

Offshore Energy Jones Act Update

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The United States has a set of federal laws popularly referred to as the “Jones Act” which impact the development of U.S. offshore energy by restricting many operations in U.S. waters to qualified U.S.-flag vessels. Where the Jones Act does not apply, operations in U.S. waters can be conducted lawfully by foreign vessels. The boundary between what is restricted and what is permitted continues to develop as the U.S. Congress has adjusted the relevant law over time and as U.S. Customs and Border Protection, which issues Jones Act interpretive rulings, continues to adapt to new technologies and methods. The emergence of the U.S. offshore renewable energy industry has in particular spurred new guidance and controversy regarding federal offshore jurisdiction and especially the application of the Jones Act.

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