COVID-19: Congressional, Federal Agency and Electric Sector Planning for Continued Operations

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Saturday, March 14, 2020

The World Health Organization (WHO) officially categorized the COVID-19 viral disease a pandemic on Wednesday, March 11, 2020. Six days before WHO’s announcement, Congress passed, and President Trump signed into law an initial $8.3 billion spending bill, including designating funds to prevention efforts and research to produce a vaccine.

Yesterday, President Trump announced a state of emergency under the Stafford Act and directed a series of actions to further mitigate the spread of COVID-19. The Stafford Act declaration allows for the release of Federal Emergency Management Agency’s (FEMA) disaster relief fund, which has a balance of more than $40 billion. The declaration also allows the waiver of certain Medicare and Medicaid requirements, which have limited the scope of facilities and physicians eligible to provide care. Additionally, the President announced the purchase of additional crude oil for the Strategic Petroleum Reserve, and waiver of interest on student loans owned by the government for the remainder of 2020.

Despite these recent actions, COVID-19 continues to spread in the country. Below is
a report on Congressional activities and a summary of efforts within the electric sector. Links to status pages for key federal regulatory agencies and other vital entities are included.

Congress

Shortly before 1 am today, the House passed H.R. 6201, the “Families First Coronavirus Response Act,” with rare bipartisan support; the final vote was 363 “ayes” to 40 “nays” with one Member of Congress voting “present”. If signed into law, H.R. 6201 would provide free testing, increased funding for food assistance, increased Medicaid benefits, enhanced unemployment insurance and establish an emergency paid leave program. The bill followed efforts by House Speaker Nancy Pelosi (D-CA) and Treasury Secretary Steven Mnuchin to negotiate a deal that could earn bipartisan support from the House and Senate as well as the President. Despite a planned recess, the Senate is scheduled to remain in session in order to vote on the measure early next week. The President is expected to sign the bill into law shortly thereafter. Congress is likely to recess until April 1 once the Families First Coronavirus Act becomes law.

The Congress will likely craft additional legislative relief packages in the coming weeks. The next legislative package is expected to address the economic impact to employees in specific sectors hurt particularly hard by social distancing measures and business closures. The following initiative is likely to focus on hard hit industrial sectors like the travel and tourism industries.

Regulatory Actions and Guidance

In addition to the disaster declaration and economic stimulus efforts, federal agencies have used existing authorities to issue guidance and take other measures in response to the COVID-19.

Centers for Disease Control – Monitoring Status of Virus

All federal agencies have been instructed to closely monitor updates from the Center for Disease Control and Prevention (CDC) as well as the Department of Health and Human Services. The CDC, in particular, is maintaining a website platform to update the status of COVID-19 worldwide and within the United States. CDC’s website also provides guidance on testing, mitigation and other issues of general interest. Access the CDC website here.

General Services Administration – Tracking Federal Agency Responses

The General Services Administration has established a website that compiles all federal agency actions in response to COVID-19 and known status updates for particular federal agencies and programs. This site can be accessed here.

Environmental Protection Agency (EPA)

Through its regulatory authorities, EPA has announced a series of COVID-19 related
actions, including:

- Expediting the review of requests to add Emerging Viral Pathogen claims to already registered surface disinfectant labels, where such additions do not require the review of new efficacy data;

- Release of information on the treatment of waterborne pathogens and the low level of risk to drinking water and wastewater systems from COVID-19; and

- Maintaining a website with information regarding EPA approved disinfectants and their application to COVID-19. Read the official statements here.

**Small Business Administration (SBA) - Providing Loans**

For regions identified in the President’s disaster declaration, the SBA will use its Economic Injury Disaster Loan program to provide eligible small businesses with up to $2 million in low-interest loans for economic injury from COVID-19 related business interruptions. Find the SBA loan site here.

**Federal Agency Work Arrangements and Access to Government Office Buildings and Properties**

There is recognition that continuity of government operations must be maintained, within the framework of also protecting the workforce against further spread of COVID-19. The federal government’s response continues to evolve as the scope of the pandemic expands. In almost all instances, official travel by government personnel is now restricted and subject to specific authorizations. Additionally, federal offices are routinely shifting in-person meetings to teleconference and webinar formats.

The continuing challenge is for federal agencies’ to maintain continuity and staff accessibility to decision-makers as well as the public. The following is a summary of the status of work arrangements and office opening/closings within the federal government:

**Telework for Federal Employees**

On the evening of March 12, the Office of Management and Budget (OMB) issued a memorandum directing all Federal Executive Branch departments and agencies to maximize telework flexibility to eligible workers within those populations that the CDC has identified as being at higher risk for serious complications from COVID-19 (CDC High-Risk Complications) and to CDC-identified special populations including pregnant women (CDC Special Populations). Additional telework authorizations are encouraged in instances where “community spread” is occurring and also to more broadly accommodate state and local responses to the outbreak, including, but not limited to, school closures. Find the OMB memorandum here.

**Authorized Leave for At-Risk Employees**

Separately, OMB also has encouraged departments and agencies to approve leave
for safety reasons to employees who are at higher risk as identified by the CDC and not telework-eligible. These CDC-identified populations include older adults and individuals who have chronic health conditions, such as high blood pressure, heart disease, diabetes, lung disease, or compromised immune systems.

**Federal Energy Regulatory Commission (FERC)**

For the energy sector, FERC has cancelled its planned March 19, monthly meeting. Instead, the Commissioners will use notational (electronic) voting on the matters identified in its agenda and other required orders. Starting Monday, March 16 and until further notice, employees have been encouraged to telework and the FERC building will be closed indefinitely to outside visitors unless approved by the Office of the Executive Director. Find this announcement [here](#).

**Congress and Agencies Access Restrictions**

The following shows the current access restrictions for Congressional and agency offices:

**Public Access to Federal Facilities and Properties**

OPM’s present policy is that each Federal facility has the authority and discretion to set requirements for admission. In making those decisions, OPM has advised federal agencies to consult guidance on day-to-day risk management for Federal facilities issued by the Interagency Security Committee and to coordinate on access procedures with Federal Protective Services and any other individual facility security organization. Find the official statement [here](#).

**Congress**

Access to the U.S. Capitol Building and the House and Senate Office Buildings is now limited to Members of Congress, staff, credentialed press and official business visitors. The closure continues through, at least, April 1, 2020. Read the official statement [here](#).

**FERC**

As noted above, FERC headquarters building in Washington, D.C. will be closed to all outside visitors, unless cleared for entry by the Office of Executive Director. Find this announcement [here](#).

**National Park Service**

Recognized as a particular flashpoint in prior government shutdowns, the National Parks remain open. Find the official statement [here](#).

**Department of Energy (DOE)**
DOE is maintaining its standard operating procedures at this time. Telework programs are in place for authorized employees. Find the official statement [here](#).

**Department of the Interior (Interior)**

Interior is maintaining its routine operating procedures at this time. Telework programs are in place for authorized employees. Find the official statement [here](#).

**Electric Sector Continuity Plans and Mitigation Efforts**

In light of their overall responsibility for ensuring reliable operation of the electric grid, reliability organizations, system operators, and utilities have long-coordinated on emergency planning. With the emergence of COVID-19, the Electricity Subsector Coordinating Council (ESCC) has continued these coordinated efforts, as well as related outreach with the Department of Homeland Security. Some key developments for the electricity sector have been:

**Required Reporting on Pandemic Plans**

On March 10, the North American Electric Reliability Corporation (NERC) issued a Level 2 alert requiring all registered entities within the electric sector to report on the status of their emergency pandemic plans to NERC by March 20. NERC will then provide an informational filing to FERC regarding those plans. Find the alert [here](#).

**Electric Sector Guidance**

On March 12, the ESCC released a resource guide for assessing and mitigating COVID-19. The guidance was prepared for investor-owned utilities, electric companies, electric cooperatives, and public power utilities. The guidance covers recommended best practices related to overall management and operations as well as supply chain management, staffing for critical infrastructure and operations, activation of mutual assistance networks, cyber-security monitoring and external communication protocols. Find the guidance [here](#).

**System Operators**

Most regional reliability organizations and system operators have publicly announced their plans for maintaining business and system operation continuity through the COVID-19 outbreak. In general, access to control facilities and other critical energy infrastructure assets has been restricted; in-person and public meetings have been suspended or converted to teleconference or webinar formats and emergency operations plans have been activated. Links to these announcements are below:

**Electric Reliability Council of Texas (ERCOT)**

ERCOT has released announcements on its business operations status ([here](#)) and a Pandemic Preparedness Plan [here](#).
New York Independent System Operator (NYISO)

NYISO has limited access to its control system operations and indefinitely suspended all in-person stakeholder meetings to protect staff and visitors from exposure to COVID-19. Find the official statement here.

PJM Interconnection (PJM)

PJM has moved all stakeholder meetings via WebEx until March 27, and has instituted plans to ensure continued operations of all market applications from either its campus or remotely. Find the official statement here.

ISO New England (ISO-NE)

ISO-NE has implemented its Business Continuity and Pandemic Response Plans. All stakeholder meetings have been either canceled or converted to teleconferences. Find the update page here.

California ISO (CAISO)

CAISO is restricting all in-person meetings at its offices and off-site venues; meetings will be conducted via teleconferences instead when possible. Controls on access to secure facilities have been increased. These measures will be in place through at least April 1. Read the official statement here.

Midwest System Operator (MISO)

MISO has activated emergency procedures for building access and control room operations. Further, stakeholder meetings scheduled between March 9 and March 20 will be converted to conference calls via WebEx. Find official statements here.

Southwest Power Pool (SPP)

SPP has moved all stakeholder meetings scheduled through the end of April to virtual meetings. Later meetings also may be rescheduled. Access to SPP facilities by non-essential visitors is prohibited. Find the official statement here.

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