

UPDATES

Whistleblower Rewards Continue to Grow: U.S. DOJ's Antitrust Division Joins the Fray

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On July 8, 2025, the U.S. Department of Justice (DOJ)'s Antitrust Division announced its partnership with the Postal Service to offer financial rewards to individuals who report violations of antitrust laws and related offenses affecting the Postal Service, its revenues, or its property.

This DOJ announcement adds to the chorus of whistleblower programs recently rolled out by DOJ's Criminal Division and numerous U.S. Attorneys' Offices, which collectively offer individuals two types of incentives for providing DOJ with tips about federal crimes: (1) [financial rewards](#) (for individuals with limited or no criminal culpability) and (2) the prospect of [non-prosecution agreements](#) (for individuals involved in criminal offenses). As discussed in a [previous Sidley alert](#), DOJ also recently launched an initiative that encourages whistleblowers to identify "civil rights fraud" in diversity, equity, and inclusion programs by filing *qui tam* suits under the federal False Claims Act.

DOJ's Antitrust Division has long touted its leniency program, which was created in the 1990s, but it never had a way to pay whistleblowers. Through this new program with the Postal Service, for the first time, the DOJ is offering financial rewards to individuals who "report antitrust crimes and related offenses that harm consumers, taxpayers, and free market competition across industries from healthcare to agriculture."¹ The program seeks tips on price fixing, bid rigging, and market allocation schemes as well as "other federal criminal violations that impact, distort, or undermine the competitive process or market competition."

The specific financial incentive that the program offers to individuals is *up to 30%* of any criminal fines recovered for "violations of law affecting the Postal Service, its revenues, or its property," and the tip must result in a recovery of at least \$1 million.

The Antitrust Whistleblower Rewards Program is being launched in conjunction with the U.S. Postal Inspection Service and the U.S. Postal Service Office of the Inspector General, which is a partner in the Antitrust Division's Procurement Collusion Strike Force; indeed, DOJ entered a [memorandum of understanding](#) (MOU) with the agencies that (1) recognizes the Postal Service's authority to pay whistleblowers who voluntarily report original, specific, credible, and timely information about criminal offenses and (2) includes preliminary program criteria. Notable program requirements outlined in the MOU:

- If the Antitrust Division determines that a whistleblower reward is appropriate, the presumption will be that the total reward will be at least 15% of the recovered criminal fine but no more than 30%, and multiple whistleblowers may be able to split rewards.
- Information does not qualify as original and thus does not satisfy the DOJ criteria if, among other things, it was revealed in a privileged communication (not subject to the crime fraud exception) or disclosed in the company's compliance process or related reviews including audit functions.
- A tip will not be considered voluntary if a person has a "preexisting obligation in connection with a criminal investigation or prosecution or civil enforcement action to report the information to the Department, any Department component, or any federal law enforcement or civil enforcement agency, including as part of an employer's application to the Antitrust Division's Corporate Leniency Policy."
- A person is ineligible to recover if they "coerced another party to participate in the illegal activity or were clearly the leader or originator of that activity." The "Frequently Asked Questions" on the [tip submission form](#) further imply that individuals or companies who believe that they may have been involved in criminal activity should apply for leniency. Put differently, if the whistleblowers have been involved in the criminal activity, they should not expect to receive a payout.
- Like the Criminal Division's Corporate Whistleblower Awards Pilot Program, this program attempts to encourage internal reporting, albeit very softly. The MOU describes a situation where an individual first reports original information through a corporate internal reporting channel and the company later reports to the Antitrust Division. In that case, then the Antitrust Division will deem the date of the internal corporate report as the date of the individual's original disclosure to the Antitrust Division if the individual can demonstrate that they reported their information to the Antitrust Division within 120 days of the internal report or the individual's effective termination as a result of or related to the internal disclosure.
- The alleged violations must affect the Postal Service, its revenues, or property, but whistleblowers need not articulate a material or significant harm to the Postal Service.
- The following crime types are presumptively eligible violations:
 - criminal violations of sections 1, 2, and 3 of the Sherman Act;
 - federal criminal violations committed to effectuate, facilitate, or conceal violations of the Sherman Act;
 - federal criminal violations targeting or affecting federal, state, or local public procurement; and
 - federal criminal violations targeting or affecting the conduct of federal competition investigations or proceedings.

Companies operating in the healthcare, life sciences, agricultural, and technology sectors should take particular note of this development given public statements by current Federal Trade Commission and Antitrust Division leadership on focusing enforcement in those areas. Indeed, the press release announcing creation of this whistleblower program names both healthcare and agriculture industries, and the Antitrust Division (together with the Federal Trade Commission and the Department of Health and Human Services) previously launched a website specifically soliciting tips about crimes in the

healthcare industry, [healthycompetition.gov](https://www.healthcompetition.gov).

Given the program's nexus requirement to the mails and the mandate of the agencies involved, companies sending products or prescriptions through the mails may face a heightened volume of potential whistleblower complaint-initiated investigations.

The program could also cause an uptick in retaliation-related investigations or litigation. Although Congress did not previously appropriate any money to offer whistleblowers financial rewards for reporting antitrust crimes, since 2019, a [federal law](#) has provided protections against retaliation for employees who report criminal antitrust violations about their employers.

Further, this program may just be the first step toward a broader antitrust whistleblower program. The Antitrust Division may very well seek new funding streams that would eliminate the need for whistleblower tips to have any relationship to the mails. For example, within less than a year of establishing the Criminal Division's Corporate Whistleblower Awards Pilot Program, DOJ has already expanded its scope and subject matters.

Now is the time for companies to work to fine-tune compliance programs and internal reporting mechanisms. Since the administration change, neither the Criminal Division nor the Antitrust Division has modified their longstanding Evaluation of Corporate Compliance Programs (ECCP) framework, and both the Criminal Division and Antitrust ECCP documents continue to ask questions about confidential reporting structures. For example, when analyzing whether a compliance program is effective, the Antitrust ECCP directs prosecutors to ask (i) whether companies have a publicized system in place to report illegal conduct, (ii) what incentives are in place to report antitrust violations, (iii) whether supervisors have a duty to report antitrust violations and what disciplinary measures exist for failing to report such misconduct, (iv) what mechanisms exist for employees to report antitrust violations without fear of retaliation, including an assessment of whether a company has an antiretaliation policy and training on protections afforded by the Criminal Antitrust Anti-Retaliation Act, and (v) whether a company's use of nondisclosure agreements and other restrictions chills whistleblowing.

Our interdisciplinary teams stand ready to help clients with the full range of antitrust issues, including litigation, white-collar defense and investigations, merger and transactional issues, and employment law matters.

¹ See <https://www.justice.gov/opa/pr/justice-departments-antitrust-division-announces-whistleblower-rewards-program>.

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