

FDIC Rescinds 2024 Merger Policy Statement*

As the law firm previously reported to BCG Members on September 17, 2024, the FDIC issued its “Final Statement of Policy on Bank Merger Transactions” (2024 Merger Policy Statement), updating its guidance on bank mergers under the Bank Merger Act (BMA). The 2024 Merger Policy Statement replaced and superseded the FDIC’s prior statement of policy on bank mergers, which had last been updated in 2008 (2008 Merger Policy Statement).

On July 3, 2025, the FDIC formally rescinded the 2024 Merger Policy Statement and reinstated the 2008 Merger Policy Statement (“Notice of Reinstatement”). 90 FR 29413. According to the Notice of Reinstatement, the FDIC determined that the 2024 Merger Policy Statement added uncertainty to the merger application process and raised questions regarding when merger applications would be required. The FDIC concluded that it is appropriate and beneficial to the public to rescind the 2024 Merger Policy Statement and reinstate the 2008 Merger Policy Statement, as it is more familiar and better understood by key stakeholders in the merger application process.

The full text of the 2008 Merger Policy Statement is included in the Notice of Reinstatement, which can be found here: <https://www.federalregister.gov/documents/2025/07/03/2025-12493/statement-of-policy-on-bank-merger-transactions>. For more information, contact Joel Cook at JCook@ABLawyers.com or John Davis at JDavis@ABLawyers.com.

* Janet Bonnefin has retired from the firm.

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