Army Regulation 10–90

Organization and Functions

Department of Defense Executive Agent Responsibilities of the Secretary of the Army

Headquarters
Department of the Army
Washington, DC
9 February 2018

UNCLASSIFIED

SUMMARY

AR 10-90

Department of Defense Executive Agent Responsibilities of the Secretary of the Army

This new Department of the Army regulation, dated 9 February 2018—

- o Identifies responsibilities for Department of Defense Executive Agent stakeholders (paras 1–4 through 1–16).
- o Continues the Administrative Assistant to the Secretary of the Army's appointment as the focal point for all Department of Defense Executive Agent matters within the Army (para 1–6).
- o Establishes an Army Executive Agent Working Group (para 1–9).
- o Establishes processes for creating new and modifying or cancelling existing Department of Defense Executive Agent responsibilities (chap 2).
- o Supersedes Army Directive 2016–11 (throughout).

*Army Regulation 10-90

Effective 9 February 2018

Organization and Functions

Department of Defense Executive Agent Responsibilities of the Secretary of the Army

By Order of the Secretary of the Army:

MARK A. MILLEY General, United States Army Chief of Staff

Official:

GERALD B. O'KEEFE
Administrative Assistant to the

Secretary of the Army

History. This is a new Department of the Army regulation.

Summary. This regulation provides guidance for assigning, executing, modifying, and canceling Department of Defense Executive Agent responsibilities delegated from the Office of the Secretary of Defense to the Secretary of the Army in accordance with DODD 5101.1.

Applicability. This regulation applies to the Regular Army, the Army National

Guard/Army National Guard of the United States, and U.S. Army Reserve, unless otherwise stated.

Proponent and exception authority. The proponent of this regulation is the Administrative Assistant to the Secretary of the Army. The proponent has the authority to approve exceptions or waivers to this regulation that are consistent with controlling law and regulations. The proponent may delegate this approval authority, in writing, to a division chief within the proponent agency or its direct reporting unit or field operating agency, in the grade of colonel or the civilian equivalent. Activities may request a waiver to this regulation by providing justification that includes a full analysis of the expected benefits and must include formal review by the activity's senior legal officer. All waiver requests will be endorsed by the commander or senior leader of the requesting activity and forwarded through their higher headquarters to the policy proponent. Refer to AR 25-30 for specific guidance.

Army internal control process. This regulation contains internal control provisions in accordance with AR 11–2 and identifies key internal controls that must be evaluated (see appendix B).

Supplementation. Supplementation of this regulation and establishment of command and local forms are prohibited without prior approval of the Administrative Assistant to the Secretary of the Army, 105 Army Pentagon, Washington, DC 20310–0105.

Suggested improvements. Users are invited to send comments or suggested improvements on DA Form 2028 (Recommended Changes to Publications and Blank Forms) to Office of the Administrative Assistant to the Secretary of the Army (AARP–SP), 105 Army Pentagon, Washington, DC 20310–0105.

Distribution. This regulation is available in electronic media only and is intended for the Regular Army, the Army National Guard/Army National Guard of the United States, and the U.S. Army Reserve.

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^{*}This regulation supersedes Army Directive 2016-11, dated 16 March 2016.

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Glossary

Chapter 1 Introduction

Section I

General

1-1. Purpose

This regulation sets forth specific responsibilities, functions, and authorities for instances when the Secretary of the Army (SECARMY) is designated as a Department of Defense (DOD) Executive Agent (EA) pursuant to DODD 5101.1.

1-2. References

See appendix A.

1-3. Explanation of abbreviations and terms

See the glossary.

1-4. Responsibilities

See section II of this chapter.

1-5. Definition and scope of Department of Defense Executive Agent

- a. DOD defines EA as "the Head of a DOD Component to whom the Secretary of Defense (SECDEF) or the Deputy Secretary of Defense (DEPSECDEF) has assigned specific responsibilities, functions, and authorities to provide defined levels of support for operational missions, or administrative or other designated activities that involve two or more of the DOD Components."
- b. The nature and scope of the DOD EA responsibilities, functions, and responsibilities are described at the time of assignment and remain in effect until revoked by the SECDEF or DEPSECDEF.
 - c. A DOD EA will be designated when—
 - (1) No existing means to accomplish the DOD objective exists.
 - (2) DOD resources need to be focused on a specific area(s) of responsibility to minimize duplication or redundancy.
 - (3) Required by law, Executive order, or Governmentwide regulation.
- d. The Office of the Secretary of Defense (OSD) establishes DOD EA designations through various media and processes, though generally through SECDEF or DEPSECDEF memorandums or DODDs. The SECDEF or DEPSECDEF will designate only the Component Head as a DOD EA.

Section II

Responsibilities

1-6. Administrative Assistant to the Secretary of the Army

The AASA is the Department of the Army's (DA) focal point to coordinate all matters regarding the establishment of new and the maintenance or cancellation of existing DOD EA responsibilities assigned to the SECARMY. The focal point is responsible for ensuring the effective control and evaluation of the Army's activities as a DOD EA. The AASA, in addition to responsibilities set forth in paragraphs 1–7, 1–8, and 1–9, will—

- a. Coordinate with the OSD Deputy Chief Management Officer (DCMO) and the respective OSD principal staff assistant (PSA) on behalf of the Army to establish, disestablish, modify, or execute DOD EA assignments and associated arrangements.
- b. Establish an Army EA Working Group (WG) to review and evaluate all matters regarding the establishment of new and administration of existing Army DOD EA responsibilities.
- c. Coordinate on all DOD issuances that designate or modify the designation of the SECARMY as a DOD EA. As the Army focal point, the Office of the Administrative Assistant (OAA) to the Secretary of the Army will work closely with the appropriate Headquarters, Department of the Army (HQDA) staff elements, the Army EA WG, and OSD to review and assess each potential DOD EA designation of the SECARMY to—
 - (1) Confirm that an EA is the most efficient and effective mechanism to accomplish the proposed mission.
- (2) Assess, to the extent possible, financial and personnel resource requirements and authorizations to form a reasonable estimate of costs to and effects on the Army.

- (3) Review and inform the language in the proposed DOD issuance to ensure that it defines Army roles and responsibilities as clearly as possible.
 - d. Coordinate on all DA issuances pertaining to the SECARMY's designation of a Responsible Official (RO).
- e. Provide advice, as appropriate, on the planning, execution, and oversight of DOD EA responsibilities assigned to the SECARMY.
- f. Develop a process and format for annually reporting the resources expended and estimated for the execution of Army EA responsibilities.
- g. Validate the information on OSD's authoritative roster of EA delegations currently found on the DOD EA webpage at http://dod-executiveagent.osd.mil/agentlist.aspx?component=army.
- h. Ensure that each delegation of DOD EA activities by the SECARMY to an RO is in writing and maintained for audit readiness.
 - i. Serve as the liaison for audits related to DOD EA responsibilities assigned to the SECARMY.
 - j. Promulgate and update policy for DOD EA responsibilities assigned to the SECARMY.
 - k. Manage the Army EA Point of Contact mailbox.
 - l. Assist stakeholders, as necessary and requested, with DOD EA-related topics.
 - m. Maintain records of all delegations of authorities for DOD EA responsibilities assigned to the SECARMY.
 - n. Establish and promulgate internal processes to establish, modify, or disestablish DOD EA responsibilities.

1-7. Headquarters, Department of the Army Principal Officials

HQDA Principal Officials will appoint a single point of contact within their organization for all DOD EA responsibilities. The name, phone number, and email address of the point of contact must be provided to OAA within 30 days of publication of this regulation and updated as changes occur. For ROs, this point of contact may be in addition to or in lieu of a contact specific for each delegated DOD EA responsibility.

1-8. Responsible Official

An RO is the Army official to whom the SECARMY has directly delegated EA authorities. ROs will-

- a. Execute, on behalf of the SECARMY, the DOD EA responsibilities, functions, and authorities required by, or associated with, the SECARMY's assignment as a DOD EA, consistent with applicable law, DODD 5101.1, and this regulation.
- b. Program and budget for resources through the planning, programming, budgeting, and execution process when required. ROs will—
- (1) Identify explicitly and make visible within the DOD budget, where feasible, the programmed resources in support of each DOD EA assignment in accordance with applicable guidance for the OSD planning, programming, budgeting, and execution process.
 - (2) Recognize that designation as a DOD EA does not guarantee funding from DOD.
 - (3) Execute EA assignments in a fiscally responsible manner.
 - c. Assess periodically their assigned EA designations for continued need, currency, effectiveness, and efficiency.
- d. Work with the assigned OSD PSA as appropriate and prescribed in the EA designation. This does not extend to initiating, modifying, or canceling a DOD EA designation.
 - e. Recommend modification or rescission of their specific EA assignment to the EA WG and focal point as appropriate.
- f. Report annually, via DA Form 7786 (DOD Executive Agent Responsibilities Assigned to the Secretary of the Army Data Call), the resources expended for past and estimated for future EA requirements, including both financial and personnel (military, civilian, and contractor) resources.
 - g. Monitor resources used in executing delegated DOD EA responsibilities.
- h. Designate a central point of contact for each delegated DOD EA responsibility. The name, phone number, and email address of the contact must be provided to the focal point annually as part of the data call and as changes occur.
- i. Notify OAA of any audits regarding delegated DOD EA responsibility within 5 business days of receipt of an audit announcement.
- *j.* Coordinate on DOD issuances pertaining to their assigned EA responsibility(ies). Submit comments to OAA for SECARMY or AASA signature, as appropriate.

1-9. Army Executive Agent Working Group

The overarching goal of the Army EA WG is to be a resource for ROs, the focal point, and other stakeholders to effectively carry out DOD EA responsibilities assigned to the SECARMY. The Army EA WG will be composed of standing members from OAA, and the Offices of the Assistant Secretary of the Army (Financial Management and Comptroller) (ASA (FM&C)); Army General Counsel; Director of the Army Staff; Deputy Chief of Staff (DCS), G–3/5/7; DCS, G–8 (Program Analysis and Evaluation); The Surgeon General; and The Judge Advocate General. Periodically, the EA WG may include

members for a definite period because of their subject matter expertise in a certain area. Because of the nature of the EA WG's goals and high-level discussions, it is strongly encouraged that EA WG members be at the O-6/GS-15 level. However, each organization may determine the most suitable representative; consequently, members may be in any grade or rank when endorsed by an O-6/GS-15 or higher. The EA WG will—

- a. Recommend an RO to the focal point, when requested by OAA.
- b. Recommend procedures for the establishment, disestablishment, modification, and execution of DOD EA assignments to the SECARMY and any associated arrangements.
- c. Coordinate, when requested by OAA, on actions regarding the establishment, disestablishment, modification, and execution of DOD EA assignments to the SECARMY and any associated arrangements.
- d. Assist OAA, in conjunction with the RO, to review, coordinate, and evaluate all matters regarding the establishment of new and the maintenance of existing DOD EA responsibilities assigned to the SECARMY.
- e. Assess periodically, in conjunction with the RO, the DOD EA functions assigned to the SECARMY for continued need, currency, effectiveness, and efficiency in satisfying end user requirements.
- f. Review and advise on DOD issuances, when requested by OAA, that assign or modify the designation of the SECARMY as a DOD EA.

1–10. Assistant Secretary of the Army (Financial Management and Comptroller)

The ASA (FM&C), in addition to responsibilities listed in paragraphs 1–7, 1–8, and 1–9, will—

- a. Provide one member to the Army EA WG.
- b. Advise, as appropriate, on the affordability of pending DOD EA designations.
- c. Advise, as appropriate, on the proper execution of dollars budgeted for DOD EA functions and responsibilities, including any DOD guidance for tracking EA resources within the DOD budget.

1-11. Army General Counsel

The Army General Counsel, in addition to responsibilities listed in paragraphs 1–7, 1–8, and 1–9, will—

- a. Provide one member to the Army EA WG.
- b. Review, in coordination with The Judge Advocate General, the SECARMY's delegation of DOD EA authorities to an RO.
- c. Provide legal counsel and advice, as appropriate, related to the planning, execution, and oversight of the accomplishment of those responsibilities, functions, and authorities required by, or associated with, the SECARMY's assignment as a DOD EA.

1-12. Director of the Army Staff

The Director of the Army Staff, in addition to responsibilities listed in paragraphs 1–7, 1–8, and 1–9, will provide one member to the Army EA WG.

1-13. Deputy Chief of Staff, G-3/5/7

The DCS, G-3/5/7, in addition to responsibilities listed in paragraphs 1-7, 1-8, and 1-9, will provide one member to the Army EA WG.

1-14. Deputy Chief of Staff, G-8

The DCS, G-8 (Program Analysis and Evaluation), in addition to responsibilities listed in paragraphs 1-7, 1-8, and 1-9, will—

- a. Provide one member to the Army EA WG.
- b. Ensure Army compliance with any OSD guidance and directives related to the tracking of EA resources within the DOD program.

1–15. The Surgeon General

The Surgeon General, in addition to responsibilities listed in paragraphs 1–7, 1–8, and 1–9, will provide one member to the Army EA WG.

1–16. The Judge Advocate General

The Judge Advocate General, in addition to responsibilities listed in paragraphs 1-7, 1-8, and 1-9, will—

- a. Provide one member to the Army EA WG.
- b. Review, in coordination with the Army General Counsel, the SECARMY's delegation of DOD EA authorities to an RO.

c. Provide legal counsel and advice, as appropriate, related to the planning, execution, and oversight of the accomplishment of those responsibilities, functions, and authorities required by, or associated with, the Army's role as a DOD EA.

Chapter 2 Policy

2-1. Establishing the Secretary of the Army as a Department of Defense Executive Agent

- a. The OSD roster is the authoritative list of DOD EA responsibilities assigned to the SECARMY. The focal point is responsible for coordinating with OSD to ensure the list is up-to-date and accurate.
 - b. No member or organization of the Army will volunteer the SECARMY as a DOD EA for any program or mission.
- c. The Army will dialogue with OSD about potential EA designations only through the auspices of the Army EA focal point. OAA will be the lead for all taskings pertaining to DOD EA responsibilities assigned to the SECARMY. Final agreement of EA designations and corresponding conditions must be formalized through formal OSD staffing and review procedures whenever possible.
- d. At no time may an RO or prospective RO initiate dialogue directly with the OSD PSA regarding designating the SECARMY as the DOD EA.

2-2. Establishing a Responsible Official within the Army

- a. Identification of a Responsible Official. The EA WG will recommend an RO to the focal point, who will forward the recommendation to the SECARMY. In some cases, where a prospective RO is a clear choice or directed by the SECDEF or DEPSECDEF, OAA may elect to not consult with the EA WG. During staffing and before delegation, a potential RO may request reconsideration of the recommendation to delegate DOD EA authority to him or her by providing a compelling justification as to why such a delegation would be inappropriate. Prospective ROs should seek to resolve any disagreements at the lowest level practicable, including the EA WG.
- b. Delegation to a Responsible Official. DOD EA authorities are generally delegated from the SECARMY to an RO. The RO will be delegated EA authorities only by written memorandum from the SECARMY. Other written mediums (such as Army regulations or Army directives) are prohibited. OAA is the proponent for drafting, staffing, obtaining SECARMY signature, distributing, and filing delegation memorandums. If authorized by the SECARMY, ROs may redelegate a DOD EA authority to a general officer or member of the Senior Executive Service without the authority to further delegate. However, such delegations must be within the RO's organization and must be done in writing. Notwithstanding any further delegations, the RO to whom the SECARMY has directly delegated EA authority to is ultimately responsible for the DOD EA responsibilities associated with that delegation.

2-3. Resourcing Executive Agent responsibilities

- a. Funding and personnel arrangements for DOD EA responsibilities vary widely. The RO and EA WG should work closely with OSD Cost Assessment and Program Evaluation to fully understand available resources, resource constraints specific to the mission, and any guidance for tracking resources within the DOD program and budget in accordance with Assistant Secretary of the Army (Financial Management and Comptroller); Deputy Chief of Staff, G–8 (Program Analysis and Evaluation); and OSD Cost Assessment and Program Evaluation guidance and policy.
 - b. The RO must—
 - (1) Track resources required and expended for EA responsibilities.
 - (2) Be prepared to report resource expenditures and estimated future requirements annually.
- (3) Ensure that EA requirements and authorizations are included in the Army planning, programming, budgeting, and execution process. The funding and costs in support of each DOD EA assignment and associated arrangements should be identified separately and visible within the Army budget.
 - (4) Maintain record of obligations and disbursements recorded in the applicable accounting system.
- c. If the DOD EA designation authorizes reimbursement or cost-sharing for services the Army provides in executing the DOD EA responsibilities, ROs must seek reimbursement from other DOD Components in a timely manner.

2-4. Executing Executive Agent responsibilities

- a. Within the scope of assigned responsibilities and functions, the DOD EA's authority takes precedence over the authority of other DOD Component officials performing related or collateral joint or multicomponent support responsibilities and functions.
- b. The RO, acting on behalf of the SECARMY as the DOD EA, may arrange for and execute inter-Service support agreements in accordance with DODI 4000.19, memorandums of understanding, and other necessary arrangements, as

required, to fulfill assigned DOD EA responsibilities, functions, and authorities. The RO must provide such documents to the focal point through the Army EA Point of Contact mailbox for archiving.

- c. The RO may act on behalf of the SECARMY to fulfil the responsibilities of the EA designation. However, the RO must notify or obtain approval from the SECARMY, as appropriate, on any actions that will have significant White House, congressional, DOD, or public interest or would represent a significant change in Army precedent or policy.
- d. ROs should periodically update the focal point through the EA WG on the status of the DOD EA responsibilities delegated to them.

2-5. Refining or canceling Executive Agent responsibilities

- a. General. At times, an EA designation may need to be refined or canceled. Such instances may include when the mission of the EA designation has been completed or transferred to a different DOD Component. The Army or OSD may initiate modifications. Within the Army, either the RO or focal point may initiate cancellation, modification, or transfer of existing EA responsibilities. At no time, however, should an RO initiate dialogue directly with the OSD PSA.
- b. Office of the Secretary of Defense-initiated modification, transfer, or cancellation guidelines. At times, OSD may identify outdated or misaligned DOD EA assignments. The OSD DCMO will engage the Army focal point first, usually by informal email or a formal coordination request. The focal point will then coordinate the modification, transfer, or cancellation with the designated RO, the EA WG, and other stakeholders as necessary. Upon completion of coordination, the focal point will provide the Army position.
- c. Army-initiated modification, transfer, or cancellation guidelines. When modification or cancellation of an existing EA designation is necessary, the RO will request the rescission, transfer, or modification of the EA designation via memorandum to the focal point. The memorandum must detail the justification for the modification, transfer, or cancellation and must be signed by the RO. The focal point will submit a request to the OSD PSA and DCMO to consider transferring, modifying, or canceling the EA assignment as appropriate.
- (1) When requesting transfer to another DOD Component or cancellation, the focal point will coordinate with the OSD PSA and DCMO.
- (2) When requesting transfer to another RO within the Army, the focal point may convene the EA WG to make a recommendation. OAA is responsible for determining which organizations, if any outside of the EA WG, need to be included in staffing the transfer request. The focal point will present the recommendation to the SECARMY for decision.

2-6. Data call

- a. On an annual basis, the focal point will conduct a data call of information regarding EA responsibilities assigned to the SECARMY.
 - (1) ROs will respond to the data call by the stated suspense.
- (2) ROs will submit responses using DA Form 7786 to the Army EA Point of Contact mailbox at usarmy.pentagon.hqda-oaa.mbx.army-executive-agent-poc@mail.mil.
- (3) Submissions will include all sources of funding and personnel related to the execution of the SECARMY's responsibilities as the DOD EA.
- (4) Data will include all costs associated with executing EA responsibilities, including, but not limited to, salary for Army-funded personnel, support contracts, salaries for contractors, facilities, supplies, and other associated costs.
- (5) The annual data call also serves as an opportunity for ROs to review the accuracy, efficiency, and necessity of DOD EA designations.
- b. In addition to or in lieu of the annual data call, the focal point may conduct data calls or requests for information to support leadership inquiries, policy or resourcing discussions, or other reasons the focal point may determine.

Appendix A

References

Section I

Required Publications

This section contains no entries.

Section II

Related Publications

A related publication is a source of additional information. The user does not have to read it to understand the publication.

AR 11-2

Managers' Internal Control Program

AR 25-30

Army Publishing Program

DODD 5101.1

DOD Executive Agent

DODI 4000.19

Support Agreements

Section III

Prescribed Forms

Unless otherwise indicated, DA forms are available on the Army Publishing Directorate website (https://armypubs.army.mil).

DA Form 7786

DOD Executive Agent Responsibilities Assigned to the Secretary of the Army Data Call (Prescribed in para 1–8f.)

Section IV

Referenced Forms

Unless otherwise indicated, DA forms are available on the Army Publishing Directorate website (https://armypubs.army.mil).

DA Form 11-2

Internal Control Evaluation Certification

DA Form 2028

Recommended Changes to Publications and Blank Forms

Appendix B

Internal Control Evaluation

B-1. Function

The function covered by this evaluation is DOD EA responsibilities assigned to the SECARMY.

B-2. Purpose

The purpose of this evaluation is to assist ROs in evaluating the key internal controls listed. It is intended as a guide and does not cover all controls.

B-3. Instructions

Answers must be based on the actual testing of controls (for example, document analysis, direct observation, sampling, simulation, or others). Answers that indicate deficiencies must be explained and the corrective action indicated in the supporting documentation. These internal controls must be evaluated at least once every 5 years. Certification that this evaluation has been conducted must be accomplished on DA Form 11–2 (Internal Control Evaluation Certification).

B-4. Test questions

- a. Is the list of DOD EAs current?
- b. Are all delegations of EA responsibilities from the SECARMY to the RO and from the RO to another official in writing and provided to the focal point for archiving?
 - c. Is the annual data call submitted to the focal point?
 - d. Does the WG have current members?
 - e. Are the WG members informed of their duties and responsibilities?
- f. Was OAA notified of all internal and external audits regarding the delegated DOD EA responsibility within 5 business days of receipt of the audit announcement?

B-5. Supersession

This is an initial evaluation for DOD EA responsibilities assigned to the SECARMY.

B-6. Comments

Help make this a better tool for evaluating internal controls. Submit comments to the Office of the Administrative Assistant to the Secretary of the Army (AARP–SP), 105 Army Pentagon, Washington, DC 20310–0105.

Glossary

Section I

Abbreviations

AASA

Administrative Assistant to the Secretary of the Army

AR

Army regulation

ASA (FM&C)

Assistant Secretary of the Army (Financial Management and Comptroller)

DA

Department of the Army

DCMO

Deputy Chief Management Officer

DCS

Deputy Chief of Staff

DEPSECDEF

Deputy Secretary of Defense

DOD

Department of Defense

DODD

Department of Defense directive

DODI

Department of Defense instruction

EA

Executive Agent

GS

General Schedule

HQDA

Headquarters, Department of the Army

OAA

Office of the Administrative Assistant to the Secretary of the Army

OSD

Office of the Secretary of Defense

PSA

principal staff assistant

RO

Responsible Official

SECARMY

Secretary of the Army

SECDEF

Secretary of Defense

WG

Working Group

Section II

Terms

Executive Agent

The Head of a DOD Component to whom the SECDEF or DEPSECDEF has assigned specific responsibilities, functions, and authorities to provide defined levels of support for operational missions, or administrative or other designated activities that involve two or more DOD Components.

Executive Agent Working Group

A group composed of members from select offices within HQDA for the purpose of making recommendations regarding DOD EA functions assigned to or potentially assigned to the SECARMY.

Focal point

The Army official (AASA) the SECARMY has designated to coordinate matters related to assigned DOD EA responsibilities, functions, and authorities.

Issuance

Documents that DOD or the Army issues to establish or implement policy, designate authority, assign responsibilities, or provide procedures.

OSD principal staff assistants

The Under Secretaries of Defense, the Director of Defense Research and Engineering, the Assistant Secretaries of Defense, the General Counsel of DOD, the Assistants to the Secretary and Deputy Secretary of Defense, and the OSD Directors or equivalents, who report directly to the SECDEF or DEPSECDEF.

Planning, programming, budgeting, and execution process

The annual process for allocating resources based on policies, strategy, and prioritized goals for DOD. It includes four distinct but overlapping phases: planning, programming, budgeting, and execution.

Principal Official

The Principal Officials of HQDA are those officials listed by heading in DA General Orders 2017–01. Such officials advise and assist the SECARMY by executing the duties and responsibilities assigned to them in the General orders and elsewhere, including regulations, memorandum, and oral statements. Principal Officials are personally responsible to the SECARMY for fulfilling their assignment.

Responsible Official

The Army official to whom the SECARMY has directly delegated EA authorities.

Section III

Special Abbreviations and Terms

This section contains no entries.