

BOX 5.3 Some Tests of Germaneness

When a representative raises a germaneness point of order, the burden of proof rests with the sponsor of the amendment to establish its germaneness.

1. *Fundamental Purpose.* A basic test of germaneness is that the fundamental purpose of an amendment must be germane to the fundamental purpose of the bill. In determining this purpose, substantial reliance should not be placed upon the title of the bill as the title need not state the fundamental purpose of the bill, either as introduced or later amended. One must look rather to the text of the bill as the principal tool in determining purpose.
2. *Subject Matter.* The amendment must relate to the subject matter under consideration. One must determine “what is the subject matter under consideration?” Once it is clear just what the subject matter is, the next element is whether or not the amendment relates to that subject matter.