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,