

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

Pickering, states in a Washington Post opinion piece I will ask to have printed in the RECORD, "Admitting our mistakes is the only legitimate basis on which we can reassure the world that America remains committed to the rule of law and to upholding human rights and democratic values."

I commend the report of the Constitution Project's Task Force to my colleagues. I also urge the administration to work closely with the Senate Intelligence Committee as it conducts its review of the Committee's report.

In marking the 25th anniversary of President Reagan's signing of the international Convention Against Torture, I remind my colleagues and this administration that the government has an obligation to the American people to face its mistakes transparently, help the public understand the nature of those mistakes, and correct them. Director Brennan and this administration have an important task ahead in this regard.

I ask unanimous consent that the article to which I referred be printed in the RECORD.

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

[From the Washington Post, Apr. 16, 2013]

AMERICA MUST ATONE FOR THE TORTURE IT INFLICTED

(By Thomas R. Pickering)

Thomas R. Pickering is a member of the Constitution Project's Task Force on Detainee Treatment. He was undersecretary of state for political affairs from 1997 to 2001 and served as ambassador and representative to the United Nations from 1989 to 1992.

It's never easy in this volatile world to advance America's strategic aims. For more than four decades, in the service of Democratic and Republican presidents, it was often my job to persuade foreign governments to adhere to international law and observe the highest standards of conduct in human rights—including the strict prohibition of torture. A report released Tuesday by an independent task force on detainee treatment (to which I contributed) makes it clear that U.S. officials could have used the same advice.

Unfortunately, the U.S. government's use of torture against suspected terrorist, and its failure to fully acknowledge and condemn it, has made the exercise of diplomacy far more daunting. By authorizing and permitting torture in response to a global terrorist threat, U.S. leaders committed a grave error that has undermined our values, principles and moral stature; eroded our global influence; and placed our soldiers, diplomats and intelligence officers in even greater jeopardy.

It's not just the Bush-Cheney administration that bears responsibility for diminished U.S. standing, although the worst abuses undeniably took place in the years immediately after the Sept. 11, 2001, attacks. The Obama administration also has failed to be as open and accountable on such fundamental questions of law, morality and principle as a great power that widely supports human rights needs to be.

What can be done to mitigate the damage and set this country on a better course? First and foremost, Americans need to confront the truth. Let's stop resorting to euphemisms and call "enhanced interrogation

techniques"—including but not limited to waterboarding—what they actually are: torture. Torturing detainees flies in the face of principles and practices established in the founding of our republic, and it violates U.S. law and international treaties to which we are a party. Subjecting detainees to torture, no matter how despicable their alleged crimes, runs counter to the values embodied in the U.S. Constitution.

Too much information about the abuse of detainees remains hidden from the American people. Specifically, the Obama administration's ongoing concealment of the details about our use of torture has made it impossible for the United States to comply with its legal obligations under the U.N. Convention Against Torture and has contributed to a disturbing level of public support for torturing suspected terrorists.

President Obama should direct relevant officials to declassify as many related documents as possible as quickly as possible—starting with the more than 6 million pages of classified documents that were the basis for the Senate intelligence committee's recent report on the CIA's interrogation program, and the still-secret report itself—so that the American people may finally learn what was done in our name. Admitting our mistakes is the only legitimate basis on which we can reassure the world that America remains committed to the rule of law and to upholding human rights and democratic values.

Second, Congress needs to work with the administration to close the loopholes that allowed torture to occur under a pretense of legality. In 2009, Obama signed an executive order giving interrogators clear instructions about permissible techniques. But future presidents could reverse course with the stroke of a pen—and no public notice.

To ensure that cannot happen, the federal Anti-Torture Statute should be amended to make clear that the deliberate infliction of severe pain and suffering is torture—regardless of the duration of the torment being inflicted. The War Crimes Act should be amended to make clear that cruel, inhuman or degrading treatment of detainees is a federal crime even when it falls short of torture. Instead of being told to rely on secret legal memos or doctors' unethical monitoring of brutal interrogation sessions, interrogators should be given unambiguous orders that all detainees are to be treated in strict compliance with Common Article 3 of the Geneva Conventions, which is the basic provision of international law outlawing torture. And there should be clear, public rules ensuring prompt access to detainees by the International Committee of the Red Cross.

Third, the United States must not transfer detainees to torture in other countries. Such transfers, known as "renditions," have occurred under Presidents Bill Clinton, George W. Bush and Obama—despite the fact that they violate the Convention Against Torture. In part, this is because of a policy of reliance on "diplomatic assurances" from other countries that detainees would not be tortured, despite clear evidence that these assurances were not credible. In part, this is because the United States has refused to acknowledge that the prohibition against transfers to torture is legally binding outside of U.S. territory. Both must change.

Democracy and torture cannot peacefully coexist in the same body politic. Successful human rights diplomacy and torture can't either. Our country and its place in the world—as well as the Americans bravely serving in military, intelligence and diplomatic posts around the globe—deserve nothing less.

ADDITIONAL STATEMENTS

ALASKA RESCUE COORDINATION CENTER

• Mr. BEGICH. Mr. President, I would like to take the time today to congratulate the Alaska Rescue Coordination Center, RCC, for completing their 5,000th mission since July 1, 1994.

The Alaska Rescue Coordination Center has operated in Alaska since 1961, but since July 1, 1994, the RCC has been staffed solely by Alaska Air National Guardsmen under the operational active-duty commander of the 11th Air Force. Since that time, the men and women of the Alaska Air National Guard have kept watch 24 hours a day, seven days a week, coordinating an average of more than five missions a week for nearly 19 years.

The 12 Alaska Air National Guard members who work in the RCC on a rotating schedule all have a background in either rescue operations as a member of the Alaska Air National Guard's 210th, 211th or 212th Rescue Squadrons, or are command and control specialists with experience in rescue control operations.

On March, 27, 2013, the RCC coordinated the Alaska Air National Guard's successful recovery of a pilot who crashed a Super Cub aircraft near the Bering River northeast of Cordova, AK, completing their 5,000th mission.

The RCC relies heavily on the support of other agencies during search-and-rescue missions. Aside from the Alaska Air National Guard and Alaska Army National Guard, during a mission, these agencies can also be called upon: Alaska State Troopers, U.S. Coast Guard District 17, Civil Air Patrol, National Park Service, North Slope Arctic Borough Search and Rescue, Alaska Mountain Rescue, SEADOGS K-9 Search and Rescue Team, Anchorage Nordic Ski Patrol and various other volunteer search groups.

Their busy season follows the weather trends with an increase in search-and-rescue missions toward the end of summer into the fall hunting season. Ask anyone in the rescue business, and you will hear that no two search-and-rescue cases are alike. Throughout the years, there have been many high-profile missions adding up to the 5,000 missions and Alaskans are thankful for their knowledge, dedication, and expertise.

Thank you for allowing me to take a moment to recognize the heroic efforts of the Alaska Rescue Coordination Center and their 5,000 missions.●

TRIBUTE TO ARLENE MULDER

• Mr. KIRK. Mr. President, today I wish to honor Arlington Heights Mayor Arlene Mulder. After 20 years of service to the village as mayor, she is taking a well-deserved retirement.

For 34 years, Mayor Mulder has been a tireless public servant—from park