

Publications

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Whistle While You Work: DOJ Unveils First Antitrust Whistleblower Program

Key Takeaways

- **DOJ Launches Whistleblower Rewards Program:** The Department of Justice (DOJ), in partnership with the United States Postal Service (USPS), introduced its first-ever Antitrust Whistleblower Rewards Program, offering financial incentives for individuals who report criminal antitrust violations such as price-fixing and bid rigging.
- **Eligibility and Reward Structure:** Whistleblowers must meet strict eligibility criteria and provide original, impactful information that leads to at least \$1 million in penalties; rewards range from 15% to a maximum of 30% of the monetary recovery, but are ultimately discretionary.
- **Increased Enforcement Signal:** The program signals DOJ's growing reliance on whistleblowers as part of broader enforcement efforts, likely resulting in heightened scrutiny of corporate conduct and a rise in criminal antitrust prosecutions.

On July 8, 2025, the Antitrust Division of DOJ announced its first ever Whistleblower Rewards Program, in partnership with USPS. The program mirrors the Criminal Division's Corporate Whistleblower Pilot Program, announced in August 2024, and offers rewards for whistleblowers who report various antitrust offenses, including violations of the Sherman Act, violations affecting public procurement and violations affecting federal competition investigations or proceedings. To receive an award under the program, the whistleblower must:

- Be an individual who did not coerce others to participate in or otherwise lead the activity being reported;
- Not be an official, employee or contractor for DOJ or be the spouse, parent, child or sibling of an official, employee or contractor for DOJ, Postal Service or any law enforcement organization at the time they acquired the original information;
- Provide truthful and complete information derived from independent knowledge not already known to DOJ, USPS or the Office of Inspector General (OIG) from any other source; and
- Provide information that results in at least \$1 million in monetary penalties.

In determining whether an award is appropriate, DOJ may consider various factors,

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including whether:

- The information provided directly relates to criminal prosecution and supports one or more criminal convictions;
- The information resulted in conservation of government resources;
- The whistleblower provided ongoing cooperation and assistance;
- The whistleblower faced any unique hardships because of their reporting; and
- The whistleblower participated in the violation reported and to what extent.

Should a whistleblower meet all the requirements, and an award be deemed appropriate, DOJ's presumption is that the total reward will be at least 15% of the recovered fee. The reward will, however, have a maximum cap of 30%, even in the event that there are multiple whistleblowers eligible for a single reward. Nevertheless, the reward is purely discretionary and will be determined by DOJ in consultation with USPS and USPS OIG.

This new program signals DOJ's willingness to dedicate more resources to investigating and prosecuting criminal antitrust violations, potentially leading to an uptick in criminal antitrust cases, particularly as it relates to price-fixing, bid rigging and criminal monopolization. The program is also a reflection of DOJ's continuing use of whistleblowers as a force-multiplier in its antitrust and other investigations. And the whistleblower program could add to the tools utilized by the intergovernmental Procurement Collusion Strike Force, which has resulted in over 75 guilty pleas and convictions since being launched in 2020. In this environment, it is critical for corporations to ensure their business practices mind antitrust regulations and consider remediation and even potential self-disclosure upon discovery of potential violations.

Polsinelli's Government Investigations and Antitrust attorneys have extensive experience with criminal investigations and government whistleblower programs and are prepared to assist with compliance or any potential enforcement action.