

a judge's decision in a certain case as that judge's intent to achieve a certain outcome or set some broad policy that will favor or prove "hostile" to certain types of future litigants. A decision naturally will prove "detrimental" to one of the parties—one side loses the case—but we can hardly criticize the judge who is following the law as passed by the legislature. It is not a matter of looking to see whether some partisan interest group has characterized a judge as "deaf" to certain concerns or "coldhearted" to certain plaintiffs; it is a matter of looking to see whether a judge can put aside personal feelings and apply the law.

Sometimes, as Senator CORNYN helpfully pointed out during the hearing 2 weeks ago, a judge may or may not like the posture of the case or the record developed in the lower court, but an appellate judge must take the case as it is and make the best decision based upon the law and the facts. That is a judge's job, that is what we expect judges to do, and that is all we should expect judges to do. Justice Owens has lived up to that standard.

Third, the hearing set the record straight on Justice Owen's decisions in judicial bypass cases. No matter how much some would prefer to argue the point, these cases were not about the right to an abortion. There was never any question about the girls' right to an abortion. Indeed, Justice Owen argued in the Doe 2 case that, based on a 1990 Supreme Court decision striking down a Minnesota statute requiring a minor girl to obtain consent from both parents, a statute requiring a girl to notify both parents would also be questionable under the Constitution. Clearly, Justice Owen recognizes a woman's right to obtain an abortion. These cases were about whether a minor girl should be required to notify one parent before obtaining an abortion, in accordance with the Texas state legislation enactments. And Justice Owen has been well within the mainstream of her court in the 14 decided cases, joining the majority judgment in 11 of those cases.

And we should never lose track of the fact that out of the close to 800 bypass cases since the Texas statute was passed, a mere 12 girls have appealed all the way to the Texas Supreme Court. These are usually the toughest cases. By this time, two courts—the trial and the appeals courts—have already considered the bypass petitions and turned them down. Given the deference appellate courts must pay to the findings of the trial court—the court which is in the very best position to listen to the girl, consider all relevant evidence, and hear the arguments—the decision is likely to affirm the lower court rulings denying a bypass. That should be no great surprise. Certainly Justice Owen and her colleagues on the Texas Supreme Court disagreed in some cases, but in all cases there was a genuine effort to apply applicable precedent.

These parental consent cases show that Justice Owen takes Supreme Court precedent seriously: she looks to precedent for guidance, she cites it, and she makes a good-faith effort to apply it to the case at hand. She understands the rules of appellate review and takes pains to follow them. She is a judge who defers to the legislature's considered judgment in its policy choices and earnestly seeks to ascertain legislative intent in her rulings. None of her opinions, to quote the Washington Post, "seem[] to us [to be] beyond the range of reasonable judicial disagreement."

I have been on the Judiciary Committee a long time—27 years now—and I have seen many, many nominees come through the committee. Justice Owen takes a backseat to no one. She has shown herself to be a brilliant, fair, and restrained jurist who will be a strong credit to the Federal courts. Simply put, Justice Owen deserves to be on the bench. I urge my colleagues to do what is right and join me in supporting her confirmation to the Fifth Circuit Court of Appeals.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CHAMBLISS). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

LEGISLATIVE SESSION

MORNING BUSINESS

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Senate proceed to a period for morning business.

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

POLITICAL AND LEGAL REFORM IN EGYPT

Mr. MCCONNELL. Mr. President, the supplemental appropriations bill passed by the Senate last week includes \$3 million for the Government of Egypt and up to \$2 billion in future loan guarantees. While Egypt remains an important ally of the United States and a partner in our on-going war against terrorism, I continue to be extremely concerned about that country's lack of political, legal, and democratic reforms.

We provide substantial assistance to Egypt on an annual basis. We did so in this supplemental. While loan guarantees and other forms of economic aid may be beneficial to Egypt, we are doing far too little to promote political reforms that would benefit the Egyptian people. It is no secret that I have long felt that the Department of State

and the U.S. Agency for International Development need to do a better job in implementing democracy programs in Egypt that are both substantive and effective. This will require State and USAID to be aggressive in engaging the Egyptians on this issue on an ongoing and consistent basis. To date, this has yet to happen.

Waiting for the Egyptians to engage us on democracy programs is simply not an option.

Some may point to the recent release from jail of sociologist Dr. Saad Eddin Ibrahim, an Egyptian-American who was subjected to a political show trial, as evidence of political and legal reform in Egypt. It is not. Dr. Ibrahim should never have been arrested, should never have been tried, and should never have been jailed. Dr. Ibrahim's only 'crime' was to criticize the Egyptian government and to call for greater freedoms.

I continue to hope that the Secretary of State Colin Powell will clearly, publicly, and forcefully register the concerns of the United States regarding Egypt's commitment to human rights and democracy. It is not unreasonable for the United States to expect its allies to live up to basic standards of human rights and political freedom.

VOTE EXPLANATION

Mr. BUNNING. Mr. President, I was necessarily absent for rollcall vote No. 124 on the Kohl Amendment No. 455 and rollcall vote No. 125 on S. 762, and my position on both votes was left out of the RECORD.

Were I present for those votes, I would have voted in favor of both the Kohl Amendment and S. 762.

TRIBUTE TO PFC HOWARD JOHNSON II

Mr. SESSIONS. Mr. President, I rise today in memory of PFC Howard Johnson II. Private Johnson perished when his supply convoy was ambushed in the Iraqi city of Nasiriyah. He served his country with dignity, honor, courage and integrity.

America extends her sincerest sympathy to the family and friends of PFC Howard Johnson II upon his death in combat in the service of his country. It is a great form of love to give oneself courageously in unity with others to make our country safer and to create a better life for those long oppressed.

After completing the LeFlore High School ROTC, Private Johnson joined the Army and served in a critical role in the 507th Maintenance Company. The unit was ordered to Iraq and was attempting to provide service and support to forces moving north, where they were attacked and he was killed. He has left behind loving parents, whose lives have been given to the service of the Lord.

Private Johnson is survived by his father, Rev. Howard Johnson, his mother, Gloria Johnson, and two sisters,

Zsquez Johnson and Geiselle LaVonne Johnson Edwards. His father Reverend Johnson, pastor of Truevine Missionary Baptist Church, is a distinguished pastor and community leader in the Mobile area, with whom I have worked on projects to make Mobile a better place for all. His family grieves for their loss but take comfort in the fact that he told his father, as he was leaving to go to Kuwait, he knew God was with him.

Private Johnson sacrificed his life for the betterment of America. This nation shall never forget all that he and many others have given to our country. Our prayers are that God will have mercy on all those who come before him; also, that he grant this family and the world the true peace that passes all understanding.

CBO REPORT

Mr. DOMENICI. Mr. President, at the time Senate Report No. 108–21 was filed for S. 212, High Plains Aquifer, the Congressional Budget Office report was not available. For the benefit of the Members and the public, the following link to the CBO report is: <ftp://ftp.cbo.gov/41xx/doc4123/s212.pdf>.

MELTING GUN VIOLENCE

Mr. LEVIN. Mr. President, last week the Detroit Police Department destroyed 5,037 guns by taking them to the Rouge Steel Company in Dearborn, MI, and melting them into recycled steel. Two dump trucks traveled under guard to deliver the weapons, which apparently included AK 47s, sawed off shotguns, Uzis and machine guns, from police headquarters to the steel plant. At the plant, steelworkers melted the firearms by pouring 2,600 degree molten steel over them.

Detroit Police Chief Jerry Oliver said that taking these guns out of circulation will save lives. That is good news. Last year alone, 26 children lost their lives in incidents of gun violence in Detroit. The Detroit Police Department has been working hard to reduce gun violence in the city. And every gun that's taken off the street helps make this job a little bit easier.

The fight to reduce gun violence must be waged on many fronts. We need to keep guns out of the hands of criminals, prevent children from gaining access to firearms, and give law enforcement the resources they need to thoroughly investigate gun-related crimes. At the same time, we have to vigorously prosecute criminals who commit gun-related crimes.

We in the Senate should take up and pass common sense gun safety legislation. And we need to provide adequate resources to police departments. Unfortunately, we are fighting an uphill battle. Common sense gun safety legislation is blocked by the National Rifle Association and its allies. The President's budget proposes massive cuts to COPs and other critical law enforce-

ment programs. And Attorney General Ashcroft, while indicating the Bush Administration's support for the current ban on assault weapons, recently refused to support reauthorization of the ban.

Melting those guns in Dearborn last week was a welcome event for all of us who care about reducing gun violence. But it would surely have been better if those guns had never made it onto the street in the first place. Absent adequate funding for police departments and the passage of common sense legislation to keep guns out of the hands of criminals, I fear that truckloads of guns will remain on our streets, in the hands of criminals, threatening our communities. I urge my colleagues to join me in working to restore funding for COPs, close the gun show loophole, and reauthorize the assault weapons ban this year.

ADDITIONAL STATEMENTS

TRIBUTE TO THE MT. CARMEL REGIONAL MEDICAL CENTER

• Mr. BROWNBACK. Mr. President, I rise today to recognize Mt. Carmel Regional Medical Center in Pittsburg, KS for its 100 years of providing healthcare services to the people of Crawford County and the surrounding region.

From a handful of Sisters of St. Joseph of Wichita and only a few doctors a century ago to more than 800 employees, 200 volunteers and 50 physicians, Mt. Carmel Regional Medical Center has remained true to its founder's directive to "Do all the good you can, to all the people you can, in all the ways that you can, and just as long as you can."

On a rainy April morning in 1903, Mother Bernard Sheridan and five Sisters answered a call to serve in a region where countless immigrant miners and their families had flocked to work in the coalfields, a place where injury and illness were rampant. One of the Sisters described the deplorable conditions: "When the miner's wife or children fell ill as a result of these unsanitary conditions, or when the miner himself was carried out of the pit broken and bloody or overcome by gas or powder fumes, there was no sickroom but the hot, crowded, dust-covered, fly-infested shack." With faith and little more than \$5 in her pocket, Mother Bernard opened a hospital to serve those as they would "that God should deal with themselves and their loved ones." The hospital was the first of many healthcare ministries the Sisters would later sponsor throughout Kansas, Oklahoma, Colorado and California.

The little hospital could accommodate 20 patients at the time of its opening, and there was no paid staff. The six women worked 7 days a week attending to the nursing, cooking, laundry, cleaning and minding of the furnace. Eighteen-hour workdays were

common, and when time allowed, the sisters slept in the attic. To aid in the hospital's survival, the Sisters worked out an agreement with the Santa Fe Operating Companies to care for the firm's employees for \$80 and 15 tons of coal a month, an early example of managed care. The Sisters also created Kansas' first prepaid hospital insurance plan. For 25 cents a month, miners and their families were assured hospital care for as long as it was needed. Moreover, addressing their own nursing shortage, in 1904, the Sisters opened a school of nursing which continued into the 1970s when it was transformed into the present day university nursing education program.

Mr. President, 100 years later, Mt. Carmel Regional Medical Center is a state-of-the-art facility serving nine counties of southeast Kansas, and it continues to be a leader in meeting community need with creativity and innovation. Mt. Carmel has overcome the early-day adversities of Kansas blizzards and oven-hot winds, numerous epidemics, war, drought, floods, mine strikes and shutdowns; to present day difficulties of escalating operating costs, third party payer cutbacks and work force shortages. So well did the hospital adapt, that it was recognized by the American Hospital Association in 1991 as one of the three best hospitals in the Nation to respond to the changes in health care.

Mt. Carmel continues to meet the needs of those it serves, identifying health care issues and addressing them with the same ingenuity and collaboration its founder relied upon in the beginning. It holds fast to its mission of providing healthcare to all, regardless of ability to pay. Mt. Carmel has addressed the region's need for comprehensive cancer care with the creation of a certified community cancer center; and it is now aggressively fighting heart disease through the opening of a regional heart center. It has collaborated with others to create high quality, affordable childcare for working families and has provided accessible healthcare services through the creation of a community health clinic, recently transformed into a federally qualified health center. It has developed one of the few free dental clinics in the State, and a prescription drug assistance program to aid those who cannot afford them. Mt. Carmel has developed a congregational health ministry that actively involves and encourages area churches not only to take care of their own, but to put their faith in action for the betterment of their community.

On the occasion of its centennial, Mt. Carmel Regional Medical Center looks to the future as it completes the most significant expansion and renovation in its history. A \$16.5 million Outpatient Services project doubled the facility's ground floor square footage and included the opening of the heart center, and the installation of one of the most powerful MRI units in the region. Also