

### § 53.3

(b) Assigns responsibilities and delegates authority for such protection and prescribes operating procedures.

#### § 53.3 Applicability.

This part applies to members of the United States Coast Guard, the Board for Correction of Military Records of the Coast Guard, and the Department of Homeland Security's Office of the Inspector General.

[56 FR 13405, Apr. 2, 1991, as amended by USCG-2003-14505, 68 FR 9535, Feb. 28, 2003]

#### § 53.5 Definitions.

As used in this part, the following terms shall have the meaning stated, except as otherwise provided:

*Board for Correction of Military Records of the Coast Guard.* The Department of Homeland Security Board for Correction of Military Records of the Coast Guard (Board) is empowered under 10 U.S.C. 1552 to make corrections of Coast Guard military records. The Board is part of the Office of the General Counsel in the Office of the Secretary of Homeland Security.

*Corrective Action.* Any action deemed necessary to make the complainant whole, changes in agency regulations or practices, and/or administrative or disciplinary action against offending personnel, or referral to the U.S. Attorney General or courtmartial convening authority of any evidence of criminal violation.

*Inspector General.* The Inspector General in the Office of Inspector General of the Department of Homeland Security, as appointed under the Inspector General Act of 1978.

*Law Specialist.* A commissioned officer of the Coast Guard designated for special duty (law).

*Member of the Coast Guard.* Any past or present Coast Guard uniformed personnel, officer or enlisted, regular or reserve. This definition includes cadets of the Coast Guard Academy.

*Member of Congress.* In addition to a Representative or a Senator, the term includes any Delegate or Resident Commissioner to Congress.

*Personnel Action.* Any action taken regarding a member of the Coast Guard that adversely affects or has the potential to adversely affect the member's position or his or her career. Such ac-

### 33 CFR Ch. I (7-1-10 Edition)

tions include, but are not limited to, a disciplinary or other corrective action; a transfer or reassignment; a performance evaluation; or a decision concerning a promotion, pay, benefits, awards, or training.

*Reprisal.* Taking or threatening to take an unfavorable personnel action or withholding or threatening to withhold a favorable personnel action against a member of the Coast Guard for making or preparing to make a communication to a Member of Congress or an Inspector General.

*Secretary.* The Secretary of Homeland Security or his or her delegate.

[56 FR 13405, Apr. 2, 1991, as amended by USCG-2003-14505, 68 FR 9535, Feb. 28, 2003]

#### § 53.7 Requirements.

(a) No person within the Department of Homeland Security may restrict a member of the Coast Guard from lawfully communicating with a Member of Congress or an Inspector General.

(b) Members of the Coast Guard shall be free from reprisal for making or preparing to make lawful communications to Members of Congress or an Inspector General.

(c) Any employee or member of the Coast Guard who has the authority to take, direct others to take, or recommend or approve any personnel action shall not, under such authority, take, withhold, threaten to take, or threaten to withhold a personnel action regarding any member of the Coast Guard in reprisal for making or preparing to make a lawful communication to a Member of Congress or an Inspector General.

[56 FR 13405, Apr. 2, 1991, as amended by USCG-2003-14505, 68 FR 9535, Feb. 28, 2003]

#### § 53.9 Responsibilities.

(a) The Inspector General, Department of Homeland Security shall:

(1) Expeditiously investigate any allegation, if such allegation is submitted, that a personnel action has been taken (or threatened) in reprisal for making or preparing to make a lawful communication to a Member of Congress or an Inspector General concerning a complaint or disclosure of information that the member reasonably