

The Impact of Cross-Border Cartel Enforcement Challenges Confronting the United States on the Americas

Westlaw Journal Antitrust
08.26.2015

[In this article](#), Kirby Behre and Lauren Briggerman discuss the impact of U.S. cross-border cartel enforcement challenges on the Americas as a whole. "The United States, the world's leading cartel enforcer, is losing the battle to prosecute foreign individuals because it has limited ability to pursue them abroad. As emerging countries in the Americas and elsewhere seek to build up their cartel enforcement laws, they should arm themselves with the legal and practical tools the United States lacks to reach wrongdoers abroad," the authors said.

Behre and Briggerman discuss cartel enforcement within the United States, Canada, Brazil and other Latin American countries, and identify three key challenges facing the region: the uncertainty of extraterritorial reach, barriers to evidence gathering and roadblocks to extradition. "As emerging countries in the Americas and throughout the world seek to build their cartel enforcement capabilities, they are likely to face many of the same practical and legal constraints that limit the United States' ability to investigate and prosecute cartel conduct abroad. These countries should take heed of hurdles the United States has increasingly faced in cross-border investigations," the authors said.

This article was also published in *Westlaw Journal White-Collar Crime* on October 1, 2015.