

EXHIBIT 5

The text of the proposed rule change is below. Proposed new language is underlined; proposed deletions are in brackets.

NASDAQ Stock Market Rules

* * * * *

2261. Disclosure of Financial Condition

Nasdaq Members shall comply with FINRA Rule 2261 as if such Rule were part of Nasdaq's Rules.

* * * * *

[2270. Disclosure of Financial Condition to Customers

Nasdaq Members shall comply with NASD Rule 2270 as if such Rule were part of Nasdaq's Rules.]

* * * * *

[2910. Disclosure of Financial Condition to Other Members

Any Nasdaq member who is a party to an open transaction or who has on deposit cash or securities of another member shall furnish upon written request of the other member a statement of its financial condition as disclosed in its most recently prepared balance sheet.]

* * * * *