

### Sample Multiple Choice Review Questions

1. Which of the following “vetogates” will automatically result in the death of pending legislation?
  - a. Failure by the Speaker of the House to refer the bill to committee.
  - b. The President decides not to sign the legislation within the last twenty days of an active session of Congress.
  - c. A majority of the committee which has received the bill fails to report it back to the House or Senate.
  - d. a and c.
  - e. All of the above.
  
2. The textual canon *noscitur a sociis* is best described as:
  - a. A tool to clarify the meaning of a broad catch-all term at the end of a list of more specific terms.
  - b. A maxim that draws on the common or shared aspects of other words listed in proximity with an unclear statutory term to help clarify that term’s meaning.
  - c. Latin for “a thing is known by its companions”.
  - d. b and c.
  - e. All of the above.
  
3. The decision principle announced by Justice O’Connor in *Gregory v. Ashcroft* is best described as:
  - a. The federalism canon.
  - b. The federalism clear statement rule.
  - c. The presumption against preemption.
  - d. A and C.
  - e. All of the above.

4. The two elements required to invoke the constitutional avoidance canon are:
- a. \_\_\_\_\_
  - b. \_\_\_\_\_
5. Which judicial action best demonstrates the doctrine of scrivener's error?
- a. A court determines that Congress erroneously overlooked an administrative interpretation of a statute when it reauthorized that statute, and therefore Congress did not mean to adopt that interpretation by reference.
  - b. A court rules that Congress used the wrong year in specifying a deadline of "April 15, 2013" for tax filings in 2015.
  - c. A court holds that Congress did not intend to allow claims submitted on Dec. 31, 2013 if the statute required submittals "prior to Dec. 31."
  - d. B and C.
  - e. All of the above.
6. To deal with the rampant use of off-label use of prescription drugs to enhance academic performance (Ritalin, Modafinil, Adderall), Congress passes a law that disqualifies any student from federal financial aid if they submit a sample that tests positive for these substances (and they do not have a legitimate prescription for those drugs). Some colleges begin to require drug tests as part of their financial aid applications, and these drug tests include analyses of hair samples – which can yield data on historical drug use for up to 12 months (or, in some cases, much longer).

A student is disqualified from financial aid because of a hair sample result that indicated use of cognitive enhancers prior to the passage of the law, and she files a lawsuit challenging application of the law to her financial aid request. Which of the following courses will a federal court most likely take when applying statutory interpretative canons?

- a. The law does not apply to the student because of the rule of lenity.
- b. The law does not apply to the student because the presumption against retroactivity disfavors that interpretation (assuming Congressional intent is not otherwise clearly stated).
- c. The law would apply to the student because the remedial purpose canon overrides the presumption against retroactivity.

- d. A and C.
- e. None of the above.