

There is a sufficient second.

The bill having been read the third time, the question is, Shall the bill pass?

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD), the Senator from California (Mrs. FEINSTEIN), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Maryland (Ms. MIKULSKI), and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Utah (Mr. BENNETT).

The PRESIDING OFFICER (Mr. BURRIS). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 87, nays 7, as follows:

[Rollcall Vote No. 242 Leg.]

YEAS—87

Akaka	Franken	McConnell
Alexander	Gillibrand	Menendez
Baucus	Graham	Merkley
Bayh	Grassley	Murkowski
Begich	Gregg	Murray
Bennet	Hagan	Nelson (NE)
Bingaman	Harkin	Nelson (FL)
Bond	Hatch	Pryor
Boxer	Hutchison	Reed
Brown	Inhofe	Reid
Brownback	Inouye	Risch
Bunning	Isakson	Roberts
Burr	Johanns	Schumer
Burriss	Johnson	Sessions
Cantwell	Kaufman	Shaheen
Cardin	Kerry	Shelby
Carper	Klobuchar	Snowe
Casey	Kohl	Specter
Chambliss	Kyl	Stabenow
Cochran	Landrieu	Tester
Collins	Lautenberg	Thune
Conrad	Leahy	Udall (CO)
Corker	Levin	Udall (NM)
Cornyn	Lieberman	Voivovich
Crapo	Lincoln	Warner
Dodd	Lugar	Webb
Dorgan	Martinez	Whitehouse
Durbin	McCain	Wicker
Ensign	McCaskill	Wyden

NAYS—7

Barrasso	Enzi	Vitter
Coburn	Feingold	
DeMint	Sanders	

NOT VOTING—6

Bennett	Feinstein	Mikulski
Byrd	Kennedy	Rockefeller

The bill (S. 1390), as amended, was passed.

Mr. LEVIN. Mr. President, I move to reconsider that vote.

Mr. MCCAIN. I move to lay that motion upon the table.

The motion to lay upon the table was agreed to.

The PRESIDING OFFICER. Under the previous order, S. 1390, as amended, is inserted in lieu of the language of H.R. 2647.

Without objection, the bill is considered read the third time and the bill is passed, as amended.

The bill (H.R. 2647), as amended, was passed.

(The bill will be printed in a future edition of the RECORD.)

DEPARTMENT OF DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2010

The bill (S. 1391) to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, to prescribe military personnel strengths for such fiscal year, and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed.

(The bill, as amended, will be printed in a future edition of the RECORD.)

MILITARY CONSTRUCTION AUTHORIZATION ACT FOR FISCAL YEAR 2010

The bill (S. 1392) to authorize appropriations for fiscal year 2010 for military construction, and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed.

(The bill, as amended, will be printed in a future edition of the RECORD.)

DEPARTMENT OF ENERGY NATIONAL SECURITY ACT FOR FISCAL YEAR 2010

The bill (S. 1393) to authorize appropriations for fiscal year 2010 for defense activities of the Department of Energy, and for other purposes was considered, ordered to be engrossed for a third reading, read the third time, and passed.

(The bill, as amended, will be printed in a future edition of the RECORD.)

The PRESIDING OFFICER. Under the previous order, the Senate insists on its amendments and requests a conference with the House.

The Chair appointed Mr. LEVIN, Mr. KENNEDY, Mr. BYRD, Mr. LIEBERMAN, Mr. REED of Rhode Island, Mr. AKAKA, Mr. NELSON of Florida, Mr. NELSON of Nebraska, Mr. BAYH, Mr. WEBB, Mrs. MCCASKILL, Mr. UDALL of Colorado, Mrs. HAGAN, Mr. BEGICH, Mr. BURRIS, Mr. MCCAIN, Mr. INHOFE, Mr. SESSIONS, Mr. CHAMBLISS, Mr. GRAHAM, Mr. THUNE, Mr. MARTINEZ, Mr. WICKER, Mr. BURR, Mr. VITTER, and Ms. COLLINS conferees on the part of the Senate.

Mr. LEVIN. I wonder now if the Senator from New York might be recognized for a brief colloquy with me which will last no more than 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. GILLIBRAND. Mr. President, I rise today to speak about an amendment which I had offered which was not included in the managers' package. It has passed in the House. It is about the issue of autism.

We have a significant issue with regard to autism in the military. The autism spectrum disorder affects 1 in every 150 American children, 1 in every 90 boys, more than pediatric cancer, diabetes, and AIDS combined. A new case of autism is diagnosed every 20 min-

utes, making it the fastest growing serious developmental condition in the United States. And if this continues, autism could reach 4 million Americans in the next 10 years.

In the military, autism is even more prevalent. There are currently over 13,000 children of Active-Duty servicemembers with autism. Representing about 1 percent of the Nation's total population, military families understand all too well the financial impact and the emotional burden of this disorder. Despite this, the Department of Defense has been unable to adequately provide autism therapy services to their families.

Currently, autism treatment is subject to a monthly cap under the health insurance system, TRICARE. It also has a very burdensome application process, which can delay critical care for our military families. My amendment is designed to change this, to make sure this cap no longer applies so that these military families have access to the care their children need.

One example. One family's son, Taylor, has autism, and he is 7 years old. They are dependent on the TRICARE autism treatment because his IQ is at 73, and the cutoff for the New York State program is 70. So they budget about \$500 extra out of pocket per month to pay for Taylor's therapy. But it is far less than Taylor actually needs to achieve his potential.

So what we are hoping to do is ultimately make sure that children who have autism, whose mothers or fathers are serving in the military will have access to the number of hours of treatment doctors recommend. We hope that through these efforts, down the line we can begin to provide these resources for the men and women who put their lives on the line every day for our country.

Mr. LEVIN. Mr. President, let me commend the Senator from New York for identifying a very significant problem. She has always shown great sensitivity to the men and women in the Armed Forces.

There is a provision in the House bill—we are not sure exactly what it is—that relates to this issue and the need to provide for autistic kids. We will take a look at that in conference and see if there is anything we can do to move in the direction which the Senator from New York has so properly identified.

THANKING STAFF

The proud tradition that our committee has maintained every year since 1961 continues with the Senate's passage of this 48th consecutive national defense authorization bill. We are motivated to pass this bill, as we are every year. In fact, we are inspired to pass this bill for the men and women of our Armed Forces and their families. They give it everything they have 24/7. They never give up and they never give in. We always have to work long and hard to pass this bill, but it is worth every bit of effort we put into it. I