have done but for what we believe in and for what we stand.

I want to show an individual whose name is Anwar al-Awlaki. Anwar al-Awlaki was an American citizen, just like this individual who committed the terrorist attack in Boston whom we are holding right now. This American citizen became an influential leader in al-Qaida in the Arabian Peninsula, advocated for violent Jihad against the United States, used the Internet to recruit followers and inspire attacks, and was linked to dozens of terrorist investigations in our country and with our allies. He was in Yemen, and on September 30, 2011, our administration took him out with a drone strike, and I applaud them for that.

But if Anwar al-Awlaki, a U.S. citizen under the constructs we are under right now, came to the United States of America and was involved in an attack against our country—we can take him out with a drone strike if he is in Yemen. But if he actually gets to the United States of America to carry out the attacks he wanted to as a terrorist and we capture him here, we have to give him Miranda? No. We need to be able to hold individuals such as he, and anyone who is seeking to commit a terrorist attack against our country, in the national intelligence context, to find out what they know to make sure we can disrupt these terrorist networks around the world. That is what we are talking about, and we can do both within our values.

To those who have been writing inaccurate pieces about this, we understand that if someone is an American citizen, they cannot be tried in a military commission; they can only be tried in a Federal court. And we will do that here. If we had caught him, we would have tried him too. But before we do that, we had better know what he knows about the terrorist network to be able to know whom he is involved with and to prevent future attacks on this country because people like him—and unfortunately what we saw in Boston—do want to come here to attack us. We have to be in a position to protect this country.

What concerns me most of all is the construct that this administration has put together. Here we have a construct where even foreigners who are terrorists—not American citizens—are being brought into our civilian system and are being advised of their Miranda rights without giving the maximum opportunity to gather intelligence.

This is a picture of Osama bin Laden's son-in-law sitting next to Osama bin Laden, Abu Ghaith, the day after our country was attacked on September 11. Osama bin Laden's son-in-law, Abu Ghaith, was captured overseas. He spent time in Iran. Instead of being brought to Guantanamo or held for a lengthy period to be interrogated, he was brought right to a Federal court in New York City to be tried there.

This is the construct this administration is using, where they are not treating this like we are at war even with foreign terrorists. Osama bin Laden's son-in-law, not held as an enemy combatant, tried—just like this individual who was captured committing the terrorist attacks against us in Boston—in the Federal civilian court system.

We are at war, ladies and gentlemen, and we owe it to our Nation to protect our country. The only way we can do that is when we capture individuals who are foreigners who are members of al-Qaida or when we capture individuals who are American citizens who commit terrorist attacks against this country—who may or may not have ties to foreign organizations—we had better find out. If they do, we need to understand what they know to protect our Nation and then hold them accountable, as we will in this case, and make sure they never see the light of day. I hope in this case we seek the death penalty for what that suspect in Boston did in terrorizing those who were there at the Boston Marathon on such a wonderful day.

Mr. GRAHAM. Would the Senator yield for a question?

The ACTING PRESIDENT pro tempore. We have an order for a recess at this hour.

Mr. GRAHAM. I ask unanimous consent for 1 minute.

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

Mr. GRAHAM. I thank the Chair.

I would ask the Senator from New Hampshire, how do we get the death penalty when the only way we can get information out of the suspect is to go through his lawyer? If we can't have this national security interrogation, where there is no lawyer, to get information to protect against a future attack that can't be used in a trial, don't you think the lawyer is going to say: I am not going to have my client talk to you unless you promise not to seek the death penalty?

Ms. AYOTTE. I would say to the Senator from South Carolina, I don't know how that isn't possible in this case. Any defense lawyer—as they should—to defend their client, there is no way they will allow that individual who committed the terrorist attack in Boston to speak to one investigator now, if we get additional information or we have followup questions, without taking the death penalty off the table.

That is the defense lawyer's job. I respect them for that. But it puts our Nation in an awkward position to have to negotiate with a defense lawyer when we have questions for someone who has committed a terrorist attack against our Nation.

RECESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:39 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Ms. BALDWIN).

MARKETPLACE FAIRNESS ACT OF 2013—MOTION TO PROCEED—Continued

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Madam President, are we in regular order?

The PRESIDING OFFICER. We are considering the motion to proceed.

Mr. REED. Madam President, I rise today in support of the Marketplace Fairness Act. I am pleased to join Senators ENZI and DURBIN and many of my colleagues in this bipartisan effort to pass this bill that will help small businesses in my State expand and create jobs by ending a tax loophole that benefits out-of-State remote sellers. I want to particularly commend Senator ENZI and Senator DURBIN for their long-time leadership on this issue. They have been relentless in trying to find an effective way to allow States to collect sales taxes on items that are actually delivered into their States.

This is a huge issue in my State of Rhode Island where businesses are having a very difficult time competing against out-of-State retailers because of, frankly, the outdated rules that require shops on Main Street to collect taxes while their out-of-State online competition does not. When you go to the stores in Rhode Island you'll see that they are facing this with increasing frequency. And small business men and women are demanding help.

When Internet commerce was in its early stages, online companies were basically exempted by what is now, by all accounts, an out-of-date Supreme Court decision, from collecting State and local sales taxes for sales in States where they do not have a physical presence—despite the fact that there was still an obligation to collect sales taxes on those purchases. That obligation was shifted to consumers, who are often unaware they have an obligation. This loophole puts Main Street businesses at a competitive disadvantage, hurts the ability of Rhode Island to keep jobs in the State, and strains State budgets all across the United States.

In order to address this inequity, the bill before us today would give States the ability to enforce their own sales tax laws and, by so doing, relieve consumers of the legal burden to report to State tax departments the sales taxes they owe on online purchases—since they would be paying sales taxes as a matter of course at the time of purchase, just as they would in a regular store.

Essentially it levels the playing field. If you walk into a store in Rhode Island and there is a sales tax charge, you would pay it. If you receive an item you ordered off the Internet, you would pay a sales tax as part of the bundled price of the item. It is what people would expect to do.

The legislation would also ensure that the rules for collecting sales tax from out-of-State retailers are clear and consistent. States can enter into