and the Department of Education that accused Yale of what I just described: racial discrimination.

Yet only a few weeks—only a few weeks after President Biden set up shop in the Oval Office, the Department of Justice withdrew its own lawsuit based on racial discrimination against Yale University, and that is an actual fact. Watch what we say, not what we do.

Unfortunately, Harvard University also seems determined to discriminate against Asian-American applicants. In 2014, Students for Fair Admissions sued Harvard, claiming that the school was using an application system that intentionally reduces the number of Asian Americans through evaluations that are subjective and potentially racially biased.

You see, Harvard apparently believes it knows how to discriminate in the right way. It believed the same thing a number of years ago when it limited the number of Jewish people who could attend Harvard.

When Harvard considers an applicant, the school doesn't just look at their grades or their test scores or their academic awards. In fact, the admissions team at Harvard often looks past these objective indicators to a student's—this is what Harvard calls it—personal ratings, which is an unfair, ridiculous, and a subjective standard.

These personal ratings, as Harvard calls them, supposedly take into account character traits like humor, sensitivity, helpfulness, and courage. For years, Harvard has consistently granted lower personal ratings scores to Asian Americans than it has to other applicants, and that, too, is a fact.

The judge in the Students for Fair Admissions' lawsuit wrote the following:

> The data demonstrates—

These are the judge's words, not mine.

> The data demonstrates a statistically significant and negative relationship between Asian American identity and the personal rating assigned by Harvard admissions officers, holding constant any reasonable set of observable characteristics.

I didn't say that; the judge in the case did.

Now, I want to be fair. It may look smart or wise for Harvard to look for well-rounded applicants—I get that—until you realize and think about that these personal ratings are not just subjective; they are subversive. If you think about it, the scores, these scores—they are not objective like test scores or grades or extracurricular activities; these personal ratings are value judgments that can easily be tainted by racial bias. It is clear that the personal ratings minimize the accomplishments of Asian Americans in particular.

Just look at the numbers. Harvard's admission scores work like this: They use a scale of 1 to 6. One is the strongest possible rating. When it comes to personal ratings—remember, this is the subjective analysis of the personhood of the applicant by Harvard, not the test scores, not the grades, not the extracurricular activities. When it comes to personal ratings, only 17.6 percent of Asian-American applicants receive a score of 1 or 2—17.6 for Asian Americans. For African Americans, that number is 19.01 percent. For Hispanic Americans, it is 18.7 percent. In fact—and these are the numbers—Harvard gives Asian Americans the weakest personal ratings of any ethnic group, bar none.

Harvard admissions officials have reportedly handed out these scores without even interviewing all of the candidates in question—personal ratings without interviewing the applicants. This happens now despite the fact that Asian Americans have the highest grades and test scores. So on the objective criteria—test scores, grades—Asian Americans have the highest scores. What pulls them down? The personal ratings.

Harvard officials admitted in 2013 that if Harvard considered only academic achievement, then proportional Asian-American representation that year would have doubled. Think about that. If Harvard went on the objective criteria—extracurricular activities, grades, test scores—twice as many Asian Americans would have been admitted to the university. Why weren't they? Because of the personal ratings. They call it ''personal'' even though many of the applicants are never even interviewed.

The Department of Justice has historically supported the Students for Fair Admissions lawsuit. In 2018, the Justice Department filed a statement of interest in the case. Last year, the Justice Department filed an amicus brief in the case. A Federal judge ruled against the plaintiffs in 2019 in the case. The U.S. Court of Appeals for the First Circuit upheld that decision last November—this despite the fact that the Federal district court judge in the case openly acknowledged that Harvard grants lower personal ratings scores to Asian-American applicants.

The fruits of Harvard's policy are pretty clear. You don't have to be Mensa material to figure this out. The Ivy League school has repeatedly rejected highly qualified Asian-American candidates because of their race.

But there is still hope for justice for our Asian-American students. The Supreme Court may well take up this case, and the White House could defend the cause of merit against Harvard's alleged racial discrimination.

So let me say this as clearly as I can. If President Biden—if the Biden team is committed to fighting racial discrimination against Asian Americans, if President Biden and his team want to lift up Asian Americans, as they say they do, it is not hard to see how countering racist policies within the privileged halls of Harvard—a school that receives Federal dollars—it is not hard to see how supporting that litigation must be part of President Biden's commitment. So today, with all the respect I can muster, I am calling on President Biden and his Justice Department to support the Asian-American students who have brought their case against Harvard.

Harvard is an extraordinary school. Nothing I say is meant to denigrate the quality of that great university. But being a pillar of higher education doesn't mean that Harvard is above the law. I.M. Pei attended Harvard in the 1940s. Who knows if they would accept him today because of his personal rating. You know, that is a shame, and it shouldn't stand.

President Biden should stand up for the rights of Asian Americans to be treated fairly by America's schools. His Justice Department should support this lawsuit.

To be is to act. All we are is the sum of our actions. Everything else is just conversation. Don't just talk about supporting Asian Americans; do it. Do it. Please don't be selective in the reality you choose to accept.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. TESTER. Mr. President, I ask unanimous consent that the remaining cloture motions filed during the session of the Senate on Thursday, March 18, ripen at 11:30 a.m., tomorrow, Wednesday, March 24.

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

VOTE ON MURTHY NOMINATION

Mr. TESTER. Mr. President, I yield back all time and ask for the yeas and nays.

The PRESIDING OFFICER. Without objection, all postcloture time has expired.

Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 57, nays 43, as follows:

[Rollcall Vote No. 131 Ex.]

YEAS—57

Baldwin	Hickenlooper	Portman
Bennet	Hirono	Reed
Blumenthal	Kaine	Romney
Booker	Kelly	Rosen
Brown	King	Sanders
Cantwell	Klobuchar	Schatz
Cardin	Leahy	Schumer
Carper	Luján	Shaheen
Casey	Manchin	Sinema
Cassidy	Markey	Smith
Collins	Marshall	Stabenow
Coons	Menendez	Sullivan
Cortez Masto	Merkley	Tester
Duckworth	Murkowski	Van Hollen
Durbin	Murphy	Warner
Feinstein	Murray	Warnock
Gillibrand	Ossoff	Warren
Hassan	Padilla	Whitehouse
Heinrich	Peters	Wyden

NAYS—43

Barrasso	Graham	Risch
Blackburn	Grassley	Rounds
Blunt	Hagerty	Rubio
Boozman	Hawley	Sasse
Braun	Hoeven	Scott (FL)
Burr	Hyde-Smith	Scott (SC)
Capito	Inhofe	Shelby
Cornyn	Johnson	Thune
Cotton	Kennedy	Tillis
Cramer	Lankford	Toomey
Crapo	Lee	Tuberville
Cruz	Lummis	Wicker
Daines	McConnell	Young
Ernst	Moran	
Fischer	Paul	

The nomination was confirmed.

(Mr. PETERS assumed the Chair.)

The PRESIDING OFFICER (Mr. KING). The Senator from Vermont.

Mr. SANDERS. Mr. President, I ask unanimous consent that the motion to reconsider be considered made and laid upon the table with no intervening action or debate, and the President be immediately notified of the Senate's action.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

LEGISLATIVE SESSION

MORNING BUSINESS

Mr. SANDERS. Mr. President, I ask unanimous consent that the Senate proceed to legislative session and be in a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

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

TRIBUTE TO SENIOR LIEUTENANT GENERAL NGUYEN CHI VINH

Mr. LEAHY. Mr. President, I want to pay tribute to one of Vietnam's highest ranking military officers, Senior Lieutenant General Nguyen Chi Vinh.

General Vinh, who has served as Vietnam's Deputy Minister of National Defense since 2009, has played an indispensable role in the reconciliation between Vietnam and the United States. After more than four decades of military service, he is finally nearing retirement from the Ministry of National Defense.

General Vinh was born in 1957. He studied at the Institute of Military Technology before embarking on his long and distinguished career in the Vietnamese People's Army. His father, General Nguyen Chi Thanh, came from a humble family and rose to become a decorated military officer and politician. Today, one of Hanoi's main thoroughfares bears his name.

As someone who lived through the Vietnam war era, I remember it a catastrophe for both countries. The more than 58,000 American soldiers and other servicemembers who died, whose names are etched in the granite Vietnam Veterans Memorial, are only part of the story. We remember their families and the many tens of thousands who returned home with severe disabilities.

In Vietnam, virtually no family was unscathed. Hundreds of thousands are still missing among the estimated 3 million Vietnamese who died. The majority were civilians, whose families suffered grievous losses and severe hardships as the fighting raged around them. Many of their stories remain untold.

In the decades since, memories of that time have faded and the world's attention has turned elsewhere. Yet during the past quarter century since the normalization of relations with Vietnam, there has been a sustained effort by both countries to address some of the worst legacies of the war. By doing so, we have built a new partnership and set an example for other former enemies.

It began in the late 1980s with the first use of the Leahy War Victims Fund by the U.S. Agency for International Development, USAID, to assist people with severe war-related disabilities. That was authorized by President George H. W. Bush, after he and I discussed the need to assist Vietnamese who had been injured during the war. It led to funding by the State Department to locate and destroy unexploded landmines and bombs, which litter the Vietnamese countryside and have maimed and killed tens of thousands of innocent people, including children, since the war ended.

Nearly 15 years ago, those war legacy programs expanded to address the cruel legacy of Agent Orange, and it is in this that General Vinh and I became acquainted.

Since then, General Vinh has been my principal Vietnamese counterpart in working to address the legacy of dioxin contamination at former U.S. military bases and the needs of Vietnamese with severe physical and cognitive disabilities resulting from exposure to dioxin. I consider him a friend and am grateful for the hospitality he has shown me, my wife Marcelle, and other Senators when we have visited Vietnam.

From 1961 to 1971, the U.S. Air Force sprayed nearly 19 million gallons of herbicides in Vietnam, of which at least 11 million gallons were Agent Orange, in an effort to defoliate trees and shrubs and kill agricultural crops that were providing cover and food to North Vietnamese soldiers. Decades later, we learned that the Agent Orange was contaminated with dioxin, which can cause problems with reproduction, development, and the immune system. Dioxin can disrupt hormones and lead to cancer. It is also a persistent pollutant that can remain in the environment for many years.

Millions of Vietnamese were exposed, and hundreds of thousands suffered severe physical and cognitive disabilities. My wife Marcelle and I have met three generations of Agent Orange victims, from young children to their parents and grandparents. Hundreds of thousands of Americans who served in Vietnam were also exposed, and thousands have been battling cancers for years.

Fortunately, thanks to studies funded by the Ford Foundation, it was possible to identify key ''hotspots'' with significant contamination, and working closely with General Vinh and USAID, we cleaned up the contaminated soil and sediment at the former U.S. airbase in Da Nang. Seven years and $110 million dollars later, it is once again a busy commercial airport. In fact, Air Force One landed there in 2017, when President Trump visited Vietnam. That project would not have been possible without the leadership and perseverance of General Nguyen Chi Vinh, and I will never forget visiting the site with him when we formally launched the project in 2014.

Since then, we have moved on to Bien Hoa, on the outskirts of Ho Chi Minh City, the site of the largest U.S. airbase during the war where Agent Orange was stored and loaded onto airplanes. Today it is a shadow of what it once was, and it is contaminated with dioxin that has been leaching into the nearby Dong Nai River for half a century.

In 2019, General Vinh and I, along with Deputy Prime Minister Truong Hoa Binh and U.S. Ambassador Daniel Kritenbrink, and in the presence of eight other U.S. Senators, inaugurated a joint U.S.-Vietnam project to clean up Bien Hoa, including a U.S. commitment to contribute $300 million over 10 years, half from the U.S. Department of Defense and half from USAID. I had several conversations with Secretary of Defense James Mattis about Bien Hoa, and the Pentagon's contribution is the result of his recognition that we have a responsibility and a national interest in helping Vietnam address war legacy issues.

At the same time, USAID launched a 5-year, $65 million effort to expand our health and disability programs, which are being implemented in eight provinces that were sprayed with Agent Orange.

Over more than four decades, the Government of Vietnam has provided essential access and support in locating the remains of hundreds of American MIAs. This year, we are embarking on a 5-year, $15 million program, jointly funded by the U.S. Department of Defense and USAID, to help the Vietnamese locate and identify some of their own people missing or killed during the war.

Much has been written, and I suspect more will be, about the collaboration between our two countries in addressing the legacies of the Vietnam war. Issues that for years were a cause of anger and resentment are today examples of how two former enemies can work together for the betterment of the people of both countries. These projects opened the door for the United States and Vietnam to cooperate on a wide array of other issues, from climate change and wildlife trafficking, to public health and regional security.