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# Federal Register Document Drafting Handbook

October 1998 Revision; Supplement 4

## Amendatory Language: Stays and Suspensions of CFR Text

March 9, 2006

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The Office of the Federal Register is amending the Federal Register Document Drafting Handbook to add more explanation of the terms "Stay" and "Suspend" in "Section 2.13, Amendatory Language." This change does not alter the use of the terms in amendatory language, but it clarifies the legal status of stayed CFR text, restrictions on altering stayed text, and the means of lifting a stay.

The new "Stay or Suspend" paragraphs of section 2.13 read as follows:

### **2.13 Amendatory language.**

\* \* \* \* \*

**Stay or Suspend.** The terms "Stay" and "Suspend" are synonymous, and are used interchangeably in amendatory language (in this discussion, we use the term "stay"). A stay places a hold on a CFR unit temporarily or indefinitely. The content of the CFR unit is not changed. During the stay, the CFR unit is not in legal effect and is not enforceable. Stayed text is frozen in place and no amendatory actions may be taken on it until the stay is lifted. Consult with us when using the term "Stay." For a discussion of Stays versus Delays, see the DATES caption in section 2.5.

*Initiating a Stay.* To impose a stay, the amendatory language (and the DATES caption) must cite the CFR unit affected. The amendatory instruction will state that the CFR unit is stayed until a specified date, or stayed indefinitely.

*Lifting a Stay.* When lifting a stay, an agency must publish a rule document that explicitly states that the stay is lifted as of a date certain. The instruction to lift the stay appears in the amendatory language (and in the DATES caption).

*Changes to Stayed Text.* An agency may not amend, revise, or remove text while it is stayed. To make changes to stayed text, an agency must lift the stay and then amend, revise, or remove the text as desired. If necessary, an agency may immediately re-impose a stay on the newly amended or revised text by stating the action in the amendatory language (and in the DATES caption).

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