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tice they could not be counted on to provide enough votes to sustain a veto of the bill.

Passage of the measure was the second triumph in less than a month for the bill's chief sponsor, Sen. John C. Danforth (R-Mo.), who also shepherded the nomination of Supreme Court Justice Clarence Thomas through the Senate. Danforth pushed relentlessly for a compromise that could command enough votes to override a veto, suffering several withering blasts from the White House in the process. Yesterday he was praised as a "profile in courage" by Sen. Edward M. Kennedy (D-Mass.), sponsor of the rights bill vetoed last year by Bush.

"More important than the details [of the bill] is a national consensus for civil rights," said Danforth, appearing with Kennedy at a news conference after the bill's passage.

"People ask who won, who lost. The American people won . . . . People who set up red herrings lost," Kennedy said in an apparent reference to charges that the bill would lead to quotas.

Although there was sharp disagreement among Republicans and Democrats over how to intepret key provisions of the compromise and women's groups were angry over limitations on damages for sex discrimination, the only point of contention at the end of the two-year fight over the bill centered on whether it should apply to the Senate.

The dispute was fueled by the Senate's embarrassment over its handling of sexual harassment charges against Thomas and by Bush's recent criticism of Congress for exempting itself from the burden of laws that it applies to everyone else. Trapped by their fears as they scrambled for what they regarded as the political high ground, the lawmakers wound up having to pay for their own prospective transgressions, which was not what they had in mind at the start.

Prodded by Sen. Charles E. Grassley (R-Iowa), Majority Leader George J. Mitchell (D-Maine) agreed to cosponsor an amendment to apply major anti-discrimination laws to the Senate's 7,200 employees, along with political appointees in the executive branch, including the White House staff. They proposed to set up a step-by-step process for resolving complaints, including a three-member panel of arbitrators to resolve disputes and prescribe remedies such as compensatory damages.

The process concluded with the right to seek review of any judgment before the U.S. Court of Appeals, which critics, led by Sen. Warren B. Rudman (R-N.H.), said violated constitutional provisions for separation of powers and immunity of lawmakers from encroachments by the executive or judicial branches of government.

Rudman, who lost an initial foray against the judicial review provision on constitutional grounds Tuesday night, came up with a new strategy yesterday: require senators—and the president for good measure—to reimburse the Treasury within 60 days for any damages that the government must pay because of their own unfair employment practices. The Grassley-Mitchell provision called for the government to pay any damages, with no reimbursement.

Despite strong opposition from Mitchell, Rudman's proposal passed, 74 to 23, with many members switching to vote for it when it was clear the proposal would pass.

Then the Senate defeated, 54 to 42, a proposal by Sen. Don Nickles (R-Okla.) to allow senatorial employees to sue for punitive as well as compensatory damages and to permit federal jury trials rather than just review by an appellate court.

Finally, the Grassley-Mitchell proposal, including judicial review, was approved by voice vote. If Rudman's strategy was to kill the proposal by making it intolerable to senators, it did not work. Only Rudman expressed any vocal opposition when the proposal was approved.

The most controversial court ruling that the bill addresses is the 1989 case of *Wards Cove Packing Co. v. Atonio.* The legislation provides that employers must be able to justify employment practices—such as requiring high school diplomas for janitors—that result in screening out women or minorities even though they seem non-discriminatory in purpose.

It provides that the practices must be "job-related for the position in question and consistent with business necessity." While it did not define "business necessity," drafters of the compromise said the purpose was to return to standards set by the court before the *Wards Cove* decision. These earlier standards were tougher for employers to meet than those established by *Wards Cove.*

Bush, who had claimed that more-precise earlier drafts of the legislation would force employers to impose quotas to avoid costly litigation and settlements, said the new language would not lead to quotas.

The damages that could be collected by women who were victims of discrimination would be capped at $50,000 for firms with 16 to 100 workers, $100,000 for firms with 101 to 200 workers, $200,000 for firms with 201 to 500 workers and $300,000 for firms with more than 500 workers. Firms with 15 or fewer workers are exempt from the law.

The caps were higher than the administration wanted, but the fact that there were any at all for women, and none for racial minorities, prompted bitter protests from women's groups.