



MICHELLE LUJAN GRISHAM
GOVERNOR OF NEW MEXICO
CHAIR

SPENCER COX
GOVERNOR OF UTAH
VICE CHAIR

JACK WALDORF
EXECUTIVE DIRECTOR

August 28, 2024

The Honorable Charles Schumer
Majority Leader
United States Senate
S-221, The Capitol
Washington, DC 20510

The Honorable Mitch McConnell
Minority Leader
United States Senate
S-230, The Capitol
Washington, DC 20510

The Honorable Maria Cantwell
Chair
Committee on Commerce, Science,
and Transportation
United States Senate
254 Russell Senate Office Building
Washington, DC 20510

The Honorable Ted Cruz
Ranking Member
Committee on Commerce, Science,
and Transportation
United States Senate
512 Dirksen Senate Office Building
Washington, DC 20510

Dear Majority Leader Schumer, Minority Leader McConnell, Chair Cantwell, and Ranking Member Cruz:

Western Governors are encouraged that H.R. 6093, the Weather Act Reauthorization Act of 2023 (Weather Act), passed the House with bipartisan support. Western states need reliable water resource information and weather forecasting to support sound water management and minimize the detrimental effects of extreme weather events. We encourage the Senate to pass comprehensive weather legislation that addresses these needs.

The Weather Act reauthorizes several programs under the National Oceanic and Atmospheric Administration (NOAA) that are critical to farmers, ranchers, and resource managers in our states and territories. For example, the National Integrated Drought Information System (NIDIS) provides water resource availability status, trends, and projections. Frequent and severe drought conditions across the West exacerbate wildfires, harm agricultural producers, and threaten water supplies at a time when our communities already face challenges in meeting water demands. Western Governors supported the creation of NIDIS and continue to support its mission of proactively managing drought-related risks by improving monitoring, forecasting, and planning.

The legislation will also enable NOAA to continue working closely with western states to improve predictive and adaptive capabilities for extreme weather events and resulting variability in water supplies. While reliable short-term forecasting is readily available, there remains a need to improve sub-seasonal to seasonal forecasting capabilities. Western Governors support the creation of a sub-seasonal to seasonal forecasting pilot program to improve precipitation forecasting capabilities and support water management decisions. Additional detail on Western Governors' support for water data can be found in WGA Policy Resolution 2024-07, Water Resource Management (attached).

Western Governors also support measures in this legislation to improve communications on hazardous weather events. Our policy on this important issue is articulated in WGA Policy Resolution 2024-05, Disaster Preparedness and Response (attached). Clear, consistent, truthful, and timely communication about the scale and scope of disasters and emergencies is critical to

The Honorable Charles Schumer
The Honorable Mitch McConnell
The Honorable Maria Cantwell
The Honorable Ted Cruz
August 28, 2024
Page 2

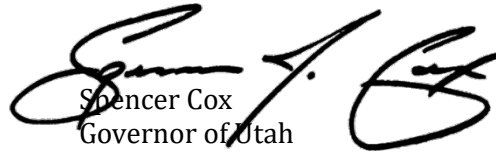
developing and executing an effective response from governments, promoting public confidence in those response actions, and empowering citizens to make informed decisions about their safety and welfare. It is crucial to ensure processes and procedures include provisions for all levels of government – federal, state, territorial, tribal, and local – to effectively communicate and cooperate on response efforts.

We appreciate the bipartisan effort to pass this legislation through the House of Representatives and encourage the Senate to take a similar approach and ensure these measures are passed into law. Please contact us if we may be of assistance as the Weather Act moves through the legislative process.

Sincerely,



Michelle Lujan Grisham
Governor of New Mexico
Chair, WGA



Spencer Cox
Governor of Utah
Vice Chair, WGA

Attachments



Policy Resolution 2024-07

Water Resource Management in the West

A. BACKGROUND

Water is a crucial resource for communities, industries, habitats, agriculture, and western states. The scarce nature of water in much of the West makes it particularly important to our states. States are the primary authority for allocating, administering, and protecting water resources, and they are responsible for water supply planning and development within their boundaries. States have the ultimate say in the management of their water resources and are best suited to speak to the unique nature of western water law and hydrology. Many communities in the West anticipate challenges in meeting future water demands. Growth and development can only continue upon our recognition of continued state stewardship of our unique resources and corresponding responsibilities. Investment in new and aging water infrastructure creates jobs and a foundation for long-term economic growth in communities throughout the West. Western Governors recognize the strong partnership between states, tribes, and federal water management agencies and hope to continue the tradition of collaboration.

B. GOVERNORS' POLICY STATEMENT

1. **State Primacy in Water Management:** As the preeminent authority on water management within their boundaries, states have the right to develop, use, control and distribute the surface water and groundwater resources, acknowledging international treaties and interstate agreements and judicial decrees.

a. **Federal Recognition of State Authority:** The federal government has long recognized the right to use water as determined under the laws of the various states; Western Governors value their partnerships with federal agencies as they operate under this established legal framework.

While the Western Governors acknowledge the important role of federal laws such as the Clean Water Act (CWA), the Endangered Species Act (ESA), and the Safe Drinking Water Act (SDWA), nothing in any act of Congress or Executive Branch regulatory action should be construed as affecting, usurping, or intending to affect or usurp states' primacy over the allocation and administration of their water resources.

Authorization of federal water resources development legislation, proposed federal surplus water rulemakings, and/or storage reallocation studies should recognize natural flows and defer to the states' legal right to allocate, develop, use, control, and distribute such waters, including but not limited to state storage and use requirements.

b. **Managing State Waters:** States and federal agencies should coordinate efforts to avoid, to the extent possible, the listing of water-dependent species under the ESA. When ESA listings cannot be avoided, parties should promote the use of existing tools under state laws to conserve and recover species.

2. **Infrastructure Needs:** The need for new infrastructure, the need to address aging infrastructure for existing water and wastewater facilities, and the need for additional water projects cannot be ignored. Water storage and delivery, wastewater, and stormwater infrastructure investments are essential to our nation's continued insurance of public health and safety, economic prosperity, water quality and environmental protection, and they assist states in meeting federally mandated standards under the CWA, SDWA, and other federal statutes. Western Governors support efforts to maintain and improve existing infrastructure while seeking creative solutions to develop new infrastructure with limited resources. The National Dam Safety State Assistance Grant Program and the Rehabilitation of High Hazard Potential Dams (HHPD) Grant Program are important programs to address dam safety infrastructure to protect the public and water supplies.
- a. **Federal Support for Infrastructure Investment:** Congress should provide adequate support for the CWA and SDWA State Revolving Funds (SRF). Western Governors urge Congress to ensure that SRFs' authorized funding levels are fully appropriated and distributed to states under the program formula. Additional congressionally directed spending and community grants should not diminish resources otherwise made available to states. Further, Congress should support restoration and repair of aging water infrastructure and commit to aiding efforts to address the recurring drought conditions across the West. Congress should fully utilize the receipts accruing to the Reclamation Fund for their intended purpose in the continuing conservation, development, and wise use of western resources to meet western water-related needs, including the construction of Congressionally authorized Bureau of Reclamation rural water projects and facilities that are part of Congressionally authorized Indian water rights settlements.

Congress should authorize federal water resources development legislation on a regular schedule and appropriate sufficient funding from multiple sources so that all projects and studies authorized in such legislation can be completed in a timely manner.

Capital budgeting and asset management principles should be used to determine funding priorities based on long-term sustainability and not annual incremental spending choices. The principles should be accompanied by dedicated sources of funding with appropriate financing, cost-sharing, pricing, and cost recovery policies.

Congress should recognize the potential of greater private investment in water infrastructure, utilizing, where appropriate, such tools as loan guarantees, revolving funds, infrastructure banks and water trust funds.

Western Governors recognize and support the following federal programs:

- The Bureau of Reclamation's WaterSMART Program provides valuable support to states, tribal nations, water and irrigation districts, and local entities to invest in water conservation projects and modern water delivery infrastructure.
- The U.S. Department of Agriculture (USDA) has many voluntary programs that support agricultural producers and rural communities with water use efficiency, water management, flood prevention and recovery, water quality, and ecosystem

restoration. Congress and the Administration should continue to fund and support communities through these programs.

- The U.S. Army Corps of Engineers' Planning Assistance to the States (PAS or "Section 22") Program funds critical work in western states for comprehensive water resources planning.

- b. **Additional Investment Tools:** Federal and state policymakers should consider additional tools to promote investment in water infrastructure and reduce financing costs, including public-private partnerships, bond insurance, risk pooling, and credit enhancements.

Congress should remove state volume caps for private activity bonds used for water and wastewater projects, guarantee tax-exempt status for bonds issued by state or local agencies to finance water infrastructure, guarantee loans, and support and encourage the use of other financing tools.

- c. **Hydropower:** In consultation with affected states, Congress and the Administration should optimize federally owned or licensed hydropower resources by increasing turbine efficiency and investing in conduit hydropower in irrigation canals and wastewater systems consistent with existing water diversions. Congress and the Administration should also authorize and implement federally owned or licensed hydropower projects and programs through efficient permitting processes that: utilize new technology to improve renewable electric generation capacity, promote economic development, are consistent with the needs of native fisheries and riverine processes, safeguard and solidify states' permitting and certification authority, and protect indigenous peoples' rights.

- d. **Infrastructure Planning and Permitting:** Federal infrastructure planning and permitting guidelines, rules and regulations should be coordinated with state permitting processes, and sufficiently flexible to: (1) allow for timely decision-making in the design, financing and construction of needed infrastructure; (2) account for regional differences; (3) balance economic and environmental considerations; and (4) minimize the cost of compliance.

3. **Western States Require Innovative and Integrated Water Management:** Western Governors believe effective solutions to water resource challenges require an integrated approach among states and with federal, tribal, and local partners. Federal investments should assist states in implementing state water plans designed to provide water for municipal, rural, agricultural, industrial and habitat needs, and should offer financial and technical support for development of watershed and river basin water management plans when requested by states.

Integrated water management planning should also account for flood control, water quality protection, and regional water supply systems. Water resource planning must preserve state authority to manage water through policies which recognize state law and financial, environmental, and social values of water to citizens of western states today and in the future.

- a. **Water Transfers:** Western Governors recognize the potential benefits of market-based water transfers, meaning voluntary sales or leases of water rights. The Governors support water transfers that avoid or mitigate damages to agricultural economies and communities without causing injury to other water rights, water quality, and the environment.
 - b. **Energy Development:** Western Governors recommend increased coordination across the energy and water management communities and support ongoing work to assess interactions between energy generation and water availability in the Western Interconnection.
 - c. **Conservation:** Western Governors encourage adoption of strategies to sustain water resources and extend existing water supplies further through water conservation, water reuse and recycling, ground water recharge, desalination, reclamation of brackish waters, reservoir storage, and reductions in per capita water use. The Governors encourage the use of and research into promising domestic, municipal, industrial, produced, and agricultural water conservation strategies and technologies.
 - d. **Local Water Planning:** Western Governors encourage federal agencies and Congress to provide resources such as funding and technical support to states and local water planning groups.
 - e. **Forest Health and Soil Stewardship:** Governors support policies and practices that encourage healthy and resilient forests and soils to improve water availability, water quality, soil moisture, and reduce sediment runoff.
 - f. **Intergovernmental Collaboration and Conflict Resolution:** Western Governors support the settlement of interstate water disputes, Indian and Native Hawaiian water rights claims, and other federal water needs and claims, the settlement of which are in the best interest of western states. Congress and the administration should provide resources when requested to assist in the settlement of these issues.
 - g. **State-Federal Coordination:** Western Governors recognize the important role of federal agencies in water resource management in the western states. Governors appreciate the efforts of federal agencies to coordinate water-related activities, particularly through the Western States Water Council, and support the continuation of these key state-federal partnerships. Federal agencies and Congress should strive to improve state-federal coordination to benefit and not hinder our shared constituents.
4. **Cybersecurity:** WGA encourages federal agencies to work with states and provide assistance and guidance on cyber threats to critical water infrastructure. Flexibility should be provided to state plans to address their emerging cybersecurity threats.
 5. **Western States Need Reliable Water Resource Information:** Information and data on the status, trends and projections of water resource availability is essential to sound water management.
 - a. **Water Data:** Western Governors support federal programs dedicated to the improvement of data on water use, snowpack, streamflow, soil moisture, groundwater levels, evapotranspiration, and water-related forecasts, including the USDA Natural

Resources Conservation Service’s Snow Survey and Water Supply Forecasting Program; the National Oceanic and Atmospheric Administration’s weather and hydrology-related data collection, monitoring, and drought information programs, including the National Integrated Drought Information System; the U.S. Geological Survey’s Groundwater and Streamflow Information Program, and its five-year surveys of estimated use of water in the United States; and the National Aeronautics and Space Administration’s National Land Imaging (Landsat) Program. Western Governors further support federal efforts to coordinate water data gathering and information programs across multiple agencies.

- b. **Extreme Weather Events Planning:** Western Governors recognize the significant effects posed by extreme weather events and variability in water supplies. Western Governors urge Congress and the Administration to work closely with states and other resource managers to improve predictive and adaptive capabilities for extreme weather variability and related impacts. We urge the federal government to prioritize improving the sub-seasonal and seasonal precipitation forecasting capabilities that support water management decision-making.
- c. **Water Data Exchange:** The Western Governors’ Association and the Western States Water Council have worked together to create the Water Data Exchange, an online portal that enables states to share their water data with each other, federal agencies, and the public via a common platform. The Governors encourage the use of state water data in planning for both the public and private sectors.

C. GOVERNORS’ MANAGEMENT DIRECTIVE

- 1. The Governors direct WGA staff to work with Congressional committees of jurisdiction, the Executive Branch, and other entities, where appropriate, to achieve the objectives of this resolution.
- 2. Furthermore, the Governors direct WGA staff to consult with the Staff Advisory Council regarding its efforts to realize the objectives of this resolution and to keep the Governors apprised of its progress in this regard.

This resolution will expire in June 2027. Western Governors enact new policy resolutions and amend existing resolutions on a semiannual basis. Please consult <http://www.westgov.org/resolutions> for the most current copy of a resolution and a list of all current WGA policy resolutions.



Policy Resolution 2024-05

Disaster Preparedness and Response

A. **BACKGROUND**

Major disasters, emergencies and extreme weather events are devastating to the people, property, economy, and natural environment of the communities in which they occur. The outcomes of disasters and emergencies can often be far reaching, and the public costs of disasters and emergencies have increased significantly in recent years. Governors hold the sole authority to request federal assistance when a disaster overwhelms state and local capabilities, and the federal government plays a critical role in pre-disaster risk mitigation, disaster response, and long-term disaster recovery. The first category – proactive risk reduction activities – has a very high return on investment, especially in the context of modern, climate-influenced disasters such as wildfire, extreme heat, or atmospheric rivers. The latter two categories, disaster response and recovery, tend to create a significant financial burden on individuals and communities, and this burden may be disproportionately borne by people who are facing pre-existing financial challenges. Effective disaster response and recovery is essential not only to mitigate current disasters, but also prevent additional ‘cascading disasters’ in the aftermath of the initial event. The COVID-19 pandemic reinforced the need for close coordination between federal, state, territorial, local and tribal governments in emergency management. Interagency coordination can serve to streamline the provision of disaster assistance, which in turn can help to reduce barriers to access and improve post-disaster outcomes.

B. **GOVERNORS' POLICY STATEMENT**

1. Governors need maximum flexibility to respond to disaster and emergency circumstances that may evolve quickly over the course of a disaster through the initiation of recovery. Therefore, Congress and federal agencies should expeditiously remove any barriers limiting a Governor and their executive branch agencies' ability to save taxpayer money and expedite response and recovery efforts while safeguarding lives, property, and the environment. Western Governors recognize that planning processes and disaster and emergency protocols are important aspects of emergency management, but Governors also need significant freedom to adapt those plans to changing circumstances during the evolution of a disaster or emergency.
2. Federal, state, territorial and tribal efforts to prepare for, mitigate against, respond to, and recover from emergencies and disasters must ensure programs and response efforts are inclusive, equitable, accessible, and representative of the affected communities. Development of federal disaster programs, policies, and procedures should be mindful of underserved and underrepresented communities while also addressing all survivors' post-disaster needs.
3. Western Governors encourage Congress and federal agencies to reassess the structure and administrative mechanisms of disaster mitigation grant programs to establish the most effective means of determining the necessity and delivery of federal disaster assistance. This should involve eliminating duplicative processes and establishing consistent standards

for federal grant programs, including the Hazard Mitigation Grant Program (HMGP), the State Homeland Security Program, the Building Resilient Infrastructure and Communities Program, and the Emergency Management Performance Grant Program (EMPG).

4. When managing disaster declarations, state and local governments coordinate billions of dollars in federal grants through the Federal Emergency Management Agency (FEMA). To help offset administrative requirements of these grants, FEMA regulations allow recipients to utilize a percentage for management costs. These management costs, however, are limited to each specific disaster and regulations do not allow grantees to economize by managing workloads across all open disasters. Western Governors urge Congress to direct FEMA to allow grantees to utilize management costs across all open disasters, which will build recovery and mitigation capacity, incentivize disaster close-out, and reduce the costs of disasters.
5. Federal agencies conducting disaster recovery and assistance, as well as the programs which they administer, should receive adequate and consistent funding and allow Western Governors and their designated executive branch agencies to have critical input on where those funds are needed most. The lack of speed, certainty, and consistency in deployment of federal disaster funding is a hinderance to coordinated recovery efforts and effective utilization of public funds.
6. EMPG funds are the primary funding source for local emergency managers, and funding for this program has ostensibly decreased due to inflation. Congress should increase EMPG funding to expand state and territorial capacity to provide technical assistance and expedite reimbursement for FEMA public assistance applicants.
7. Stafford Act declarations generally respond to rapid-onset catastrophes that cause severe damage in a particular area over a defined incident period. Damage from slow-onset, compound, or cascading disasters is difficult to quantify, and assistance for these disasters has historically been limited. Congress should amend the Stafford Act to support disaster response, recovery, and mitigation associated with slow-onset, compound, or cascading disasters. Specifically, Congress should amend the major disaster declaration definition to include slow-onset or other comparable terms, establish a new type of declaration and corresponding disaster assistance authorities for slow-onset and ongoing incidents, and require FEMA to develop a means to assign damage that is not limited to a discrete incident or incident period. Additionally, Congress should require FEMA to modify or extend the incident period under certain conditions.
8. FEMA requires that requests for major disaster declarations be submitted within 30 days of the incident end date. This requirement establishes an arbitrary timeline that does not reflect the reality of cascading disasters. In cases such as wildfire, drought, winter storms, or atmospheric rivers, damage can continue to accumulate and compound well after the 30-day window has passed, preventing accurate damage assessments and timely requests for a disaster declaration. FEMA should extend the application period for a disaster declaration to 60 days and permit extensions up to 90 days, if warranted. FEMA should provide a determination on the declaration request within 60 days from the request's submission. Doing so would accelerate the deployment of all federal disaster assistance while minimizing uncertainty for states, territories, and disaster survivors.

9. FEMA should provide additional resources to support its regional offices' capacity and coordination with states and territories. Each regional office must develop an understanding of local resource concerns and other local factors to help ensure timely, high quality damage assessments and closeout packages that properly compensate communities for some of their most significant losses.
10. Many rural western communities have less concentrated populations than eastern states, making it difficult for western states and territories to qualify for Individual Assistance, Public Assistance, and Fire Management Assistance Grant (FMAG) declarations. Additionally, certain criteria, such as considering Total Taxable Revenue of the entire state when evaluating whether to provide a major declaration for a localized event, makes it virtually impossible for large states to receive a declaration. Federal processes used to evaluate the need for access to disaster aid programs should be reconsidered. Federal agencies should reexamine the standards used to determine the provision of Individual Assistance to homeowners and the access to federal aid needed for recovery from disasters and emergencies that affect western states and territories. The historically underfunded U.S. Department of Agriculture Natural Resources Conservation Service's Emergency Watershed Protection Program should be revisited and strengthened.
11. Western Governors recognize that as the first responders to a disaster or emergency, states, territories, local governments, and tribes have better information about local conditions and needs in the response and immediate recovery phases of a disaster or emergency. FEMA and other applicable federal agencies should work directly with individual states and territories through Governors or their designees to jointly identify disaster risks and methods by which such risks may be addressed.
12. Federal agencies should provide state, territorial, local, and tribal government officials with accessible and clear information on available federal resources and programs and the most effective utilization of those resources in disaster recovery. WGA has worked with federal partners to improve interagency coordination on post-wildfire restoration work, including a roadmap of assistance available to communities affected by wildfire and identification of "navigators" to help communities prioritize post-wildfire restoration needs. Western Governors urge the federal government to prioritize the funding of community navigator efforts for All-Hazards events and other post-disaster restoration needs.
13. Following a Stafford Act major disaster declaration, FEMA assigns a Federal Coordinating Officer (FCO) who is representing the federal interagency resources available following a disaster. Once the Joint Field Office closes and the disaster management operations transition to the regional level, the Regional Administrator is responsible for all remaining activities. It is crucial that the FCO and the FEMA Regional Administrator have a strong relationship and coordinate closely to ensure effective disaster management operations. Another critical role for FEMA disaster personnel is the Public Assistance Program Delivery Manager (PDMG), who is the primary FEMA point of contact for applicants on their disaster projects. PDMGs are currently deployed from all areas of the state and may have vastly different knowledge on various types of disaster damage. Requiring PDMGs to be deployed regionally would improve consistency and subject matter knowledge, which would benefit applicants and FEMA alike.

14. Some western and midwestern states are at risk of catastrophic earthquakes, and mitigation assistance beyond that currently administered by FEMA is needed. Mitigation funds tied to FMAG declarations assist fire-ravaged communities, and the FMAG and Hazard Mitigation Post Fire Grant programs should be continued.
15. Western Governors recognize that community resilience is key to ameliorating the effect of many disasters and emergencies, and that damages could be avoided or minimized if resources were directed to pre-disaster mitigation efforts. Hazard mitigation and risk reduction are the most cost-effective ways to protect lives, property, infrastructure, and the environment from the effects of natural and human-caused hazards. Federal legislation should reconsider the important role of pre-disaster mitigation that reduces the risk and minimizes the effects of disasters and emergencies. When possible, pre-disaster mitigation should be incentivized at the state and local levels. Mobilizing and pre-staging disaster response resources is one strategy for mitigating the potential damages from an anticipated disaster, and FEMA should allow these activities to be eligible under HMGP. If the key to minimizing the effect of disasters and emergencies is pre-disaster mitigation, then steps need to be taken to reduce or minimize the cost share that is associated with many, if not all of these grants. Finally, infrastructure planning should include consideration of risk reduction measures for known hazards and address the dynamic hazard profile created by a changing climate.
16. Western Governors encourage the Administration to consider actions to increase communication and cohesion of federal agencies in disaster and emergency response. The Administration should consider placing a federal agency in the lead role to coordinate communication between and cohesion of federal agencies in disaster and emergency response. Strengthening federal emergency management processes to promote single, comprehensive points of contact and universal intake processes for individuals would streamline state-federal coordination and help ensure that individuals are not burdened by federal program administrative processes. Federal agencies are encouraged to enter into data-sharing agreements. Western Governors support the adoption of a universal intake application for disaster assistance across federal programs. Western Governors also support the consideration of a national emergency management strategy to provide consistent lines of communication between federal, state, territorial, local, and tribal governments.
17. Western Governors recognize the need for clear, consistent, accurate and timely communication about the scope and scale of disasters and emergencies, both between all levels of governments and between governments and their constituents. Clearly articulating what is known and what is not known about a disaster or emergency is critical to developing and executing an effective response from governments, promoting public confidence in those response actions, and empowering citizens to make informed decisions about their safety and welfare.
18. Extreme weather and wildfires pose significant risks and challenges to communities, public health and safety, and livelihoods. Additionally, they create potential liability for electric companies, regardless of the cause of the wildfire. The threat of significant liability can destabilize the financial health of electric companies, threatening their ability to continue operations. However, demands for additional clean electricity continue to rise. Keeping electric companies viable is essential to our energy needs and future economic development within our states. Western Governors recognize, that unlike other natural disasters,

wildfires create pose an exceptional liability risk for electric companies, placing them in a position that jeopardizes their ability to provide essential power services amid hotter and longer fire seasons. Western Governors urge Congress to collaborate with regulators, policymakers, and stakeholders to explore collaborative approaches to address the potential for large liabilities associated with wildfires. These approaches should consider that utility companies are not structured to meet the required risk diversification, solvency, or other conditions traditionally associated with insurance products.

19. Federal agencies should consider reducing or eliminating cost share requirements in instances where those requirements expose states to burdensome financial liabilities. For example, Other Needs Assistance, a subset of Individual Assistance provided by FEMA, has a 25 percent state cost share. Adding or expanding benefits under the umbrella of Other Needs Assistance increases state costs with no mechanism to relieve these costs for large-scale disasters.

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