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Date: Thu, Jan 29, 2015 at 2:37 PM

Subject: KIRK-MENENDEZ UPDATES: Corrected Senate whip count (68), White House response, Quick takes

To: [xxxxxxx]

(1) In my last email I mixed up Warren and Warner in Banking (I know, I know...) which undercounted the whip count supporting new pressure on Iran by 1. The actual count given today's 18-4 vote is at 68:

*52 Republicans (everyone but Flake and Paul)*

*10 Democrats on the Menendez letter indicating support (Menendez, Schumer, Blumenthal, Peters, Casey, Cardin, Coons, Manchin, Donnelly, Stabenow)*

*3 Democrats on Banking who voted 'yes' today but weren't on the Menendez letter (Tester, Heitkamp, Warner)*

*3 Democrats who cosponsored Kirk-Menendez during its last iteration (Booker, Bennett, Gillibrand)*

(2) If you're still filing on the markup, I've pasted the White House's response at the bottom of this email. Note the bit about how the legislation would be interpreted by Iran, which is emerging as its own debate (Raymond Tanter asked this morning on FP why the Iranians' interpretation should be privileged above that of Congress: <http://foreignpolicy.com/2015/01/29/the-rising-insurgency-for-sanctions-against-iran/>)

(3) Relatedly. The updated whip count is going to be a one day story - which is why I wanted to get the corrected count in your inbox as fast as possible - but the vote is going to get folded into 'momentum' stories through tomorrow and next week. The messaging battle has been pretty straightforward. On one side, there have been a wave of stories about why Kirk-Menendez might theoretically be losing momentum (there were efforts to spin the Menendez letter that way, there have been articles suggesting that Israeli PM Netanyahu's speech to Congress could be a factor, etc). On the other side, advocates of the legislation have been emphasizing that - theoretical spin aside - the legislation has been making steady procedural progress in getting to the floor with a veto-proof majority.

*Tuesday: The Senate Banking committee held hearings to discuss the legislation (that was the same day 10 Democrats signed the Menendez letter indicating support).*

*Tuesday (night): The legislation was introduced with 16 co-sponsors (7 Democrats and 9 Republicans, including McConnell, indicating that it has a clear path to the floor).*

*Thursday: The legislation got voted out of committee 18-4.*

This is how a bill becomes a law, goes the story.

Omri.

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**Question:** The Banking Committee today passed the Menendez-Kirk bill by a big bi-partisan vote, 18-4. Are you guys supporting that bill? I know you realize, concede that it's better than what you had before. Are you supporting it? And what does it mean about what happens on March 24th? If circumstances are such, would the President request another delay if negotiations seem to be proceeding in a way that you thought was positive, like you have in the past, or is March 24th a hard and fast deadline?

**Earnest:** Well Jim, I can just say as a general matter, that we are pleased that Democrats have put forward a statement indicating that they would hold off their support for legislation that would impose additional sanctions on Iran until the end of March. And that is a positive development because the President has made the case, as I think evidenced by the letter sent by the Democrats, pretty persuasively that additional sanctions put in place against Iran right now, in the midst of ongoing negotiations, could threaten the overall deal. And this is a deal that has brought the Iranians to the table, that has caused them to voluntarily take the verified steps to roll back their nuclear program in a substantial way or at least in a meaningful way. And to present a diplomatic opening that could resolve the broader international community's concerns about their nuclear program. . .

**Question:** How different is this then what they were proposing in the first place. . those would have been sanctions that would have kicked in once the negotiations failed. They weren't going to be imposing new sanctions now. And all they're saying now is they'll impose new sanctions once that deadline passes.

**Earnest:** Right. I guess the point is the way that this legislation would have been interpreted by the Iranians but frankly, more importantly be our international partners...

**Question:** What is the likelihood this will pass?

**Earnest:** It will have to be bipartisan, if it passes.