

Exhibit 5

Proposed new language is underlined; Proposed deletions are in [brackets].

* * * * *

CHAPTER 13. MISCELLANEOUS PROVISIONS

* * * * *

Rule 13.9. Fingerprint-Based Background Checks of Exchange Partners, Directors, Officers and Employees

(a) In order to enhance the security of the respective facilities, systems, data, and/or records of the Exchange and its affiliates (collectively, "facilities and records"), the Exchange shall obtain fingerprints from, and conduct a fingerprint-based background check of, all prospective and current partners, directors, officers and employees of the Exchange. However, the Exchange may determine not to obtain fingerprints from, or to seek fingerprint-based background information with respect to, a person due to that person's limited, supervised, or restricted access to facilities and records; or the nature or location of his or her work or services. The Exchange shall apply this rule in all circumstances where permitted by applicable law.

(b) The Exchange shall submit fingerprints obtained pursuant to this rule to the Attorney General of the United States or his or her designee for identification and processing. The Exchange shall at all times maintain the security of all fingerprints provided to, and all criminal history record information received from, the Attorney General or his or her designee. The Exchange shall not disseminate fingerprints or information to the extent prohibited by applicable law.

(c) The Exchange shall evaluate information received from the Attorney General or his or her designee and otherwise administer this rule in accordance with Exchange fingerprint procedures as in effect from time to time and the provisions of applicable law. Fingerprint-based background information, such as a felony or serious misdemeanor conviction, will be a factor in making employment decisions; or permitting any fingerprinted person access to facilities and records.

Interpretations and Policies

.01 The Exchange shall engage a third party to conduct a background screening of all prospective and current temporary personnel, independent contractors and service providers who have or may be permitted to have unsupervised access to facilities and records and shall utilize the information obtained from such screenings in making employment decisions.

* * * * *