



# United States Department of the Interior

FISH AND WILDLIFE SERVICE

Washington, D.C. 20240

IN REPLY REFER TO:

DIRECTOR'S ORDER NO. 109

Subject: Use of Specimens Collected on Fish and Wildlife Service Lands

**Sec. 1 What is the purpose of this Order?** This Order requires that a clause regarding the use of specimens be included in all Special Use Permits when the permittee will collect specimens from our lands.

**Sec. 2 Does this Order supersede another directive?** This Order supersedes Director's Order 109, March 30, 1999. We have revised the language regarding the use of specimens to clarify that we do not prohibit the transfer of biological specimens or samples between museums that hold valid permits to receive and possess those specimens.

**Sec. 3 What is the scope of this Order?** This policy applies to all employees who develop, review, or sign Special Use Permits.

**Sec. 4 Why are we including the clause in Special Use Permits?** This clause will help protect the resources and avoid potential problems regarding bioprospecting.

**Sec. 5 What wording must be used?** Include the following language in all Special Use Permits:

You may use specimens collected under this permit, any components of any specimens (including natural organisms, enzymes, genetic materials or seeds), and research results derived from collected specimens for scientific or educational purposes only, and not for commercial purposes unless you have entered into a Cooperative Research and Development Agreement (CRADA) with us. We prohibit the sale of collected research specimens or transfers to third parties for commercial purposes. Breach of any of the terms of this permit will be grounds for revocation of this permit and denial of future permits. Furthermore, if you sell or otherwise transfer for commercial purposes collected specimens, any components thereof, or any products or research results developed from such specimens or their components without a CRADA, you will pay us a royalty rate of 20 percent of gross revenue from such sales. In addition to such royalty, we may seek other damages and injunctive relief against you.

**Sec. 6 What is the effective date of the Order?** This Order is effective immediately. It will expire on March 31, 2006, unless amended, superseded, or revoked. We will include provisions of this Order in Part 630 of the Fish and Wildlife Service Manual.

  
DIRECTOR

Date: March 28, 2005