

missioner for a certificate of citizenship. Upon proof to the satisfaction of the Commissioner that the applicant is a citizen, and that the applicant's alleged citizenship was derived as claimed, or acquired, as the case may be, and upon taking and subscribing before a member of the Service within the United States to the oath of allegiance required by this Act of a petitioner for naturalization, such individual shall be furnished by the Commissioner or a deputy commissioner with a certificate of citizenship, but only if such individual is at the time within the United States."

Section 342 (a) (5) of the Nationality Act of 1940, approved October 14, 1940 (54 Stat. 1161), is hereby amended to read as follows:

"(5) For application for a certificate of citizenship under section 339, \$5."

Approved January 20, 1944.

## [CHAPTER 3]

## AN ACT

To authorize the appointment of court reporters in the district courts of the United States, to fix their duties, to provide for their compensation, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Judicial Code (Act of March 3, 1911, 36 Stat. 1088, as amended) is hereby amended by inserting after section 5 thereof a new section 5a, entitled "Court Reporters", as follows:

## "SEC. 5a. COURT REPORTERS.—

"(a) APPOINTMENT.—Each district court of the United States, including the District Court of the United States for the District of Columbia and the district courts in the Territories and insular possessions, shall appoint one or more court reporters for the district court in the manner provided for the appointment of the clerks of said courts. The number of reporters to be so appointed shall be determined by the Judicial Conference of Senior Circuit Judges (hereinafter referred to as the Judicial Conference). The persons to be so appointed shall possess the qualifications necessary for the satisfactory performance of the duties specified in subdivision (b) of this section, to be determined by standards which shall be formulated from time to time by the Judicial Conference, and shall take an oath to perform faithfully such duties. The court, with the approval of the Director of the Administrative Office of the United States Courts (hereinafter referred to as the Director) may appoint additional reporters for temporary service not exceeding three months, when there is more reporting work in the district than can be promptly performed by the authorized number of reporters and the urgency is so great as to render it impracticable to obtain the approval of the Judicial Conference. If the court and the Judicial Conference are of the opinion that in any district it is in the public interest that the duties of reporter should be combined with those of any other employee of the court, the Judicial Conference may authorize such a combination of positions and fix the salary therefor, as provided by subsection (c) hereof, any provision of law to the contrary notwithstanding.

"(b) DUTIES.—One of the reporters so appointed for each district court shall attend at each session of the court and at every other proceeding that may be designated by rule of procedure or order of court or by one of the judges of the court, and shall record verbatim by shorthand or by mechanical means (1) all proceedings in criminal cases had in open court, whether in connection with plea, trial, or

Issuance.

Fee.

8 U. S. C. § 742.  
Post, p. 755.

Ante, p. 4.

January 20, 1944  
[H. R. 3611]  
[Public Law 222]Judicial Code,  
amendment.

28 U. S. C. § 9.

Court reporters for  
district courts, ap-  
pointment.

Number.

Qualifications.

Oath.

Temporary ap-  
pointees.Combination of po-  
sitions.Recording of pro-  
ceedings.

sentence; (2) all proceedings in all other cases had in open court unless the parties with the approval of the sitting judge shall specifically agree to the contrary; and (3) such other proceedings as a judge of the court may direct or as may be required by rule of procedure or order of the court or as may be requested by any party to the proceeding. The reporter shall attach his official certificate to the original shorthand notes or other original records so taken and promptly file them with the clerk of the court, who shall preserve them in the public records of the court for not less than ten years.

**Certification and preservation of original records.** Upon the request of any party to any proceeding which has been so recorded and 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 thereto his official certificate, and shall then deliver the transcript to the party or judge making the request. He shall also transcribe and certify all pleas and proceedings in connection with the imposition of sentence in criminal cases and such other parts of the record of proceedings as may be required by rule of procedure or order of court.

**Transcripts.** The reporter shall promptly deliver to the clerk for the records of the court a certified copy of any transcript that he may make of any part of the record of any proceeding. The transcript of the testimony and proceedings in any case when duly certified by such reporter shall be deemed prima facie a correct statement of such testimony and proceedings. No transcripts of the proceedings of the court shall be considered as official except those made from the records taken by the reporter so appointed. The said original notes or other original records and the said copy of transcript shall be open to inspection in the office of the clerk as provided by law with respect to books containing the docket or minute of judgments, or decrees thereof.

**Certified copies for court records.**

**Original records, etc., open to inspection.**

**Compensation.** "(c) COMPENSATION.—Each reporter so appointed shall receive an annual salary, to be fixed from time to time by the Judicial Conference and to be paid in the same manner and at the same time that the salary of the clerk of the court is paid. In fixing such salary the Judicial Conference shall take into account in each instance the amount of time the reporter is required to be in attendance upon the court engaged in the performance of his duties. Such salary shall be not less than \$3,000 nor more than \$6,000 per annum. The reporter shall also receive his traveling expenses and expenses incurred for subsistence within the limitations prescribed by law for clerks of district courts while necessarily absent on official business from the place of his regular employment. All supplies shall be furnished by the reporter at his own expense. The reporter may charge and collect from parties, including the United States, who request transcripts, such fees therefor and no other, as may be prescribed from time to time by the court subject to the approval of the Judicial Conference. No fee shall be charged or taxed for any copy of a transcript delivered to the clerk for the records of court as required by subdivision (b) of this section. Fees for transcripts furnished in criminal or habeas corpus proceedings to persons allowed to sue, defend, or appeal in forma pauperis shall be paid by the United States out of money appropriated for that purpose; and the fees for transcripts furnished in other than criminal or habeas corpus proceedings to persons permitted to appeal in forma pauperis shall also be paid by the United States if the trial judge or a circuit judge shall certify that the appeal is not frivolous but presents a substantial question. Except as to transcripts that are to be paid for by the United States, the reporter may require any party requesting a transcript to prepay the estimated fee therefor in advance of delivery of the transcript.

**Travel and subsistence expenses.**

**Supplies.**

**Fees for transcripts.**

**Prepayment.**

"(d) ADMINISTRATION.—The Judicial Conference shall supervise and direct the administration of this section. Subject to this section and pertinent laws, it shall be the duty of the court to supervise and direct the reporter in the performance of his duties, including dealings with parties requesting transcripts. The Judicial Conference shall prescribe records which shall be maintained and reports which shall be filed by the reporter. Such records shall be inspected and audited in the same manner as the records and accounts of the clerk and may include records showing (1) the quantity of transcripts prepared, (2) the fees charged and the fees collected for transcripts, (3) any expenses incurred by the reporter in connection with transcripts, (4) the amount of time the reporter is in attendance upon the court for the purpose of recording proceedings, and (5) such other information as the Judicial Conference may determine.

Supervision and direction.

Records and reports.

"(e) TAXATION OF FEES AS COSTS.—In the discretion of the court any part or all of the fees for transcripts may be taxed as costs in the case. Fees paid by the United States for transcripts furnished to persons allowed to appeal in civil cases in forma pauperis shall be taxed in favor of the United States as costs in the case."

Sums authorized.

SEC. 2. There are hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary to carry the provisions of this Act into effect.

SEC. 3. Upon request of the appellant, the record on appeal, under rules 75 and 76 of the Federal Rules of Civil Procedure, shall be printed by a printer designated by the appellant.

28 U. S. C. foll. § 723c.

Approved January 20, 1944.

## [CHAPTER 4]

## JOINT RESOLUTION

Making an appropriation for contingent expenses of the Senate.

January 21, 1944  
[S. J. Res. 106]  
[Public Law 223]

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$200,000 for contingent expenses of the Senate, expenses of inquiries and investigations ordered by the Senate, including compensation to stenographers of committees, at such rate as may be fixed by the Committee to Audit and Control the Contingent Expenses of the Senate, but not exceeding 25 cents per hundred words, fiscal year 1944: *Provided,* That no part of this appropriation shall be expended for per diem and subsistence expenses except in accordance with the provisions of the Subsistence Expense Act of 1926, approved June 3, 1926, as amended.

Senate, contingent expenses.

44 Stat. 688.  
5 U. S. C. § 821;  
Supp. III, § 823.

Approved January 21, 1944.

## [CHAPTER 5]

## AN ACT

To authorize the Secretary of the Navy to proceed with the construction of certain public works, and for other purposes.

January 28, 1944  
[H. R. 3741]  
[Public Law 224]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Navy is hereby authorized to establish or develop the following naval shore activities by the construction of such temporary or permanent public works as he may consider necessary, including buildings, facilities, accessories, and services, with which shall be included the authority to acquire the necessary land, and to continue or complete the construction of any project heretofore authorized or under-

Navy, public works.  
Construction authorized.  
*Post*, p. 189.