

# **STOP CARTELS PROTECT COMPETITION GET REWARDED: The DOJ Antitrust Whistleblower Rewards Program**

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## **Introduction**

On July 8, 2025, the Department of Justice announced the creation of its “Whistleblower Rewards Program.”<sup>1</sup> The DOJ program is unprecedented in offering individual monetary rewards for those who report eligible antitrust offenses.<sup>2</sup> While many questions about the program remain, this paper argues that increased incentives for reporting violations is a net positive in the field of antitrust enforcement. On January 29, 2026, the DOJ gave its first million-dollar award under the new program.<sup>3</sup> This paper offers an overview of the history behind the program, its operating definitions, and the key takeaways and questions reported by the legal community.

## **The Program’s Difference from the Current Leniency Approach is Advantageous**

Assistant Attorney General Abigail Slater of the Antitrust Division described the program as “creat[ing] a new pipeline of leads . . . that will help us break down walls of secrecy and hold violators accountable.”<sup>4</sup> More recently, Deputy Assistant Attorney General Omeed Assefi described the program’s intent as ensuring “there are no material differences between white collar

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<sup>1</sup> DOJ PR statement, <https://www.justice.gov/opa/pr/justice-departments-antitrust-division-announces-whistleblower-rewards-program>.

<sup>2</sup> *Id.*

<sup>3</sup> Wilmer Hale, <https://www.wilmerhale.com/en/insights/client-alerts/20260130-doj-antitrust-division-announces-first-ever-whistleblower-payment>.

<sup>4</sup> *Id.*

and blue collar defendants.”<sup>5</sup> While there are broader concerns regarding the current Department of Justice’s approach to white collar crime, it is encouraging to hear that one goal of the whistleblower program is to standardize their approach towards similarly situated criminal defendants. At the Compliance and Ethics Institute in September 2025, the Antitrust Division advertised its new program by handing out flyers with the header “STOP CARTELS PROTECT COMPETITION GET REWARDED.”<sup>6</sup>

This program developed out of the division’s Leniency Program, which has been in effect since 1993 and protects the first organization and/or individual to report wrongdoing from criminal prosecution.<sup>7</sup> The Leniency Program uses timeliness as a motivator, describing a “race” between organizations and conspirators as well as individuals, their coworkers, and employees of participating organizations.<sup>8</sup> Eligibility for a leniency marker requires information about potential criminal activity; although confirmation of illegality is not required, applicants must supply some indication of criminal conduct beyond the presence of a division investigation, and admit to participation in the activity.<sup>9</sup> Deputy Assistant AG Assefi mentioned that the Leniency Program may face future restrictions, limiting access to those willing to testify before a grand jury and, if necessary, at trial.<sup>10</sup>

A major advantage for the Whistleblower program, unlike the Leniency Program, is that it does not require participation in the criminal activity for eligibility,<sup>11</sup> and offers a financial

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<sup>5</sup> Ballard Spahr, <https://www.ballardspahr.com/insights/alerts-and-articles/2025/09/doj-antitrust-division-signals-no-special-treatment-for-white-collar-defendants>.

<sup>6</sup> *Id.*

<sup>7</sup> WilmerHale, <https://www.wilmerhale.com/en/insights/client-alerts/20250717-doj-antitrust-announces-new-whistleblower-program>.

<sup>8</sup> DOJ FAQs on Leniency, 2, <https://www.justice.gov/atr/page/file/1490311/dl?inline>.

<sup>9</sup> *Id.* at 3.

<sup>10</sup> Ballard Spahr, <https://www.ballardspahr.com/insights/alerts-and-articles/2025/09/doj-antitrust-division-signals-no-special-treatment-for-white-collar-defendants>.

<sup>11</sup> Pillsbury, <https://www.pillsburylaw.com/en/news-and-insights/antitrust-whistleblower-rewards-program-doj.html>.

incentive for reporting, with eligible whistleblowers able to receive a reward of up to 30% of the criminal fines recovered.<sup>12</sup> These unique characteristics of the program increase its likelihood for success since it broadens the scope of who can be an eligible reporter.

### **How the Whistleblower Program Works**

The Whistleblower Program was developed by the Antitrust Division in partnership with the United States Postal Inspection Service (USPIS) and the United States Postal Service Office of Inspector General (USPS OIG) and covers criminal behavior in “all industries . . . where the USPS procures goods and services either directly or indirectly.”<sup>13</sup> The connection to the Postal Service, and resulting requirement that crimes must be facilitated in part by mail, is what provides the funding for the reward program.<sup>14</sup>

An individual must voluntarily provide original information on an “Eligible Criminal Violation,” and cannot have led or originated the criminal act, nor coerced others to participate.<sup>15</sup> While some may argue this limits the pool of potential whistleblowers, this paper argues this is actually a strength of the program. Under the Leniency approach, only the first reporting organization/individual is granted criminal immunity. This removes the incentive for other potentially involved actors to self-report once they know a report has already been filed. The Whistleblower Program removes the “race” element of the process and does not offer criminal protection simply because someone was first. Since the Whistleblower Program cannot be employed by a party who participated in the criminal activity, it changes the incentives for who

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<sup>12</sup> DOJ PR statement, <https://www.justice.gov/opa/pr/justice-departments-antitrust-division-announces-whistleblower-rewards-program>.

<sup>13</sup> DOJ PR statement, <https://www.justice.gov/opa/pr/justice-departments-antitrust-division-announces-whistleblower-rewards-program>.

<sup>14</sup> Ropes & Gray, <https://www.ropesgray.com/en/insights/alerts/2025/10/an-unusual-partnership-doj-antitrust-division-launches-joint-whistleblower>.

<sup>15</sup> DOJ MOU at 4, <https://www.justice.gov/atr/media/1407261/dl?inline>.

should report and when they should do so. This is a positive since it still allows the Department of Justice to uncover violations without having to guarantee criminal immunity to offenders.

The language prohibiting participation from individuals who have coerced participation is the same as the Leniency Program, but different from the Criminal Antitrust Anti-Retaliation Act (CAARA) Whistleblower statute, which mentions restrictions only on those who “planned and initiated a violation.”<sup>16</sup> Voluntariness requires “specific, credible, and timely information” that is communicated directly to the DOJ, USPIA, or USPS OIG, and is not met if the individual’s participation is being compelled by a formal demand or preexisting obligation related to an existing civil or criminal investigation.<sup>17</sup>

Original information must be truthful and complete, not already known to the agencies, and derived from independent knowledge that is not exclusively obtained through external sources such as administrative hearings, governmental reports or investigations, or news media, or obtained in the course of a privileged communication or derived from responsibilities related to maintaining compliance in an organization.<sup>18</sup> Although this generally excludes individuals working in compliance or in-house counsel for companies, they may be eligible if no action is taken for over 120 days following an internal report of the violation that was made in the course of their job duties.<sup>19</sup>

Four categories of criminal offenses are presumptively eligible: (1) criminal violations of the Sherman Act, (2) federal crimes “committed to effectuate, facilitate, or conceal” Sherman Act violations, (3) federal crimes regarding procurement, and (4) federal crimes impacting federal

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<sup>16</sup> Sheppard Mullin, <https://www.whitecollarlawblog.com/2025/07/new-doj-antitrust-postal-whistleblower-rewards-program-a-look-under-the-shiny-hood/>; *see also* 15 U.S.C. § 7a-3.

<sup>17</sup> DOJ MOU at 4-5.

<sup>18</sup> *Id.* at 5-6.

<sup>19</sup> Gregory Keating & Holly McDaniel, *DOJ Antitrust Whistleblower Program*, CORPORATE COMPLIANCE INSIGHTS (July 31, 2025), <https://www.corporatecomplianceinsights.com/doj-antitrust-whistleblower-program-what-you-need-know/>.

competition investigations.<sup>20</sup> There must be a criminal violation of “law affecting the Postal Service, its revenues, or property,” but the crime does not need to result in material harm or substantial detriment to the Postal Service to be eligible.<sup>21</sup> This is an advantage of the Program since it is not an unnecessarily high bar for investigators and prosecutors to clear when proving their case.

In order for a whistleblower to receive a reward, the investigation must result in “criminal fines or other recoveries” of \$1 million or more.<sup>22</sup> The amount of award is left to the discretion of the Antitrust Division, although the division has indicated that the “presumptive award amount” will be 15-30% of the criminal recovery.<sup>23</sup> There are ten factors listed that the division “may consider” when setting a dollar or percentage amount.<sup>24</sup> The factors considered by the division include the quality of the information provided, the extent of any further cooperation or assistance in investigation or recovery, any hardships faced due to cooperation or rewards received from another agency, any participation in the criminal conduct, and whether the information provided resulted in prosecution or conviction.<sup>25</sup>

### **Caution and Confusion About the New Program**

Following the publication of the memorandum of understanding detailing the whistleblower program, the legal community had differing reactions regarding the changes the program makes to existing policy, its effectiveness, and how it impacts their clients.

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<sup>20</sup> DOJ MOU at 7.

<sup>21</sup> *Id.* at 8.

<sup>22</sup> <https://www.justice.gov/atr/whistleblower-rewards>.

<sup>23</sup> *Id.*

<sup>24</sup> DOJ MOU at 8-9.

<sup>25</sup> *Id.*

## **The Necessary Effect on the Postal Service**

The fact that the program requires some connection to the postal service is a notable area of confusion in public reaction to the program. What does it mean for a violation to “affect[] the Postal Service, its revenues, or property?”<sup>26</sup> Wilmer Hale highlighted the need for a “postal-related” harm for a whistleblower to qualify for the reward. This means the reported activity must result in some sort of harm to the Postal Service, its revenues, or its property. They express concern over the vague nature of this standard, especially given the fact that the program specifically concerns criminal antitrust violations as opposed to civil ones. Mayer Brown reasoned the program “is likely to reach every industry” as “[v]irtually all companies” use US mail or otherwise interact with the Postal Service in conducting business.<sup>27</sup> In contrast, SheppardMullin noted that the “payments may be limited to a narrow set of circumstances,” given the required connection to the Postal Service, the types of qualifying information, and the limitations on “eligible” whistleblowers.<sup>28</sup>

## **Industry-Specific Concerns**

Specific industries, including healthcare, life science, agriculture, and technology, should be on higher alert because of the program and to ensure compliance with the law, noting that these industries have been singled out by the leadership of the current Federal Trade Commission and Antitrust Division as areas where they would like to see increased enforcement.<sup>29</sup> They also observed that the healthcare and agriculture industries were actually named in the press release

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<sup>26</sup> DOJ MOU at 8.

<sup>27</sup> Mayer Brown, <https://www.mayerbrown.com/en/insights/publications/2025/07/doj-antitrust-division-launches-whistleblower-rewards-program>.

<sup>28</sup> SheppardMullin, <https://www.whitecollarlawblog.com/2025/07/new-doj-antitrust-postal-whistleblower-rewards-program-a-look-under-the-shiny-hood/>.

<sup>29</sup> Sidley Austin, <https://www.sidley.com/en/insights/newsupdates/2025/07/whistleblower-rewards-continue-to-grow-us-doj-antitrust-division-joins-the-fray>

announcing the program. Intuitively, given the program's close connection to the Postal Service, any company that sends products through the mail should be especially cautious and ensure their compliance programs are well vetted and up to date.

### **The Need for Increased Corporate Compliance and Risk-Management**

The new Whistle Blower program increases the need for more effective corporate compliance with respect to hard-core cartel activity and related criminal conduct. A variety of law firms have advised clients to create new safeguards given the extra incentives for employees to report violations. They recommend regularly educating employees about current antitrust law to ensure consistent compliance, establishing an internal reporting program to catch any potential violations at an early stage, developing and enforcing anti-retaliation policies for whistleblowers, ensuring any internal reporting is properly and thoroughly investigated, and working with legal counsel to decide appropriate next steps such as self-reporting.

### **Predictions of Scope and Focus**

It remains to be seen whether the new program will achieve its intended aims. A review of the press releases from the Antitrust Division during the Trump administration reveals announcements of guilty pleas or sentencing for defendants charged with price-fixing and wage-fixing,<sup>30</sup> bid-rigging,<sup>31</sup> deleting text messages during an antitrust investigation,<sup>32</sup> and a wide-ranging conspiracy involving monopolization, violence, and extortion related to the transmigration

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<sup>30</sup> <https://www.justice.gov/opa/pr/executive-miami-based-seafood-wholesale-company-pleads-guilty-price-fixing-conspiracy>; <https://www.justice.gov/opa/pr/jury-convicts-home-health-agency-executive-fixing-wages-and-fraudulently-concealing-criminal>.

<sup>31</sup> <https://www.justice.gov/opa/pr/former-new-york-city-department-education-business-manager-sentenced-bid-rigging-scheme>; <https://www.justice.gov/opa/pr/second-owner-fuel-truck-supply-company-incarcerated-bid-rigging-market-allocation-and-wire>; <https://www.justice.gov/opa/pr/former-vice-president-asphalt-paving-company-incarcerated-bid-rigging>; <https://www.justice.gov/opa/pr/four-individuals-and-one-company-plead-guilty-bid-rigging-schemes-and-related-crimes>.

<sup>32</sup> <https://www.justice.gov/opa/pr/former-military-contractor-pleads-guilty-deleting-text-messages-antitrust-division>.

forwarding agency business in the Los Indios, Texas, border region.<sup>33</sup> Announced indictments include bid-rigging<sup>34</sup> and defrauding government agencies through submitting false invoices.<sup>35</sup> The most recent press release connected to the Antitrust Division regards the indictment of two companies and several executives for tariff evasion,<sup>36</sup> likely a reflection of the Trump administration's focus on tariff enforcement. Although several of the press releases include charges of wire fraud, there are no indication of facts that would support involvement of the Postal Service.

Given the fact that the largest investigation centered around violence and extortion, the press releases in aggregate cast confusion on the assertion by DAAG Assefi that the program reflects an increased focus on white-collar corporate misconduct.<sup>37</sup> In addition, the efforts by the Antitrust Division, in collaboration with the FTC, to deregulate anticompetitive conduct<sup>38</sup> pursuant to the President's Executive Order on Reducing Anti-Competitive Regulatory Barriers,<sup>39</sup> suggest that a focus on internal regulation of other agencies rather than external enforcement. In combination, the publicized acts of the Division under the Trump administration cast doubt on the scope of the rewards program.

A possible comparison exists in the current iteration of the DOJ Corporate Whistleblower Pilot Program. The Corporate Whistleblower Program was initially established during the Biden

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<sup>33</sup> <https://www.justice.gov/opa/pr/three-defendants-sentenced-wide-ranging-scheme-monopolize-international-transit-industry-fix>; <https://www.justice.gov/opa/pr/texas-man-sentenced-11-years-prison-and-ordered-pay-2m-fine-conspiring-monopolize>.

<sup>34</sup> <https://www.justice.gov/opa/pr/live-entertainment-ceo-indicted-orchestrating-conspiracy-rig-bidding-process-public>.

<sup>35</sup> <https://www.justice.gov/opa/pr/florida-fuel-supplier-charged-multimillion-dollar-scheme-defraud-us-department-defense-other>.

<sup>36</sup> <https://www.justice.gov/opa/pr/two-companies-and-three-executives-indicted-fraudulently-selling-chinese-forklifts-us>.

<sup>37</sup> <https://www.ballardspahr.com/insights/alerts-and-articles/2025/09/doj-antitrust-division-signals-no-special-treatment-for-white-collar-defendants>.

<sup>38</sup> <https://www.justice.gov/opa/pr/antitrust-division-contributes-historic-efforts-unleash-prosperity-through-deregulation>.

<sup>39</sup> [https://www.federalregister.gov/documents/2025/04/15/2025-06463/reducing-anti-competitive-regulatory-barriers?utm\\_medium=email&utm\\_source=govdelivery](https://www.federalregister.gov/documents/2025/04/15/2025-06463/reducing-anti-competitive-regulatory-barriers?utm_medium=email&utm_source=govdelivery).

administration with the intent of “coax[ing] tipsters out of the woodwork” to identify cases of corporate misconduct. The program was modeled off the successful whistleblower program utilized by the SEC, which was noted to create a cottage industry eliciting tips following the Bernie Madoff scandal. Several details of the original pilot program were similar to those in the current Antitrust version: both modeled on the SEC’s program and intended to fill gaps where there was no financial incentive for reporting, awarding whistleblowers with a percentage of the assets forfeited or fines assessed, and containing language suggesting corporations improve internal reporting and compliance structures to allow alternate avenues to resolve disputes prior to reporting as whistleblowers. By tying the antitrust violations to the Postal Service, the DOJ avoided the lack of funding that plagued the corporate pilot.

The corporate pilot program prioritized money laundering, foreign and domestic corruption, and healthcare fraud. Although these priorities remain in the guidelines of the program, the Trump administration revised the program this past May, offering rewards for tips regarding procurement fraud, tariff violations, and criminal violations relating to the actions of drug cartels or terrorists. The changes were announced as part of a “broader overhaul” wherein the Trump administration “pulled back” from investigating white-collar law enforcement of crimes including foreign bribery, public corruption, money laundering and crypto markets. Senior DOJ officials announced the intention to reduce compliance monitoring by the government and exchange a promise to close any investigation in response to self-reporting by a corporation. Given the publicized enforcement efforts by the Trump administration and the changes to preexisting whistleblower programs, the question of whether this program will prioritize ensuring “there are no material differences between white collar and blue collar defendants”<sup>40</sup> or, like the corporate

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<sup>40</sup> Ballard Spahr, <https://www.ballardspahr.com/insights/alerts-and-articles/2025/09/doj-antitrust-division-signals-no-special-treatment-for-white-collar-defendants>.

whistleblower program, focus more on traditional Trump administration priorities such as enforcing tariff violations and more general criminal conduct.

### **Conclusion**

The new antitrust whistleblower program illustrates the current administration's continued commitment to cracking down on criminal anticompetitive conduct by incentivizing those with first-hand knowledge of such conduct to report it. The innovative nature of the program changes the reporting incentives and who is eligible to benefit from filing a report resulting in a more robust opportunity for antitrust enforcement. Although the adoption of monetary awards for whistleblowers sends a clear message that criminal antitrust enforcement remains a priority for the DOJ and illustrates its willingness to think outside of the box to achieve its enforcement objectives, there are still key questions looming about the scope and applicability of the program in practice, particularly given the contradiction between the publicized enforcement efforts of the Antitrust Division under the Trump administration and the statements from DOJ attorneys regarding the intent of the whistleblower program.