unless such person shall be duly licensed and authorized to practice as an attorney under the laws of a State, territory, or the District of Columbia.''

Subsection (d) codifies this longstanding requirement, and also makes clear that government attorneys need not be licensed under the laws of any state in particular. The clarification is necessary to ensure that local rules regarding state licensure are not applied to federal prosecutors. Cf. *United States* v. *Straub*, No. 5:99 Cr. 10 (N.D. W. Va. June 14, 1999) (granting defense motion to disqualify the Assistant United States Attorney because he was not licensed to practice in West Virginia).

Subsection (e), like the McDade law, authorizes the Attorney General to make and amend rules to assure compliance with section 530B.

4. JUDICIAL CONFERENCE REPORTS AND RECOMMENDATIONS

Section three directs the Judicial Conference of the United States to prepare two reports regarding the regulation of government attorney conduct. Both reports would contain recommendations with respect to the advisability of uniform national rules.

The first report would address the issue of contacts with represented persons, which has generated the most serious controversy regarding the professional conduct of government attorneys. See, e.g., *State* v. *Miller*, 600 N.W.2d 457 (Minn. 1999); *United States* v. *McDonnell Douglas Corp.*, 132 F.3d 1252 (8th Cir. 1998); *United States* v. *Lopez*, 4 F.3d 1455 (9th Cir. 1993); *United States* v. *Hammad*, 858 F.2d 834 (2d Cir. 1988).

Rule 4.2 of the ABA's Model Rules of Professional Conduct and analogous rules adopted by state courts and bar associations place strict limits on when a lawyer may communicate with a person he knows to be represented by another lawyer. These ''no contact'' rules preserve fairness in the adversarial system and the integrity of the attorney-client relationship by protecting parties, potential parties and witnesses from lawyers who would exploit the disparity in legal skill between attorneys and lay people and damage the position of the represented person. Courts have given a wide variety of interpretations to these rules, however, creating uncertainty and confusion as to how they apply in criminal cases and to government attorneys. For example, courts have disagreed about whether these rules apply to federal prosecutor contacts with represented persons in non-custodial pre-indictment situations, in custodial pre-indictment situations, and in post-indictment situations involving the same or different matters underlying the charges.

Lawyers who practice in federal court—and federal prosecutors in particular—have a legitimate interest in being governed by a single set of professional standards relating to frequently recurring questions of professional conduct. Further, any rule governing federal prosecutors' communications with represented persons should be respectful of legitimate law enforcement interest as well as the legitimate interests of the represented individuals. Absent clear authority to engage in communications with represented persons—when necessary and under limited circumstances carefully circumscribed by law—the government is significantly hampered in its ability to detect and prosecute federal offenses.

The proposed legislation charges the Judicial Conference with developing a uniform national rule governing government attorney contacts with represented persons. Given the advanced stage of dialogue among the interested parties—the Department of Justice, the ABA, the federal and state courts, and others—the Committee is confident that a satisfactory rule can be developed within the one-year time frame established by the bill.

While the ''no contact'' rule poses the most serious challenge to effective law enforcement, other rules of professional responsibility may also threaten to interfere with legitimate investigations. The proposed legislation therefore directs the Judicial Conference to prepare a second report addressing broader questions regarding the regulation of government attorney conduct. This report, to be completed within two years, would review any areas of conflict or potential conflict between federal law enforcement techniques and existing standards of professional responsibility, and make recommendations concerning the need for additional national rules.

HISPANIC HERITAGE MONTH

Mr. KERRY. Mr. President, I would like to take this opportunity to commemorate the 30-day period from September 15 through October 15, which was designated by the President as Hispanic Heritage Month. Hispanic Heritage Month was first initiated by Congress in 1968 to celebrate the diverse cultures, traditions, and valuable contributions of Hispanic people in the United States.

We are living through the longest and strongest economic boom in American history. Since 1992, our economy has created 22 million new jobs—and Hispanics in Massachusetts and around the country are sharing in our national prosperity and contributing to this marvelous growth. Since 1993, Hispanic employment has increased by nearly one-third nationwide, and median weekly wages for Hispanics have risen more than 16 percent. The unemployment rate for Hispanics is the lowest since we began tracking it, and the median income for Hispanic households has risen 15.9 percent over the last three years.

But for all our progress, we know that many challenges remain. The dropout rate for Hispanic youth is astonishingly high. There are far too many young people with nothing to do after school, and the unemployment rate is still too high in many predominately-Hispanic communities. We cannot ignore or turn our backs on these young people, because they are truly the future of this nation. And prosperity that is not broadly shared is not true prosperity.

In February of 1994, President Clinton signed Executive order 12900, ''Educational Excellence for Hispanic Americans,'' specifically, ''To advance the development of human potential, to strengthen the Nation's capacity to provide high-quality education, and to increase opportunities for Hispanic Americans to participate in and benefit from Federal education programs.'' I am proud to tell you about an initiative in my state, the Massachusetts Education Initiative for Latino Students (MEILS), which was created to implement the White House Initiative on Educational Excellence for Hispanic Americans in Massachusetts. MEILS created a Steering Committee responsible for developing and implementing a comprehensive approach for dealing with Latino educational issues statewide. MEILS has formulated a partnership between the state, federal, and local government to ensure high-level educational achievements for Latino students, from preschoolers to lifelong learners. MEILS has already established working groups in 13 of the communities with the highest percentages of Hispanic populations in the state of Massachusetts. Last Fall, MEILS held a conference in Worcester, Massachusetts, expecting approximately 300–400 participants, but ultimately drawing 700. They are currently planning their second conference, anticipating over 1,000 participants.

By 2050, one-quarter of all Americans will be Hispanic. In Massachusetts, Hispanics comprise 6% of the population and have made significant contributions to our communities, to our workplaces, to our public schools, and to academe. One of those contributors, Juan Maldacena, an Associate Professor of Physics at Harvard University, recently secured a MacArthur Foundation ''genius'' grant for his work on ''string theory,'' a method for describing gravity in the same terms as other forces in the universe. A colleague of Mr. Maldacena's from the University of Chicago was so taken by this theory that he penned a new version of the ''Macarena'' called the ''Maldacena.''

We know that the key to growing and staying strong is making sure that every American participates in our nation's prosperity. I will continue, and I hope the Congress will continue, to work closely with the Hispanic community because, together, we bring Massachusetts and America closer to the vision of a nation where all citizens are free to reach their potential.

THE PREVENTION OF CIRCUMVENTION OF SUGAR TARIFF RATE QUOTAS

Mr. DORGAN. Mr. President, I rise in support as a cosponsor of S. 3116. The purpose of this legislation is to prevent molasses stuffed with sugar from being allowed into this country.

As others have stated, the molasses in question is stuffed with South American sugar in Canada, and then transported into the United States. The sugar is then spun out of this concoction and sold in this country while the molasses is sent right back across the border to be stuffed with more sugar—and the smuggling cycle starts over again.