Department of Housing and Urban Development

Deputy Assistant Secretary, Public Housing Investments to the Assistant Secretary, Public and Indian Housing. Effective May 3, 1996.

Special Assistant to the Assistant Secretary for Public and Indian Housing. Effective May 17, 1996.

Executive Assistant to the President, Government National Mortgage Association. Effective May 29, 1996.

Deputy Assistant Secretary for Long Range Planning to the Deputy Secretary. Effective May 29, 1996.

Deputy Assistant Secretary for Public Affairs to the Deputy Secretary. Effective May 29, 1996.

Department of Justice

Special Assistant to the Assistant Attorney General, Environmental and Natural Resources Division. Effective May 24, 1996.

Department of Labor

Legislative Assistant to the Assistant Secretary for Congressional and Intergovernmental Affairs. Effective May 2, 1996.

Deputy Chief of Staff to the Chief of Staff. Effective May 3, 1996.

Special Assistant to the Assistant Secretary for Congressional and Intergovernmental Affairs. Effective May 9, 1996.

Special Assistant to the Director, Women's Bureau. Effective May 17, 1996.

Special Assistant to the Secretary of Labor. Effective May 22, 1996.

Special Assistant to the Executive Secretary. Effective May 30, 1996.

Special Assistant to the Director, Women's Bureau. Effective May 30, 1996.

Department of Transportation

Special Assistant to the Special Assistant for Scheduling and Advance. Effective May 7, 1996.

Department of Veterans Affairs

Special Assistant to the Secretary of Veterans Affairs. Effective May 22, 1996.

Federal Communications Commission

Chief, Office of Public Affairs to the Chairman, Federal Communications Commission. Effective May 9, 1996.

Federal Trade Commission

Director of Public Affairs (Supervisory Public Affairs Specialist) to the Chairman. Effective May 22, 1996.

General Services Administration

Deputy Chief of Staff to the Chief of Staff. Effective May 3, 1996.

National Credit Union Administration

Executive Assistant to the Board Member. Effective May 1, 1996.

Office of Management and Budget

Confidential Assistant to the Associate Director, National Resources Energy and Science. Effective May 3, 1996.

Selective Service System

Confidential Assistant to the Director of Selective Service. Effective May 7, 1996.

Small Business Administration

Director of Intergovernmental Affairs to the Associate Administrator for Communications and Public Liaison. Effective May 10, 1996.

Social Security Administration

Speech Writer to the Deputy Commissioner for Communications. Effective May 30, 1996.

United States Information Agency

Director, Office of Support Services to the Associate Director of the Bureau of Information. Effective May 9, 1996.

Public Affairs Specialist to the Director, New York Foreign Press Center, New York, NY. Effective May 30, 1996.

Authority: 5 U.S.C. 3301 and 3302; E.O. 10577, 3 CFR 1954–1958 Comp., P.218.

Office of Personnel Management.

Lorraine A. Green,

Deputy Director.

[FR Doc. 96–16214 Filed 6–25–96; 8:45 am]

BILLING CODE 6325–01–M

SECURITIES AND EXCHANGE COMMISSION

[Rel. No. IC–22034; 812–9998]

Qualivest Funds, et al.; Notice of Application

June 20, 1996.

AGENCY: Securities and Exchange Commission (''SEC'').

ACTION: Notice of Application for Exemption Under the Investment Company Act of 1940 (the ''Act'').

APPLICANTS: Qualivest Funds (the ''Trust'') and Qualivest Capital Management, Inc. (''QCMI'').

RELEVANT ACT SECTION: Order requested under section 17(d) of the Act and rule 17d–1 thereunder.

SUMMARY OF APPLICATION: Applicants request an order to permit certain investment companies to deposit their uninvested cash balances in one or more joint accounts to be used to enter into short-term investments.

FILING DATES: The application was filed on February 20, 1996, and amended on May 17, 1996. Applicants agree to file an additional amendment, the substance of which is incorporated herein, during the notice period.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving applicants with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on July 15, 1996, and should be accompanied by proof of service on applicants in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 5th Street, N.W., Washington, D.C. 20549. Applicants: the Trust, 3435 Stelzer Road, Columbus, Ohio 43219; QCMI, P.O. Box 2758, 111 S.W. Fifth Avenue, Portland, Oregon 97208.

FOR FURTHER INFORMATION CONTACT: Sarah A. Buescher, Staff Attorney, at (202) 942–0573, or Robert A. Robertson, Branch Chief, (202) 942–0564 (Office of Investment Company Regulation, Division of Investment Management).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee at the SEC's Public Reference Branch.

Applicants' Representations

1. The Trust, organized as a Massachusetts business trust, is an open-end management investment company currently comprised of eleven series (the ''Funds''). QCMI serves as investment adviser to the Trust, and is an affiliate of U.S. Bank, a wholly-owned subsidiary of U.S. Bancorp. BISYS Fund Services, a division of the BISYS Group, Inc., acts as administrator for each Fund of the Trust, and acts as the Trust's principal underwriter and distributor.

2. The assets of the Funds of the Trust, except for Qualivest International Opportunities Fund are held by U.S. National Bank of Oregon as custodian. The assets of Qualivest International Opportunities Fund are held by The Bank of New York. Applicants request that any relief granted pursuant to the application also apply to any future

Funds that are advised by QCMI, or any entity controlling, controlled by, or under common control with QCMI.

3. At the end of each trading day, the Funds have uninvested cash balances in their accounts at their respective custodian banks that would not otherwise be invested in portfolio securities by QCMI. Generally such cash balances are invested in short-term liquid assets such as repurchase agreements, commercial paper, or U.S. Treasury bills.

4. Applicants propose to deposit uninvested cash balances of the Funds that remain at the end of the trading day, as well as cash for investment purposes, into one or more joint accounts (the ''Joint Accounts'') and to invest the daily balance of the Joint Accounts in: (a) repurchase agreements ''collateralized fully'' (as defined in rule 2a–7 under the Act); (b) interest-bearing or discounted commercial paper, including dollar denominated commercial paper of foreign issuers; and (c) any other short-term taxable or tax-exempt money market instruments, including variable rate demand notes, that constitute ''Eligible Securities'' (as defined in rule 2a–7 under the Act) (collectively, ''Short-Term Investments''). The Funds that are eligible to participate in a Joint Account and that elect to participate in such Account are collectively referred to as ''Participants.''

5. Applicants propose to enter into hold-in-custody repurchase agreements, i.e., repurchase agreements where the counterparty or one of its affiliated persons may have possession of, or control over, the collateral subject to the agreement, only where cash is received very late in the business day and otherwise would be unavailable for investment.

6. A Participant's decision to use a Joint Account would be based on the same factors as its decision to make any other short-term liquid investment. The sole purpose of the Joint Accounts would be to provide a convenient means of aggregating what otherwise would be one or more daily transactions for some or all Participants necessary to manage their respective daily account balances.

7. QCMI would be responsible for investing funds held by the Joint Accounts, establishing accounting and control procedures, and ensuring fair treatment of Participants. QCMI will manage investments in the Joint Accounts in essentially the same manner as if it had invested in such instruments on an individual basis for each Participant.

8. Any repurchase agreements entered into through the Joint Account will comply with the terms of Investment Company Act Release No. 13005 (February 2, 1983). Applicants acknowledge that they have a continuing obligation to monitor the SEC's published statements on repurchase agreements, and represent that repurchase agreement transactions will comply with future positions of the SEC to the extent that such positions set forth different or additional requirements regarding repurchase agreements. In the event that the SEC sets forth guidelines with respect to other Short-Term Investments, all such investments made through the Joint Account will comply with those guidelines.

Applicants' Legal Analysis

1. Section 17(d) of the Act and rule 17d–1 thereunder prohibit an affiliated person of a registered investment company from participating in any joint enterprise or arrangement in which such investment company is a participant, without an SEC order.

2. The Participants, by participating in the proposed Joint Accounts, and QCMI, by managing the proposed Joint Accounts, could be deemed to be ''joint participants'' in a transaction within the meaning of section 17(d) of the Act. In addition, the proposed Joint Accounts could be deemed to be a ''joint enterprise or other joint arrangement'' within the mean of rule 17d–1.

3. Although QCMI will realize some benefits through administrative convenience and some possible reduction in clerical costs, the Participants will be the primary beneficiaries of the Joint Accounts because the Account may result in higher returns and would be a more efficient means of administering daily cash investments.

4. Participants may earn a higher rate of return on investments through the Joint Accounts relative to the returns they could earn individually. Under most market conditions, it is generally possible to negotiate a rate of return on larger repurchase agreements and other Short-Term Investments that is higher than the rate available on smaller repurchase agreements and other Short-Term Investments. The Joint Accounts also may increase the number of dealers and issuers willing to enter into Short-Term Investments with the Participants and may reduce the possibility that their cash balances remain uninvested.

5. The Joint Accounts may result in certain administrative efficiencies and a reduction of the potential for errors by reducing the number of trade tickets and cash wires that must be processed by the sellers of Short-Term Investments, the Participants' custodians, and QCMI's accounting and trading departments. For the reasons set forth above, applicants believe that granting the requested order is consistent with the provisions, policies, and purposes of the Act and the intention of rule 17d–1.

Applicants' Conditions

Applicants will comply with the following as conditions to any order granted by the SEC:

1. The Joint Accounts will not be distinguishable from any other accounts maintained by Participants at their custodians except that monies from Participants will be deposited in the Joint Account on a commingled basis. The Joint Accounts will not have a separate existence and will not have indicia of a separate legal entity. The sole function of the Joint Accounts will be to provide a convenient way of aggregating individual transactions which would otherwise require daily management by QCMI of uninvested cash balances.

2. Cash in the Joint Accounts will be invested in one or more of the following, as directed by QCMI: (a) repurchase agreements ''collateralized fully'' as defined in rule 2a–7 under the Act; (b) interest-bearing or discounted commercial paper, including dollar denominated commercial paper of foreign issuers; and (c) any other short-term taxable and tax-exempt money market instruments, including variable rate demand notes, that constitute ''Eligible Securities'' (as defined in rule 2a–7 under the Act) (defined as ''Short-Term Investments''). Short-Term Investments that are repurchase agreements would have a remaining maturity of 60 days or less and other Short-Term Investments would have a remaining maturity of 90 days or less, each as calculated in accordance with rule 2a–7 under the Act. No Participant would be permitted to invest in a Joint Account unless the Short-Term Investments in such Joint Accounts satisfied the investment policies and guidelines of that Participant.

3. All assets held in the Joint Accounts would be valued on an amortized cost basis to the extent permitted by applicant SEC releases, rules or orders.

4. Each Participant valuing its net assets in reliance on rule 2a–7 under the Act will use the average maturity of the instruments in the Joint Account in which such Participant has an interest (determined on a dollar weighted basis) for the purpose of computing its average portfolio maturity with respect to its

portion of the assets held in a Joint Account on that day.

5. In order to assure that there will be no opportunity for any Participant to use any part of a balance of a Joint Account credited to another Participant, no Participant will be allowed to create a negative balance in any Joint Account for any reason, although each Participant would be permitted to draw down its entire balance at any time. Each Participant's decision to invest in a Joint Account would be solely at its option, and no Participant will be obligated to invest in the Joint Account or to maintain any minimum balance in the Joint Account. In addition, each Participant will retain the sole rights of ownership to any of its assets invested in the Joint Account, including interest payable on such assets invested in the Joint Account.

6. QCMI would administer the investment of cash balances in and operation of the Joint Accounts as part of its general duties under its advisory agreements with Participants and will not collect any additional or separate fees for advising any Joint Account.

7. The administration of the Joint Accounts would be within the fidelity bond coverage required by section 17(g) of the Act and rule 17g–1 thereunder.

8. The Boards of Trustees/Directors of the Funds (each a ''Board'' and collectively the ''Boards'') will adopt procedures pursuant to which the Joint Accounts will operate, which will be reasonably designed to provide that the requirements of this application will be met. Each of the Boards will make and approve such changes as they deem necessary to ensure that such procedures are followed. In addition, the Boards of each Fund will determine, no less frequently than annually, that the Joint Accounts have been operated in accordance with the proposed procedures and will only permit a Fund to continue to participate therein if it determines that there is a reasonable likelihood that the Fund and its shareholders will benefit from the Fund's continued participation.

9. Any Short-Term Investments made through the Joint Accounts will satisfy the investment criteria of all Participants in that investment.

10. QCMI and the custodian of each Participant will maintain records documenting, for any given day, each Participant's aggregate investment in a Joint Account and each Participant's *pro rata* share of each investment made through such Joint Account. The records maintained for each Participant shall be maintained in conformity with section 31 of the Act and the rules and regulations thereunder.

11. Every Participant in the Joint Accounts will not necessarily have its cash invested in every Short-Term Investment. However, to the extent that a Participant's cash is applied to a particular Short-Term Investment, the Participant will participate in and own its proportionate share of such Short-Term Investment, and any income earned or accrued thereon, based upon the percentage of such investment purchased with monies contributed by the Participant.

12. Short-Term Investments held in a Joint Account generally will not be sold prior to maturity except if: (a) QCMI believes the investment no longer presents minimal credit risks; (b) the investment no longer satisfies the investment criteria of all Participants in the investment because of a downgrading or otherwise; or (c) in the case of a repurchase agreement, the counterparty defaults. QCMI may, however, sell any Short-Term Investment (or any fractional portion thereof) on behalf of some or all Participants prior to the maturity of the investment if the cost of such transactions will be borne solely by the selling Participants and the transaction will not adversely affect other Participants participating in that Joint Account. In no case would an early termination by less than all Participants be permitted if it would reduce the principal amount or yield received by other Participants in a particular Joint Account or otherwise adversely affect the other Participants. Each Participant in a Joint Account will be deemed to have consented to such sale and partition of the investments in the Joint Account.

13. Short-Term Investments held through a Joint Account with a remaining maturity of more than seven days, as calculated pursuant to rule 2a–7 under the Act, will be considered illiquid and, for any Participant that is an open-end investment company registered under the Act, subject to the restriction that the fund may not invest more than 15% (or such other percentage as set forth by the SEC from time to time) of its net assets in illiquid securities, if QCMI cannot sell the instrument, or the Fund's fractional interest in such instrument, pursuant to the preceding condition.

For the SEC, by the Division of Investment Management, under delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 96–16290 Filed 6–25–96; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 34–37328; File No. SR–Amex–95–35]

Self-Regulatory Organizations; Order Granting Partial Approval to a Proposed Rule Change and Notice of Filing and Order Granting Accelerated Approval to Amendment No. 2 to the Proposed Rule Change by the American Stock Exchange, Inc., Relating to the Amex's Enforcement Authority Over Members' Transactions Effected on Other Options Exchanges

June 19, 1996.

On August 25, 1995, the American Stock Exchange, Inc. (''Amex'' or ''Exchange'') submitted to the Securities and Exchange Commission (''SEC'' or ''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] a proposed rule change to amend Amex Rule 900(a), ''Applicability,'' to confirm the Exchange's enforcement authority over Amex members' options transactions effected on another options exchange.[3] the Amex subsequently filed Amendment Nos. 1[4] and 2[5] to the proposal.

Notice of the proposed rule change and Amendment No. 1 were published for comment and appeared in the Federal Register on October 20, 1995.[6]

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4 (1995).

[3] The proposal also included an amendment to Amex Rules 904, ''Position Limits,'' and 905, ''Exercise Limits,'' to require Amex members who trade non-Amex listed option contracts and who are not members of the exchange where the options are traded to comply with the option position and exercise limits set by the exchange where the transactions are effected. The Amex amended that portion of its proposal to indicate that the Exchange will apply the interpretations and policies of another exchange when applying that exchange's position and exercise limit rules to an Amex member's transactions on that exchange. *See* Letter from Claire McGrath, Managing Director and Special Counsel, Derivative Securities, Amex, to Michael Walinskas, Branch Chief, Derivatives Regulation, Office of Self-Regulatory Oversight, Division of Market Regulation (''Division''), Commission, dated September 19, 1995 (''Amendment No. 1'').

[4] *See* note 3, *supra.*

[5] In Amendment No. 2, the Amex modified the text of Amex Rule 900(a) to read as follows: ''The Rules in this Part V shall be applicable to (i) the trading on the Exchange of options contracts issued by the Options Clearing Corporation and the terms and conditions thereof; and (ii) the exercise and settlement, the handling of orders, and the conduct of accounts and other matters relating to option contracts dealt in by any member or member organization on any exchange.'' *See* Letter from Claire P. McGrath, Managing Director and Special Counsel, Derivative Securities, Amex, to Michael Walinskas, Branch Chief, Derivatives Regulation, Office of Self-Regulatory Oversight, Division, Commission, dated March 5, 1996 (''Amendment No. 2'').

[6] *See* Securities Exchange Act Release No. 36353 (October 10, 1995), 60 FR 54266.