



MEMO

TO: Salton Sea Authority Board of Directors and G. Patrick O’Dowd
FROM: Lisa Moore
RE: **Federal Report**
DATE: November 11, 2024

This memo describes how the November 5, 2024 election will modify federal policymaking, below. With respect to our most active area of federal engagement — the U.S. Army Corps of Engineers Salton Sea Feasibility Study — it is relevant to recall that the Authority secured the authorization for the study via our Democratic Congressional delegation in the Water Resources Development Act (WRDA) which was signed into law by President Trump in December 2020.

In addition, through our work with the current administration, we have secured ample funds to move the study forward for the next two years. That said, in the last year of the Trump administration, the administration proposed cuts of 22 percent and 32 percent for the Corps and Reclamation, respectively. Federal spending is expected to be less significant under a Republican administration.

Another open question will be whether a Republican Congress will continue with the practice of congressionally directed spending (earmarks) in federal appropriations legislation. President-elect Trump has in the past supported the practice. The three contenders for the Senate Majority Leader position being vacated by Senator Mitch McConnell have different positions on the practice. How this issue is resolved will have some impact on our ability to seek funding through earmarks.

Presidency/Congress Outlook

With the election, the federal government will move from split government (a Democratic presidency, Republican House and Democratic Senate) to (likely) full Republican control. This is not uncommon at the beginning of a presidency. Biden was in this position at the beginning of his presidency, as were Clinton, Obama and Trump. Typically, a Republican presidential administration in this position would work to achieve Republican priorities on tax policy, immigration and federal spending in the first two years. Such focus is common in this situation because the mid-term elections in 2026 could shift power back to Democrats in either/both the House or Senate.¹

It is important to note that while the shift is significant, Senate Democrats retain the ability to block legislation through the Senate filibuster. In the Senate, any one Senator may hold the floor on a matter for an indefinite period by filibustering the matter (speaking), grinding legislative work to a halt. In such a case the Senate Majority Leader may either pull the matter from consideration or may make a

¹ Each election, a third of the Senate is up for reelection. The 2024 map was unfavorable to Democrats with them defending more seats than Republicans. The 2026 Senate map is arguably more favorable to Democrats who only will be defending 13 seats to 20 Republican seats. To win the Senate back in 2026 Democrats would need to hold their seats and flip Republican seats. Given which seats are up in 2026, that is likely to be a tall order for Democrats.

motion to invoke cloture, which ends the filibuster. Cloture motions, however, must win 60 votes to pass, meaning that the new Senate majority (53 votes) will need some Democratic votes to move legislation.² This has a tendency to somewhat moderate whatever legislation is under consideration.

In California, the Associated Press has called 42 House races. Of relevance to our work, Congressman Ruiz (D-Calif.) was reelected. While Ken Calvert's (R-Calif.) race has not yet been officially called (as of the date of this memo), he is comfortably ahead of his Democratic challenger. Overall, the House is predicted to remain in Republican control, but has not yet been officially called. In the Senate, Adam Schiff (D-Calif.) was elected to fill Senator Feinstein's seat. Alex Padilla (D-Calif.) was not up for election this cycle.

The Senate flipped to Republican control, with Republicans now holding the majority of the upper chamber 53 to 46. Vice President-elect Vance will serve as the President of the Senate and may preside over the chamber and cast a tie breaking vote where needed. Republicans will control all Senate committees. Senate Republicans will elect a new Majority Leader by secret ballot on Wednesday, November 13. The leading contenders are Senators John Thune (S.Dak.), John Cornyn (Tex.) and Rick Scott (Fla.). The Senate Majority leader exerts great influence over the Senate. He determines the Senate's agenda, with the authority to determine which bills and nominations are considered.

The selection of leader Wednesday may affect whether Congress continues to permit the earmarking of federal appropriations legislation. While a common practice for years and a way for Congress to ensure that its priorities are implemented, Republicans ended the practice for many years. By agreement with Democrats in 2021, earmarks were again permitted. That said, Republican conservatives continue to oppose the practice. Senate Majority Leader contender Scott is a vocal opponent. Senator Cornyn has also been opposed to the practice. Senator Thune has been a supporter.

On the question of maintaining the filibuster in the Senate on legislation, all three Senate Majority leader contenders have been vocal supporters of maintaining the filibuster in that context. After the election, for example, Senator Scott noted that President-elect Trump would need 60 votes to implement his tariff plans. While it might seem advantageous to Republicans to remove the filibuster for legislation in order to get around Democrats, to do so would remove a lot of their own leverage with the new administration to ensure Senate Republican priorities are enacted.

Within the administration, it will remain to be seen how the new Trump administration constitutes the Corps of Engineers. Early in the first Trump term, Trump proposed moving several functions out of the Corps to other agencies like Interior and Transportation. As noted above, the last Trump budget proposed significant cuts to the Corps. In the first two years of the Biden administration through various legislative vehicles, funding for the Corps and Reclamation were increased significantly. It would be surprising in the new political landscape to see funding increases to these agencies.

² In 2013, a Democratic Senate voted to end the filibuster for lower judicial nominations and executive branch nominees; in 2017, a Republican Senate voted to end the filibuster for Supreme Court nominees. Both of these changes were made by a majority vote. Neither Republicans nor Democrats have in the past had a majority of members in support of ending the filibuster for legislation.