



Backgrounder: The Magnuson-Stevens Act

The Magnuson-Stevens Fishery Conservation and Management Act is the principal law governing marine fisheries in the United States. It was originally adopted to extend control of U.S. waters to 200 nautical miles in the ocean; to phase out foreign fishing activities within this zone; to prevent overfishing, especially by foreign fleets; to allow overfished stocks to recover; and to conserve and manage fishery resources. The Act is named after the late Senator Warren Magnuson of Washington and current Senator Ted Stevens of Alaska.

Congress passed the original Magnuson Act in 1976. It has since been amended several times, most recently in 2006. Among other things, the Act explains the role of regional fishery management councils and describes their functions and operating procedures. The Act includes national standards for management and outlines the contents of fishery management plans. In addition, it gives the Secretary of Commerce power to review, approve, and implement fishery management plans and other recommendations developed by the councils. National Marine Fisheries Service (under the Department of Commerce) is charged with stewardship of the nation's living marine resources. With input from the regional councils and stakeholder groups, National Marine Fisheries Service provides guidance for applying the National Standards of the Act.

Revisions to the Act

In 1996, Congress passed the Sustainable Fisheries Act (SFA), which revised the Magnuson Act and reauthorized it through 1999. This revision brought new requirements to prevent overfishing and rebuild overfished fisheries. The law now required that each fishery management plan (FMP) specify objective and measurable criteria for determining when a stock is overfished or when overfishing is occurring, and to establish measures for rebuilding the stock. The SFA also added several new definitions, including definitions for "overfishing" and "overfished," and for fishing communities.

The SFA also added three new National Standards to address fishing vessel safety, fishing communities, and bycatch. Several existing standards were revised. The MSA now contains ten National Standards for fishery conservation and management, with which all FMPs must comply.

National Standards of the Magnuson-Stevens Act (a summary)

Conservation and management measures shall:

- (1) Prevent overfishing while achieving optimum yield.
- (2) Be based upon the best scientific information available.
- (3) Manage individual stocks as a unit throughout their range, to the extent practicable; interrelated stocks shall be managed as a unit or in close coordination.
- (4) Not discriminate between residents of different states; any allocation of privileges must be fair and equitable.
- (5) Where practicable, promote efficiency, except that no such measure shall have economic allocation as its sole purpose.
- (6) Take into account and allow for variations among and contingencies in fisheries, fishery resources, and catches.
- (7) Minimize costs and avoid duplications, where practicable.
- (8) Take into account the importance of fishery resources to fishing communities to provide for the sustained participation of, and minimize adverse impacts to, such communities (consistent with conservation requirements).
- (9) Minimize bycatch or mortality from bycatch.
- (10) Promote safety of human life at sea.

In late 2006, Congress revised and reauthorized the Act again. This revision (called “Fishery Conservation and Management Amendments of 2006”) did not add any National Standards, but made a number of changes related to establishment of annual catch limits, function of the Scientific and Statistical Committee, the environmental review (NEPA) process, rebuilding provisions, limited access privilege programs, and other areas.

The Act is now reauthorized through 2010.

The Magnuson Act is complemented by other federal and state laws, including the Marine Mammal Protection Act, the Endangered Species Act, the Coastal Zone Management Act, and the National Marine Sanctuaries Act. International agreements and organizations, such as the International Convention for the Conservation of Atlantic Tunas, Inter-American Tropical Tuna Commission, and the United Nation’s Code of Conduct for Responsible Fisheries, also play a role in shaping management of U.S. fisheries.

- Final MSA Reauthorization Bill (http://www.nmfs.noaa.gov/sfa/2007reauth_notsigned.pdf)
- Magnuson-Stevens Fishery Conservation and Management Act (amended through 1996) (<http://www.nmfs.noaa.gov/sfa/magact/>)
- NOAA Fisheries’ Magnuson-Stevens Act webpage (<http://www.nmfs.noaa.gov/msa2005/>)

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