat. 28); jointly to the Committees on House Administration and Education and the Workforce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk