

Amendment #1

**Amendment to H.R. 5552**  
**Offered by Mr. Gosar**

Beginning on page 8, line 8, strike the text through page 10, line 15 and insert the following:

“(I) LIABILITY FOR INCIDENTAL TAKE.--

“(1) COMMERCIAL ACTIVITY WITH A SPECIFIED DEADLINE.—Persons or entities engaged in commercial activities listed in subsection (e)(2) shall be exempt from liability for incidental take caused by such commercial activities until such time as the Secretary issues a general permit covering such commercial activity under subsection (b).

“(2) OTHER COMMERCIAL ACTIVITY.—A person engaged in a commercial activity shall be exempt from liability for incidental take caused by such commercial activity until such time as the Secretary issues a general permit covering such activity.

“(3) RECKLESS OR GROSSLY NEGLIGENT CONDUCT.—The exemption from liability for commercial activities under this subsection shall not extend to incidental take that is caused by conduct that is reckless or grossly negligent.