

Congress of the United States
House of Representatives
Washington, DC 20515

SUPPORT the CONSTITUTION

Call for a Special Constitutionality Rule for H.R. 1249

Dear Colleague:

As Members of Congress, we are sworn to uphold and protect the Constitution. Please join us in fulfilling our oath by requesting a special rule for pending legislation that is demonstrably unconstitutional.

On April 14, the House Judiciary Committee marked up H.R. 1249, the "America Invents Act." This legislation is similar to the controversial bill H.R. 1908, which the House considered in the 110th session.

Patent protection is a specific right in our Constitution. Under Article I, Section 8, Congress has the power "To promote the progress of Science and useful arts, by securing for limited Times to Authors and Investors the exclusive Right to their respective Writings and Discoveries."

As you may be aware, a number of serious questions have been raised regarding the constitutionality of particular parts of this bill. Most notably, H.R. 1249 would alter the historic 220-year process of granting a patent to the "first and true" inventor to granting it to the "first-inventor-to-file" an application, which may not be the real inventor.

Under the House rules, the Speaker of the House may not block a measure due to questions of constitutionality. Individual Members are obligated to make that decision by casting their vote against an unconstitutional measure. The Legislative Protocols for the current session envision a separate, special period of debate on the constitutionality of a particular measure before Members cast their votes. We believe that such a debate is appropriate and necessary in this case, and under clause 6 of Rule XIII we request that debate.

Please join us in calling for a special constitutionality rule, should H.R. 1249 be reported by the House Rules Committee. If you would like to co-sign, please contact John Brodtke with Rep. Marcy Kaptur at john.brodtk@mail.house.gov (5-4146) or Tony DeTora with Rep. Dana Rohrabacher at tony.detora@mail.house.gov (5-2415).

Sincerely,



MARCY KAPTUR
Member of Congress



DANA ROHRABACHER
Member of Congress