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President Trump Takes Executive Action On Energy Infrastructure Projects: Cadwalader

President Trump issued an executive order and four presidential memoranda (the “Executive Actions”) intended to streamline the regulatory process, dismantle burdensome regulations and promote domestic job growth within the energy sector. The Executive Actions direct specified Cabinet members and agencies to remove regulatory barriers to infrastructure investments, and order the use of American-made materials to construct pipelines within the United States.

In a [memorandum](#), Cadwalader attorneys Mark Haskell, Brett Snyder and Mary Treanor review the Executive Actions, as well as the ongoing challenges faced by natural gas and oil projects in light of those actions.

Commentary

The Executive Actions do not clarify whether these requirements apply to offshore or cross-border pipelines, nor how the administration will effectuate the directive without violating existing international trade agreements. Key language in the memoranda, requiring American-made materials “to the maximum extent possible and to the extent permitted by law,” may provide a loophole. Commenters suggest that this phrase avoids running afoul of existing trade treaties.

Last Updated: March 20 2017

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The content of this article is intended to provide a general guide to the subject matter. Specialist advice should be sought about your specific circumstances.

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