

space, inventory, and hire salespeople in order to provide service to their customers.

Increasingly, those efforts are falling victim to a practice known as show rooming, where potential customers enter the physical store, take up the salesperson's time, then make their purchases at home online at a discount because no sales tax is collected.

I have witnessed this firsthand. Imagine you are in the women's shoe department of a nice retail store. An attentive salesperson spends a considerable amount of time with a potential customer finding the right size, trying several pairs of shoes, and answering the customer's questions.

Then the customer pulls out their phone and orders the same pair of shoes online at a lower price, in effect bilking the salesperson for the time spent with the customer. Some people are brazen about doing this.

Effectively, brick and mortar retailers are providing services to online retailers at no charge.

This bill simply brings State sales and use tax collection into the 21st century. When the Supreme Court first considered the issue of collecting out of State online sales taxes, it was in the early 1990's and there were only a trivial amount of online sales.

The ensuing two decades have brought sweeping changes to the online marketplace and the technology that facilitates online sales tax collection.

Online sales continue to increase relative to conventional retail sales. And applications exist that allow retailers to easily collect taxes on out of State sales.

The Marketplace Fairness Act would level the playing field by doing the following:

Allow States the option to collect remote sales taxes; require States to set up a streamlined tax collection process in order to simplify remittance for online businesses, require States to provide the tax collection software to retailers free of charge, and exempt online retailers with less than \$1 million in remote sales from having to collect and remit online sales taxes.

It is important to note that many States are already moving to collect sales taxes on remote sales. Just last year, California came to an agreement with amazon.com that required the online sales giant to start collecting sales taxes on purchases made in California.

Furthermore, State laws currently require the collection of online sales taxes. However, rather than the retailer being in charge of collection, it is up to individual taxpayers to calculate and remit the sales taxes they owe on online purchases.

It is estimated that only 1.4 percent of Californians actually remit sales taxes from online purchases, a number roughly in line with other States. State and local governments, which rely in part on sales taxes to fund local schools and infrastructure, are increasingly burdened by their inability to

collect sales taxes on online purchases that are lawfully owed.

So this is not a new tax. It is not overly burdensome on small businesses. And it accounts for the fact that more and more retail sales will be taking place online.

The Marketplace Fairness Act puts every business on a level playing field and ensures that tax loopholes do not create unfair advantages for certain retailers. It is time that our tax policy reflects fundamental changes in the retail marketplace, and I strongly encourage my colleagues to support this bill.

I thank the Chair.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DURBIN. I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MORNING BUSINESS

Mr. DURBIN. I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CONVENTION AGAINST TORTURE

Mr. UDALL of Colorado. Mr. President, I rise to recognize an important anniversary—the 25th anniversary of the signing of the Convention Against Torture—and would like to do so in the context of the recent publication of an important report on the U.S. policies and programs put in place following the terrorist attacks of September 11, 2001.

After 9/11, Americans came together and set aside their differences. Those terrible events unified this country in a common desire to bring to justice those responsible and to do whatever was necessary to prevent future attacks.

We have spent over a decade successfully reducing al Qaeda's ranks, and—until last week—doing so without another major attack on U.S. soil. Yet there have been countless mistakes and costs incurred in the pursuit of these goals.

One of these key mistakes is the program that the Central Intelligence Agency initiated after 9/11 to detain and interrogate terrorist subjects. The details of how this program came to be and how it was conducted are outlined in the Senate Intelligence Committee's 6,000-page report on the CIA's detention and interrogation program—based on a documentary review of over 6 million pages of CIA and other records and including 35,000 footnotes. In December

I voted with a majority of my colleagues on the committee to report out the study and to send it to the CIA for its review and comments.

I believe that the CIA's detention and interrogation program was severely flawed. It was mismanaged. The "enhanced interrogation techniques" were brutal. And perhaps most importantly, the program did not work. Nonetheless, it was portrayed to the White House, the Department of Justice, the Congress, and the media as a program that resulted in unique information that "saved lives."

At his confirmation hearing, I urged CIA Director John Brennan to lead in correcting the false public record about the CIA's program and in instituting the necessary reforms to restore the CIA's reputation for integrity and analytical rigor. I firmly believe that the CIA cannot be its best until its leadership faces the serious and grievous mistakes of this program.

Some say that by looking backward, we are focusing on "archaeology" to the exclusion of our national security interests today. I would argue that acknowledging the flaws of this program is essential for the CIA's long-term institutional integrity—as well as for the legitimacy of ongoing sensitive programs. The findings of this report directly relate to how other CIA programs are managed today.

The CIA, the White House, and other agencies continue their review of the committee's report on the CIA's detention and interrogation program, and the Senate Intelligence Committee expects to see an official response soon. But this is not a report I can talk much about or share, since it remains classified.

That is why I am thankful for the release of a report by the Constitution Project's Task Force on Detainee Treatment. The task force was led by former Representative Asa Hutchinson and former representative and retired Ambassador James Jones and made up of former high-ranking officials and experts from across the political spectrum. This was a 2-year effort, based on an examination of available public records as well as interviews with over 100 former detainees, military and intelligence officers, interrogators, and policymakers.

In a news article on the report, Mr. Hutchinson—who served in several roles in the Bush administration, including as undersecretary of the Department of Homeland Security—said that after researching this issue for nearly 2 years, "he had no doubts about what the United States did." He concluded that "it's incredibly important to have an accurate account not just of what happened but of how decisions were made." He added, "The United States has a historic and unique character, and part of that character is that we do not torture."

I couldn't agree more with his sentiments. As one of the task force's contributors, former Ambassador Thomas