

New DOJ Antitrust Division Program Offers Financial Incentives to Individuals to Become Whistleblowers

The United States Department of Justice's Antitrust Division, in partnership with the United States Postal Service ("USPS") and the USPS Office of Inspector General ("USPS OIG"), announced a new program that will likely lead to an increase in government antitrust investigations. The Whistleblower Rewards Program ("Rewards Program") provides financial incentives for "individuals who report antitrust crimes and related offenses that harm consumers, taxpayers, and free market competition across industries."¹ Whistleblowers who disclose information leading to successful prosecutions and fines of at least \$1 million are eligible to receive a reward of up to 30% of recoveries. Successful prosecutions encompass not only criminal convictions but also deferred prosecution or non-prosecution agreements. Rewards are available only to whistleblowers who voluntarily provide original information, *i.e.*, information not already known to the Antitrust Division or the USPS.²

The Rewards Program marks the first time the Antitrust Division has offered financial incentives to whistleblowers, and demonstrates DOJ's recent prioritization of "self-reporting."³ In announcing the program, Assistant Attorney General Abigail Slater of the Antitrust Division explained, "Antitrust crimes and related offenses that harm free market competition often occur in secret, making detection a formidable challenge. The new Whistleblower Rewards Program will create a new pipeline of leads from individuals with firsthand knowledge of criminal antitrust and related offenses that will help us break down those walls of secrecy and hold violators accountable."⁴

¹ *Justice Department's Antitrust Division Announces Whistleblower Rewards Program*, U.S. DEP'T OF JUSTICE OFFICE OF PUBLIC AFFAIRS, <https://www.justice.gov/opa/pr/justice-departments-antitrust-division-announces-whistleblower-rewards-program> (July 8, 2025).

² A comprehensive list of conditions and limitations that apply to the Rewards Program can be found in the "Memorandum of Understanding Regarding the Whistleblower Rewards Program and Procedures," available at <https://www.justice.gov/atr/media/1407261/dl?inline>.

³ In May 2025, Matthew R. Galeotti, head of DOJ's Criminal Division, announced additional "priority areas for tips[.]" including federal program fraud, customs fraud, and federal immigration law violations, among others. Mr. Galeotti's full remarks are available here: <https://www.justice.gov/opa/speech/head-criminal-division-matthew-r-galeotti-delivers-remarks-sifmas-anti-money-laundering>.

⁴ *Justice Department's Antitrust Division Announces Whistleblower Rewards Program*, U.S. DEP'T OF JUSTICE OFFICE OF PUBLIC AFFAIRS, <https://www.justice.gov/opa/pr/justice-departments-antitrust-division-announces-whistleblower-rewards-program> (July 8, 2025).

To be eligible for a reward, whistleblowers must provide information concerning certain criminal violations that affect the USPS, its revenues, or property, including: (1) criminal violations of sections 1, 2 and 3 of the Sherman Act (prohibiting unreasonable restraints of trade and monopolization), (2) actions to facilitate or conceal such misconduct, (3) federal criminal violations targeting federal, state, or local public procurement, and (4) federal criminal violations affecting federal competition investigations or proceedings.⁵ While the leaders and originators of, or those who coerce others to commit, the reported criminal offense may not receive incentives under the Rewards Program, individuals who participated in the offense remain eligible. In other words, both innocent whistleblowers and turned-cooperators may be eligible. Rewards are discretionary, however, and are determined based on the extent of a whistleblower's participation in the misconduct, among other factors.

The Rewards Program follows the Corporate Whistleblower Awards Pilot Program ("Pilot Program"), launched in August 2024 by DOJ's Criminal Division. The Pilot Program likewise offers financial incentives for voluntary, original information regarding money laundering, foreign corruption, bribery, and other violations that lead to forfeitures exceeding \$1 million by DOJ.⁶ The incentives appear to have worked. In just the first month of the Pilot Program, the Criminal Division received over 100 whistleblower tips.⁷ Based on those early numbers and the success of other government whistleblower incentive programs,⁸ the Antitrust Division will likely see an increase in reports through the Rewards Program.

While the scope of the Rewards Program is limited to violations "affecting the Postal Service, its revenues, or property," the USPS OIG has participated in a number of recent Antitrust Division investigations, including concerning the pricing of generic drugs, online sales of DVDs, and bidding for asphalt paving services. In light of these investigations, DOJ and the USPS may take a broad view of what type of conduct

⁵ *Memorandum of Understanding Regarding the Whistleblower Rewards Program and Procedures*, U.S. DEP'T OF JUSTICE, <https://www.justice.gov/atr/media/1407261/dl?inline> (May 7, 2025).

⁶ The most recent updates to the Pilot Program, implemented in May 2025, are available here: <https://www.justice.gov/criminal/media/1400041/dl?inline>.

⁷ <https://www.justice.gov/archives/opa/speech/principal-deputy-assistant-attorney-general-nicole-m-argentieri-delivers-remarks-society#:~:text=Principal%20Deputy%20Assistant%20Attorney%20General%20Nicole>.

⁸ For example, since the inception of the Securities and Exchange Commission's ("SEC") Whistleblower Program in 2011, "the SEC has awarded more than \$2.2 billion to 444 individual whistleblowers." *Securities and Exchange Commission Office of the Whistleblower Annual Report to Congress for Fiscal Year 2024*, SEC, <https://www.sec.gov/files/fy24-annual-whistleblower-report.pdf> (Nov. 15, 2024). The SEC's Whistleblower Program received over 18,000 tips in 2023 alone, an increase of nearly 50% from 2022. *Securities and Exchange Commission Office of the Whistleblower Annual Report to Congress for Fiscal Year 2024*, SEC, <https://www.sec.gov/files/fy23-annual-report.pdf> (Nov. 14, 2023).

“affects” the USPS. Companies that sell products through the mail may in particular face an increase in whistleblower-initiated investigations.

As a result of these new financial incentives for individuals to report antitrust violations directly to DOJ, companies should examine their current antitrust compliance policies, trainings, and investigation procedures, and determine whether any steps need to be taken to strengthen existing programs and internal reporting mechanisms. While such programs will not prevent whistleblower complaints, they educate employees on prohibited conduct and can demonstrate a company’s robust compliance efforts should a government investigation occur.

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Kasowitz’s Antitrust Litigation practice represents both plaintiffs and defendants in civil cases and government enforcement proceedings involving allegations of price-fixing, bid-rigging, tying, exclusive dealing, conspiracies, attempts to monopolize, and monopolization. The firm’s antitrust experience spans a wide range of industries, including automotive, shipping, chemicals, agricultural and processed foods, telecommunications, pharmaceuticals, and publishing.

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