

# FINANCIAL INFORMATION FORUM

March 26, 2026

**By electronic mail**

Financial Industry Regulatory Authority, Inc.  
1735 K Street, NW  
Washington, DC 20006

Attn: David Aman, Senior Advisor, Office of Financial and Operational Risk Policy  
Afshin Atabaki, Vice President & Associate General Counsel, Office of General Counsel

**Re: Proposal for interpretive guidance or regulatory relief on a pilot basis in connection with the planned expansion of exchange trading hours**

Dear Mr. Aman and Mr. Atabaki,

The Financial Information Forum (“FIF”) is submitting this letter to the Financial Industry Regulatory Authority (“FINRA”) on behalf of the members of the FIF 24x7 Trading Working Group. This letter proposes that FINRA provide interpretive guidance or regulatory relief regarding registration (i.e., licensing) for firms that wish to use offshore staff for support of low-touch trading activities outside of regular U.S. working hours. Given the complexity of the subject, FIF members believe that the best approach would be to schedule a call with you and your colleagues at FINRA to discuss this topic in more detail. This letter is not intended as a formal request for interpretive guidance or regulatory relief. FINRA should consider the proposal set forth in this letter along with proposals from other industry associations and individual firms.

Section A of this letter discusses the interpretive guidance (and, if determined necessary by FINRA, regulatory relief) proposed by the FIF Working Group. Section B of this letter summarizes various rule filings and approvals relating to overnight exchange trading. Section C of this letter identifies certain relevant FINRA registration categories.

While this letter is focused on low-touch trading, relief for other categories of activity impacted by extended hours trading should also be considered. For example, FIF submitted a letter to FINRA on February 18, 2026 to request “... interpretive guidance (and regulatory relief, if required) to allow

personnel who are not registered with ... FINRA to engage in certain activities relating to the TRF reporting process outside of U.S. business hours without having to register with ... FINRA.”<sup>1</sup>

#### **A. Proposal for interpretive guidance or regulatory relief on a pilot basis**

##### ***Background***

For many firms, it would be more efficient to support extended hours trading with firm personnel based in other regions, commonly known as a “follow the sun” support model. In many cases, requiring U.S. personnel to support this activity would result in an inefficient duplication of firm resources. This duplication of resources is of particular concern given the current uncertainty as to the level of exchange trading activity that will occur outside regular U.S. working hours when the exchanges commence overnight trading.

Using overseas staff raises questions for firms about the need for those staff to be registered or licensed, and whether their locations must be established as branch offices or offices of supervisory jurisdiction, which would increase the costs and difficulty of staffing. Accordingly, FIF members believe that interpretive guidance (and, if determined necessary by FINRA, regulatory relief) for certain activity conducted by personnel outside the U.S. would be appropriate.

##### ***Scope of proposed interpretive guidance and regulatory relief***

The scope of the proposed interpretive guidance (and, if determined necessary by FINRA, regulatory relief) is defined by the following:

- ***Activity that occurs outside of regular U.S. working hours.*** The interpretive guidance and regulatory relief proposed in this letter is focused on activity that occurs outside of regular U.S. working hours.
- ***Low-touch trading and processing.*** The interpretive guidance and regulatory relief proposed in this letter focuses on low-touch trading and associated trade processing. For purposes of this letter, we define “low-touch trading” as trading where the firm’s processes are automated.
- ***Policies and procedures.*** As discussed below, firms should train overseas personnel to follow documented policies and procedures and to escalate specified exceptions to registered onshore supervisors as documented in the firm’s policies and procedures.
- ***Pilot period.*** The regulatory relief proposed in this letter is focused on providing a pilot period. The pilot period would provide time for FINRA to evaluate the impact of any pilot exemption and consider whether the applicable exemption should be made permanent.

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<sup>1</sup> FIF letter to FINRA (Feb. 18, 2026), available at <https://fif.com/index.php/working-groups/category/271-comment-letters?download=3495:fif-letter-to-finra-relating-to-the-expansion-of-the-trf-hours-of-operation&view=category>.

## ***Low-touch trading***

Low-touch trading is a category or descriptor that can encompass various workflows. The common theme is that the firm's trading processes are fully automated and no direct communication with customers is expected. The role of firm employees who support low-touch trading is to monitor that the firm's systems are properly executing the orders (including compliance with pre-established risk controls for the orders). When technical or operational issues surface, a firm employee might need to take actions such as to proactively cancel or resubmit an order, reset a risk limit within documented parameters, restart a system process, or redirect flow to a different venue. FIF members would classify these types of actions as "non-discretionary". Circumstances might also require the firm employee to contact a customer to discuss steps that the firm employee should take in response to the technical or operational issue. These communications with customers would not involve the firm employee soliciting business or making recommendations and would be limited to the firm employee addressing the applicable technical or operational issue.

FIF members propose that FINRA provide interpretive guidance that registration is not required (or, if determined necessary by FINRA, grant an exemption from registration requirements) for the types of employee activity described in the preceding paragraph, based on the "scope" criteria discussed above. This interpretive guidance and regulatory relief would be subject to U.S.-registered personnel exercising oversight of this activity and the firm employing appropriate supervisory and risk controls. The U.S. oversight would require a U.S.-registered supervisory principal to be available on-call to be contacted for escalation in documented scenarios without the need for a registered employee to be directly involved in real-time.

FIF members understand that there are complex and fact-specific scenarios relating to low-touch trading that FINRA would need to consider. The FIF Working Group believes that further discussion between FINRA and FINRA members would be helpful in identifying the scope of pilot relief that could address the operational concerns of broker-dealers and also address supervisory and trading risk concerns of the Securities and Exchange Commission (the "Commission") and FINRA.

### **B. Rule filings and approvals relating to the planned expansion of exchange trading hours**

The section summarizes some of the recent rule filings and approvals relating to overnight exchange trading.

On November 7, 2024, the Commission approved 24X National Exchange ("24X Exchange") as a national securities exchange.<sup>2</sup> 24X Exchange currently operates three trading sessions that collectively run from 4 a.m. to 8 p.m. Eastern Time<sup>3</sup> on Monday through Friday.<sup>4</sup> At a future date, 24X Exchange will operate a fourth trading session, referred to as the "24X Market Session". The 24X Market Session will operate from 9 p.m. to 4 a.m. starting 9 p.m. Sunday through Thursday evenings and ending 4 a.m. Monday

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<sup>2</sup> Securities Exchange Act Release No. 101777 (Nov. 27, 2024), 89 FR 97092 (Dec. 6, 2024) ("24X Exchange Approval Order"), at 89 FR 97093.

<sup>3</sup> All times in this letter refer to Eastern Time.

<sup>4</sup> Securities Exchange Act Release No. 104086 (Sept. 26, 2025), 90 FR 46978 (Sept. 30, 2025), at 90 FR 46978.

through Friday mornings.<sup>5</sup> As a condition to 24X Exchange trading during the 24X Market Session, 24X Exchange must confirm that the Securities Information Processors (“SIPs”) “... are prepared to collect, consolidate, process and disseminate quotation and transaction information at all times during the 24X market Session ...”<sup>6</sup>

On February 15, 2026, 24X Exchange submitted an exemption request to the Commission to authorize 24X Exchange to commence the 24X Market Session prior to the SIPs disseminating quotation and transaction information. On February 25, 2026, the Commission published a notice to solicit comment on this exemption request.<sup>7</sup> The requested exemption is subject to specified conditions, including 24X Exchange making publicly available at no cost a real-time data feed with quotation and transaction information.<sup>8</sup>

On February 11, 2025, the Commission approved the rule filing by NYSE Arca to lengthen the hours of NYSE Arca’s current extended trading sessions.<sup>9</sup> NYSE Arca currently operates three trading sessions, on Monday through Friday from 4 a.m. through 8 p.m.<sup>10</sup> The Commission approved NYSE Arca expanding its trading hours to commence trading on 1:30 a.m. on Monday through Friday and to end trading on Monday through Thursday at 11:30 p.m. and on Friday at 8 p.m.<sup>11</sup> NYSE Arca will not commence operation of these extended trading hours until the SIPs “... have established a mechanism to collect, consolidate, process and disseminate quotation and transaction information at all times during Extended Hours Trading that is equivalent to the mechanism established for the Core Trading Session ...”<sup>12</sup> FIF members understand that NYSE Arca intends to submit a rule filing to conform its planned extended trading hours to the periods set forth in the 24X Exchange filing discussed above and the Nasdaq, Cboe and SIP rule filings discussed below.

On December 29, 2025, The Nasdaq Stock Market LLC (“Nasdaq”) submitted a rule filing to the Commission to expand its hours of operation to trade 23 hours per day, five days per week.<sup>13</sup> The rule filing provides for a Night trading session that will run from 9 p.m. Sunday through Thursday and end at 4 a.m. Monday through Friday, with a pause in trading from 8 to 9 p.m. Monday through Thursday.<sup>14</sup> Nasdaq will not “... commence operation of the Night Session unless the Equity Data Plans ... have established a mechanism to collect, consolidate, process and disseminate quotation and transaction information at all times during Extended Trading Hours that is equivalent to the mechanism established for Regular Market Hours.”<sup>15</sup>

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<sup>5</sup> Id. at 90 FR 46979.

<sup>6</sup> 24X Exchange Approval Order, at 89 FR 97105.

<sup>7</sup> Securities Exchange Act Release No. 104894 (Feb. 25, 2026), 91 FR 10169 (Mar. 2, 2026).

<sup>8</sup> Id. at 91 FR 10171.

<sup>9</sup> Securities Exchange Act Release No. 102400 (Feb. 11, 2025), 90 FR 9794 (Feb. 18, 2025), at 90 FR 9795.

<sup>10</sup> Ibid.

<sup>11</sup> Ibid.

<sup>12</sup> Ibid.

<sup>13</sup> Securities Exchange Act Release No. 104563 (Jan. 8, 2026), 91 FR 1350 (Jan. 13, 2026), at 91 FR 1350.

<sup>14</sup> Ibid.

<sup>15</sup> Id. at 91 FR 1354.

On March 13, 2026, Cboe EDGX Exchange submitted a rule filing to the Commission to expand its hours of operation to trade 23 hours per day, five days per week.<sup>16</sup> The rule filing provides for an Overnight Trading Session that will run from 9 p.m. Sunday through Thursday and end at 4 a.m. Monday through Friday, with a pause in trading from 8 to 9 p.m. Monday through Thursday.<sup>17</sup> Commencement of the Overnight Trading Session is subject to the SIPs having “... established a mechanism to collect, consolidate, process and disseminate quotation and transaction information at all times during the Overnight Trading Session that is equivalent to the mechanism established for Exchange trading hours during Regular Trading Hours.”<sup>18</sup>

On December 19, 2025, the Participants of the CTA and CQ Plans, and the Participants of the UTP Plan, submitted rule filings to extend their “... hours of operation to receive and disseminate Quotation Information, Transaction Reports, and related information in Eligible Securities from 9:00 p.m. Eastern Time (“ET”) Sunday to 8:00 p.m. ET Friday ...”, subject to a pause in operation from 8 p.m. to 9 p.m. on Monday through Thursday.<sup>19</sup>

### **C. FINRA registration categories**

This section identifies certain FINRA registration categories that may be applicable to the proposed interpretive guidance or regulatory relief. Other registration categories, including related supervisory and principal registration categories, may also be applicable.

#### ***Representative; General Securities Representative***

FINRA Rule 1220(b)(1) defines a “representative” as “... any person associated with a member, including assistant officers other than principals, who is engaged in the member's investment banking or securities business, such as supervision, solicitation, conduct of business in securities or the training of persons associated with a member for any of these functions.”

#### ***Securities Trader***

FINRA Rule 1220(b)(4) provides:

Each representative as defined in paragraph (b)(1) of this Rule shall be required to register with FINRA as a Securities Trader if, with respect to transactions in equity, preferred or convertible debt securities effected otherwise than on a securities exchange, such person is engaged in proprietary trading, the execution of transactions on an agency basis, or the direct supervision of such activities, other than any person associated with a member whose trading activities are conducted principally on behalf

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<sup>16</sup> SR-CboeEDGX-2026-013 (Mar. 13, 2026), available at [https://cdn.cboe.com/resources/regulation/rule\\_filings/pending/2026/SR-CboeEDGX-2026-013.pdf](https://cdn.cboe.com/resources/regulation/rule_filings/pending/2026/SR-CboeEDGX-2026-013.pdf).

<sup>17</sup> Id. at 8-9.

<sup>18</sup> Id. at 9.

<sup>19</sup> Securities Exchange Act Release No. 104670 (Jan. 22, 2026), 91 FR 3609 (Jan. 27, 2026), at 91 FR 3609. Securities Exchange Act Release No. 104665 (Jan. 23, 2026), 91 FR 104665 (Jan. 27, 2026), at 91 FR 3602.

of an investment company that is registered with the SEC pursuant to the Investment Company Act and that controls, is controlled by or is under common control, with the member.

In addition, each person associated with a member who is: (i) primarily responsible for the design, development or significant modification of an algorithmic trading strategy relating to equity, preferred or convertible debt securities; or (ii) responsible for the day-to-day supervision or direction of such activities shall be required to register with FINRA as a Securities Trader.

For purposes of paragraph (b)(4) of this Rule, an “algorithmic trading strategy” is an automated system that generates or routes orders (or order-related messages) but shall not include an automated system that solely routes orders received in their entirety to a market center.

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FIF members and FIF appreciate FINRA’s consideration of the proposal set forth in this letter. Please contact me at [howard.meyerson@fif.com](mailto:howard.meyerson@fif.com) after you and your colleagues have had an opportunity to review the proposals discussed above.

Very truly yours,

/s/ Howard Meyerson

Howard Meyerson  
Managing Director, Financial Information Forum