UNITED STATES OF AMERICA before the SECURITIES AND EXCHANGE COMMISSION

RECEIVED AUG 03 2010

In The Matter of the Application of:

SECURITIES INDUSTRY AND FINANCIAL MARKETS ASSOCIATION

Admin. Proc. File No. 3-15350

for Review of Actions Taken by Self-Regulatory Organizations

JOINT SUBMISSION BY NYSE ARCA, INC. AND THE NASDAQ STOCK MARKET LLC REGARDING THE UNITED STATES SECURITIES AND EXCHANGE COMMISSION'S JULY 19, 2018 ORDER (RELEASE NO. 83671, JULY 19, 2018)

NYSE Arca, Inc. ("Arca") and the Nasdaq Stock Market LLC ("Nasdaq") make this joint submission regarding the United States Securities and Exchange Commission's Order (Release No. 83671, July 19, 2018) (the "Order").

In response to In Re: Pending Administrative Proceedings, Securities Act Of 1933

Release No. 10440, Securities Exchange Act Of 1934 Release No. 82178, Investment Advisors Act Of 1940 Release No. 4816, and Investment Company Act Of 1940 Release No. 32929 (Nov. 30, 2017) (the "Remand Order"), The Securities Industry and Financial Markets Association ("SIFMA"), Arca, and Nasdaq jointly informed Chief ALJ Murray that none of them intended to submit new evidence in this proceeding and requested that Chief ALJ Murray undertake the other tasks set forth in the Remand Order without reopening the record in this proceeding. On December 21, 2017, Chief ALJ Murray issued a ruling stating that "after reconsideration of the record, I RATIFY all of my prior rulings and determinations in this proceeding." *See Sec. Indus.* & *Fin. Mkts. Ass 'n*, Admin. Proc. Ruling Release No. 5414 (Dec. 21, 2017).

In response to the Commission's "Supplemental Briefing Order," (Release No. 82696, Feb. 12, 2018), SIFMA, Arca, and Nasdaq (i) informed the Commission that they did not

intend to submit additional briefing and (ii) jointly requested that the Commission schedule and

hear oral argument in this proceeding.

With respect to the issues raised by the Order, Arca and Nasdaq state that:

- 1. Neither SIFMA, Arca, nor Nasdaq raised an Appointments Clause objection in this Proceeding.
- 2. Neither Arca nor Nasdaq will be submitting additional briefing in response to the Order at this time, although Arca and Nasdaq reserve their rights to respond to whatever SIFMA submits in response to the Order, as expressly contemplated by the Order.
- 3. Area and Nasdaq reiterate their request (which SIFMA joined earlier this year, as noted above) that the Commission schedule and hear oral argument in this proceeding.

11. Henkin (Mom)

Douglas W. Henkin Seth T. Taube Baker Botts LLP 30 Rockefeller Plaza New York, N.Y. 10112 (212) 408-2500 douglas.henkin@bakerbotts.com

Attorneys for NYSE Arca, Inc.

Respectfully submitted,

(MIM)

Daniel G. Swanson Eugene Scalia Joshua Lipton Amir C. Tayrani

Gibson, Dunn & Crutcher LLP 1050 Connecticut Avenue, N.W. Washington, D.C. 20036 (202) 955-8500 jlipton@gibsondunn.com

Stephen D. Susman Jacob W. Buchdahl Susman Godfrey LLP 1000 Louisiana, Suite 5100 Houston, TX 77002 (212) 336-8331 ssusman@susmangodfrey.com

Attorneys for the Nasdaq Stock Market LLC

Dated: August 2, 2018

CERTIFICATE OF SERVICE

I hereby certify that on August 2, 2018, I caused a copy of the foregoing Joint Submission by NYSE Arca, Inc. and The Nasdaq Stock Market LLC Regarding The United States Securities And Exchange Commission's July 19, 2018 Order (Release No. 83671, July 19, 2018) to be served on the parties listed below as follows:

Brent J. Fields Secretary U.S. Securities and Exchange Commission 100 F Street, N.E. Washington, DC 20549 (via hand delivery)

Daniel G. Swanson Eugene Scalia Joshua Lipton Amir C. Tayrani

Gibson, Dunn & Crutcher LLP 1050 Connecticut Avenue, N.W. Washington, D.C. 20036 (via hand delivery) Michael D. Warden Kevin P. Garvey Sidley Austin LLP 1501 K Street, N.W. Washington, D.C. 20005 (via hand delivery)

Stephen D. Susman Jacob W. Buchdahl Susman Godfrey LLP 1000 Louisiana, Suite 5100 Houston, TX 77002 (via first class mail)

Benjamin Beaton Squire Patton Boggs (US) LLP 2550 M Street, NW Washington, DC 20037 (via hand delivery)

Dated: August 2, 2018

Douglas W. Harkin (MJM)

Dougles W. Henkin Baker Botts L.L.P. 30 Rockefeller Plaza New York, N.Y. 10112 (212) 408-2500 douglas.henkin@bakerbotts.com