



## Eric McClafferty

Partner

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### About

With a full appreciation of the practical, economic, and legal challenges that arise at the intersection of international transactions and complex legislative and regulatory regimes, Eric McClafferty helps a wide range of clients pursue their business goals in an ever-changing compliance landscape.

Eric focuses his practice on counseling, compliance programs, internal investigations, and enforcement matters related to economic sanctions and denied parties; export controls; the Foreign Corrupt Practices Act (FCPA); customs, reviews, and investigations before the Committee on Foreign Investment in the United States (CFIUS); and antidumping and countervailing duties.

His substantive knowledge of the law and insights into how regulators approach and address issues implicated by his clients' activities allow him to develop effective approaches aligned with their objectives.

Clients tell *Chambers USA* that Eric is "always professional and knowledgeable" and "provides excellent counsel with well-structured and practical advice." Clients also note that he "has good judgment, pragmatism and anticipates the needs of the client."

Eric guides senior company officers and compliance personnel involved in international transactions through the restrictions imposed by evolving U.S. economic sanctions and other rules administered by the Department of Treasury's Office of Foreign Assets Control (OFAC). He is dedicated to ensuring his client's transactions are properly screened to exclude the involvement of the various types of denied parties under U.S. law.

With comprehensive risk assessment and internal reviews as a foundation, Eric has helped hundreds of large and small companies (and their foreign subsidiaries and joint ventures) establish compliance programs that reduce the risk of potential violations connected to U.S. sanctions.

Additionally, Eric advises on export licensing and classification; performs due diligence export compliance reviews; establishes company and product-specific compliance and training programs for product, software, and technology exports; and guides clients through export enforcement investigations and penalty negotiations related to exports of military, dual-use, and nuclear items.

Eric's clients include exporters of industrial, aerospace, high-technology, and agricultural products and technology, such as chemicals, chemical processing equipment, pharmaceuticals, software,

electronics, unmanned vehicles, and military items, including aircraft and related components, computers, satellite software and components, semiconductors, nuclear power plant components, and specialty metals, powders, and alloys.

Leveraging the trust and credibility he has earned with regulators over his decades of practice, Eric has developed productive working relationships within all U.S. government export control agencies as well as at the U.S. Department of Justice and Securities and Exchange Commission. He has deftly managed hundreds of export control internal and external investigations, bringing numerous voluntary self-disclosures and other export enforcement matters to successful conclusions.

Eric also conducts internal investigations, advises on company-run investigations, helps companies improve their FCPA compliance programs, and conducts investigations of possible FCPA violations and other potentially improper foreign country-based financial transactions in an M&A context.

Eric regularly conducts complex CFIUS reviews and works with the Defense Counterintelligence and Security Agency to put outside directors and FOCI mitigation programs in place to prevent unauthorized releases of classified data. He holds a "secret" clearance from the U.S. government and has participated in CFIUS review processes involving non-U.S. company purchases of U.S. manufacturing and services entities that handled classified data and highly sensitive defense and dual-use products and technologies.

A former foreign service officer, Eric also has many years of experience representing domestic producers and importers in antidumping and countervailing duty proceedings before the International Trade Administration (ITA) and International Trade Commission (ITC).

He has worked with the Office of the U.S. Trade Representative (USTR) on foreign market access issues, section 301 actions, and Generalized System of Preferences (GSP) petitions and reviews. His skills extend to representing clients in World Trade Organization (WTO) matters, including WTO dispute settlement issues.

Eric also advises corporations and other importers concerning a wide variety of matters before the U.S. Customs Service and has appeared numerous times on behalf of clients before the U.S. Court of International Trade and the U.S. Court of Appeals for the Federal Circuit.

## Experience

### Economic Sanctions

Provided counseling to a large publishing house regarding the implementation of a denied party screening process, dealing with "hits" against denied party screening lists, and understanding the scope of the informational materials provisions of the OFAC regulations.

Assisted an international professional sports league with sanctions counseling, sanctions licensing and the use of exceptions related to their activities and broadcasts.

Counseled international travel providers and related service companies by providing assistance related to changing U.S. sanctions programs and licensing requirements, particularly in Cuba.

Assisted a large financial institution with a major internal investigation and voluntary self-disclosure related to transactions with potentially denied parties.

Assisted trustees and financial institutions with issues related to stock transfers, dividend payments,

interest payments and related activities under U.S. sanctions.

Assisted numerous U.S. manufacturers and their foreign subsidiaries in establishing policies and procedures for exporting products legally to Iran under the new OFAC General License H.

Assisted numerous U.S. petrochemical equipment companies with proposed transactions under the new OFAC and Commerce Department, BIS sanctions on Russia.

Assisted a large manufacturer of fluid handling equipment in achieving a successful settlement related to a voluntary self-disclosure to OFAC of numerous violations.

## Export Control and Compliance

Provide counseling to numerous unmanned vehicle companies and to a leading industry association regarding export controls on drones and unmanned vehicles.

Provided counseling relating to new sanctions on Russia and Crimea to numerous exporters.

Providing export compliance training, counseling and licensing assistance to a high-technology company with more than 20,000 monthly export shipments of electronic products, software and related technology, including a high percentage of exports containing encryption.

Assisting the international subsidiaries of a large U.S. company with more than 24 foreign affiliates in the review of all products for export and re-export license requirements and related exports.

Advising an international manufacturing company with \$4 billion in annual revenue concerning numerous potential export control violations, analysis of potential voluntary disclosures, document retention policies and processes, improvements to their compliance system and related issues. Coordinated 35 site visits to conduct on-site export compliance reviews and training. Conducted in-person advanced export compliance training seminars for compliance managers.

Prepared, customized, implemented and provided training for a compliance system at a large e-logistics provider with international operations.

Assisted with the preparation, customization, implementation and training for a compliance system at a major electronics supply company.

Prepared export compliance manuals for a large company with products having military, dual-use and nuclear applications, and advised the company on a variety of supplementary export control obligations.

Acting as an advisor to U.S. pump and valve industry associations, and as export counsel to a number of U.S. manufacturers regarding export control issues. Also serve as the industry's primary contact with export control agencies regarding product, technology and enforcement issues.

Drafted content for the Commerce Department and State Department export compliance modules for a major e-learning training provider.

## FCPA

Advised a large manufacturing conglomerate regarding the proposed acquisition of a European manufacturer alleged to be involved with payments to Latin American national petrochemical agencies.

Advised a Fortune 50 retailer regarding export compliance and FCPA issues. Drafted and designed web-based compliance training programs.

Conducted significant FCPA internal investigations for several multibillion-dollar international manufacturers.

Developed compliance programs, including policies, manuals and procedures, training, auditing and related program materials for hundreds of companies. Advised those companies on how to roll out and implement those programs successfully.

Responded to hundreds of day-to-day inquiries relating to the proper implementation and execution of global anticorruption programs.

## Customs

Conducted multiple training sessions at various U.S. ports for U.S. Customs officers regarding import enforcement and circumvention issues on behalf of clients concerned about competitors' Customs violations.

Obtained several million dollars in Customs duties for a small U.S. manufacturer.

Obtained the release of products from Customs seizure through petitions to Customs and Border Protection.

Represented importers in Customs seizure cases involving allegedly counterfeit products.

Obtained favorable Customs rulings and Harmonized Tariff classifications.

Resolved EXODUS export seizure cases with ICE and Customs port personnel, with EXODUS personnel, and with BIS and DDTC personnel.

## Trade Remedy and WTO

Represented clients in multiple antidumping and countervailing duty investigations and reviews, including oral arguments on appeal at the U.S. Court of International Trade and representation before the Federal Circuit Court of Appeals.

Represented the interests of multiple manufacturing industries involving antidumping and countervailing duties cases brought to the World Trade Organization and through coordination efforts with the USTR.

## Honors

Ranked as a leading practitioner in the International Trade: Export Controls and Economic Sanctions area by *Chambers Global*, 2014-2026.

Ranked nationally as a leading practitioner in the International Trade: Export Controls and Economic Sanctions area by *Chambers USA*, 2013-2026.

*The Best Lawyers in America*® (Woodward/White, Inc.), International Trade and Finance Law, 2018-2023 and 2026.

Recommended in *US Legal 500* for his work in the International Trade area, 2009-2010, 2012-2018 and 2021-2022 and International Trade: Export Controls & Economic Sanctions, 2024.

Recognized as a leading attorney in the International practice area by Washington D.C. *Super Lawyers*, 2016-2020 and 2023-2026.

Selected as one of the *Irish Legal 100* by *Irish America Magazine*, 2023-2025.

## Affiliations

In December 2006, Eric was appointed by former Secretary of Commerce Carlos Gutierrez to serve on the Materials Technical Advisory Committee. In this role, Eric advises the Commerce Department regarding export controls on chemicals, biotechnology items, metals, exotic materials, materials processing equipment including pumps, valves and other fluid handling equipment, and other materials issues. Eric is serving his third term on this Committee.

American Society of Association Executives

The Customs and International Trade Bar Association (CITBA)

National Council on International Trade Development (NCITD)

American Bar Association, Section of International Trade

Hydraulic Institute (U.S. Pump Manufacturers Association), outside general counsel

Valve Manufacturers Association (VMA), outside general counsel

Copper and Brass Fabricators Council (CBFC), president and general counsel

## Community

Step Up, Inc., an international development organization based in Africa, board of directors and general counsel

University of Michigan Alumni Association

University of Virginia Alumni Association

## Related Services

International Trade

Export Controls and Economic Sanctions

Foreign Corrupt Practices Act (FCPA)

Trade Remedies (AD/CVD/Safeguards)

Corporate and Tax

Energy

Technology

Blockchain and Cryptocurrency

Generic Pharmaceuticals

Manufacturing

Mergers and Acquisitions

Customs

## Education

University of Virginia School of Law, J.D., 1996

- Virginia Journal of International Law, book review and recent developments editor, (1995-1996), editor (1993-1995)

University of Michigan, M.A., 1982

University of Michigan, B.A., 1980

- with distinction

## **Admissions**

District of Columbia, 1997

Maryland, 1996

## **Courts**

U.S. Court of Appeals–Federal Circuit

U.S. Court of International Trade

Court of Appeals of Maryland