



MAGNUSON-STEVENSONS ACT

Drew Minkiewicz | November 2023



HOUSE

U.S. House of Representatives

- 435 voting Members – based on population*
- 2-year terms*
- All 435 up for election in 2020*
- Key Committee – Natural Resources*
- South Atlantic Region Members



SENATE

U.S. Senate

- 100 Members – 2 from each state
- 6-year terms
- One third of Senate up for election in 2020
- Key Committee – Commerce, Science, and Transportation
- South Atlantic Region Members



COMMITTEES

Committees

- Authorizing committee vs appropriations committee
- Legislative hearing vs oversight hearing
- Bill vs report



LEGISLATION

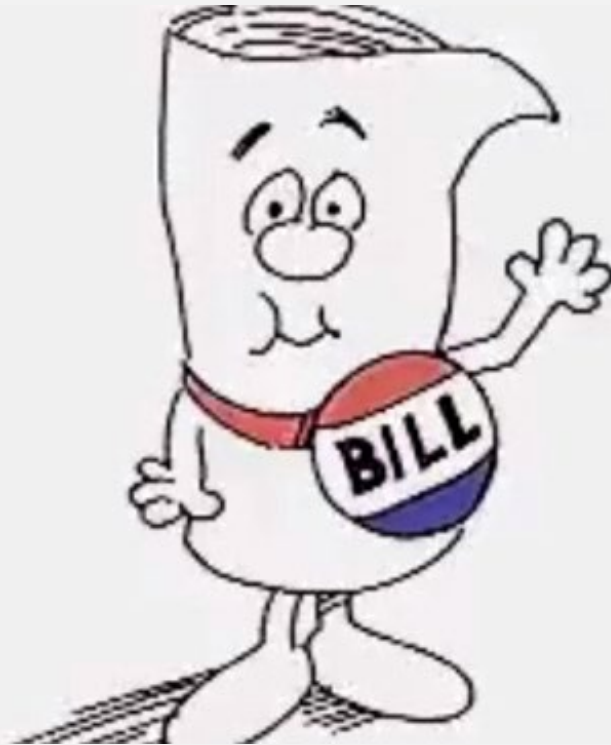
Legislative Process:

- Oversight/idea
- Staff drafts legislation or Oversight Hearing
- Legislation gets introduced / gets a number
- Hearing *
- Markup / report drafted and filed *
- Floor
- Other body action
- Work out differences – conference committee?
- President signature or veto

HOMWORK ASSIGNMENT!

Watch “I’m Just a Bill
(Schoolhouse Rock)”

[https://www.youtube.com
/watch?v=tyej55o3E10](https://www.youtube.com/watch?v=tyej55o3E10)





EXPANSION
OF U.S.
WATERS

Freedom of the Sea Doctrine

“Cannon Shot Rule”

U.S. claims “Customs Waters” and later known as the Continuous Zone

1945 - President Truman issues two proclamations

1946-1950 – Argentina, Chile, Peru, Ecuador claim extended continental shelf for fisheries protection

1953 – U.S. enacts the Submerged Lands Act



EXPANSION
OF U.S.
WATERS
(CON'T.)

1970 - Canada claimed rights to regulate navigation out to 100 miles to protect Arctic waters from pollution (from vessels)

1976 - the end of the “Cod Wars” between the United Kingdom and Iceland - ends with recognition of Iceland’s claim to waters out to 200 nautical miles.

1976 – U.S. enacts the Fishery Conservation and Management Act

1982 - U.N. Convention on the Law of the Sea formally adopted / prescribed “exclusive economic zone”

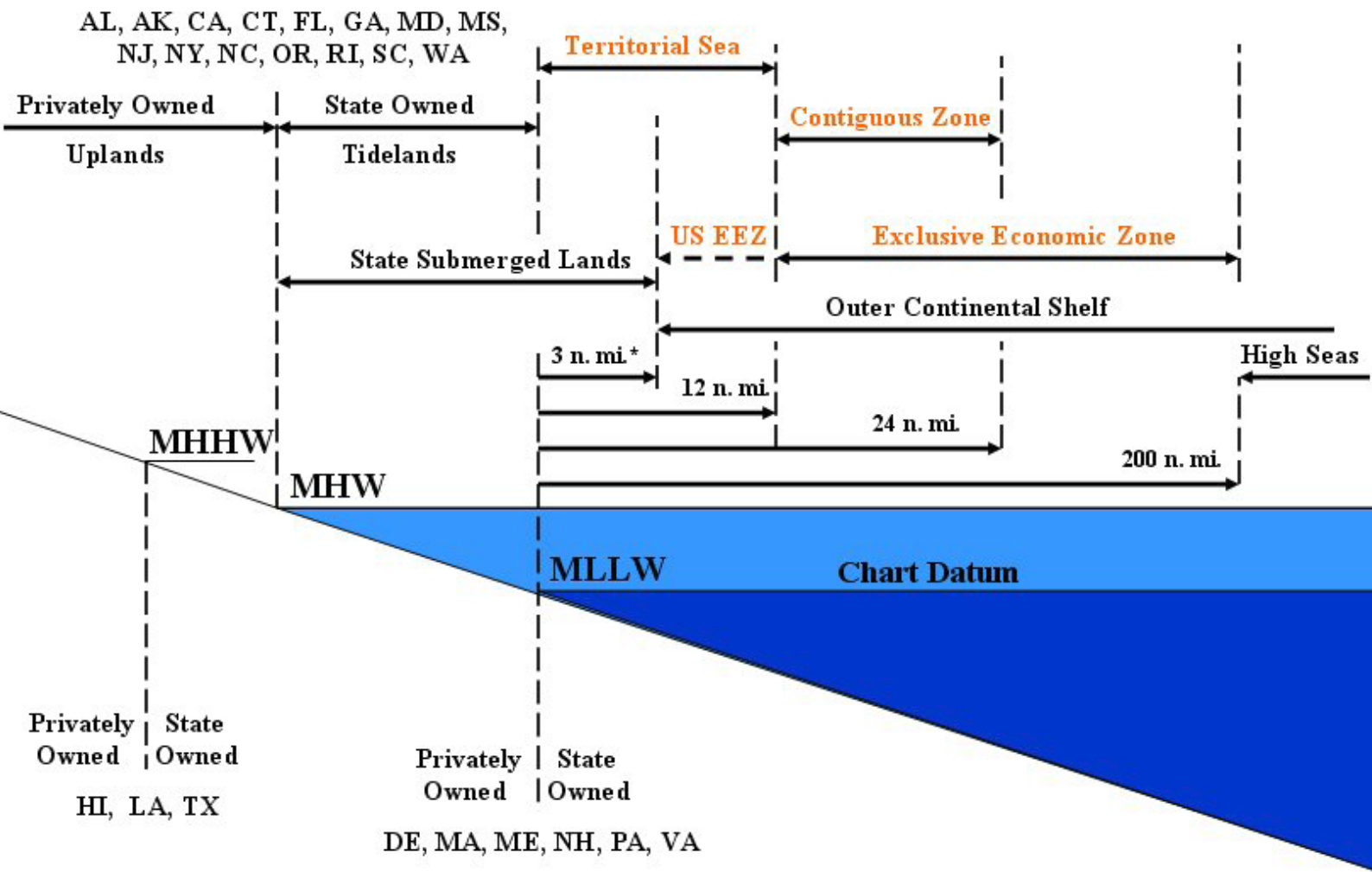
1983 - U.S. claims 200 nautical mile EEZ

1988 – U.S. claims 12-mile territorial sea

1999 – U.S. extends Contiguous Zone out to 24 nautical miles

EXPANSION OF U.S. WATERS (CON'T.)

U.S. MARITIME ZONES



FISHERY CONSERVATION AND MANAGEMENT ACT OF 1976 (FCMA)

- H.R. 200 - introduced – January 14, 1975
- H.R. 200 – reported by the House Merchant Marine and Fisheries Committee – August 20, 1975
- H.R. 200 - passes House of Representatives (208-101) – October 9, 1975
- Senate passes H.R. 200 (77-19) – January 28, 1976
- Conference Committee meets, report filed – March 24, 1976
- Senate and House agree to Conference Report – March 29th & 30th
- Measure sent to the President – April 1, 1976
- President signs H.R. 200 – April 13, 1976 despite State Department objections

FISHERY CONSERVATION AND MANAGEMENT ACT OF 1976 (FCMA)

State department objections** - Extension by the United States:

- would breed extensions by other countries which would be retaliatory in nature and which might be broader than a fisheries jurisdiction;
- would adversely affect relations with nations fishing off United States shores;
- would seriously damage United States distant water fishing interests, both in the short run and in the Law of the Sea Conference negotiations;
- would be unenforceable;
- would not be compatible with existing international law;
- would undercut United States efforts toward a comprehensive Law of the Sea Treaty and endanger successful negotiation at the Conference of other United States ocean interests;
- would contradict a fundamental United States position against unilateral extensions into high seas areas and the United States position that our interests can best be protected by international agreements rather than by unilateral extensions;
- would violate United States treaty obligations.”

***Taken from a University of Washington law review article written by Senator Warren Magnuson*

FISHERY CONSERVATION AND MANAGEMENT ACT OF 1976 (FCMA)

- Created the “Fishery Conservation Zone”
- Established exclusive fishery management authority over fish in the FCZ
- Banned foreign fishing
- Established National Standards
- Created Regional Fishery Management Councils
- Established procedures for how Councils are to create FMPs
- Introduced idea of “optimum yield”
- Created process for how the Secretary of Commerce approves and implements Council-passed FMPs
- Established what actions are prohibited

SUSTAINABLE
FISHERIES ACT -
1996

Overfishing/Overfished/Rebuilding

- Definitions of “overfishing” and “overfished”
- Requirement that each FMP specify criteria for determining when a fishery is overfished
- Requirement for annual report on status of fisheries to identify overfished fisheries or those approaching an overfished condition
- Requirement for each Council to act within one year to stop overfishing and rebuild the fishery
- Requirement for the Secretary to step in if a Council fails to act

SUSTAINABLE
FISHERIES ACT -
1996

Bycatch Reduction

- National Standard
- FMP requirement to minimize bycatch and minimize mortality
- “to the extent practicable”

SUSTAINABLE
FISHERIES ACT -
1996

Habitat Protection

- Defined “essential fish habitat”
- Requirement for description and identification of EFH for each fishery
- Minimize adverse effects on EFH caused by fishing
- Established procedures for comment on other federally-permitted activities or other federal actions that might effect EFH - response requirement

SUSTAINABLE
FISHERIES ACT -
1996

Individual Fishing Quotas

- Defined “Individual Fishing Quota”
- Moratorium
- Fee authorization / loan program authorization
- Central lien registry

SUSTAINABLE
FISHERIES ACT -
1996

Council Reforms

- Notice requirement
- Conflict of interest
- Recusal
- Roll call vote authority
- Tribal representative for PFMC

SUSTAINABLE
FISHERIES ACT -
1996

Miscellaneous

- National Standards on community impacts and safety
- Community Development Quotas
- State jurisdiction expansion - Alaska
- Fishing Capacity Reduction Program
- Fisheries Disaster Relief authorization
- Pacific Insular Area Fishery Agreements

SUSTAINABLE
FISHERIES ACT -
1996

Lessons Learned:

- New requirements for each FMP to be amended led to significant work and significant time for Councils to implement
- Tight timelines for compliance caused problems for Councils and the Secretary
- Especially with EFH identification, lack of science was a problem
- Litigation spiked

MAGNUSON-STEVENSONS FISHERY CONSERVATION AND MANAGEMENT REAUTHORIZATION ACT OF 2006

- * Prohibited Councils from setting harvest levels above the level recommended by the Council's SSC
- * Required Annual Catch Limits (ACLs) at a level to ensure overfishing is not taking place
- * Required Accountability Measures (AMs)
- * Established guidelines for the development of Limited Access Privilege Programs (LAPPs)
- * Included new recreational-specific measures

PUBLIC LAWS THAT AMENDED THE MSA

94-265*	100-66	105-146	109-241
95-354	100-629	105-384	109-479*
96-118	101-224	106-31	110-234
96-470	101-627	106-113	111-335
96-561	102-251	106-554	111-348
97-191	102-567	106-555	112-10
97-453	102-582	106-557	112-183
97-623	103-206	106-562	114-81
98-623	104-43	107-206	114-120
99-272	104-208	108-199	115-49
99-659	104-297*	108-219	117-263, 117-328

MAGNUSON-STEVENS ACT
REAUTHORIZATION
116TH AND 117TH CONGRESS ACTIONS

- Chairman Huffman’s Listening Sessions
- Two Reauthorization bills – different directions
- 117th Congress – Legislative Hearing - November 16, 2021 the House Natural Resources Committee’s Subcommittee on Water, Oceans, and Wildlife
 - H.R. 59, the “Strengthening Fishing Communities and Increasing Flexibility in Fisheries Management Act”
 - H.R. 4690, the “Sustaining America’s Fisheries for the Future Act of 2021”
 - H.R. 5770, the “Forage Fish Conservation Act of 2021”
- Markup - H.R. 4690, the “Sustaining America’s Fisheries for the Future Act of 2021” - September 21, 2022
- No Senate Action

116TH & 117TH CONGRESS ACTIONS

OTHER FISHERIES ACTIONS

- 117th Congress – 2 large packages containing fisheries provisions
 - National Defense Authorization Act for Fiscal Year 2023
 - Consolidated Appropriations Act, 2023
- Ban on possession, transportation, offering for sale, selling, or purchasing shark fins or products containing shark fins.
- Phase-out of West Coast driftnets
- Other fisheries/ocean provisions

118TH CONGRESS OUTLOOK
FROM THE HOUSE NATURAL RESOURCES
COMMITTEE'S OVERSIGHT PLAN

- Magnuson-Stevens Act Oversight
- Endangered Species Act Oversight
- 30x30 Presidential Initiative Oversight
- Gulf of Mexico Red Snapper Fishery Oversight
- NOAA Organic Act
- Offshore Wind Impacts on Fisheries Oversight
- Aquaculture Oversight

OTHER LAWS
AFFECTING FISHERIES
CONSERVATION AND
MANAGEMENT



Endangered Species Act



Marine Mammal Protection Act



National Environmental Policy Act



National Marine Sanctuaries Act



Coastal Zone Management Act

TREATIES / RFMOs

International Commission for the Conservation of Atlantic Tunas

Inter-American Tropical Tuna Commission

North Pacific Anadromous Fish Commission

Pacific Salmon Commission

International Pacific Halibut Commission

Convention on the Conservation and Management of Pollock Resources in the Central Bering Sea

U.S. Canada Albacore Treaty

OTHER FISHERIES POLICY ISSUES TO WATCH IN THE FUTURE



* IUU ENFORCEMENT



* SEAFOOD TRADE
DEFICIT



* AQUACULTURE



* FOOD SECURITY



* GROWING
INFLUENCE OF
NATIONS LIKE CHINA



WORKING
WITH
CONGRESS

(LOBBYING?
EDUCATING?)

- * Know your Congressman and Senators
- * Do your research – what is their background (businessman?), favorite issues, committee assignments, hobbies
- * Schedule your appointment weeks before your trip – check whether he/she will be in DC
- * District visit? check with local office for when the Member will be in town
- * Don't be upset if you meet with staff
- * Try to meet with committee staff? Be brief, don't just drop by
- * You will only have 15 minutes! Be brief - hit top three concerns or issues, then if extra time, talk about other things



WORKING
WITH
CONGRESS

(LOBBYING?
EDUCATING?)

- * Economic Impact - How many employees, local impact (you buy ice, groceries in town, dock your boat in town, you and employees are full time residents, spend all your money in town, how many other fishermen like you are in his district)...give him something to relate to
- * Offer tour of boat or operation
- * Do not take a gift or send a thank you gift afterwards – gift ban (local product exemption?)
- * Send follow up note with anything you forgot

QUESTIONS?

