



United States  
of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 108<sup>th</sup> CONGRESS, FIRST SESSION

Vol. 149

WASHINGTON, TUESDAY, SEPTEMBER 30, 2003

No. 136

## Senate

(Legislative day of Monday, September 29, 2003)

The Senate met at 9:15 a.m., on the expiration of the recess, and was called to order by the Honorable JOHN E. SUNUNU, a Senator from the State of New Hampshire.

### PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray:

Majestic God, our hope of eternity, thank You for sunshine and cool breezes. Thank You also for knowing us and accepting us as we are. Make us today instruments of Your glory. Help each of us to pursue righteousness, godliness, faith, love, perseverance, and gentleness. Lord, take from us pride and conceit that make us legends in our own minds. Fill our Senators with Your spirit that their feet will not wander from the path of integrity. Give them comfort and direction when they are troubled or perplexed. Keep them from selfishness and give them the courage to live each day as Your children and as brothers and sisters to one another. Whisper words of counsel for their moments of decision. We pray this in Your holy name. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable JOHN E. SUNUNU, led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. STEVENS).

The legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, September 30, 2003.

#### To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JOHN E. SUNUNU, a Senator from the State of New Hampshire, to perform the duties of the Chair.

TED STEVENS,

President pro tempore.

Mr. SUNUNU thereupon assumed the Chair as Acting President pro tempore.

### RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

### SCHEDULE

Mr. FRIST. Mr. President, this morning the Senate will immediately proceed to executive session and vote on two judicial nominations. The first vote will be on the nomination of Marcia Crone, to be a United States District Judge for the Eastern District of Texas. The second vote will be on the nomination of Ronald White to be a United States District Judge for the Eastern District of Oklahoma.

Following the two judge votes, the Senate will begin a period of morning business until 11:30 a.m. Following morning business, the Senate will resume debate on H.R. 2765, the District of Columbia appropriations bill.

I reiterate that it is our desire to complete the DC appropriations bill today. The managers have been here awaiting further action on the bill; however, Members have not come forward with their amendments. If Senators have concerns regarding the legislation, if Senators disagree with the underlying bill, I hope they will offer their amendments and allow the Senate to decide the issue and ultimately complete this bill.

Also, today the Appropriations Committee will be marking up the emergency supplemental request for Iraq's security. It is my intention to turn to the consideration of that measure as soon as it is available. Rollcall votes are therefore possible today and throughout the remaining sessions this week as we consider and complete our business with respect to the Iraq supplemental.

The Senate will stand in recess from 12:30 p.m. to 2:15 p.m. today for the weekly party conferences.

### RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

### EXECUTIVE SESSION

#### NOMINATION OF MARCIA A. CRONE, OF TEXAS, TO BE UNITED STATES DISTRICT JUDGE

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to executive session to consider the following nomination, which the clerk will report.

The legislative clerk read the nomination of Marcia A. Crone, of Texas, to be United States District Judge for the Eastern District of Texas.

The ACTING PRESIDENT pro tempore. Under the previous order, there are now 2 minutes for debate equally divided prior to the vote on the nomination.

The Senator from Texas.

Mrs. HUTCHISON. Mr. President, it is my pleasure to speak in support of the confirmation of Judge Marcia Crone. She is a native of Dallas and alumna of the University of Texas. She will preside over a newly created seat

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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in Beaumont where she has agreed she will make her home and stay for the duration of her term.

I know she will serve with distinction. Judge Crone is currently a U.S. Magistrate Judge in the Southern District of Texas serving in that capacity since 1992.

Marcia was valedictorian of her high school, Hillcrest High School in Dallas, a National Merit Scholar, and the valedictorian of the University of Texas class of 1973. She also graduated first in her class from the University of Houston Law Center in 1978.

Her outstanding educational accomplishments are also joined by accomplishments in her professional life. After graduating from law school, she joined the Houston-based firm Andrews & Kurth. Her specialties included product liability, breach of contract, oil and gas, and securities law. She became a partner in that firm where she remained until her appointment to the Federal bench.

Mr. President, is there another minute, or am I the only speaker?

The ACTING PRESIDENT pro tempore. One minute remains in opposition. The Senator's time has expired.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent, if there is no opposition, to take the final minute.

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

Mrs. HUTCHISON. Mr. President, as a U.S. Magistrate, Judge Crone has presided over a number of civil and criminal cases, ranging from employment discrimination to pretrial arraignments and detention hearings in felony cases. In her more than 10 years on the Federal bench, she has authored approximately 700 opinions, over 130 of which are published. She is an active member of the Houston community and bar association. She serves on the board of directors of the Garland Walker Inn of Court and is a mentor to Houston area law school students. She is also active in her church.

Marcia Crone meets the high standards to which we hold all Federal judges, and she has quite an impressive record. I am pleased that JOHN CORNYN, the other Senator from Texas, joins me in supporting the nomination of Marcia Crone, and I urge our colleagues to join us.

I yield the floor.

Mr. HATCH. Mr. President, I am pleased to speak in support of Marcia Crone, who has been nominated to the U.S. District Court for the Eastern District of Texas.

Judge Crone received a bachelor of arts degree, *summa cum laude*, from the University of Texas at Austin, graduating with a 4.0 grade point average and as valedictorian in 1973. She then graduated first in her class from the University of Houston Law Center in 1978, receiving a *juris doctor* degree, *summa cum laude*. After graduating from law school, she entered private practice, first as an associate and later

as a partner at the law firm of Andrews & Kurth, L.L.P. During her years in private practice Judge Crone represented both individuals and corporations, litigating primarily in the areas of labor law, employment law, products liability, and commercial litigation.

Judge Crone was appointed in 1992 as a Federal magistrate judge in the Southern District of Texas. She has presided over numerous trials in civil cases involving a wide range of issues, including securities fraud, employment discrimination, intellectual property rights, personal injury claims, contract disputes, admiralty, civil rights, insurance matters, social security appeals, and prisoner litigation. In her more than 10 years on the Federal bench, Judge Crone has authored approximately 700 opinions.

Judge Crone devotes substantial amounts of time to programs mentoring students from the three local law schools, giving them the opportunity to serve as interns in her chambers, judging mock trial and moot court competitions, and participating annually in the American Bar Association's Minority Judicial Externship Program. She previously served on the board of directors of the southeast Texas Chapter of the National Multiple Sclerosis Society and has performed volunteer work for a local adoption agency.

I have no doubt that Judge Crone's elevation to the district court will greatly benefit the Eastern District of Texas. I urge my colleagues to join me in supporting her nomination.

Mr. CORNYN. Mr. President, I rise in support of the nomination of Judge Marcia A. Crone to serve as U.S. District Judge in the Beaumont Division of the Eastern District of Texas.

Judge Crone is an outstanding nominee with a fine legal mind and fair judicial disposition. She has served as a U.S. magistrate judge in the Southern District of Texas since 1992. During her tenure on the Federal bench thus far, she has already authored approximately 700 opinions, over 130 of which are published. Prior to her service as a U.S. magistrate judge, she practiced law for 14 years.

She is an active member of several legal organizations in the Houston area. She is a native Texan and a mother of two. And she is an active participant in her community. She is a member of the Chapelwood United Methodist Church, the Houston World Affairs Council, and the P.T.A. at Second Baptist School, and a former member of the board of directors of the National Multiple Sclerosis Society.

In short, Judge Crone is an outstanding nominee with solid credentials and a reputation of fairness and impartiality. I support her nomination, and look forward to her distinguished service on the bench of the Eastern District of Texas, where the citizens of Beaumont need her good legal judgment and wisdom.

The ACTING PRESIDENT pro tempore. All time has expired. The ques-

tion is, Will the Senate advise and consent to the nomination of Marcia Crone, of Texas, to be United States District Judge for the Eastern District of Texas?

Mrs. HUTCHISON. Mr. President, I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from Tennessee (Mr. ALEXANDER) and the Senator from New Mexico (Mr. DOMENICI) are necessarily absent.

Mr. REID. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from Illinois (Mr. DURBIN), the Senator from North Carolina (Mr. EDWARDS), the Senator from Florida (Mr. GRAHAM), the Senator from Vermont (Mr. JEFFORDS), the Senator from Massachusetts (Mr. KERRY) and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote "yea."

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 91, nays 0, as follows:

[Rollcall Vote No. 369 Ex.]

YEAS—91

Akaka	Dodd	McConnell
Allard	Dole	Mikulski
Allen	Dorgan	Miller
Baucus	Ensign	Murkowski
Bayh	Enzi	Murray
Bennett	Feingold	Nelson (FL)
Bingaman	Feinstein	Nelson (NE)
Bond	Fitzgerald	Nickles
Boxer	Frist	Pryor
Breaux	Graham (SC)	Reed
Brownback	Grassley	Reid
Bunning	Gregg	Roberts
Burns	Hagel	Rockefeller
Byrd	Harkin	Santorum
Campbell	Hatch	Sarbanes
Cantwell	Hollings	Schumer
Carper	Hutchison	Sessions
Chafee	Inhofe	Shelby
Chambliss	Inouye	Smith
Clinton	Johnson	Snowe
Cochran	Kennedy	Specter
Coleman	Kohl	Stabenow
Collins	Kyl	Stevens
Conrad	Landrieu	Sununu
Cornyn	Lautenberg	Talent
Corzine	Leahy	Thomas
Craig	Levin	Voinovich
Crapo	Lincoln	Warner
Daschle	Lott	Wyden
Dayton	Lugar	
DeWine	McCain	

NOT VOTING—9

Alexander	Durbin	Jeffords
Biden	Edwards	Kerry
Domenici	Graham (FL)	Lieberman

The nomination was confirmed.

NOMINATION OF RONALD A. WHITE, OF OKLAHOMA, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF OKLAHOMA

The PRESIDING OFFICER (Mr. SMITH). Under the previous order, the clerk will report the next nomination.