

(Pub. L. 99-659, title II, §217, Nov. 14, 1986, 100 Stat. 3730.)

### § 4017. Investigations

#### (a) Authority to make investigations

The Secretary may make such investigations as the Secretary determines necessary to—

- (1) carry out the Secretary's responsibilities under this chapter; and
- (2) determine whether any person has engaged in any act or practice which constitutes a violation of the provisions of this chapter.

#### (b) Oaths and affirmations

For the purpose of investigations under subsection (a) of this section, the Secretary may administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, and documents which are relevant to the inquiry. The attendance of such witnesses and the production of any such records may be required from any place in the United States.

#### (c) Court orders

In case of contumacy or refusal to obey a subpoena issued under this section by any person, the Secretary may invoke the aid of any court of the United States within the jurisdiction of which such investigation or proceeding is carried on, or where such person resides or has his business, to require the attendance and testimony of witnesses and the production of books, papers, and documents. Such court may issue an order requiring such person to appear before the Secretary to produce records or to give testimony relating to the matter under investigation.

(Pub. L. 99-659, title II, §218, Nov. 14, 1986, 100 Stat. 3731.)

## CHAPTER 61—INTERJURISDICTIONAL FISHERIES

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### § 4101. Congressional statement of purposes

The purposes of this chapter are—

- (1) to promote and encourage State activities in support of the management of interjurisdictional fishery resources;
- (2) to promote and encourage management of interjurisdictional fishery resources throughout their range; and
- (3) to promote and encourage research in preparation for the implementation of the use of ecosystems and interspecies approaches to the conservation and management of interjurisdictional fishery resources throughout their range.

(Pub. L. 99-659, title III, §302, Nov. 14, 1986, 100 Stat. 3732; Pub. L. 107-372, title III, §302(b), Dec. 19, 2002, 116 Stat. 3095.)

#### REFERENCES IN TEXT

This chapter, referred to in text, was in the original "this title", meaning title III of Pub. L. 99-659, Nov. 14,

1986, 100 Stat. 3731, which is classified principally to this chapter. For complete classification of title III to the Code, see Short Title note set out below and Tables.

#### AMENDMENTS

2002—Par. (3). Pub. L. 107-372 added par. (3).

#### EFFECTIVE DATE

Section 310 of title III of Pub. L. 99-659 provided that: "This title [enacting this chapter and repealing chapter 10D (§779 et seq.) of this title] takes effect October 1, 1987."

#### SHORT TITLE

Section 301 of title III of Pub. L. 99-659 provided that: "This title [enacting this chapter and repealing chapter 10D (§779 et seq.) of this title] may be cited as the 'Interjurisdictional Fisheries Act of 1986'."

### § 4102. Definitions

For the purposes of this chapter:

(1) The term "Federal fishery management plan" means a plan developed under the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.).

(2) The term "fishery resource" means finfish, mollusks, crustaceans, and any other form of marine animal or plant life, other than marine mammals and birds.

(3) The term "interjurisdictional fishery resource" means—

(A) a fishery resource for which a fishery occurs in waters under the jurisdiction of one or more States and the exclusive economic zone established by Proclamation Numbered 5030, dated March 10, 1983;

(B) a fishery resource for which there exists an interstate fishery management plan; or

(C) a fishery resource which migrates between the waters under the jurisdiction of two or more States bordering on the Great Lakes.

For purposes of applying section 4104(a)(3) of this title during fiscal year 1987, a Federal fishery management plan or an interstate fishery management plan for the fishery resource need not be in existence, but a plan of either kind for that resource must be in the development process during that year.

(4) The term "interstate fishery management plan" means a plan for managing fisheries developed and adopted by an interstate commission.

(5) The term "interstate commission" means a commission or other administrative body established by an interstate compact.

(6) The term "interstate compact" means a compact that has been entered into by two or more States, established for the purposes of conserving and managing interjurisdictional fishery resources throughout their range, and consented to and approved by Congress.

(7) The term "project" means a program for research in support of the management of an interjurisdictional fishery resource or an interstate cooperative fishery management agreement.

(8) The term "Secretary" means the Secretary of Commerce.

(9) The term "State" means any of the several States of the United States, the Common-