

The *U.S.C.* is the official federal code. Because the *U.S.C.* is not annotated and is much slower to publish than the unofficial *U.S.C.A.* and *U.S.C.S.*, it has limited practical value for researching current federal statutes. The notion of an "official" source for federal statutes requires some explanation. Although the *U.S.C.* is the official code, a statutory code, by its nature, is already one step removed from Congressional action. "*Positive law*" is that actually imposed by Congress (or a similar lawmaking body). The text upon which Congress actually voted appears in the *Statutes at Large*. The *U.S.C.* is compiled from the Statutes at Large by employees of the House of Representatives. Thus the *Code* is not positive law, but merely *prima facie* evidence of the law. Occasionally, however, Congress itself takes up the task of recompiling an entire title of the code. At the conclusion of this process, Congress reenacts the entire newly revised title into positive law.

If the language in a *U.S.C.* section differs from its corresponding section in the *Statutes at Large* (the official federal session law publication), which version governs?

It's the *Statutes at Large*, unless Congress has enacted the title containing your code section into positive law. So the Supreme Court has held at least once. *See Stephan v. U.S.*, 319 U.S. 423 (1943); *see also* 1 U.S.C. 204(a). For example, sections 701-716 of Title VII of the Civil Rights Act of 1964 are session law sections. They are in Pub. L. 88-352, 78 Stat. 259. Sections 701- 716 are codified at 42 U.S.C. 2000e et seq. Title 42 has **not** been enacted into positive law, so the *Statutes at Large* version of Title VII prevails if there's a difference between the two. A chart on page III of the 1994 edition of the *U.S.C.* indicates which code titles have been enacted into positive law. Fortunately, because the code text is taken from the session law text, differences between the two are extremely rare. But in the process of fitting the session laws into the subject arrangement of the code, and weaving in amendments made over the course of time, discrepancies are possible.

When I look up 42 U.S.C.A. 2000e, I find cites to several public laws in addition to 88-352 which is listed first.

Public law references at the end of federal code sections and session law references at the end of state code sections can be used to look up how a statute read on a specific date. This is especially important if your client's cause of action arose prior to the version of the statute in the current bound code volume.