

(C) audio-visual projects that utilize materials collected by the volunteers during their service that would be of educational value to communities.

(3) **ELIGIBILITY FOR GRANTS.**—To be eligible to compete for grants under this section, a nonprofit corporation shall have a board of directors composed of returned Peace Corps volunteers with a background in community service, education, or health. The nonprofit corporation shall meet all appropriate Corporation management requirements, as determined by the Corporation.

(c) **GRANT REQUIREMENTS.**—Such grants shall be made pursuant to a grant agreement between the Corporation and the nonprofit corporation that requires that—

(1) the grant funds will only be used to support programs and projects described in subsection (a) pursuant to proposals submitted by returned Peace Corps volunteers (either individually or cooperatively with other returned volunteers);

(2) the nonprofit corporation will give consideration to funding individual programs or projects by returned Peace Corps volunteers, in amounts of not more than \$100,000, under this section;

(3) not more than 20 percent of the grant funds made available to the nonprofit corporation will be used for the salaries, overhead, or other administrative expenses of the nonprofit corporation;

(4) the nonprofit corporation will not receive grant funds for programs or projects under this section for a third or subsequent year unless the nonprofit corporation makes available, to carry out the programs or projects during that year, non-Federal contributions—

(A) in an amount not less than \$2 for every \$3 of Federal funds provided through the grant; and

(B) provided directly or through donations from private entities, in cash or in kind, fairly evaluated, including plant, equipment, or services; and

(5) the nonprofit corporation shall manage, monitor, and submit reports to the Corporation on each program or project for which the nonprofit corporation receives a grant under this section.

(d) **STATUS OF THE FUND.**—Nothing in this section shall be construed to make any nonprofit corporation supported under this section an agency or establishment of the Federal Government or to make the members of the board of directors or any officer or employee of such nonprofit corporation an officer or employee of the United States.

(e) **FACTORS IN AWARDED GRANTS.**—In determining the number of nonprofit corporations to receive grants under this section for any fiscal year, the Corporation—

(1) shall take into consideration the need to minimize overhead costs that direct resources from the funding of programs and projects; and

(2) shall seek to ensure a broad geographical distribution of grants for programs and projects under this section.

(f) **CONGRESSIONAL OVERSIGHT.**—Grant recipients under this section shall be subject to the appropriate oversight procedures of Congress.

(g) **FUNDING.**—

(1) **IN GENERAL.**—There is authorized to be appropriated to carry out this section \$10,000,000. Such sum shall be in addition to funds made available to the Corporation under Federal law other than this section.

(2) **AVAILABILITY.**—Amounts appropriated pursuant to paragraph (1) are authorized to remain available until expended.

SEC. 11. AUTHORIZATION OF APPROPRIATIONS.

Section 3(b)(1) of the Peace Corps Act (22 U.S.C. 2502(b)(1)) is amended—

(1) by striking “2002, and” and inserting “2002,”; and

(2) by inserting before the period the following: “, \$465,000,000 for fiscal year 2004,

\$500,000,000 for fiscal year 2005, \$560,000,000 for fiscal year 2006, and \$560,000,000 for fiscal year 2007”.

Mr. REID. Mr. President, I note that Senator DODD is the sponsor of this legislation. He was in the Peace Corps, so it is totally appropriate that this matter would be sponsored by him as the lead sponsor.

I ask unanimous consent that the committee substitute amendment be agreed to, the bill, as amended, be read a third time and passed, and that the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements to this matter be printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The committee amendment, in the nature of a substitute, was agreed to.

The bill (S. 2667), as amended, was read the third time and passed.

ESTABLISHING NEW NON-IMMIGRANT CLASSES FOR BORDER COMMUTER STUDENTS

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H.R. 4967, which is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:
A bill (H.R. 4967) to establish new non-immigrant classes for border commuter students.

There being no objection, the Senate proceeded to the consideration of the bill.

Mr. REID. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to this matter be printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The bill (H.R. 4967) was read the third time and passed.

AUTHORIZING REPRESENTATION BY SENATE LEGAL COUNSEL

Mr. REID. Mr. President, I ask unanimous consent the Senate proceed to the consideration of S. Res. 343, submitted earlier today by the two leaders.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 343) to authorize representation by the Senate Legal Counsel in *Newdow v. Eagen*, et al.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DASCHLE. Mr. President, this resolution concerns a civil action commenced in the United States District Court for the District of Columbia against Secretary Jeri Thomson, Financial Clerk Timothy Wineman, their

counterparts in the House of Representatives, the Congress, and the United States.

The plaintiff in this case, Mr. Michael Newdow, is the individual challenging the constitutionality of the Pledge of Allegiance in California. Mr. Newdow alleges in this action that the disbursement of public funds to the offices of the congressional chaplains violates the First and Fifth Amendments to the Constitution, and Article VI.

Both the United States Supreme Court and the United States Court of Appeals for the District of Columbia Circuit have already established the constitutionality of the congressional chaplaincies, which date from 1789. In the landmark Supreme Court decision *Marsh v. Chambers*, 463 U.S. 783 (1983), the Supreme Court unequivocally rejected a challenge to the constitutionality of Nebraska's legislative chaplain. It stated that given the “unambiguous and unbroken history” of legislative chaplains, the “practice of opening legislative sessions with prayer has become part of the fabric of our society” and is not “an ‘establishment’ of religion or a step toward establishment; it is simply a tolerable acknowledgement of beliefs widely held among the people of this country.” *Id.* at 792. Several months later, the United States Court of Appeals for the District of Columbia Circuit, sitting en banc, dismissed a constitutional challenge to the Congressional chaplains. *Murray v. Buchanan*, 720 F.2d 689 (D.C. Cir. 1983) (en banc). It stated that the Supreme Court “answered the question presented in *Marsh* with unmistakable clarity: The ‘practice of opening each legislative day with a prayer by chaplain paid by the State [does not] violate[] the Establishment Clause of the First Amendment.’” *Id.* at 690 (quoting *Marsh*, 463 U.S. at 784).

This resolution authorizes the Senate legal counsel to represent Secretary Thompson and Mr. Wineman to seek dismissal of this action.

Mr. REID. Mr. President, I ask unanimous consent the resolution and the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements in relation thereto be printed in the RECORD.

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

The resolution (S. Res. 343) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 343

Whereas, Secretary Jeri Thomson and Financial Clerk Timothy Wineman have been named as defendants in the case of *Newdow v. Eagen*, et al., Case No. 1:02CV01704, now pending in the United States District Court for the District of Columbia; and

Whereas, pursuant to sections 703(a) and 704(a)(1) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(1), the Senate may direct its counsel to represent officers and employees of the Senate in civil actions with respect to their official responsibilities: Now, therefore, be it