

**AMENDMENT TO THE AMENDMENT IN THE  
NATURE OF A SUBSTITUTE TO H.R. 1108  
OFFERED BY MR. Deal**

(Page and line numbers refer to March 4, 2008, version of the  
amendment in the nature of a substitute)

On page 61, after line 3, insert the following (and  
redesignate accordingly):

1           “(5) RELATION TO PATENTS.—A tobacco prod-  
2           uct standard established under this section shall not  
3           require—

4           “(A) any characteristic of a tobacco prod-  
5           uct (including any component or ingredient  
6           thereof); or

7           “(B) any process (including any process by  
8           which to manufacture, prepare, or package the  
9           product),

10          that is covered by a patent or a pending application  
11          for a patent. This paragraph applies irrespective of  
12          the date on which the patent application is filed or  
13          the patent is issued.