

To: American Association of Biological Anthropologists Executive Committee
From: Benjamin Auerbach, Chair of Committee for Community Partnership
Date: 21 March 2022
Re: Annual report

Dear Steve and Members of the AABA Executive Committee:

The Committee for Community Partnership (CCP) for the AABA has a current membership of five individuals: Drs. Benjamin Auerbach (chair), Shamsi Berry, Ellen Lofaro, Ripan Malhi, and Charlotte Roberts. Herein we report our activities over the last year and plans for the upcoming year. In brief, we have been active as part of the Task Force for the Ethical Study of Human Remains, while also serving in our primary role to give advice when requested by the Executive Committee concerning community partnership in research.

- Starting in July 2021, following conversations with President Steve Leigh and the Executive Committee that started in May, Benjamin Auerbach was named the initial chair of a task force to address many growing concerns about the ethics of how research on human remains and biological samples has been conducted. This was spurred by a few occurrences, notably the revelations associated with the human skeletal remains from a victim of the MOVE Bombing in Philadelphia. The members of the CCP were asked to participate in the Task Force given their broad experience and knowledge as members of the committee, and all agreed to serve as members of the newly assembled task force. Fatimah Jackson was asked to serve as co-chair, and with Steve Leigh and Past President Anne Grauer, co-chairs Drs. Auerbach and Jackson worked to identify and invite additional individuals to serve on the Task Force.

Since July 2021, the primary work of the CCP has been associated with the tasks of the Task Force for the Ethical Study of Human Remains. A report of the activities of the task force will be presented to the Executive Committee at the board meeting on 23 March, and to the AABA membership at the Presidential Plenary Panel on the 26th.

- In addition to the work of the committee on the task force, the CCP was asked in February to provide official comments regarding the new revisions to NAGPRA first proposed in 2021 and now presented for public comment. The CCP reviewed the changes to NAGPRA, and provided a draft letter in response after consulting with our sibling committees in the Society for American Archaeology. The draft letter is included at the end of this memo.
- Finally, with Executive Committee approval, the committee is looking toward finding two new members to rotate onto the committee this following year. Dr. Roberts' term will be ending in 2022, and so we have a vacancy for a senior scholar as of June. In addition, the

committee would like to recruit a student member. Dr. Auerbach is slated to step down as chair in 2023, and so planning succession of the next chair should be discussed this year.

Thank you all, again, for your continued support of the efforts of our committee. We greatly appreciate the hard work of the members of the Executive Committee.

On Behalf of the Committee for Community Partnership,
Benjamin M. Auerbach

Draft Statement on proposed NAGPRA revisions

We thank the National NAGPRA Committee for the opportunity to provide comments in response to the most recent proposed revisions to NAGPRA. While we appreciate the solicitation for feedback, we are also concerned that our comments will be rendered moot as tribal responses to the proposed changes, which have been solicited since the fall of 2021, have not been communicated to us. Thus, some of the suggestions that we provide may already have been addressed, or additional concerns raised by tribal representatives remain unknown to us. Given this caveat, we provide some comments in response to the proposed changes.

We in the American Association of Biological Anthropology (AABA) Committee for Community Partnership and the Executive Committee broadly see the proposed revisions as improvements in the law. By making the emphasis on geographic affiliation the criterion for repatriation for formerly designated culturally unaffiliated human remains and grave goods, the law greatly streamlines the repatriation process and makes association more straightforward. Likewise, we agree that the revision to the dates and timing for museums and institutions to complete their inventories and notifications provides clarity that formerly was lacking. With respect to these improvements, we have some additional notes and concerns.

First, we appreciate that geographic affiliation provides some flexibility in the reassociation of remains and objects, but it continues the inherent problem that this only applies to federally recognized tribes and nations. As NAGPRA is a federal law, we recognize that this is an implicit limitation, but it still requires tribes that are not federally recognized to either partner with those that are or petition the National NAGPRA Office. Additional guidelines to help museums and institutions in navigating the communication with non-federally recognized tribes are warranted.

The new timeline for the completion and reporting of inventories—two years—is reasonable for institutions with smaller existing collections and for tribes that have fewer claims. However, two years is not sufficient time for institutions with large holdings, or small institutions without resources to hire personnel. We recognize that deadlines are necessary and important to ensure the repatriation process is completed in a timely and respectful manner. Likewise, we recognize that institutions may file for extensions. We would like clearer guidance in the NAGPRA revisions concerning the filing of extensions for completing inventories, namely how institutions may request more time when they can demonstrate they are working in good faith to complete inventories. Perhaps a quantification threshold of number of sites or sizes of collections could be established to automatically provide more time for larger collections.

Moreover, we respectfully suggest that National NAGPRA provide more funding both to institutions to support the hire of staff to help complete inventories and to tribes to adjudicate repatriation requests. The burden of completing inventories and carrying out repatriation requires sufficient staff to conduct the necessary work. Often museums, institutions, and tribes do not have sufficient resources to hire

individuals to meet the demand, which inherently slows the process of repatriation. Providing funds through grants to hire such staff would make the completion of inventories more likely within the timeframe desired in the proposed revisions.

Again, we take exception at the timing of solicitation for responses from the AABA, other professional anthropological organizations, and scientific practitioners. We respectfully request that tribal feedback be incorporated in the future when seeking comment from the AABA.

We look forward to providing additional responses and feedback to the next round of revisions.