

## **Stipend Payments to a Subset of Members on the Scientific and Statistical Committee and Advisory Panels**

### **Fact Sheet**

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1. The reauthorized Magnuson Stevens Act (MSA) states the following:

*“In addition to the provisions of section 302(f)(7), the Secretary shall, subject to the availability of appropriations, pay a stipend to the members of the scientific and statistical committee or members of advisory panels who are not employed by the Federal Government or a State marine fishery management agency.”*

2. In Federal Register Document E9-6891 (FR)(Agenda Item G.3.a, Attachment 2), NMFS is asking for comment on two matters:

- a. Implementation of paying stipends in the event funds become available ,and
- b. A proposed definition of an advisory panel.

3. The presumed rationale for stipends for scientific and statistical committee (SSC) members is to encourage scientists who are not employed by Federal or State marine fishery management agencies to participate on SSCs; the presumed rationale for stipends for advisory panel members is to compensate them for lost income via their participation on advisory panels.

4. Implementation of paying stipends.

- a. NMFS is asking for comments on various protocols to be used in paying stipends and the priority of paying stipends in the context of all the operational costs faced by Councils. The FR specifically asks:

*“In addition to issues such as the amount and frequency of payments, NMFS seeks input from the public on the funding priority that should be given payment of the stipend, relative to the Councils’ other financial obligations.”*

- b. The Pacific Council position leading to MSA reauthorization was to remove a proposed provision that would have provided stipends to members of the SSC, noting *“...the SSC should preserve its independent status...”* and *“...the Council has not experienced any difficulty attracting qualified candidates in the absence of stipends.”* Further, the position stressed *“...that if stipends are ultimately approved, funds for those stipend should not come from Council appropriations.”*

- c. In 2008, the NMFS explored payments of stipends with the Council Coordinating Committee (CCC), including paying SSC members as a priority over advisory panel members. The CCC unanimously adopted the following recommendation:

*“For this year only, the CCC recommends that NMFS not pay honorarium (stipends) to SSC or Advisory Panel members and that any such designated funding instead be made available to the Council to cover the costs of additional SSC meeting days for MSRA purposes and allocated to Councils based on demonstrated need. If NMFS feels honorariums to SSC members are required, the CCC recommends that the level be set at \$100 per day.”*

- d. The CCC meeting held February 25-27, 2009.

- i. After noting that they offered no specific guidance at the time and that they intended to issue an FR notice asking for advise on funding priority and protocols in paying stipends, NMFS asked the CCC to consider making a recommendation on paying stipends, among other recommendations about spending allocations. The Mid-Atlantic Fishery Management Council (MAFMC) made a motion, seconded by the New England Fishery Management Council (NEFMC), that as an interim measure, the CCC recommend \$500,000 be allocated among Councils using the traditional proportions, that only SSC members qualified under the MSA be paid, and that payment be at \$250 per day.

- 1. The motion passed 7-1, with the Pacific Council the dissenting vote. The vote in opposition was based on:

- a. concern about creating two classes of SSC members, one receiving stipends and one not;
- b. lack of consideration for members of other advisory bodies;
- c. lack of funding for higher priority funding matters;
- d. lack of direction from NMFS that stipends were required to be paid in 2009; and
- e. lack of consistency on what type of days (SSC meeting days, travel and homework days, stock assessment review (STAR) panel days, etc.) would be considered eligible for payments.

- 2. The Pacific Council CCC representatives said the vote results would be reported to the full Pacific Council, where a decision would be made on how to proceed.

- e. Subsequently, the Councils have indicated they will take different approaches to paying stipends to only eligible SSC members in 2009, as follows.

- i. The New England Council will pay
  - 1. \$250 per day for actual SSC meeting days, with no pay for travel or “homework” days unless the member must travel a long distance;
  - 2. \$800 per day for SSC members chairing or co-chairing their STAR panel type meetings, which may include preparatory and follow-up time; and
  - 3. It is unclear when payments will begin.
- ii. The Mid-Atlantic Council will pay
  - 1. \$250 per day for any days SSC members meet, with no pay for travel, preparatory, or follow-up work days; and
  - 2. Payments begin April 7, 2009.
- iii. The South Atlantic Council will determine payment specifics at their June Council meeting.
- iv. The Gulf Council will pay
  - 1. \$250 per day for actual SSC meeting days, with no pay for travel or homework days, unless the member must travel a long distance; and
  - 2. Payments begin June 1, 2009.
- v. The Caribbean Council will pay
  - 1. \$250 per day for actual SSC meeting days and two travel days per meeting, with no pay for preparatory or follow-up work days; and
  - 2. Payments will be retroactive to January 1, 2009.
- vi. The Western Pacific Council will pay
  - 1. \$250 per day for actual SSC meeting days, with no pay for travel or homework days;
  - 2. \$800 per day for SSC members participating in their STAR panel type meetings; and
  - 3. Payments will be retroactive to January 1, 2009.
- vii. The North Pacific Council will pay
  - 1. \$250 per day for actual SSC meeting days, with no pay for travel or “homework days”; and
  - 2. It is unclear whether payments will be retroactive to January 1, 2009.
- f. Pacific Council SSC and advisory panel members eligible to be paid:
  - i. It appears four members of the SSC are eligible to be paid;
  - ii. The term “advisory panels” is not in common usage at the Pacific Council, but could include as listed in the current Council Roster

1. Standing Committees – two, which are the Budget Committee and the Legislative Committee;
  2. Advisory Bodies – 13, including six composed of scientists, four composed of fishing/conservation/processor/public representatives, one composed of law enforcement specialists, and two of mixed composition, which are the Habitat Committee and the Groundfish Allocation Committee;
  3. Ad Hoc Committees – ten;
  4. It appears there are at least 80 stipend-eligible members of advisory panels, if taken in the broadest sense but not including Council members.
5. Proposed advisory panel definition:
- a. The purpose of the proposed definition seems to be driven by stipend payment clarity reasons.
  - b. Congressional language for stipend eligibility specifically states “advisory panel,” a term different than the “*fishing industry advisory committee*” term used in MSA § 302(g)(3)(A); “fishing industry advisory committees” have evolved in the Pacific Council into the current four advisory subpanels composed of fishing/conservation/processor/public representatives. The term “advisory panel” could have been selected to allow for the inclusion of more groups, such as our scientific advisory bodies other than the SSC, or it could have been selected to limit eligible groups, such as only the standing committees that NMFS is proposing.
  - c. NMFS proposes the following definition for advisory panel:

*“Advisory panel (AP) means a standing committee formed and selected by a regional fishery management council, under the authority of MSA section 302(g)(2), to assist it in carrying out its functions. An AP may include members that are not members of the council.”*
  - d. If implemented in this manner, Council members would be the only advisory body eligible for stipends since the membership of the current standing committees at the Pacific Council includes only Council members.
  - e. It is not clear whether renaming existing Pacific Council advisory bodies as standing committees, or renaming existing standing committee as advisory bodies, would allow the Council the de facto decision on stipend payment eligibility.