any lawful purpose within the jurisdiction of that agency, or may lease the lands to a non-Federal public body, or may transfer the lands to the Administrator of General Services for disposition in accordance with the surplus property laws of the United States. In no case shall the lands be used or made available for use for any purpose in conflict with the purposes for which the project was constructed, and in every case preference shall be given to uses which will preserve and promote the recreation and fish and wildlife enhancement potential of the project or, in the absence thereof, will not detract from that potential.

(f) Subject to the limitations hereinbefore stated, joint capital costs allocated to recreation and fish and wildlife enhancement shall be nonreimbursable.

(g) Costs of means and measures to prevent loss of and damage to fish and wildlife shall be treated as unit costs and allocated among all unit purposes.

(h) As used in this Act, the term "nonreimbursable" shall not be construed to prohibit the imposition of entrance, admission, and other recreation user fees or charges.

SEC. 4. In locating and designing the works and facilities authorized for construction by this Act, and in acquiring or withdrawing any lands as authorized by this Act, the Secretary shall give due consideration to the reports upon the California water plan prepared by the State of California, and shall consult the local interests who may be affected by the construction and operation of said works and facilities or by the acquisition or withdrawal of lands, through public hearings or in such manner as in his discretion may be found best suited to a maximum expression of the views of such local interests.

SEC. 5. Nothing contained in this Act shall be construed by implication or otherwise as an allocation of water, and in the studies for the purposes of developing plans for disposal of water as herein authorized the Secretary shall make recommendations for the use of water in accord with State water laws, including but not limited to such laws giving priority to the counties and areas of origin for present and future needs.

SEC. 6. There is hereby authorized to be appropriated for construction of the Auburn-Folsom South unit, American River division, the sum of $425,000,000 (1965 prices), plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in construction costs as indicated by engineering cost indexes applicable to the types of construction involved herein. There are also authorized to be appropriated such additional sums as may be required for operation and maintenance of the project.

Approved September 2, 1965.

Public Law 89-162

To amend section 1825 of title 28 of the United States Code to authorize the payment of witness' fees in habeas corpus cases and in proceedings to vacate sentence under section 2255 of title 28 for persons who are authorized to proceed in forma pauperis.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1825 of title 28, United States Code, is amended by adding after the first paragraph of the section the following paragraph:

"In all proceedings, in forma pauperis, for a writ of habeas corpus or in proceedings under section 2255 of this title, the United States marshal for the district shall pay all fees of witnesses for the party
authorized to proceed in forma pauperis, on the certificate of the
district judge."
And the last paragraph of section 1825 is amended to read as
follows:
"Fees and mileage need not be tendered to the witness upon service
of a subpoena issued in behalf of the United States or an officer or
agency thereof, or upon service of a subpoena issued on behalf of a
party, authorized to proceed in forma pauperis, where the payment
thereof is to be made by the United States marshal as authorized in
this section."
Approved September 2, 1965.

Public Law 89-163

AN ACT

To amend section 753(b) of title 28, United States Code, to provide for the
recording of proceedings in the United States district courts by means of
electronic sound recording as well as by shorthand or mechanical means.

Be it enacted by the Senate and House of Representatives of the
United States of America in Congress assembled, That the first three
paragraphs of subsection (b) of section 753 of title 28, United States
Code, are amended to read as follows:

"One of the reporters appointed for each such court shall attend
at each session of the court and at every other proceeding designated
by rule or order of the court or by one of the judges, and shall record
verbatim by shorthand or by mechanical means which may be aug­
mented by electronic sound recording subject to regulations promul­
gated by the Judicial Conference: (1) all proceedings in criminal
cases had in open court; (2) all proceedings in other cases had in open
court unless the parties with the approval of the judge shall agree
specifically to the contrary; and (3) such other proceedings as a judge
of the court may direct or as may be required by rule or order of
court or as may be requested by any party to the proceeding. The
Judicial Conference shall prescribe the types of electronic sound
recording means which may be used by the reporters.

"The reporter shall attach his official certificate to the original short­
hand notes or other original records so taken and promptly file them
with the clerk who shall preserve them in the public records of the
court for not less than ten years. An electronic sound recording of
proceedings on arraignment, plea, and sentence in a criminal case,
when properly certified by the court reporter, shall be admissible
evidence to establish the record of that part of the proceeding.

"The reporter shall transcribe and certify all arraignments, pleas,
and proceedings in connection with the imposition of sentence in
criminal cases unless they have been recorded by electronic sound
recording as provided in this subsection and the original records so
taken have been certified by him and filed with the clerk as hereinabove
provided in this subsection. He shall also transcribe and certify such
other parts of the record of proceedings as may be required by rule
or order of court. Upon the request of any party to any proceeding
which has been so recorded who has agreed to pay the fee therefor,
or of a judge of the court, the reporter shall promptly transcribe the
original records of the requested parts of the proceedings and attach
to the transcript his official certificate, and deliver the same to the
party or judge making the request."
Approved September 2, 1965.