



# Harry Clark

## Partner

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## Practice Areas

- International Trade & Compliance
- Mergers & Acquisitions

## Honors

- *Chambers USA*: Nationwide, International Trade: Export Controls & Economic Sanctions, 2019-2020
- *Chambers Global*: International Trade: Exports Controls & Economic Sanctions, 2019

## Education

- J.D., University of Virginia School of Law, 1989
- B.A., University of North Carolina at Chapel Hill, 1985

Harry Clark is Chair of Orrick’s International Trade & Compliance Group. He advises major companies and industry associations on a variety of international trade and investment rules.

Harry is experienced in areas such as CFIUS/Exon-Florio examinations of foreign investment, military and “dual use” export control regulations (ITAR/EAR), economic sanctions administered by the U.S. Treasury Department (OFAC), customs regulations, the Foreign Corrupt Practices Act, anti-money laundering rules, anti-boycott requirements and defense industrial security requirements. He executes internal corporate investigations regarding trade and investment rules and advises on such rules in the context of corporate transactions.

Additionally, Harry has extensive experience with government contracting matters. His government contracting work has included, for example, design and implementation of U.S. Defense Department renewable energy projects. He also represents broad industry coalitions on major trade litigations and international negotiations. His experience in these areas includes a leading role in what is often considered the largest-ever international trade dispute: the controversy regarding unfair softwood lumber imports from Canada. It has involved myriad administrative proceedings before federal agencies, NAFTA panel appeals, WTO dispute proceedings, judicial proceedings and international settlement agreements.

Harry has represented a coalition of major U.S. oil companies in antidumping and countervailing duty litigation. As a related matter, he pursues policy issues with congressional and executive branch officials and advises on international trade rules (e.g., GATT, WTO agreements and NAFTA).

*Chambers Global* recognizes Harry as a leader in the field of international trade law and has recognized him with special distinctions regarding the Foreign Corrupt Practices Act and export controls. He is also recognized by *Chambers USA* in the CFIUS Experts category. Clients note that Harry provides “on-point and assertive responses” and is “constantly thinking in business terms.”

A full list of Harry’s Orrick Client Alerts and blog posts can be located in the Insights section of Harry’s bio. The most recent posts include:

- Co-Author, “WeChat and TikTok Sanctions Not to Come Into Effect Today,” Orrick Client Alert, September 20, 2020

- Co-Author, “Commerce Department Identifies Prohibited Transactions Involving WeChat and TikTok,” Orrick Client Alert, September 19, 2020
- Co-Author, “CFIUS Mandatory Filings for Certain “Critical Technology” Transactions – New Export Controls Test,” Orrick Client Alert, September 15, 2020
- Co-Author, “U.S. Expands Export Restrictions Against Huawei,” Orrick Client Alert, August 19, 2020
- Co-Author, “President Trump Issues Executive Order Implementing the Hong Kong Autonomy Act,” Orrick Client Alert, July 16, 2020
- Co-Author, “U.S. Enacts Sanctions Legislation, Imposes Export Control Changes in Response to China’s National Security Law for Hong Kong,” Orrick Client Alert, July 14, 2020
- Co-Author, “Executive Order Restraints on Sourcing of Power System Equipment Raise Challenges for Developers,” Orrick Client Alert, June 16, 2020
- Co-Author, “CFIUS Proposes to Modify its Critical Technology Mandatory Filing Regime,” Orrick Client Alert, May 22, 2020
- Co-Author, “U.S. Companies Nearing Deadline to Report on Direct Investment Holdings Abroad,” Orrick Client Alert, May 20, 2020
- Co-Author, “Commerce Department Expands Export Controls Regarding Huawei - Four Key Points,” Orrick Client Alert, May 19, 2020
- Co-Author, “Trump Administration Issues Order to Restrain International Sourcing for U.S. Bulk-Power System; Initiates Related Section 232 Import Investigation,” Orrick Client Alert, May 06, 2020
- Co-Author, “CFIUS Filing Fees Start May 1, 2020,” Orrick Client Alert, April 29, 2020
- Co-Author, “OFAC Issues COVID-19 Fact Sheet Regarding Humanitarian Assistance,” Orrick Client Alert, April 17, 2020
- Co-Author, “President Trump Orders Divestment of U.S. Company; CFIUS Clears Semiconductor Transaction,” Orrick Client Alert, March 13, 2020
- Co-Author, “CFIUS Proposes Filing Fees,” Orrick Client Alert, March 10, 2020
- Co-Author, “Contractors Scrambling to Scope New DoD Cyber Framework,” Orrick Trust Anchor Blog, March 6, 2020
- Co-Author, “Cryptocurrency and OFAC: Beware of the Sanctions Risks,” Orrick On the Chain Blog, January 22, 2020
- Co-Author, “New CFIUS Rules – Eight Key Points,” Orrick Client Alert, January 17, 2020
- Co-Author, “U.S. Targets Additional Iranian Sectors for Sanctions: Broadly Increasing Exposure for Non-U.S. Companies,” January 13, 2020
- Co-Author, “New Syria, North Korea and Other Sanctions Provisions Enacted as Parts of the National Defense Authorization Act for Fiscal Year 2020,” Orrick Client Alert, December 26, 2019
- Co-Author, “DOJ Updates Its Approach to Encourage Voluntary Self-Disclosures of Export Control and Sanctions Violations,” Orrick Client Alert, December 20, 2019

- Co-Author, “Commerce Department Issues Proposed Rule to Secure the Information and Communications Technology and Services Supply Chain,” Orrick Client Alert, December 19, 2019
- Co-Author, “The Orrick Guide to Foreign Investment Reviews,” November 6, 2019
- Co-Author, “CFIUS Proposed Regulations-Evolution Toward Broad Foreign Investment Screening Continues Apace,” Orrick Client Alert, September 25, 2019
- Co-Author, “Huawei Entity List Action – Update,” Orrick Client Alert, August 30, 2019
- Co-Author, “Huawei/National Security Sanctions: Entity List Action and IT Supply Chain Restrictions,” Orrick Client Alert, May 22, 2019
- Co-Author, “Grindr and PatientsLikeMe Outcomes Show Non-Cleared Transactions' Exposure to CFIUS Scrutiny, Especially When PII Is Involved,” Orrick Client Alert, April 23, 2019
- Co-Author, “Initiative to Designate “Emerging and Foundational Technologies” – Export Control and CFIUS Implications for Technology Companies,” Orrick Client Alert, November 30, 2018
- Co-Author, “Snapback of Iran Sanctions: Now in Full Effect,” Orrick Client Alert, November 12, 2018
- Co-Author, “Overcoming New Restrictions on Investing in U.S. Technologies,” Orrick Client Alert, October 15, 2018
- Co-Author, “Some Foreign Investment Transactions Involving “Critical Technology“ Soon Must Be Notified to CFIUS,” Orrick Client Alert, October 15, 2018
- Co-Author, “U.S. Sanctions on Russia - Latest and Possible Additional Measures,” Orrick Client Alert, August 28, 2018
- Co-Author, “U.S. Regulatory Scrutiny of Cross-Border Transactions Is Heating Up: Forbes Article Explains the Implications for U.S.-China and Other Market Activities,” Orrick Client Alert, August 16, 2018
- Co-Author, “Ten Key Points About CFIUS and Export Control Reform,” Orrick Client Alert, August 3, 2018
- Co-Author, “Further Update – Russian Counter-Sanctions Measures and New U.S. Sanctions Against Russia,” Orrick Client Alert, June 18, 2018
- Co-Author, “Reinstatement of Iran Sanctions Following U.S. Withdrawal From Iran Nuclear Agreement: Five Crucial Points,” Orrick Client Alert, May 11, 2018
- Co-Author, “ZTE Trade Controls Denial Order – Four Crucial Points,” Orrick Client Alert, April 30, 2018
- Co-Author, “Expansion of U.S. Sanctions Regarding Russia: Five Crucial Points,” Orrick Client Alert, April 12, 2018
- Co-Author, “White House Announces Products Potentially Subject to Tariffs,” Orrick Client Alert, April 5, 2018
- Speaker, “Alibaba’s Abandonment of MoneyGram Acquisition – Key CFIUS Considerations Moving Forward,” January 10, 2018

## Publications

- Co-Author, “Cybersecurity Provisions in Trade Agreements: The State of the Art,” Harvard Business Law Review, Vol. 10 (2019-2020)

- Author, "U.S. Investment Screening and Export control Reform," *Corporate Finance and Capital Markets Law Review*, October 2018.
- Co-Author, "Mergers, Acquisitions And Investments Involving U.S. Companies With Chinese & Other Foreign Parties," *Forbes*, August 13, 2018.
- Co-Author, "From Exit Threats to Tiny Tweaks: What's Next for NAFTA?," *Law360*, March 30, 2017.
- Co-Author, "Russia Sanctions Update: Flurry of U.S. Government Action Leading into Trump Administration," *International Trade Daily Bulletin*, February 9, 2017
- Co-Author, "Six Crucial Points About the Prohibition on Chinese Investors' Acquisition of U.S. Aixtron Operations," *The M&A Lawyer*, January 2017.
- Co-Author, "Expanded Russia Sanctions Underscore Need for Due Diligence," *law.com*, September 7, 2016.
- Speaker, "Increased International Investment by China," NPR-Morning Edition, August 24, 2016.
- Co-Author, "Defense Energy Projects: Latest Trends," *Power Finance & Risk*, June 30, 2016.
- Co-Author, "Orrick Lawyers Author Article on NY Anti-Terrorism and AML Rules," *E-Finance & Payments Law & Policy*, January 22, 2016.
- Co-Author, "New York issues its own anti-terrorism and AML rules," *E-Finance & Payments Law & Policy*, January 2016.
- Author, "The Biggest International Trade Developments of 2015," *Law360*, December 18, 2015.
- Co-Author, "Department of Defense's Renewable Energy Program," *Orrick and Clean Energy Pipeline*, May 12, 2014.
- Quoted, "US Sanctions A Warning That Ukraine Response Growing," *Law360*, March 19, 2014.
- Author, "Russia Sanctions Bill Will Likely Become Law," *Law360*, December 16, 2014.
- Co-Author, "Domestic Preference Requirements Applicable to PV Devices under Certain Department of Defense Contracts," *American Council on Renewable Energy's US-China Market Review: 2012 Year End Edition*, April 2013.
- Co-Author, "Limits on International Business in the Petroleum Sector: CFIUS Investment Screening, Economic Sanctions, Anti-Bribery Rules, and Other Measures," *6 Tex. J. Oil Gas & Energy L. 75*, 2011.
- Co-author, "Given recent FCPA cases, M&A risk management is key," *The National Law Journal*, June 6, 2011.
- Co-author, "An Informed Approach," *Asian Counsel* (Vol. 8 Issue 3), April 2010.
- Co-author, "New Approaches to National Security Screening of Foreign Investments in the United States and China Could Subject Deals to Closer Scrutiny," *China Business Review*, January/February 2008.
- Co-author, "Buyer Beware! US laws hinder foreign investors," *Jane's Defense Weekly*, May 28, 2008.
- Co-author, "Movement Towards a US Countervailing Duty Remedy for Chinese Goods That Are Found to be Subsidized," *Int'l Trade Law Rev.*, 2007.
- Author, "Tightening the Screws on Foreign Investment," *Forbes.com*, October 23, 2007.
- Co-author, "Foreign Sanctions Countermeasures and Other Responses to US Extraterritorial Sanctions," August 8, 2007.
- Co-author, "Intensified International Trade and Security Policies

Can Present Challenges for Corporate Transactions,” 38 *Cornell Int’l Law Jnl.* 392, 2005.

- Co-author, “International Mergers and Acquisitions: Liability under US Economic Sanctions,” *International Law News*, Fall 2000.
- Author, “US Limits on International Business in the Petroleum Sector: Oil Antidumping Suits, Trade Sanctions and Other Measures,” Fifty-First Annual Institute of Oil and Gas Law and Taxation, Southwest Legal Foundation, ed., Publ. No. 640, 2000.
- Author, “Dealing with US Extraterritorial Sanctions and Foreign Countermeasures,” 20 *U. Penn. J. Int’l Econ. L.* 61, 1999.
- Co-author, “The Iraq/Kuwait Economic Sanctions: Trade Relations on a War Footing,” 25 *Int’l Law.* 391, 1991.

### Admissions

- District of Columbia