

is intended to cover situations in which a contributor, although not requested to, mails or delivers a contribution to a Federal office. The exception does not authorize solicitations from a Federal office, nor does it permit receipt of contributions in a Federal office where such contributions have been solicited in any manner which directs the contributor to return contributions to a Federal office.

A final provision of the bill deals with the disposition of excess campaign funds. Senate rule 46 currently prohibits Members and former Members from converting campaign funds to personal use. The Special Committee on Official Conduct in its report accompanying Senate Resolution 110 in the 95th Congress, recommended that the Federal Election Campaign Act be amended to incorporate the language of the Senate Rule, to insure that the prohibition on converting campaign funds to personal use could be applied to former Members.

A compromise provision reflecting the differing views of the Senate and the House on this issue partially implements the committees' recommendation. Campaign funds may not be converted to personal use, however, an exception is made for current Members of Congress, who would be subject only to the rules of the House or Senate. Members newly elected to the Congress after the date of enactment of this legislation would be subject to the prohibition on converting campaign funds to personal use.

While I do not personally favor carving out this exception, I feel the compromise was necessary to insure passage of a bill which does bring many needed reforms to Federal campaign laws. In my opinion, the current Senate rule, which bars converting any campaign funds to personal use by any Senator or former Senator, accurately reflects the position of the Senate on this issue.

The PRESIDING OFFICER. The question is on agreeing to the amendment in the nature of a substitute.

The amendment (UP No. 894) was agreed to.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 5010) was read a third time and passed.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. STEVENS. I move to lay that on the table.

The motion to lay on the table was agreed to.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that Calendar No. 332, S. 1757, be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

LITTLE SISTERS OF THE POOR

Mr. ROBERT C. BYRD. Mr. President, I ask the Chair lay before the Senate H.R. 5645.

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read as follows:

A bill (H.R. 5645) to grant to the Little Sister of the Poor all right, title, and interest of the United States in the land comprising certain alleys in the District of Columbia.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the bill be considered as having been read the first and second time and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill was considered, ordered to a third reading, read the third time, and passed.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. STEVENS. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

CODE REVISION RELATING TO DEPRIVATION OF CERTAIN RIGHTS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to lay before the Senate H.R. 3343.

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read as follows:

A bill (H.R. 3343) to permit civil suits under section 1979 of the Revised Statutes (42 U.S.C. 1983) against any person acting under color of any law or custom of the District of Columbia who subjects any person within the jurisdiction of the District of Columbia to the deprivation of any right, privilege, or immunity secured by the Constitution and laws.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the bill be considered as having been read the first and second time and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill was considered, ordered to a third reading, read the third time, and passed.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. STEVENS. I move to lay that on the table.

The motion to lay on the table was agreed to.

DISTRICT OF COLUMBIA LEGISLATION

Mr. EAGLETON. Mr. President, two bills of concern to the District of Columbia have been held at the desk since House passage of the measures by voice vote on November 27. I urge my colleagues to act on both measures before the Christmas recess.

The first bill, H.R. 5645, would relinquish a Federal reversionary interest in some alleys in the District of Columbia to the owners of the adjoining parcels, the Little Sisters of the Poor.

Since 1871, the Little Sisters of the Poor have operated a Convent and St. Joseph's Home for the Aged on the block bounded by 2d and 3d Streets and "H" and "I" Streets in Northeast Washington. The home was a nursing facility for the elderly poor of the Washington area.

In 1893, the 53d Congress enacted, "An act to close alleys in square numbered 751 in the city of Washington, District of Columbia," 28 Stat. 21 (December 12, 1893), which closed all the alleys on that parcel and conveyed title therein to the Little Sisters of the Poor, provided that the adjoining land remained used for charitable purposes. The effect of this law was to close two 15-foot wide alleys and one 30-foot alley so that the Sisters could erect new buildings and expand their facility.

The Sisters remained on the property with perfect title, until 1976, when construction on the "H" Street overpass with its attendant dirt and noise, made the property unfit for the care of the sick. At that time, the Sisters were forced to purchase a new facility in Northeast Washington and moved to the new location. When they attempted to sell St. Joseph's, however, they found that the reversion constituted a cloud on their title to the old alleys. Because there was a period of time when the property stood vacant, the reverter could automatically have gone into effect and they could not convey good title.

Meanwhile the Capital Children's Museum had obtained a Department of Housing and Urban Development innovative projects grant to purchase the facility for its fair market value, \$1.7 million. The museum moved into the buildings on the property in 1978, but the sale has not been completed due to the question of ownership of the alleys. Those alleys, however, are no longer in existence as buildings were erected over their boundaries several times in the past 70 years.

The Capital Children's Museum is a nonprofit organization whose use of the 3d and "H" Street property will fulfill the charitable use restriction enacted by the 53d Congress. If the Little Sisters of the Poor had been able to sell the property directly to the Children's Museum before moving out, they could have sold the entire parcel, and the question of ownership of alleys would not have been raised. But, because they were forced to abandon their property by necessary construction of the "H" Street overpass around Union Station, both the Sisters and the Capital Children's Museum are being prevented from effectively carrying out their worthy tasks.

H.R. 5645, as amended, grants all right, title, and interest in the alleys on square 751 to the Little Sisters of the Poor. This relinquishes the reversionary interest of the Federal Government and gives complete title to the Little Sisters of the Poor so that the property can be conveyed. The parties involved would like to settle as soon as possible, so I again urge my colleagues to act on this matter forthwith.

The second bill sent over from the House and held at the desk, H.R. 3343, amends section 1983 of title 42 of the United States Code so that residents of the District of Columbia can sue under section 1983 as can all other citizens.

Section 1983 of title 42 United States Code provides:

Every person who, under color of any statute, ordinance, regulation, custom, or usage, or any State or Territory, subjects, or causes

to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress.

H.R. 3343 will amend this section by adding the words, "or the District of Columbia" immediately after the words, "any State or Territory" as they appear in the statute.

The bill will also amend section 1343 (3) of title 28 which gives the Federal district courts jurisdiction of section 1983 actions. This conforming amendment expands district court jurisdiction to include actions brought against the District of Columbia government.

Section 1983 is the basic remedy for violations of civil rights by local government authority. Working with section 1343, it provides a right of action in Federal court against persons who, acting under color of local law or custom, deprive someone of constitutional or statutory rights.

Common examples of section 1983 actions involve police brutality and discrimination in government hiring or job promotion. A recent Supreme Court case, however, *District of Columbia v. Carter*, 409 U.S. 418 (1973), held that the District of Columbia was not a "person, State or Territory" for purposes of section 1983, and that no suits could be brought under that section against the District government.

Chief Judge Theodore R. Newman, Jr., of the District of Columbia Court of Appeals, testified at the House hearing on the bill that:

In its decision, the Court quite properly noted that when Congress enacted 42 U.S.C. 1983, it was concerned that state courts not provide an adequate forum for the vindication of Federally protected rights. However, in 1971, and indeed until quite recently, Federal courts in the District were courts of dual jurisdiction, with general jurisdiction over Federal as well as local matters. Congress understood that a Federal forum already existed for citizens of the District and to enact separate legislation comparable to section 1983 for the District's residents would have been superfluous.

However, much has changed since the passage of section 1983 over 108 years ago. Indeed, it has been Congress that has spurred those changes. Congress has recognized that quite apart from being the seat of the national government, the District is a viable local community with problems and resources like other communities, across the nation, and that the citizens of the District should enjoy the same rights and privileges of other citizens. In 1970, Congress enacted the District of Columbia Court Reform and Criminal Procedure Act. Among other things, the Act established an independent court system with exclusive jurisdiction over local matters. In 1973, the Congress enacted the Home Rule legislation that provided for the office of the Mayor and a City Council with executive and legislative authority, respectively, to govern the local affairs of the District. In the near future, the Congress is likely to consider legislation that would transfer the jurisdiction of the U.S. Attorneys over local crimes, to the Office of the Corporation Counsel. And, of course, there is now pending a Constitutional Amendment that would give the citizens of the District full voting representation in the Congress and the Senate.

This brief review of some of the significant pieces of legislation in which Congress has moved toward granting the citizens of the District those basic rights and privileges enjoyed by citizens of other states underscores the significance of H.R. 3343. The District is no longer the city viewed by the Congress in 1871. It is no longer a city where Congress must assume responsibility over every aspect of local matters. Thousands of city employees and officials have accepted the authority that Congress has delegated and the city functions as other communities all across the nation. It is for this reason that the premise behind the denial of access to a Federal forum for the vindication of Federally protected rights is no longer valid.

Since the Supreme Court has held in other cases that municipal governments are liable for their actions under section 1983, the Carter case means that the District of Columbia is the only American locality not subject to the civil rights statute. District residents may still pursue actions under the D.C. human rights law, title VII of the Civil Rights Act, or in common law civil suits, as all other citizens, but these types of action have serious limitations on their effectiveness in civil rights enforcement.

The most important problem stemming from the Carter decision is that it denies District residents and other citizens aggrieved by D.C. Government action, the use of the Federal courts as a neutral forum. Citizens who sue their legal governing body should not be forced to resort to a local court system to be heard.

H.R. 3343 will open the avenue of a Federal remedy and put District residents on an equal footing with the citizens of all other jurisdictions.

This bill has been cleared with both the minority and majority of the Senate Judiciary Committee, and there are no objections. I urge immediate passage.

TIME-LIMITATION AGREEMENT— H.R. 3951

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that such time as Calendar Order No. 510, H.R. 3951, metro funding, is called up and made the pending business before the Senate, that there be a time limitation thereon of 30 minutes on the bill, to be equally divided between Mr. LEVIN and Mr. PERCY; and that no amendments be in order, that there be a time limitation on any debatable motion, or point of order, if such is submitted to the Senate for its discussions, of 20 minutes, the agreement to be in the usual form.

Mr. STEVENS. Mr. President, reserving the right to object, does that include a provision that there will be no motion to table that bill, but an up or down vote on the bill?

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that I may include that in the request.

The PRESIDING OFFICER. Without objection, it is so ordered.

HOUSE BILL HELD AT DESK

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that H.R. 5174 from the House be held at the desk pending further disposition.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate go into executive session for 1 minute to consider the nominations on the Executive Calendar beginning on page 2, under U.S. Air Force, including all the nominees on that page, all on page 3, all on page 4, all on page 5, all on page 6, all on page 7, all on page 8, and all under U.S. Navy on page 9; all under the nominations to be placed on the Secretary's desk in the Air Force, Army, and Marine Corps on page 9.

Mr. STEVENS. Mr. President, that does not include Calendar No. 517.

Mr. ROBERT C. BYRD. Mr. President, that is correct.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the aforesaid nominees be considered and confirmed en bloc, that the President be immediately notified, that the motion to reconsider en bloc be laid on the table, and that the Senate resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc in the U.S. Air Force, U.S. Army, U.S. Navy and nominations placed on the Secretary's desk in the Air Force, Army, and Marine Corps are printed at the conclusion of today's Senate proceedings.

LEGISLATIVE SESSION

ORDER FOR RECOGNITION OF SENATOR TSONGAS ON THURSDAY

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on Thursday, after the two leaders or their designees have been recognized under the standing order, Mr. Tsongas be recognized for not to exceed 15 minutes.

Mr. STEVENS. Mr. President, reserving the right to object, what does that do about our votes?

Mr. ROBERT C. BYRD. I spoke of Thursday.

Mr. STEVENS. All right.

RECESS UNTIL 10 A.M. TOMORROW

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in recess until the hour of 10 o'clock tomorrow morning.

The motion was agreed to; and at 8:06 p.m., the Senate recessed until Wednesday, December 19, 1979, at 10 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate December 18, 1979:

IN THE AIR FORCE

The following officers for temporary appointment in the U.S. Air Force under the provisions of chapter 830, title 10 of the United States Code: