

## Statutory & Funding Authority

The first place to look for the boundaries of a particular partnership activity is in the statutory program or appropriations authority that supports the partnership. The variety and complexity of the Department's statutory structure means that very few useful generalizations about statutory limitations can be made on this website. Nonetheless, the significance of identifying the underlying authority cannot be overstated, so this brief discussion should simply remind employees working on partnership activities to clearly understand the authority under which they are entering into the partnership.

*Substantive Statutory Authority.* If a particular statute authorizes the partnership activity, that authority may also contain specific limitations. For example, a statute that authorizes the Secretary to establish a wildlife refuge in cooperation with the State may also require the Secretary to ensure that state laws apply on the refuge. Conversely, Congress may enact specific statutes that forbid a particular partnership activity. For example, Congress has forbidden Federal agencies from creating business corporations. The Department must comply with any such limitations.

*Annual Appropriations Acts and Funding.* No partnership activity may take place without available funds being allocated for the partnership purpose. Occasionally, Congress may insert specific limitations (beyond the normal limits related to the amount and allocation of the funding itself) in the annual appropriations acts for the Department that impact partnership activities. For example, Congress may enact a provision stating that no Federal funds may be spent to map natural gas deposits off the coast of California; any partnership effort to map such deposits would be impermissible, even if the partner donated the necessary resources and/or data for the search.