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institution: Amherst College, Hampshire College, Mount Holyoke College, the University of Massachusetts and, sitting at the head of Main Street, the Smith College campus, designed in 1875 by Frederick Law Olmstead. The 19th-century state mental hospital is now abandoned. The poet Sylvis Plath, an undergraduate at Smith in the 1950's, wrote to her mother of walking in the evening to a professor's house for a cocktail party, "listening to the people screaming."

Main Street bends slowly through the town, side streets flowing into it, like a third river. "There are some magical things about this that couldn't have been planned," Mr. Kidder said, speaking of the setting's majestic gait. "This broad sweep that Main Street makes, it makes simply because of the topography, before you had earth-moving equipment."

Northampton's recent history has a familiar plot—a downtown rescued in the 1970's by creative real estate developers and resident pioneers who discovered and reinvented its historic infrastructure. It is an architectural routine: with restoration and new, entertainment-oriented businesses, the low brick buildings, Victorian clapboard houses, Art Deco theater and a Gothic chess set of city hall and courthouse become an animated Main Street. In Northampton, there are apartments above the shops, stimulating street life at night. The crosswalks at the intersection of Main and King streets, where the town converges, are wired with speakers that signal sonically for the blind and stop traffic in four directions, letting strollers spill momentarily into the square.

To the casual eye, it can look more like a marketing concept than a place to live—a factory town retooled by the wish list of the latte generation. A bookshop's magazine display offers an informal census of Northampton's new citizens and visitors: Raygun, Natural History, Birdwatcher's Digest, American Craft, Bike, Fine Homebuilding, Interview, The Writer, Outside, Macworld and Out. The town has been the subject of a "20/20" segment because of a large gay and lesbian population.

"It's tempting to parody, but it's too easy," Mr. Kidder said, crossing the intersection of Main and King as the crosswalks beep-beeped like Saturday cartoon characters. To the citizenry, it appeared to produce genuine wonderment—rainbow-haired teen-agers, mothers in Polartec, men in linen sweaters and loafers without socks crowded the open intersection, as cars on four sides sat muzzled like dogs, waiting for the lights. "What you see is pretty motley, but there is a solid mainstream, an almost invisible background to it," he said.

Like any town, Northampton is many town, including a town with a native population. As Mr. Kidder writes, the "Gentrification Is War" graffito, written prominently on a building downtown, is now softly faded. But two particular towns live together like a couple in a brokered marriage that may or may never grow into love. "Hamp," or native Northampton, shops on the strip of King Street as it leaves town at Main Street, not in "NoHo," or the revitalized downtown, for which Main Street provides the artery.

"In all of downtown, I don't think you can buy a socket wrench," Mr. Kidder said. "When you look at old pictures, there were nothing but hardware stores."

Because of its newcomers, Northampton is a big, little place, pressured by the demands of the present on the past. "Without argument, a place begins to go dead," Mr. Kidder said, walking on Pleasant Street, where many single-room occupancy houses remain—a short block from Main Street's consumer circus. Local government has kept them there to enforce the town's economic heterogeneity. "You've got to have this tension. You've got to find a way to let lots of different kinds of people in, and keep them there."

Mr. Kidder is not ambivalent about Northampton, but he is not foolish, either. "It's got problems, of course," he said, reciting the national roster of gang crime and homelessness and a drug problem in the local schools that is conspicuous for the state. He was at the bar of the Bay State Hotel, a favorite spot opposite the restored train station, now Spaghetti Freddy's, drinking a Diet Coke. Sitting in the dimly lighted, yellow-wood-paneled tavern, with its etched Budweiser mirror, painting of Emmett Kelly and silent blinking jukebox was like being inside a Christmas tree at night. "And what limits the size of the town is jobs," said Mr. Kidder, who is self-employed. "The largest employer, which was the state mental hospital, closed its doors years ago."

Wayne Feiden, the planning director, concurred. "Whenever you see polls in Money magazine and the rest, about the best towns, we never make it," he said. "The jobs aren't there." Mr. Feiden added that the danger of being a boomtown was that well-paid professionals like doctors and lawyers, of whom there are many in Northampton, who moved there for its charms, would move on, frustrated from feeling underpaid. "It's why they don't stay."

If Northampton does not, despite restored facades, present an unblemished picture, Mr. Kidder makes a strong case that the beauty of a place is not in its skin—it is in its people. They are the simple and dramatic acts and the descriptive faces of his book. They are, he contends, the genius of a place.

Mr. Kidder's "Home Town" hero is a native, who, as the book concludes, leaves Northampton for the wider world, freed of his "nick-names," as Mr. Kidder characterized the linked chain of time spent growing up in the same small town.

"It seemed to make too much wholesome sense, from a distance," Mr. Kidder said, speaking of Northampton. "And then I ran into this cop," he said. "Tommy O'Connor, at the gym that I go to."

Mr. Kidder was back at his house, not the home built for a professional couple in Amherst and chronicled in his 1985 book, "House," but a converted creamery on a mill river that runs beneath the dining room windows. He greeted his daughter, Alice, 20, who walked into the kitchen with a bag of groceries from Bread and Circus, a natural-foods supermarket. She pulled mixing bowls from the cupboards to make dessert for dinner—profiteroles, for guests.

"Tommy's a very gregarious guy," Mr. Kidder recalled. "He said, 'You don't remember me, do you?' I said no. He said, 'Well, I arrested you for speeding five years ago.'" An electric mixer began clattering in a bowl. "This guy with a shiny dome had been a curly-haired cop then," Mr. Kidder said. "I remember that after he gave me the ticket, he said, 'Have a nice day.'"

Mr. Kidder smiled at the recollection; Mr. O'Connor, who now lives in Washington and works for the Federal Bureau of Investigation, remains a friend.

"Anyway, he said, 'Why don't you come out and ride with me some night?' He said he'd show me a town I never imagined existed." It was, of course, Northampton.

Mr. Kidder said, "And he was right."

THE PROTECT ACT

Mr. McCAIN. Mr. President, yesterday I introduced a bill to "Promote Reliable On-Line Transactions to Encourage Commerce and Trade," the PROTECT Act. This legislation seeks to promote electronic commerce by encouraging and facilitating the use of encryption in interstate commerce consistent with the protection of United States law enforcement and national security goals and missions.

During the last Congress, there was a very intense debate surrounding the encryption issue. That debate, as with any discussion regarding encryption technology, centered around the challenge of balancing free trade objectives with national security and law enforcement interests. There were various proposals put forward. None, however, emerged as a viable solution. In the end, the debate became polarized, as many became entrenched upon basic approaches, losing sight of the overall policy objectives upon which everyone generally agreed.

It was my objective to get outside the box of last year's debate. In the past, balancing commercial and national security interests has been treated as a zero sum game, as if the only way to forward commercial interest was at the expense of national security, or vice versa. This is simply not the case. Certainly, advanced encryption technologies present a unique set of challenges for the national security and law enforcement community. However, these challenges are not insurmountable.

What the PROTECT Act does, is to lay out a forward-looking approach to encryption exportation, a course that puts into place a rational, fact-based procedure for making export decisions, that places high priority on bringing the national security and law enforcement community up to speed in a digital age, and that ultimately provides a national security backstop to make certain that advanced encryption products do not fall into the hands of those who would threaten the national security interests of the United States.

Title I of the legislation deals with domestic encryption. The bill establishes that private sector use, development, manufacture, sale, distribution and import of encryption products, standards and services shall be voluntary and market driven. Further, the government is prevented from tying encryption used for confidentiality to encryption used for authentification. It is established that it is lawful for any person in the United States, and for any U.S. person in a foreign country, to develop, manufacture, sell, distribute, import, or use any encryption product.

The PROTECT Act prohibits mandatory government access to plaintext. The bill prohibits the government from standards setting or creating approvals or incentives for providing government access to plaintext, while preserving existing authority for law enforcement and national security agencies to obtain access to information under existing law.

Title II of the legislation deals with government procurement procedures.

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The bill makes clear that it shall be the policy of the Federal government to permit the public to interact with the government through commercial networks and infrastructure and protect the privacy and security of any electronic communications and stored information obtained by the public.

The Federal government is encouraged to purchase encryption products for its own use, but is required to ensure that such products will interoperate with other commercial encryption products, and the government is prohibited from requiring citizens to use a specific encryption product to interact with the government.

Title II of the PROTECT Act authorizes and directs NIST to complete establishment of the Advanced Encrytion Standard by January 1, 2002. Further, the bill ensures the process is led by the private sector and open to comment. Beyond the NIST role in establishing the AES, the Commerce Department is expressly prohibited from setting encryption standards—including U.S. export controls—for private computers.

A critical component of the PROTECT Act is improving the government's technological capabilities. Much of the concern from law enforcement and national security agencies is rooted in the unfortunate reality that the government lags desperately behind in their understanding of advanced technologies, and their ability to achieve goals and missions in the digital age.

This legislation expands NIST's Information Technology Laboratory duties to include: (a) obtaining information regarding the most current hardware, software, telecommunications and other capabilities to understand how to access information transmitted across networks; (b) researching and developing new and emerging techniques and technologies to facilitate access to communications and electronic information; (c) researching and developing methods to detect and prevent unwanted intrusions into commercial computer networks; (d) providing assistance in responding to information security threats at the request of other Federal agencies and law enforcement; (e) facilitating the development and adoption of "best information security practices" between the agencies and the private sector.

The duties of the Computer System Security and Privacy Board are expanded to include providing a forum for communication and coordination between industry and the Federal government regarding information security issues, and fostering dissemination of general, nonproprietary and nonconfidential developments in important information security technologies to appropriate federal agencies.

Title V of the legislation deals with the export of encryption products. The Secretary of Commerce is granted sole jurisdiction over commercial encryption products, except those specifically designed or modified for military use, including command and control and intelligence applications. The legislation clarifies that the U.S. government may continue to impose export controls on all encryption products to terrorist countries, and embargoed countries; that the U.S. government may continue to prohibit exports of particular encryption products to specific individuals, organizations, country, or countries; and that encryption products remain subject to all export controls imposed for any reason other than the existence of encryption in the product.

Encryption products utilizing a key length of 64 bits or less are decontrolled. Further, certain additional products may be exported or reexported under license exception. These include: recoverable products; encryption products to legitimate and responsible entities or organizations and their strategic partners, including on-line merchants; encryption products sold or licensed to foreign governments that are members of NATO, ASEAN, and OECD; computer hardware or computer software that does not itself provide encryption capabilities, but that incorporates APIs of interaction with encryption products; and technical assistance or technical data associated with the installation and maintenance of encryption products.

The Commerce Department is required to make encryption products and related computer services eligible for a license exception after a 15-day, one-time technical review. Exporters may export encryption products if no action is taken within the 15-day period.

A formal process is established whereby encryption products employing a key length greater than 64 bits may be granted an exemption from export controls. Under the procedures established by this legislation, encryption products may be exported under license exception if: the Secretary of Commerce determines that the product or service is exportable under the Export Administration Act, or if the Encryption Export Advisory Board created under this Act determines, and the Secretary agrees, that the product or services is, generally available, publicly available, or a comparable encryption product is available, or will be available in 12 months, from a foreign supplier.

As referenced, the PROTECT Act creates an Encryption Export Advisory Board to make recommendations regarding general, public and foreign availability of encryption products to the Secretary of Commerce who must make such decisions to allow an exemption. The Secretary's decision is subject to judicial review. The President may override any decision of the Board or Secretary for purposes of national security without judicial review. This process is critical. It ensures that the manufacturer or exporter of an encryption product may rely upon the Board's determination that the product is generally or publicly available or that a comparable foreign product is available, and may thus export the product without consequences. However, a critical national security backstop is provided. Regardless of the recommendation of the board, or the decision of the Secretary, the President is granted the absolute authority to deny the export of encryption technology in order to protect U.S. national security interest. However, a process of review is established whereby market-availability, and other relevant information may be gathered and presented in order to ensue that such determinations are informed and rational.

Any products with greater than a 64 bit key length that has been granted previous exemptions by the administration are grandfathered, and decontrolled for export. Upon adoption of the AES, but not later than January 1, 2002, the Secretary must decontrol encryption products if the encryption employed is the AES or its equivalent.

Finally, the PROTECT Act prohibits the Secretary from imposing any reporting requirements on any encryption product not subject to U.S. export controls or exported under a license exception.

Mr. President, as I have stated, my purpose in putting this legislation together was to get outside the zero sum game thinking that has become so indicative of the debate surrounding the encryption export controls. I would like to commend the outstanding and creative leadership of Senator BURNS on this issue. He is a leader on technology issues in the Senate, and has played an invaluable role in developing this approach. I look forward to working with him, and our other original cosponsor in building the support necessary to see the PROTECT Act signed into law during this Congress.

SENATE SPECIAL COMMITTEE ON THE YEAR 2000 TECHNOLOGY PROBLEM

Mr. BENNETT. Mr. President, on March 25, 1999, the Senate Special Committee on the Year 2000 Technology Problem published its rules of procedure. Also published was an overview of the Committee's jurisdiction and authority. We publish today the corrected and complete statement of jurisdiction and authority of the Committee which is provided by S. Res. 208, 105th Congress, as amended by S. Res. 231, 105th Congress, and S. Res. 7, 106th Congress.

Mr. President, I ask unanimous consent that the corrected and completed statement of jurisdiction and authority be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. RES. 208, APRIL 2, 1998, AS AMENDED

Resolved,

SECTION 1. ESTABLISHMENT OF THE SPECIAL COMMITTEE.

(a) ESTABLISHMENT.—There is established a special committee of the Senate to be known

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