

EXHIBIT 5

Amendments underscored

Deletions [bracketed]

Rule 18 - NYSE Amex Equities. Compensation in Relation to Exchange System Failure

(a) In the event the Exchange determines that (i) a valid order was accepted by the Exchange's systems; (ii) an Exchange system failure, as defined in paragraph (b) below, occurred during the execution of said order; (iii) a member organization sustained a loss related to an Exchange system failure; and (iv)[the net loss was at least \$500; and (v)] the member organizations that sustained such loss provides oral [verbal] notice to the Exchange or its designee by the market opening on the next business day following the system failure and written notice by the end of the third business day following the system failure (T+3), the Exchange shall make a payment to the claiming member organization for the claimed losses on the amounts and subject to the processes defined below.

(b) An Exchange system failure is defined as a malfunction of the Exchange's physical equipment, devices and/or programming that [which] results in an incorrect execution of an order or no execution of an order that was received in Exchange systems or any malfunction of any third-party electronic system, service, or facility ("third-party vendor") provided by the Exchange that results in an incorrect execution of an order or no execution of a marketable order that was received in Exchange systems. Net loss is defined as the total loss off-set by any gains retained by the member organization as a result of the Exchange system malfunction.. Misuse of Exchange systems or third-party vendor systems is not included in this definition.
