

## § 120.9

(c) OPM will respond to all requests in a timely manner, but no later than 90 days after receipt of the request.

### § 120.9 Rescinded guidance.

(a) In the absence of a petition, OPM may rescind a guidance document on grounds that it is no longer accurate or necessary.

(b) If OPM rescinds a guidance document, the hyperlink to the guidance document will be removed. The name, title, unique identifier, and date of rescission will be listed on the guidance portal for at least one year after rescission.

(c) No employee of OPM may cite, use, or rely on rescinded guidance documents, except to establish historical facts, unless OMB makes an exception for particular guidance documents or categories of guidance documents.

### § 120.10 Exceptional circumstances.

(a) A guidance document may be exempted from the requirements of section 120.6(b) or 120.7(a) by agreement of OPM and OIRA for reasons of exigency, safety, health, or other compelling cause.

(b) In emergency situations or when OPM is required by statutory deadline or court order to act more quickly than normal review procedures allow, OPM will notify OIRA as soon as possible and, to the extent practicable, shall comply with the requirements of this part at the earliest opportunity. Wherever practicable, OPM should schedule its proceedings to permit sufficient time to comply with the procedures set forth in this part.

### § 120.11 Reports to Congress and GAO.

When OPM adopts final guidance constituting a “rule” under 5 U.S.C. 804, OPM will submit the reports to Congress and GAO and comply with the procedures specified by 5 U.S.C. 801 (commonly known as the Congressional Review Act).

### § 120.12 No judicial review or enforceable rights.

This part is intended to improve the internal management of OPM. As such, it is for the use of OPM personnel only and is not intended to, and does not, create any right or benefit, substantive

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or procedural, enforceable at law or in equity by any party against the United States, its agencies or other entities, its officers or employees, or any other person.

## PART 151—POLITICAL ACTIVITY OF STATE OR LOCAL OFFICERS OR EMPLOYEES

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AUTHORITY: 5 U.S.C. 1302, 1501–1508, as amended, Reorganization Plan No. 2 of 1978, section 102, 92 Stat. 3783, 3 CFR 1978 Comp. p. 323; and E.O. 12107, section 1–102, 3 CFR 1978 Comp. p. 264.

SOURCE: 35 FR 16783, Oct. 30, 1970, unless otherwise noted.

### GENERAL PROVISIONS

#### § 151.101 Definitions.

In this part:

(a) *State* means a State or territory or possession of the United States.

(b) *State or local agency* means:

(1) The executive branch of a State, municipality, or other political subdivision of a State, or an agency or department thereof; or

(2) The executive branch of the District of Columbia, or an agency or department thereof.

(c) *Federal agency* means an executive agency or other agency of the United States, but does not include a member bank of the Federal Reserve System;

(d) *State or local officer or employee* means an individual employed by a State or local agency whose principal employment is in connection with an activity which is financed in whole or in part by loans or grants made by the United States or a Federal agency but does not include—

(1) An individual who exercises no functions in connection with that activity.

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(2) An individual employed by an educational or research institution, establishment, agency, or system which is supported in whole or in part by—

(i) A State or political subdivision thereof;

(ii) The District of Columbia; or

(iii) A recognized religious, philanthropic, or cultural organization.

(e) *Political party* means a National political party, a State political party, and an affiliated organization.

(f) *Election* includes a primary, special, and general election.

(g) *Nonpartisan election* means an election at which none of the candidates is to be nominated or elected as representing a political party any of whose candidates for Presidential elector receives votes in the last preceding election at which Presidential electors were selected.

(h) *Partisan* when used as an adjective refers to a political party.

(i) *Elective office* means any office which is voted upon at an election as defined at §151.101(f), above, but does not include political party office.

[40 FR 42733, Sept. 16, 1975, as amended at 79 FR 25484, May 5, 2014]

### PERMISSIBLE ACTIVITIES

#### § 151.111 Permissible activities.

(a) All State or local officers or employees are free to engage in political activity to the widest extent consistent with the restrictions imposed by law and this part. A State or local officer or employee may participate in all political activity not specifically restricted by law and this part, including candidacy for office in a nonpartisan election and candidacy for political party office.

[40 FR 42733, Sept. 16, 1975]

### PROHIBITED ACTIVITIES

#### § 151.121 Use of official authority; coercion; candidacy; prohibitions.

A State or local officer or employee may not—

(a) Use his official authority or influence for the purpose of interfering with or affecting the result of an election or a nomination for office; or

(b) Directly or indirectly coerce, attempt to coerce, command, or advise a

State or local officer or employee to pay, lend, or contribute anything of value to a political party, committee, organization, agency, or person for a political purpose.

(c) Be a candidate for elective office if the salary of the employee is paid completely, directly or indirectly, by loans or grants made by the United States or a Federal agency.

[40 FR 42733, Sept. 16, 1975, as amended at 79 FR 25484, May 5, 2014]

#### § 151.122 Candidacy; exceptions.

Section 151.121(c) does not apply to—

(a) The Governor or Lieutenant Governor of a State or an individual authorized by law to act as Governor;

(b) The Mayor of a city;

(c) A duly elected head of an executive department of a State, municipality, or the District of Columbia, who is not classified under a merit or civil service system of a State, municipality, or the District of Columbia;

(d) An individual holding elective office;

(e) Activity in connection with a nonpartisan election; or

(f) Candidacy for a position of officer of a political party, delegate to a political party convention, member of a National, State, or local committee of a political party, or any similar position.

[40 FR 42733, Sept. 16, 1975, as amended at 40 FR 47101, Oct. 8, 1975; 79 FR 25484, May 5, 2014]

## PART 175—OPM MANDATORY REVIEW OF CLASSIFIED DOCUMENTS

Sec.

175.101 Policy.

175.102 Requests for the declassification of documents.

AUTHORITY: E.O. 12065, 43 FR 28949.

#### § 175.101 Policy.

The Office of Personnel Management bases its procedures for handling national security information on Executive Order 12065, "National Security Information," and Information Security Oversight Office Directive No. 1 concerning national security information.

[45 FR 995, Jan. 4, 1980]