

Sample Multiple Choice Review Questions

1. Which of the following “vetogates” will typically result in the death of pending legislation?
 - a. Failure by the Senate Majority Leader to refer the bill to committee.
 - b. The Senate fails to approve a motion to invoke cloture against a single Senator’s announced filibuster against a bill.
 - c. A majority of the committee which has received the bill fails to report it back to the House or Senate.
 - d. b 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 presumption.
 - b. The federalism clear statement rule.
 - c. The presumption against retroactivity.
 - d. A and C.
 - e. All of the above.

4. 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, 2019" for tax filings in 2020.
 - 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.
5. To deal with the rampant use of off-label use of prescription drugs to enhance academic performance (Aricept, Modafinil, Adderall), Congress passes a law that disqualifies any student from federal financial aid if they submit a biological 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.