

EXHIBIT 5

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF FLORIDA**

NAVY SEAL #1, et al.

Plaintiffs,

v.

JOSEPH R. BIDEN, in his official capacity as
President of the United States, *et al.*

Defendants.

Case No. 8:21-cv-02429-SDM-TGW

DECLARATION OF VICE ADMIRAL DANIEL DWYER

I, Vice Admiral Daniel Dwyer, United States Navy, hereby state and declare as follows:

1. I am a Vice Admiral in the United States Navy, currently serving as Commander, U.S. Second Fleet, located in Norfolk, Virginia. I make this declaration in my official capacity, based upon my personal knowledge and upon information that has been provided to me in the course of my official duties.

2. I have served in the Navy since 1988, and I have been assigned to my current position since August 2021. Operationally, I have served as a career F/A-18 pilot in a variety of strike fighter squadrons. I completed eight carrier deployments to the Western Pacific, North Atlantic, Mediterranean, and North Arabian Sea, supporting Operations Southern Watch, Iraqi Freedom, Enduring Freedom, and New Dawn, flying over 75 combat missions. I have served in command of Strike Fighter Squadron (VFA) 27; Provincial Reconstruction Team Asadabad, Kunar Province, Afghanistan; Fleet Replacement Squadron (VFA) 106, Carrier Air Wing 8, and Carrier Air Wing 17; Carrier Strike Group (CSG 9), and I was the 36th Chief of Naval Air

Training (CNATRA). Ashore, I have served as Regional Outreach, NATO Headquarters; Commander, International Security Assistance Force Kabul, Afghanistan; Director of Aviation Officer Distribution, Naval Personnel Command; Chief of Staff for Strategy, Resources and Plans for Commander, U.S. Naval Forces Europe and U.S. Naval Forces Africa and for Commander, U.S. 6th Fleet in Naples, Italy; and I served as Director of Plans and Policy for U.S. Cyber Command in Fort Meade, Maryland.

Preliminary Statement

3. I have reviewed the preliminary injunction order issued by this Court on February 18, 2022. In my opinion, the Court’s injunction directly interferes with the Navy’s ability to carry out its responsibilities in service to the American people and our national security. As described in more detail below, I believe the Court’s injunction will cause immediate and irreparable harm to the Navy.

The COVID-19 Pandemic Threat to Naval Forces

4. The United States Navy and Marine Corps comprise the Nation’s principal maritime forces. Their missions, in sum, are to train, maintain, and equip global forces in order to “secure the Nation from direct attack; secure strategic access and retain global freedom of action; strengthen existing and emerging alliances and partnerships; establish favorable security conditions; deter aggression and violence by state, non-state, and individual actors and, should deterrence fail, prosecute the full range of military operations in support of U.S. national interests.” *See* Department of Defense Directive (DoDD) 5100.01, Change 1, 09/17/2020, Encl. 6, ¶ 5.a. –b (attached hereto). While the effective execution of all of these discrete functions is vital to the national security of the United States, the Navy and Marine Corps overarching

missions are to provide forces to joint commanders¹ to deter aggression and, if required, engage in combat operations and win decisively.

5. Every year, the Navy executes tens of thousands of steaming days, millions of flight hours, and untold hours on duty in order to protect America, deter conflict and keep the sea lanes open and free. These military operations are performed by hundreds of thousands of Sailors, both officers and enlisted, serving in many capacities, ranging from Sailors in the deck department of our warships, pilots and aircrew operating our aircraft, information technicians operating our networks, to doctors and corpsman staffing our hospitals and medical clinics, among many, many other jobs. Our operations are interconnected; every Sailor is vital to our mission, whether they are assigned to a shore command or on deployment at sea.

6. The environment in which Navy personnel operate at sea – in close quarters for extended periods of time in spaces without the availability of exterior ventilation (e.g., inside surface ships, submarines and aircraft) – renders our Sailors susceptible to contagious respiratory diseases such as COVID-19, and makes mitigation measures such as social distancing ineffective and unrealistic.² Even ashore, our Sailors frequently live, work, and train in close proximity to one another. To maintain our operational capacity, it is imperative to protect the health and

¹ Joint commanders are the combatant vested with authority and responsibility for military operations within their area of responsibility. The Navy and other branches of the Armed Forces provide forces to the combatant commanders to execute those responsibilities and functions. The combatant commanders exercise authority, direction and control over the commands and forces assigned to them and employ those forces to accomplish missions assigned to the combatant commander. Department of Defense Directive (DoDD) 5100.01, Change 1, 09/17/2020, Encl. 1, ¶1.a through d.

² For example, in March 2020, the aircraft carrier *USS Theodore Roosevelt* was deployed to the Western Pacific Ocean, a vital geo-political center area of operations. An outbreak of COVID-19 required the removal of approximately 1,000 crew from the ship, with a skeleton crew remaining on board to maintain the nuclear reactor and other essential systems. By April 20, 2020, over 4,000 Sailors had been removed from the ship, out of a crew of approximately 4,800. The ship was unavailable for nearly two months, and therefore unable to train with allies, maintain presence in an area including the world's busiest sea lanes, or if required, engage in combat operations. This created a national security vulnerability in an area vital to the U.S. national interests. Currently, ships under the authority of U.S. Second Fleet serve in a similarly vital area, including the eastern and northern Atlantic Ocean.

safety of our personnel. In response to the COVID-19 pandemic, this obligation includes the duty to halt the spread of COVID-19 within the forces, for which the Navy and Marine Corps have implemented a mandatory vaccination requirement. While the vaccine mandate was implemented in response to COVID-19, it is similar to vaccination requirements the Services have implemented to protect the force from a variety of other health risks.

7. Vaccination against COVID-19 has been proven to be the most effective way to keep Navy units on mission and expediently halt the spread of COVID-19 within the Force. Having fully vaccinated naval forces is essential to ensure maximum health and readiness of forces to carry out our mission throughout the world and, if required, engage in combat operations. Unvaccinated Sailors pose a risk to other personnel, and any restriction on the Navy's ability to reassign unvaccinated personnel to other units in order to mitigate COVID-19 imposes a risk to naval units, personnel, and military operations. This harm is not lessened by the fact that the vast majority of the force is vaccinated; the presence of unvaccinated members of the forces still poses a significant threat to the Navy's mission.

Good Order and Discipline

8. Good order and discipline is the bedrock principle of military affairs, and it is particularly important on naval vessels, where commanders have traditionally exercised a significant degree of independence. Moreover, the principle of good order and discipline influences all aspects of military operations and is a core attribute of military justice.³ A fundamental aspect of good order and discipline is the requirement that lawful orders issued by superior officers be obeyed by subordinates. Service members who elect to follow, or not follow,

³ Manual for Courts Martial, United States, preamble ¶ 3 ("The purpose of military law is to promote justice, to assist in maintaining good order and discipline in the armed forces, to promote efficiency and effectiveness in the military establishment, and thereby to strengthen the national security of the United States.")

orders at their own discretion undermine military effectiveness, corrode the trust that their superiors place in them to accomplish the mission, and disrupt good order and discipline within their unit.

9. There is no more significant influence on a ship's good order and discipline, and therefore military effectiveness, than that of the commanding officer ("CO"). By tradition, statute, and Service regulation, the CO's responsibilities are profound:

All Commanding Officers and others in authority in the naval service are required to show in themselves a good example of virtue, honor, patriotism, and subordination; to be vigilant in inspecting the conduct of all persons who are placed under their command; to guard against and suppress all dissolute and immoral practices, and to correct, according to the laws and regulations of the Navy, all persons who are guilty of them; and to take all necessary and proper measures, under the laws, regulations, and customs of the naval service, to promote and safeguard the morale, the physical well-being, and the general welfare of the officers and enlisted persons under their command or charge.

10 U.S.C. §5947. Requirement of exemplary conduct.

The responsibility of the Commanding Officer for his or her command is absolute, except when, and to the extent to which, he or she has been relieved therefrom by competent authority, or as provided otherwise in these regulations. The authority of the Commanding Officer is commensurate with his or her responsibility. While the Commanding Officer may, at his or her discretion, and when not contrary to law or regulations, delegate authority to subordinates for the execution of details, such delegation of authority shall in no way relieve the commanding officer of continued responsibility for the safety, well-being and efficiency of the entire command.

U.S. Navy Regulations (1990), ¶0802. Responsibility.

10. The CO is a defining feature of the ship and its culture. He or she sets the tone in all matters on the ship (e.g., discipline, safety, morale, technical proficiency, professionalism, etc.). Consequently, it is the CO who bears ultimate responsibility for all matters of the ship, be it the ship's operational performance, disciplinary matters, or morale generally. It is crucial that a CO be trusted by both the Sailors that serve in the command, as well as by his or her superior officers. Trust and confidence are the standards by which Navy COs are measured. *See* Chief of

Naval Operations, *The Charge of Command* (Apr. 6, 2018) (“A Commander’s competence and character lead to trust and confidence. Commanders can only feel comfortable delegating their authority — sending subordinate Commanding Officers and their teams over the horizon and into harm’s way — with the knowledge that those CO’s are both technically competent and share their values.”).

11. There is a continuous chain of command that runs from the most junior sailor onboard Plaintiff Navy Commander’s ship all the way to me. Just as it is important that Plaintiff Navy Commander entrust his subordinates, it is absolutely essential that I have trust and confidence in each echelon of command. The chain of command relies upon good order and discipline at all levels, and in the event the chain is broken, it will necessarily degrade our operational effectiveness.

Impact to Operations

12. The temporary restraining order and preliminary injunction that have been issued in this case are profoundly concerning. Simply put, the Court’s directive is an intrusion into military operations, insofar as the Navy has been ordered to refrain from taking adverse action with respect to Plaintiff Navy Commander. The Court’s order, as I understand it, is to be interpreted far more broadly than the Navy traditionally defines “adverse action,” and that the order prohibits reassigning Plaintiff Navy Commander. Thus, an unvaccinated CO must remain in command of a Navy warship and her approximately 320 officers and enlisted Sailors. This directly interferes with the Navy’s ability to regulate good order and discipline within our ranks, and more alarmingly, it has an impact on the conduct of military operations.

13. At the tactical level, the order creates a health risk to personnel on assigned to Plaintiff Navy Commander’s ship. Additionally, as he is the CO, the order creates a manifest

good order and discipline dilemma. As described above, the CO of a ship is expected to adhere to the high standard of all CO's. He or she is duty bound to maintain good order and discipline onboard the ship, as well as to safeguard the well-being of personnel onboard the ship. Finally, COs are bound to implement Navy policy as directed, to include the Navy's mandatory vaccination policy.⁴

14. It goes without saying that, just as a CO expects his or her subordinates to follow orders, the CO is similarly bound to follow the orders of a superior officer. The CO's superior officer has a reciprocal obligation to ensure that subordinate commanders are fit to command other Service members over whom they exercise authority, and that the unit is prepared to conduct operations in support of national security. It is imperative that senior commanders be able to trust their subordinate commanders will execute orders as directed. While a subordinate commander's perspective on the nature and execution of military operations is valuable, it is untenable that a subordinate commander may choose to disregard, modify, or half-heartedly execute a senior officer's orders due to his or her personal beliefs, or even due to a well-intentioned difference of professional opinion. Such insubordination is corrosive to good order and discipline, and ultimately degrades mission effectiveness and the ability of the strike group to perform its mission in the interest of U.S. national security. More alarmingly, the prospect of a subordinate commander in charge of other Service members or military assets disregarding the orders of his or her superior for personal reasons, whatever they may be, is itself a manifest national security concern. Based on the declarations of his superior officer and subordinates, it appears Plaintiff Navy Commander may be precisely such a concern—one who would disregard

⁴ See generally NAVADMIN 256/21 and 283/21. Though many responsibilities are withheld to elevated authorities (e.g., authority to separate or initiate disciplinary action), many required actions are implemented via the Service member's commanding officer (e.g., notification of exemption approvals or denials, orders to receive a COVID-19 vaccine, notification of separation processing, etc.).

simple orders pertaining to risk mitigation on travel, while still expected to enforce the order as it pertains to his 320 sailors.

15. In Plaintiff Navy Commander's case, his vaccination status creates a risk that the most critical member of the command, i.e., the commander, may suffer adverse health effects due to COVID-19. Further, his vaccination status creates a risk to his Sailors, all of which ultimately translate into operational risks for the ship.⁵ The unavailability of the CO, or perhaps other Sailors with specific functions or qualifications, can render the ship undeployable. In the event the ship is unable to go to sea as planned, this can negatively impact the training and technical proficiency of all Sailors aboard the ship.⁶

16. These risks reverberate throughout the force. At the operational level, complex operational plans are impacted when ships are unavailable to deploy as planned or when a ship is taken off mission for reasons such as a COVID-19 outbreak. Additionally, vaccination status is a key factor in determining pre-deployment quarantine requirements, as well as port entry requirements while on deployment. Finally, as seen with the COVID-19 outbreak aboard *USS Theodore Roosevelt*, the unavailability of a vessel can have negative implications at the strategic level by removing U.S. naval presence from key areas.

17. The court's order effectively requires the Navy leave a subordinate commander in command of a warship, despite his senior officer's questions relating to his fitness to discharge his duties as ordered.⁷ Under no circumstances would the Navy typically deploy a commander in

⁵ Indeed, Plaintiff Navy Commander testified as to several instances where his ship faced the adverse effects of COVID-19. *See* ECF 112 at 33-34 (describing the need to transport personnel off the ship to shore facilities by small boat, and later to a larger ship equipped with medical facilities by helicopter). These operations are not only dangerous to personnel performing them, but they necessarily divert attention away from planned operations.

⁶ Certain qualifications can only be earned while underway, therefore, Sailor may have their careers (i.e., their promotion or advancement) impacted in the event they are unable to deploy.

⁷ Notably, these concerns are not related to Plaintiff Navy Commander's request for a religious accommodation, but in fact relate to his fitness to discharge his duties. Specifically, concerns about Plaintiff Navy Commander are related to the fact that he remains unvaccinated and that he refuses to follow the lawful order to become vaccinated,

an operational capacity with whom his or her superior officers have such reservations. As described above, this particular commander's vaccination status creates a risk to the personnel aboard his ship, which creates operational risks that may impact the effectiveness of the strike group and ultimately create risks to U.S. national security. More fundamentally, however, enjoining the service from taking "any adverse action" with respect to Plaintiff Navy Commander, creates a manifest good order and discipline concern because it shields Navy Commander from the responsibility and accountability upon which his command authority rests, and leaves him in charge of enforcing policies from which he is immunized.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct. Executed this 25th day of February, 2022.

A handwritten signature in black ink, appearing to read 'D. W. Lowyer', with a long horizontal line extending to the right.

D. W. LOWYER
Vice Admiral, U.S. Navy
Commander, U.S. Second Fleet

see Brandon Decl. ECF 74-12, in addition to questions surrounding his professional conduct, judgment, and candor to both senior and subordinate officers. See Brandon Decl. ECF 81-1; Executive Officer Decl. ECF 83-1.

Dwyer Declaration

Attachment A

DoDD 5100.01, December 21, 2010

ENCLOSURE 6

FUNCTIONS OF THE MILITARY DEPARTMENTS

1. COMMON MILITARY DEPARTMENT FUNCTIONS. For purposes other than the operational direction of the Combatant Commands, the chain of command runs from the President to the Secretary of Defense to the Secretaries of the Military Departments and, as prescribed by the Secretaries, to the commanders of Military Service forces.

a. Subject to the authority, direction, and control of the Secretary of Defense, the Secretaries of the Military Departments are responsible for, and have the authority necessary to conduct, all affairs of their respective Departments, including:

- (1) Recruiting.
- (2) Organizing.
- (3) Supplying.
- (4) Equipping (including research and development).
- (5) Training.
- (6) Servicing.
- (7) Mobilizing.
- (8) Demobilizing.
- (9) Administering (including the morale and welfare of personnel).
- (10) Maintaining.
- (11) Construction, outfitting, and repairs of military equipment.
- (12) Construction, maintenance, and repair of buildings, structures, and utilities as well as the acquisition, management, and disposal of real property and natural resources.

b. Subject to the authority, direction, and control of the Secretary of Defense, the Secretaries of the Military Departments are also responsible to the Secretary of Defense for ensuring that their respective Departments:

- (1) Operate effectively, efficiently, and responsively.

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(2) Formulate policies and programs that are fully consistent with national security objectives and policies established by the President and the Secretary of Defense.

(3) Implement, in a timely and effective manner, policy, program, and budget decisions and instructions of the President or Secretary of Defense.

(4) Present and justify positions on the plans, programs, and policies of the Department of Defense.

(5) Prepare, submit, and justify budgets before Congress, in coordination with other USG departments and agencies, as applicable; and administer the funds made available for maintaining, equipping, and training the forces of their respective departments, including those assigned to the Combatant Commands. Among other things, budget submissions shall be informed by the recommendations of the Military Service Chiefs, Commanders of the Combatant Commands, and of Military Service component commanders of forces assigned to the Combatant Commands.

(6) Establish and maintain reserves of manpower, equipment, and supplies for the effective prosecution of the range of military operations and submit, in coordination with the other Military Departments, mobilization information to the Joint Chiefs of Staff.

(7) Develop integrated mobilization plans for the expansion of peacetime components to meet the needs of war.

(8) Perform Military Department functions necessary to fulfill the current and future operational requirements of the Combatant Commands, including the recruitment, organization, training, and equipping of interoperable forces.

(9) Provide forces to enhance military engagement, conduct security cooperation, build the security capacity of partner states, and deter adversaries to prevent conflict. These actions shall be coordinated with the other Military Departments, Combatant Commands, USG departments and agencies, and international partners, as required.

(10) Provide forces, military missions, and detachments for service in foreign countries as may be required to support the national interests of the United States, and provide, as directed, assistance in training, equipping, and advising the military forces of foreign nations.

(11) Coordinate with the other Military Departments and all of the other DoD Components to provide for more effective, efficient, and economical administration; eliminate duplication; and assist other DoD Components in the accomplishment of their respective functions by providing personnel, intelligence, training, facilities, equipment, supplies, and services, as may be required.

(12) Develop, garrison, supply, equip, and maintain bases and other installations, including lines of communication, and provide administrative and logistical support for all assigned forces and bases, unless otherwise directed by the Secretary of Defense.

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(13) Provide, as directed, administrative and logistical support to the headquarters of the Combatant Commands, to include direct support of the development and acquisition of the command and control systems of such headquarters.

(14) Supervise and control Military Department intelligence activities, including the collection, production, and dissemination of military and military-related foreign intelligence and counterintelligence as required for execution of Military Department responsibilities.

(15) Afford the Assistant Secretary of Defense for Special Operations and Low-Intensity Conflict; the Commander, USSOCOM; the PCA; and the Commander, USCYBERCOM, an opportunity to coordinate on Military Department and Military Service personnel management policy and plans as they relate to accessions, assignments, compensation, promotions, professional development, readiness, retention, sustainment, and training of all SOF (for USSOCOM) and all cyber operations forces (for USCYBERCOM) personnel. This coordination shall not interfere with the title 10 authorities of the Military Departments or Military Services.

(16) Engage in such other activities as are prescribed by law, the President, or the Secretary of Defense.

2. COMMON MILITARY SERVICE FUNCTIONS. The Army, the Navy, the Air Force, the Marine Corps, and the Space Force, and the Coast Guard, when transferred to the Department of the Navy in accordance with sections 2, 3, and 145 of Reference (h), to include the Active and Reserve Components of each, under their respective Secretaries, shall provide conventional, strategic, and SOF to conduct the range of operations as defined by the President and the Secretary of Defense. Further, they shall perform the following common functions:

a. Develop concepts, doctrine, tactics, techniques, and procedures, and organize, train, equip, and provide land, naval, air, space, and cyberspace forces, in coordination with the other Military Services, Combatant Commands, USG departments and agencies, and international partners, as required, that enable joint force commanders to conduct decisive operations across the spectrum of conflict in order to achieve the desired end state.

b. Determine Military Service force requirements and make recommendations concerning force requirements to support national security objectives and strategy and to meet the operational requirements of the Combatant Commands.

c. Recommend to the Joint Chiefs of Staff the assignment and deployment of forces to the Combatant Commands established by the President through the Secretary of Defense.

d. Monitor and assess Military Service operational readiness and capabilities of forces for assignment to the Combatant Commands and plan for the use of the intrinsic capabilities of the other Military Services, USSOCOM, and USCYBERCOM that may be made available.

e. Develop doctrine, tactics, techniques, and procedures for employment by Military Service forces and:

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- (1) Assist the Chairman of the Joint Chiefs of Staff in the development of joint doctrine.
 - (2) Coordinate with the Chairman of the Joint Chiefs of Staff, the Combatant Commands, the other Military Services, USG departments and agencies, partner security forces, and non-governmental organizations, in the development of the doctrine, tactics, techniques, and procedures necessary for participation in and/or command of joint, interagency, and multinational operations.
 - (3) Coordinate with the Commanders, USSOCOM and USCYBERCOM, in the development of the doctrine, tactics, techniques, and procedures employed by Military Service forces when related to special operations and cyber operations, respectively.
- f. Provide for training for joint operations and joint exercises in support of Combatant Command operational requirements, including the development of Military Service joint training requirements, policies, procedures, and publications.
 - g. Provide logistical support for Military Service and all forces assigned to joint commands, including procurement, distribution, supply, equipment, and maintenance, unless otherwise directed by the Secretary of Defense.
 - h. Organize, train, and equip forces to contribute unique service capabilities to the joint force commander to conduct the following functions across all domains, including land, maritime, air, space, and cyberspace:
 - (1) Intelligence, surveillance, reconnaissance, and information operations, to include electronic warfare and MISO in order to provide situational awareness and enable decision superiority across the range of military operations.
 - (2) Offensive and defensive cyberspace operations to achieve cyberspace superiority in coordination with the other Military Services, Combatant Commands, and USG departments and agencies.
 - (3) Special and cyber operations in coordination with USSOCOM, USCYBERCOM, and other Combatant Commands, the Military Services, and other DoD Components.
 - (4) Personnel recovery operations in coordination with USSOCOM and other Combatant Commands, the Military Services, and other DoD Components.
 - (5) Counter weapons of mass destruction.
 - (6) Building partnership capacity/security force assistance operations.
 - (7) Forcible entry operations.
 - (8) Missile Defense.

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(9) Other functions as assigned, such as Presidential support and antiterrorism.

i. Organize, train, and equip forces to conduct support to civil authorities in the United States and abroad, to include support for disaster relief, consequence management, mass migration, disease eradication, law enforcement, counter-narcotics, critical infrastructure protection, and response to terrorist attack, in coordination with the other Military Services, Combatant Commands, National Guard, and USG departments and agencies.

j. Operate organic land vehicles, aircraft, cyber assets, spacecraft or space systems, and ships or craft.

k. Conduct operational testing and evaluation.

l. Provide command and control.

m. Provide force protection.

n. Consult and coordinate with the other Military Services on all matters of joint concern.

3. INDIVIDUAL MILITARY DEPARTMENT FUNCTIONS. The forces developed and trained to perform the primary functions set forth in sections 4 through 6 of this enclosure shall be employed to support and supplement the other Military Service, USSOCOM, and USCYBERCOM forces in carrying out their primary functions, wherever and whenever such participation shall result in increased effectiveness and shall contribute to the accomplishment of overall military objectives.

4. FUNCTIONS OF THE DEPARTMENT OF THE ARMY

a. The Department of the Army includes land combat, and service forces, and such aviation, water transport, and space and cyberspace forces as may be organic therein, and shall be organized, trained, and equipped primarily for prompt and sustained combat incident to operations on land, and to support the other Military Services and joint forces. The Army is responsible for the preparation of land forces necessary for the effective prosecution of war and military operations short of war, except as otherwise assigned. The Army is the Nation's principal land force and promotes national values and interests by conducting military engagement and security cooperation; deterring aggression and violence; and should deterrence fail, compelling enemy behavioral change or compliance. The Army shall contribute forces through a rotational, cyclical readiness model that provides a predictable and sustainable supply of modular forces to the Combatant Commands, and a surge capacity for unexpected contingencies.

b. The Functions of the Army. In addition to the common military service functions listed in paragraphs 2.a. through 2.n. of this enclosure, the Army, within the Department of the Army, shall develop concepts, doctrine, tactics, techniques, and procedures, and organize, train, equip,

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and provide forces with expeditionary and campaign qualities to perform the following specific functions:

- (1) Conduct prompt and sustained combined arms combat operations on land in all environments and types of terrain, including complex urban environments, in order to defeat enemy ground forces, and seize, occupy, and defend land areas.
- (2) Conduct air and missile defense to support joint campaigns and assist in achieving air superiority.
- (3) Conduct airborne and air assault, and amphibious operations. The Army has primary responsibility for the development of airborne doctrine, tactics, techniques, and equipment.
- (4) Conduct CAO.
- (5) Conduct riverine operations.
- (6) Occupy territories abroad and provide for the initial establishment of a military government pending transfer of this responsibility to other authority.
- (7) Interdict enemy sea, space, air power, and communications through operations on or from the land.
- (8) Provide logistics to joint operations and campaigns, including joint over-the-shore and intra-theater transport of time-sensitive, mission-critical personnel and materiel.
- (9) Provide support for space operations to enhance joint campaigns, in coordination with the other Military Services, Combatant Commands, and USG departments and agencies.
- (10) Conduct authorized civil works programs, to include projects for improvement of navigation, flood control, beach erosion control, and other water resource developments in the United States, its territories, and its possessions, and conduct other civil activities prescribed by law.
- (11) Provide intra-theater aeromedical evacuation.
- (12) Conduct reconnaissance, surveillance, and target acquisition.
- (13) Operate land lines of communication.

5. FUNCTIONS OF THE DEPARTMENT OF THE NAVY

a. The Department of the Navy is composed of naval, land, air, space, and cyberspace forces, both combat and support, not otherwise assigned, to include those organic forces and capabilities necessary to operate, and support the Navy and Marine Corps, the other Military Services, and joint forces. The Navy and Marine Corps comprise the Nation's principal maritime force. They

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employ the global reach, persistent presence through forward-stationed and rotationally-based forces, and operational flexibility to secure the Nation from direct attack; secure strategic access and retain global freedom of action; strengthen existing and emerging alliances and partnerships; establish favorable security conditions; deter aggression and violence by state, non-state, and individual actors and, should deterrence fail, prosecute the full range of military operations in support of U.S. national interests.

b. The Functions of the Navy. In addition to the common military service functions listed in paragraphs 2.a. through 2.n. of this enclosure, the Navy, within the Department of the Navy, shall develop concepts, doctrine, tactics, techniques, and procedures and organize, train, equip, and provide forces to perform the following specific functions:

(1) Conduct offensive and defensive operations associated with the maritime domain including achieving and maintaining sea control, to include subsurface, surface, land, air, space, and cyberspace.

(2) Provide power projection through sea-based global strike, to include nuclear and conventional capabilities; interdiction and interception capabilities; maritime and/or littoral fires, to include naval surface fires; and close air support for ground forces.

(3) Conduct ballistic missile defense.

(4) Conduct ocean, hydro, and river survey and reconstruction.

(5) Conduct riverine operations.

(6) Establish, maintain, and defend sea bases in support of naval, amphibious, land, air, or other joint operations as directed.

(7) Provide naval expeditionary logistics to enhance the deployment, sustainment, and redeployment of naval forces and other forces operating within the maritime domain, to include joint sea bases, and provide sea transport for the Armed Forces other than that which is organic to the individual Military Services, USSOCOM, and USCYBERCOM.

(8) Provide support for joint space operations to enhance naval operations, in coordination with the other Military Services, Combatant Commands, and USG departments and agencies.

(9) Conduct nuclear operations in support of strategic deterrence, to include providing and maintaining nuclear surety and capabilities.

c. The Functions of the Marine Corps. In addition to the common military service functions listed in paragraphs 2.a. through 2.n. of this enclosure, and pursuant to section 8063 of Reference (e), the Marine Corps, within the Department of the Navy, shall develop concepts, doctrine, tactics, techniques, and procedures and organize, train, equip, and provide forces, normally

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employed as combined arms air ground task forces, to serve as an expeditionary force-in-readiness, and perform the following specific functions:

- (1) Seize and defend advanced naval bases or lodgments to facilitate subsequent joint operations.
- (2) Provide close air support for ground forces.
- (3) Conduct land and air operations essential to the prosecution of a naval campaign or as directed.
- (4) Conduct complex expeditionary operations in the urban littorals and other challenging environments.
- (5) Conduct amphibious operations, including engagement, crisis response, and power projection operations to assure access. The Marine Corps has primary responsibility for the development of amphibious doctrine, tactics, techniques, and equipment.
- (6) Conduct security and stability operations and assist with the initial establishment of a military government pending transfer of this responsibility to other authority.
- (7) Provide security detachments and units for service on armed vessels of the Navy, provide protection of naval property at naval stations and bases, provide security at designated U.S. embassies and consulates, and perform other such duties as the President or the Secretary of Defense may direct. These additional duties may not detract from or interfere with the operations for which the Marine Corps is primarily organized.

d. The Functions of the Coast Guard. The Coast Guard is a unique Military Service residing within the Department of Homeland Security while simultaneously providing direct support to the Department of Defense under its inherent authorities under References (e) and (h). In addressing the Coast Guard when it is not operating in the [Department of the] Navy, this issuance is descriptive in nature and does not purport to be either directive or regulatory. As directed by the President, and in accordance with Memorandum of Agreement between the Department of Defense and Department of Homeland Security on the use of Coast Guard Capabilities and Resources in Support of the National Military Strategy (Reference (ab)), the Department of the Navy shall coordinate with the Department of Homeland Security regarding Coast Guard military functions in time of limited war or defense contingency, without transfer of Coast Guard authority to the Secretary of the Navy. As directed, the Department of the Navy will provide intelligence, logistical support, and specialized units to the Coast Guard, including designated ships and aircraft, for overseas deployment required by naval component commanders, maritime search and rescue, integrated port security, and coastal defense of the United States. The Coast Guard shall maintain a state of readiness to function as a specialized Military Service in the Department of the Navy in time of war or national emergency. If specified in a declaration of war by Congress or if directed by the President, the Coast Guard shall operate as a Military Service in the Department of the Navy, and shall continue to do so

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until the President transfers the Coast Guard back to the Department of Homeland Security by Executive order pursuant to section 3 of Reference (h).

(1) The Coast Guard shall develop concepts, doctrine, tactics, techniques, and procedures and organize, train, equip, and provide forces to perform the following specific functions when providing direct or cooperative support to the Department of Defense:

- (a) Conduct coastal sea control and maritime and air interception and interdiction operations.
- (b) Conduct maritime homeland security and counterterrorism operations.
- (c) Provide for port operations, security, and defense.
- (d) Provide maritime operational threat response.
- (e) Conduct counter-illicit trafficking operations.
- (f) Conduct military environmental response operations.
- (g) Conduct theater security cooperation operations.
- (h) Conduct search and rescue operations.
- (i) Conduct ice operations.
- (j) Provide for marine safety, including aids to navigation.

(2) The Coast Guard will coordinate with the Department of Defense, including the Department, of the Navy to provide specialized Coast Guard units, or obtain Navy units, including designated ships and aircraft, for deployment as requested by Military Service component or joint commanders.

6. FUNCTIONS OF THE DEPARTMENT OF THE AIR FORCE

a. The Department of the Air Force is composed of air, space, and cyberspace forces, both combat and support, not otherwise assigned. The Air Force and Space Force are the Nation's principal air and space forces, and are responsible for the preparation of forces necessary for the effective prosecution of war. The Department of the Air Force shall organize, train, equip, and provide air, space, and cyberspace forces for the conduct of prompt and sustained combat operations, military engagement, and security cooperation in defense of the Nation, and to support the other Military Services and joint forces. The Air Force and Space Force will provide the Nation with global vigilance, global reach, and global power in the form of in-place, forward-based, and expeditionary forces possessing the capacity to deter aggression and violence by state, non-state, and individual actors to prevent conflict, and, should deterrence fail, prosecute the full range of military operations in support of U.S. national interests.

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b. The Functions of the Air Force. In addition to the common military service functions listed in paragraphs 2.a. through 2.n. of this enclosure, the Air Force, within the Department of the Air Force, shall develop concepts, doctrine, tactics, techniques, and procedures and organize, train, equip, and provide forces to perform the following specific functions:

(1) Conduct nuclear operations in support of strategic deterrence, to include providing and maintaining nuclear surety and capabilities.

(2) Conduct offensive and defensive operations, to include appropriate air and missile defense, to gain and maintain air superiority, and air supremacy as required, to enable, the conduct of operations by U.S. and allied land, sea, air, space, and special operations forces.

(3) Conduct global precision attack, to include strategic attack, interdiction, close air support, and prompt global strike.

(4) Provide timely, global integrated intelligence, surveillance, and reconnaissance capability and capacity from forward deployed locations and globally distributed centers to support world-wide operations.

(5) Provide rapid global mobility to employ and sustain organic air and space forces and other Military Service and USSOCOM forces, as directed, to include airlift forces for airborne operations, air logistical support, tanker forces for in-flight refueling, and assets for aeromedical evacuation.

(6) Provide agile combat support to enhance the air and space campaign and the deployment, employment, sustainment, and redeployment of air and space forces and other forces operating within the air and space domains, to include joint air and space bases, and for the Armed Forces other than which is organic to the individual Military Services and USSOCOM in coordination with the other Military Services, Combatant Commands, and USG departments and agencies.

(7) Conduct global personnel recovery operations including theater-wide combat and civil search and rescue, in coordination with the other Military Services, USJFCOM, USSOCOM, and DoD Components.

(8) Conduct global integrated command and control for air and space operations.

c. The Functions of the Space Force. In addition to the common military service functions listed in Paragraphs 2.a. through 2.n. of this enclosure, the Space Force, within the Department of the Air Force, shall develop concepts, doctrine, tactics, techniques, and procedures and organize, train, equip, and provide forces to perform the following specific functions:

(1) Provide freedom of operation for the United States in, from, and to space.

(2) Provide prompt and sustained space operations.

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- (3) Protect the interests of the United States in space.
- (4) Deter aggression in, from, and to space.
- (5) Conduct space operations.

7. DEPARTMENT OF THE ARMY AND DEPARTMENT OF THE AIR FORCE: THE NGB.

The NGB is a joint activity of the Department of Defense. The NGB performs certain Military Service-specific functions and unique functions on matters involving non-federalized National Guard forces as set forth in Reference (i).