Required fields are shown with yellow backgrounds and asterisks.

OMB APPROVAL

OMB Number: 3235-0045
Estimated average burden hours per response...........38

Page 1 o	f * 18		EXCHANGE ( TON, D.C. 2 orm 19b-4			File No.* s	SR - 2020 - * 14 mendments *)
Filing by Nasdaq ISE, LLC							
Pursuant to Rule 19b-4 under the Securities Exchange Act of 1934							
Initial * ✓	Amendment *	Withdrawal	Section 19(	o)(2) *	Section	on 19(b)(3)(A) * Rule	Section 19(b)(3)(B) *
Pilot	Extension of Time Period for Commission Action *	Date Expires *			19b-4(f 19b-4(f 19b-4(f	)(2)	
	of proposed change pursuant	to the Payment, Clearing Section 806(e)(2) *	ng, and Settle	ment Act of 20	010	Security-Based Swap to the Securities Exct Section 3C(b)(2	-
Exhibit 2 Sent As Paper Document  Exhibit 3 Sent As Paper Document  Exhibit 3 Sent As Paper Document							
Description  Provide a brief description of the action (limit 250 characters, required when Initial is checked *).  Proposal to temporarily extend the filing requirements for certain written reports, currently due April 1, 2020 pursuant to Options 10, Section 7, to June 1, 2020							
Contact Information  Provide the name, telephone number, and e-mail address of the person on the staff of the self-regulatory organization prepared to respond to questions and comments on the action.							
First N	ame * Sun		Last Name *	Kim			
Title *	itle * Associate General Counsel						
E-mail	* sun.kim@nasdaq.co	m					
Telepho	one * (646) 420-7816	Fax					
Signature							
Pursuant to the requirements of the Securities Exchange Act of 1934,							
has duly caused this filing to be signed on its behalf by the undersigned thereunto duly authorized.							
(Title *)							
I.	03/27/2020		EVP and Chie	T Legal Office	er		
Ву	John Zecca (Name *)						
NOTE: Clicking the button at right will digitally sign and lock this form. A digital signature is as legally binding as a physical signature, and once signed, this form cannot be changed.							

#### SECURITIES AND EXCHANGE COMMISSION WASHINGTON, D.C. 20549 For complete Form 19b-4 instructions please refer to the EFFS website. The self-regulatory organization must provide all required information, presented in a Form 19b-4 Information \* clear and comprehensible manner, to enable the public to provide meaningful comment on the proposal and for the Commission to determine whether the proposal Remove is consistent with the Act and applicable rules and regulations under the Act. The Notice section of this Form 19b-4 must comply with the guidelines for publication Exhibit 1 - Notice of Proposed Rule Change \* in the Federal Register as well as any requirements for electronic filing as published by the Commission (if applicable). The Office of the Federal Register (OFR) offers guidance on Federal Register publication requirements in the Federal Register Add Remove View Document Drafting Handbook, October 1998 Revision. For example, all references to the federal securities laws must include the corresponding cite to the United States Code in a footnote. All references to SEC rules must include the corresponding cite to the Code of Federal Regulations in a footnote. All references to Securities Exchange Act Releases must include the release number, release date, Federal Register cite, Federal Register date, and corresponding file number (e.g., SR-[SRO] -xx-xx). A material failure to comply with these guidelines will result in the proposed rule change being deemed not properly filed. See also Rule 0-3 under the Act (17 CFR 240.0-3) The Notice section of this Form 19b-4 must comply with the guidelines for publication **Exhibit 1A- Notice of Proposed Rule** in the Federal Register as well as any requirements for electronic filing as published Change, Security-Based Swap Submission, by the Commission (if applicable). The Office of the Federal Register (OFR) offers or Advance Notice by Clearing Agencies \* guidance on Federal Register publication requirements in the Federal Register Document Drafting Handbook, October 1998 Revision. For example, all references to the federal securities laws must include the corresponding cite to the United States Code in a footnote. All references to SEC rules must include the corresponding cite to the Code of Federal Regulations in a footnote. All references to Securities Exchange Act Releases must include the release number, release date, Federal Register cite, Federal Register date, and corresponding file number (e.g., SR-[SRO] -xx-xx). A material failure to comply with these guidelines will result in the proposed rule change, security-based swap submission, or advance notice being deemed not properly filed. See also Rule 0-3 under the Act (17 CFR 240.0-3) Exhibit 2 - Notices, Written Comments, Copies of notices, written comments, transcripts, other communications. If such Transcripts, Other Communications documents cannot be filed electronically in accordance with Instruction F, they shall be filed in accordance with Instruction G. Add Remove View Exhibit Sent As Paper Document П Exhibit 3 - Form, Report, or Questionnaire Copies of any form, report, or questionnaire that the self-regulatory organization proposes to use to help implement or operate the proposed rule change, or that is Add Remove View referred to by the proposed rule change. Exhibit Sent As Paper Document The full text shall be marked, in any convenient manner, to indicate additions to and **Exhibit 4 - Marked Copies** deletions from the immediately preceding filing. The purpose of Exhibit 4 is to permit Add Remove View the staff to identify immediately the changes made from the text of the rule with which it has been working. **Exhibit 5 - Proposed Rule Text** The self-regulatory organization may choose to attach as Exhibit 5 proposed changes to rule text in place of providing it in Item I and which may otherwise be more easily readable if provided separately from Form 19b-4. Exhibit 5 shall be considered part Add Remove View of the proposed rule change. If the self-regulatory organization is amending only part of the text of a lengthy Partial Amendment proposed rule change, it may, with the Commission's permission, file only those portions of the text of the proposed rule change in which changes are being made if the filing (i.e. partial amendment) is clearly understandable on its face. Such partial

amendment shall be clearly identified and marked to show deletions and additions.

SR-ISE-2020-14 Page 3 of 18

# 1. <u>Text of the Proposed Rule Change</u>

(a) Nasdaq ISE ("ISE" or "Exchange"), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")<sup>1</sup> and Rule 19b-4 thereunder,<sup>2</sup> is filing with the Securities and Exchange Commission ("SEC" or "Commission") a proposal to temporarily extend the filing requirements for certain written reports, currently due April 1, 2020 pursuant to Options 10, Section 7, to June 1, 2020.

A notice of the proposed rule change for publication in the <u>Federal Register</u> is attached as Exhibit 1.

- (b) Not applicable.
- (c) Not applicable.

### 2. Procedures of the Self-Regulatory Organization

The proposed rule change was approved by senior management of the Exchange pursuant to authority delegated by the Board of Directors of the Exchange (the "Board") on September 25, 2019. Exchange staff will advise the Board of any action taken pursuant to delegated authority. No other action is necessary for the filing of the rule change.

Questions and comments on the proposed rule change may be directed to:

Sun Kim Associate General Counsel Nasdaq, Inc. (646) 420-7816

<sup>&</sup>lt;sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>&</sup>lt;sup>2</sup> 17 CFR 240.19b-4.

SR-ISE-2020-14 Page 4 of 18

3. <u>Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis</u> for, the Proposed Rule Change

### a. <u>Purpose</u>

Given current market conditions, the Exchange proposes to provide its members temporary relief from filing certain supervision-related reports pursuant to Options 10, Section 7 (Supervision of Accounts).<sup>3</sup>

In December 2019, COVID-19 began to spread and disrupt company operations and supply chains and impact consumers and investors, resulting in a dramatic slowdown in production and spending.<sup>4</sup> By March 11, 2020, the World Health Organization characterized COVID-19 as a pandemic.<sup>5</sup> To slow the spread of the disease, federal and state officials implemented social-distancing measures, placed significant limitations on large gatherings, limited travel, and closed non-essential businesses. These measures

The Exchange notes that ISE Options 10, including Section 7, is incorporated by reference into the rulebooks of Nasdaq GEMX, LLC ("GEMX") and Nasdaq MRX, LLC ("MRX"). As such, the amendments to ISE Options 10, Section 7 proposed herein will also impact GEMX and MRX Options 10, Section 7.

See, e.g., Chairman Jay Clayton, Proposed Amendments to Modernize and Enhance Financial Disclosures; Other Ongoing Disclosure Modernization Initiatives; Impact of the Coronavirus; Environmental and Climate-Related Disclosure (Jan. 30, 2020), available at <a href="https://www.sec.gov/news/public-statement/clayton-mda-2020-01-30">https://www.sec.gov/news/public-statement/clayton-mda-2020-01-30</a>. ("Yesterday, I asked the staff to monitor and, to the extent necessary or appropriate, provide guidance and other assistance to issuers and other market participants regarding disclosures related to the current and potential effects of the coronavirus. We recognize that such effects may be difficult to assess or predict with meaningful precision both generally and as an industry- or issuer-specific basis. This is an uncertain issue where actual effects will depend on many factors beyond the control and knowledge of issuers.").

See WHO Director-General's Opening Remarks at the Media Briefing on COVID-19 (March 11, 2020), available at <a href="https://www.who.int/dg/speeches/detail/who-director-general-s-opening-remarks-at-the-media-briefing-on-covid-19---11-march-2020">https://www.who.int/dg/speeches/detail/who-director-general-s-opening-remarks-at-the-media-briefing-on-covid-19---11-march-2020</a>.

SR-ISE-2020-14 Page 5 of 18

have affected the U.S. markets.<sup>6</sup> In the United States, Level 1 market wide circuit breaker halts were triggered on March 9, March 12, March 16, and March 18, 2020. While markets have seen significant declines, governments around the world are undertaking efforts to stabilize the economy and assist affected companies and their employees.<sup>7</sup>

Amidst this market uncertainty, the Exchange is seeking to address potential challenges that members may face in timely meeting their obligations to submit to the Exchange annual supervision-related reports under Options 10, Sections 7(g) and (h) ("Supervision Reporting Requirements"), especially in light of unforeseen and uncertain demands on resources required to respond to COVID-19. Options 10, Section 7(g) requires each Exchange member that conducts a non-member customer business to submit to the Exchange a written report on the member's supervision and compliance effort during the preceding year and on the adequacy of the member's ongoing compliance processes and procedures. Each member that conducts a public customer options business is also required to specifically include its options compliance program in the report. The Section 7(g) report is due on April 1 of each year. Options 10, Section

<sup>&</sup>quot;Analysts showed that we saw the fastest 'correction' in history (down 10% from a high), occurring in a matter of days. In the last week of February, the Dow fell 12.36% with notional trading of \$3.6 trillion." See Phil Mackintosh, Putting the Recent Volatility in Perspective, available at <a href="https://www.nasdaq.com/articles/putting-the-recent-volatility-in-perspective-2020-03-05">https://www.nasdaq.com/articles/putting-the-recent-volatility-in-perspective-2020-03-05</a>.

Neserve System at <a href="https://www.federalreserve.gov/covid-19.htm">https://www.federalreserve.gov/covid-19.htm</a>. See also Families First Coronavirus Response Act, Public Law No. 116-127.

The report shall include, but not be limited to, the information set out in Options 10, Section 7(g)(1) - (6).

SR-ISE-2020-14 Page 6 of 18

7(h) requires that each member submit, by April 1 of each year, a copy of the Section 7(g) report to one or more control persons or, if the member has no control person, to the audit committee of its board of directors or its equivalent committee or group.<sup>9</sup>

Accordingly, the Exchange proposes to provide temporary relief for members from the Supervision Reporting Requirements by extending the April 1, 2020 filing deadlines described above to June 1, 2020. The Exchange believes that this temporary relief will permit members to focus on running their businesses and the immediate health crisis caused by the COVID-19 pandemic, including its impact on their employees, customers, and communities.

### b. <u>Statutory Basis</u>

The Exchange believes that its proposal is consistent with Section 6(b) of the Act, <sup>10</sup> in general, and furthers the objectives of Section 6(b)(5) of the Act, <sup>11</sup> in particular, in that it is designed to promote just and equitable principles of trade; to remove impediments to and perfect the mechanism of a free and open market and a national market system; and, in general to protect investors and the public interest. As a result of uncertainty related to the ongoing spread of the COVID-19 virus, the U.S. exchanges are experiencing unprecedented market volatility. The proposed rule change would allow the Exchange to provide temporary relief for members from the Supervision Reporting Requirements, which currently requires members to provide written reports to the Exchange by April 1, 2020, and extend that deadline to June 1, 2020. The Exchange

<sup>9 &</sup>lt;u>See</u> Options 10, Section 7(h) for the meaning of the term "control person" and requirements in the case of a control person that is an organization.

<sup>15</sup> U.S.C. 78f(b).

<sup>15</sup> U.S.C. 78f(b)(5).

SR-ISE-2020-14 Page 7 of 18

believes that this temporary relief is necessary and appropriate in the public interest, and consistent with the protection of investors, given the unforeseen and uncertain challenges, including business continuity implementation and market volatility, posed by COVID-19 to members that must comply with the Supervision Reporting Requirements.

# 4. <u>Self-Regulatory Organization's Statement on Burden on Competition</u>

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. The proposed rule change is not designed to address any competitive issues but rather to provide temporary relief for all members that are required to comply with the Supervision Reporting Requirements.

- 5. <u>Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants, or Others</u>
  - No written comments were either solicited or received.
- Extension of Time Period for Commission Action
   Not applicable.
- 7. <u>Basis for Summary Effectiveness Pursuant to Section 19(b)(3) or for Accelerated</u> Effectiveness Pursuant to Section 19(b)(2)

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(iii)<sup>12</sup> of the Act and Rule 19b-4(f)(6) thereunder, <sup>13</sup> in that it effects a change that: (i) does not significantly affect the protection of investors or the public interest; (ii) does not impose any significant burden on competition; and (iii) by its terms, does not become operative for 30 days after the date of the filing, or such shorter time as the

<sup>15</sup> U.S.C. 78s(b)(3)(A)(iii).

<sup>&</sup>lt;sup>13</sup> 17 CFR 240.19b-4(f)(6).

SR-ISE-2020-14 Page 8 of 18

Commission may designate if consistent with the protection of investors and the public interest.

The Exchange believes that the proposed rule change will not significantly affect the protection of investors or the public interest or impose any significant burden on competition because it is designed to provide temporary relief for members from the Supervision Reporting Requirements, which currently requires members to provide written reports to the Exchange by April 1, 2020, and extend that deadline to June 1, 2020. The proposed change is designed to respond to the unprecedented uncertainty and resulting market declines related to the global spread of the COVID-19 virus.

Furthermore, Rule 19b-4(f)(6)(iii)<sup>14</sup> requires a self-regulatory organization to give the Commission written notice of its intent to file a proposed rule change under that subsection at least five business days before the date of filing, or such shorter time as designated by the Commission. In light of the immediate nature of the relief requested, the Exchange respectfully requests that the Commission waive the five business day notice of the Exchange's intent to file this proposed rule change.

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

A proposed rule change filed under Rule 19b-4(f)(6) normally does not become

<sup>&</sup>lt;sup>14</sup> 17 CFR 240.19b-4(f)(6)(iii).

SR-ISE-2020-14 Page 9 of 18

operative before 30 days after the date of filing. Rule 19b-4(f)(6)(iii), however, permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange respectfully requests that the Commission waive the 30-day operative delay contained in Rule 19b-4(f)(6)(iii) so that this temporary relief can take effect immediately, removing any uncertainty for members that would benefit from the relief. The Exchange believes that waiver of the operative delay would be consistent with the protection of investors and the public interest because the markets have already triggered four Level 1 market wide circuit breaker halts in a two-week period, which is unprecedented, and given the ongoing uncertainty relating to the global spread of the COVID-19 virus.

- Proposed Rule Change Based on Rules of Another Self-Regulatory Organization or of the Commission
   Not applicable.
- Security-Based Swap Submissions Filed Pursuant to Section 3C of the Act
   Not applicable.
- 10. Advance Notices Filed Pursuant to Section 806(e) of the Payment, Clearing and Settlement Supervision Act

Not applicable.

### 11. Exhibits

- 1. Notice of Proposed Rule Change for publication in the Federal Register.
- 5. Text of the proposed rule change.

SR-ISE-2020-14 Page 10 of 18

**EXHIBIT 1** 

SECURITIES AND EXCHANGE COMMISSION (Release No. ; File No. SR-ISE-2020-14)

March \_\_\_, 2020

Self-Regulatory Organizations; Nasdaq ISE, LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change to Temporarily Extend the Filing Requirements for Certain Written Reports, Currently Due April 1, 2020 Pursuant to Options 10, Section 7, to June 1, 2020

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"), <sup>1</sup> and Rule 19b-4 thereunder, <sup>2</sup> notice is hereby given that on March 27, 2020, Nasdaq ISE, LLC ("ISE" or "Exchange") filed with the Securities and Exchange Commission ("SEC" or "Commission") the proposed rule change as described in Items I, II, and III, below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. <u>Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change</u>

The Exchange proposes to temporarily extend the filing requirements for certain written reports, currently due April 1, 2020 pursuant to Options 10, Section 7, to June 1, 2020.

The text of the proposed rule change is available on the Exchange's Website at <a href="http://ise.cchwallstreet.com/">http://ise.cchwallstreet.com/</a>, at the principal office of the Exchange, and at the Commission's Public Reference Room.

<sup>&</sup>lt;sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>&</sup>lt;sup>2</sup> 17 CFR 240.19b-4.

SR-ISE-2020-14 Page 11 of 18

# II. <u>Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis</u> for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

# A. <u>Self-Regulatory Organization's Statement of the Purpose of, and Statutory</u> <u>Basis for, the Proposed Rule Change</u>

# 1. <u>Purpose</u>

Given current market conditions, the Exchange proposes to provide its members temporary relief from filing certain supervision-related reports pursuant to Options 10, Section 7 (Supervision of Accounts).<sup>3</sup>

In December 2019, COVID-19 began to spread and disrupt company operations and supply chains and impact consumers and investors, resulting in a dramatic slowdown in production and spending.<sup>4</sup> By March 11, 2020, the World Health Organization

The Exchange notes that ISE Options 10, including Section 7, is incorporated by reference into the rulebooks of Nasdaq GEMX, LLC ("GEMX") and Nasdaq MRX, LLC ("MRX"). As such, the amendments to ISE Options 10, Section 7 proposed herein will also impact GEMX and MRX Options 10, Section 7.

See, e.g., Chairman Jay Clayton, Proposed Amendments to Modernize and Enhance Financial Disclosures; Other Ongoing Disclosure Modernization Initiatives; Impact of the Coronavirus; Environmental and Climate-Related Disclosure (Jan. 30, 2020), available at <a href="https://www.sec.gov/news/public-statement/clayton-mda-2020-01-30">https://www.sec.gov/news/public-statement/clayton-mda-2020-01-30</a>. ("Yesterday, I asked the staff to monitor and, to the extent necessary or appropriate, provide guidance and other assistance to issuers and other market participants regarding disclosures related to the current and potential effects of the coronavirus. We recognize that such effects may be difficult to assess or predict with meaningful precision both generally and as an industry- or issuer-specific basis. This is an uncertain issue where actual effects will depend on many factors beyond the control and knowledge of issuers.").

SR-ISE-2020-14 Page 12 of 18

characterized COVID-19 as a pandemic.<sup>5</sup> To slow the spread of the disease, federal and state officials implemented social-distancing measures, placed significant limitations on large gatherings, limited travel, and closed non-essential businesses. These measures have affected the U.S. markets.<sup>6</sup> In the United States, Level 1 market wide circuit breaker halts were triggered on March 9, March 12, March 16, and March 18, 2020. While markets have seen significant declines, governments around the world are undertaking efforts to stabilize the economy and assist affected companies and their employees.<sup>7</sup>

Amidst this market uncertainty, the Exchange is seeking to address potential challenges that members may face in timely meeting their obligations to submit to the Exchange annual supervision-related reports under Options 10, Sections 7(g) and (h) ("Supervision Reporting Requirements"), especially in light of unforeseen and uncertain demands on resources required to respond to COVID-19. Options 10, Section 7(g) requires each Exchange member that conducts a non-member customer business to submit to the Exchange a written report on the member's supervision and compliance effort during the preceding year and on the adequacy of the member's ongoing

See WHO Director-General's Opening Remarks at the Media Briefing on COVID-19 (March 11, 2020), available at <a href="https://www.who.int/dg/speeches/detail/who-director-general-s-opening-remarks-at-the-media-briefing-on-covid-19---11-march-2020">https://www.who.int/dg/speeches/detail/who-director-general-s-opening-remarks-at-the-media-briefing-on-covid-19---11-march-2020</a>.

<sup>&</sup>quot;Analysts showed that we saw the fastest 'correction' in history (down 10% from a high), occurring in a matter of days. In the last week of February, the Dow fell 12.36% with notional trading of \$3.6 trillion." See Phil Mackintosh, Putting the Recent Volatility in Perspective, available at <a href="https://www.nasdaq.com/articles/putting-the-recent-volatility-in-perspective-2020-03-05">https://www.nasdaq.com/articles/putting-the-recent-volatility-in-perspective-2020-03-05</a>.

See, e.g., the list of actions undertaken by the Board of Governors of the Federal Reserve System at <a href="https://www.federalreserve.gov/covid-19.htm">https://www.federalreserve.gov/covid-19.htm</a>. See also Families First Coronavirus Response Act, Public Law No. 116-127.

SR-ISE-2020-14 Page 13 of 18

compliance processes and procedures. Each member that conducts a public customer options business is also required to specifically include its options compliance program in the report.<sup>8</sup> The Section 7(g) report is due on April 1 of each year. Options 10, Section 7(h) requires that each member submit, by April 1 of each year, a copy of the Section 7(g) report to one or more control persons or, if the member has no control person, to the audit committee of its board of directors or its equivalent committee or group.<sup>9</sup>

Accordingly, the Exchange proposes to provide temporary relief for members from the Supervision Reporting Requirements by extending the April 1, 2020 filing deadlines described above to June 1, 2020. The Exchange believes that this temporary relief will permit members to focus on running their businesses and the immediate health crisis caused by the COVID-19 pandemic, including its impact on their employees, customers, and communities.

### 2. <u>Statutory Basis</u>

The Exchange believes that its proposal is consistent with Section 6(b) of the Act, <sup>10</sup> in general, and furthers the objectives of Section 6(b)(5) of the Act, <sup>11</sup> in particular, in that it is designed to promote just and equitable principles of trade; to remove impediments to and perfect the mechanism of a free and open market and a national market system; and, in general to protect investors and the public interest. As a result of

The report shall include, but not be limited to, the information set out in Options 10, Section 7(g)(1) - (6).

See Options 10, Section 7(h) for the meaning of the term "control person" and requirements in the case of a control person that is an organization.

<sup>15</sup> U.S.C. 78f(b).

<sup>15</sup> U.S.C. 78f(b)(5).

SR-ISE-2020-14 Page 14 of 18

uncertainty related to the ongoing spread of the COVID-19 virus, the U.S. exchanges are experiencing unprecedented market volatility. The proposed rule change would allow the Exchange to provide temporary relief for members from the Supervision Reporting Requirements, which currently requires members to provide written reports to the Exchange by April 1, 2020, and extend that deadline to June 1, 2020. The Exchange believes that this temporary relief is necessary and appropriate in the public interest, and consistent with the protection of investors, given the unforeseen and uncertain challenges, including business continuity implementation and market volatility, posed by COVID-19 to members that must comply with the Supervision Reporting Requirements.

# B. <u>Self-Regulatory Organization's Statement on Burden on Competition</u>

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. The proposed rule change is not designed to address any competitive issues but rather to provide temporary relief for all members that are required to comply with the Supervision Reporting Requirements.

C. <u>Self-Regulatory Organization's Statement on Comments on the Proposed</u> <u>Rule Change Received from Members, Participants, or Others</u>

No written comments were either solicited or received.

III. <u>Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action</u>

Because the foregoing proposed rule change does not: (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant

SR-ISE-2020-14 Page 15 of 18

to Section 19(b)(3)(A)(iii) of the Act<sup>12</sup> and subparagraph (f)(6) of Rule 19b-4 thereunder.<sup>13</sup>

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

### IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

#### Electronic comments:

- Use the Commission's Internet comment form (http://www.sec.gov/rules/sro.shtml); or
- Send an e-mail to <u>rule-comments@sec.gov</u>. Please include File Number SR-ISE-2020-14 on the subject line.

<sup>15</sup> U.S.C. 78s(b)(3)(A)(iii).

<sup>17</sup> CFR 240.19b-4(f)(6). In addition, Rule 19b-4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

SR-ISE-2020-14 Page 16 of 18

### Paper comments:

Send paper comments in triplicate to Secretary, Securities and Exchange
 Commission, 100 F Street, NE, Washington, DC 20549-1090.

All submissions should refer to File Number SR-ISE-2020-14. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (http://www.sec.gov/rules/sro.shtml).

Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street, NE, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly.

All submissions should refer to File Number SR-ISE-2020-14 and should be submitted on or before [insert date 21 days from publication in the Federal Register].

SR-ISE-2020-14 Page 17 of 18

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.  $^{14}$ 

J. Matthew DeLesDernier Assistant Secretary

<sup>&</sup>lt;sup>14</sup> 17 CFR 200.30-3(a)(12).

SR-ISE-2020-14 Page 18 of 18

## **EXHIBIT 5**

Deleted text is [bracketed]. New text is <u>underlined</u>.

**Nasdaq ISE Rules** 

\* \* \* \* \*

**Options 10 Doing Business with the Public** 

\* \* \* \* \*

**Section 7. Supervision of Accounts** 

The deadline to submit the annual supervision-related reports pursuant to Options 10, Section 7(g) and (h) will be extended from April 1, 2020 to June 1, 2020.

\* \* \* \* \*