

Bank Merger Antitrust Guidelines Should Be Updated

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State regulators support the U.S. Department of Justice Antitrust Division's efforts to modernize bank merger competitive guidelines and offered recommendations in a [comment letter](#) sent today.

The letter responds to the DOJ's request for information on the 1995 Bank Merger Competitive Review Guidelines. Antitrust issues are a significant issue for state regulators, who charter and supervise 79% of the nation's banks, which accounts for approximately 4,008 banks with \$7.1 trillion in assets.

Any changes to the guidelines should reflect the changing landscape of the marketplace and needs of community banks to serve their communities, the letter said.

CSBS asked that the DOJ:

- Reevaluate how the Herfindahl-Hirschman Index is calculated due to the evolving banking practices and market competition.
- Consider adopting an appropriately tailored approach to preserve the viability of community banks and creating a de minimis exception for certain transactions.
- Explore ways to create greater alignment and consistency with the federal and state banking agencies.
- Recognize and incorporate the role and interests of states in the bank merger review process.