



FACT SHEET: MAGNUSON-STEVENS ACT

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The Magnuson-Stevens Fishery Conservation and Management Act (MSA) is the principal law governing marine fisheries in the United States. Before the MSA, U.S. fisheries were managed by an array of state regulations that focused mainly on fishing gear restrictions.

The MSA was adopted in 1976 under the Carter administration. It is named after the late Senators Warren Magnuson of Washington and Ted Stevens of Alaska. Its primary goals were to extend control of U.S. waters to 200 nautical miles in the ocean; to phase out foreign fishing activities; to prevent overfishing, especially by foreign fleets; to allow overfished stocks to recover; and to conserve and manage fishery resources.

The MSA explains the role of Regional Fishery Management Councils, which are charged with developing and implementing fishery management plans to restore depleted stocks. Council members are appointed by the Secretary of Commerce, who also evaluates and approves the councils' fishery management plans (FMPs).

The MSA has since been amended several times, most recently in 2006. The 2006 reauthorization, under the second President Bush, was a bipartisan effort that focused on ending overfishing and requiring enforceable catch limits on all federally-managed fish. This revision (called "Fishery Conservation and Management Amendments of 2006") made a number of changes related to establishment of annual catch limits, function of the Scientific and Statistical Committee, the environmental review process, rebuilding provisions, limited access privilege (catch share) programs, and other areas. The reauthorization strengthened the role of science in fishery management nationwide, requiring fishery managers to establish science-based annual catch limits (ACLs) and accountability measures for all U.S. fisheries. The MSA was reauthorized through 2010 and is now due for reauthorization again.



Courtesy of Ted Stevens Foundation, 1973

The MSA includes 10 national standards for management, which declare that 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).

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9. Minimize bycatch or mortality from bycatch.

10. Promote safety of human life at sea.

In 2016, 2017, and 2018, both the House and Senate drafted bills to reauthorize the MSA, but did not reauthorize the Act. Reauthorization is expected to come up again in 2019. The box on this page shows some of the topics that have been considered in reauthorization discussions.

The MSA is complemented by other Federal and state laws, including the Marine Mammal Protection Act, Endangered Species Act, Coastal Zone Management Act, and 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.

The Council's Legislative Committee tracks reauthorization bills, and the Council discusses them during the Legislative Report agenda item at Council meetings. For more information, contact Jennifer Gilden (Jennifer.gilden@noaa.gov), who tracks legislative issues for the Council.

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WHAT TO DO WITH THE MSA?

Many people feel the MSA has worked well, and do not want to make major changes to the Act. However, the following changes have been proposed in recent reauthorization bills:

- Exemptions to annual catch limits (for example, exemptions for short-lived species, for "ecosystem component" species, and for certain transboundary stocks)
- Capitol construction funds for processors and others
- Limitations on certain catch share programs
- Encouragement of cooperative research and electronic monitoring systems
- Efforts to modernize data collection
- Changes to how money collected from fines is used
- Changes to certain definitions and findings
- Allowing states, Councils, and marine fisheries commissions to express an objection to an exempted fishing permit
- Changing the term "overfished" to "overfished or otherwise depleted," or some other variant
- Adding references to tribes and subsistence fishing
- Allowing a rebuilding plan to end if it turns out the stock was never overfished in the first place
- Other tweaks to rebuilding requirements
- Requiring stock assessments for each stock managed by a Council (the Pacific Council manages 130+ stocks)
- Training programs for fishermen
- Management changes in other areas that do not affect the Pacific Council