

109TH CONGRESS  
1ST SESSION

# H. R. 915

To authorize the President to take certain actions to protect archaeological or ethnological materials of Afghanistan.

---

## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 17, 2005

Mr. ENGLISH of Pennsylvania (for himself, Ms. HART, Mr. MCGOVERN, Mr. McDERMOTT, Mr. HOLDEN, and Mr. PAYNE) introduced the following bill; which was referred to the Committee on Ways and Means

---

## A BILL

To authorize the President to take certain actions to protect archaeological or ethnological materials of Afghanistan.

1        *Be it enacted by the Senate and House of Representa-*  
2        *tives of the United States of America in Congress assembled,*

3        **SECTION 1. SHORT TITLE.**

4        This Act may be cited as the “Cultural Conservation  
5        of the Crossroads of Civilization Act”.

6        **SEC. 2. FINDINGS.**

7        The Congress finds as follows:

8                (1) Afghanistan enjoys a geographical position  
9        that made it a crossroads of civilizations. Its tumul-  
10        tuous history can be traced back as early as the 4th

1 millennium B.C. and, as a result, it is a living tap-  
2 estry of ethnic and linguistic cultures. Historically as  
3 well as artistically, it is a major contributor to the  
4 world community.

5 (2) Afghanistan, flanked by Central, West, and  
6 South Asia, has seen waves of migrating peoples  
7 pass through what has been referred to as the  
8 roundabout of the ancient world.

9 (3) Archaeologists have identified evidence of  
10 Stone Age technology and a 20,000-year-old sculp-  
11 ture head in Aq Kupruk.

12 (4) The earliest settlers in Afghanistan, who  
13 migrated from northern territories approximately  
14 50,000 years ago, lived as individual hunters in the  
15 caves of the northern Hindu Kush mountains.

16 (5) Evidence has been uncovered at the foothills  
17 of the Hindu Kush Mountains and Darra-e Dadil  
18 (near Darra-e Suf), Hazara Sum (near Aibak), and  
19 Qara Kamar (near Khulm) indicating that North  
20 Afghanistan was home to the earliest domestic  
21 plants and animals.

22 (6) The Khyber Pass, a 33-mile passage  
23 through the Hindu Kush mountain range and dating  
24 back to 326 B.C., connects the northern frontier of  
25 Pakistan with Afghanistan.

1           (7) During the 4th century B.C., Alexander the  
2           Great defeated Darius III. Later on, the last  
3           Achaemenid ruler took control of Afghanistan and  
4           introduced to the region Hellenistic civilizations as  
5           well as new coins and artistic styles.

6           (8) Alexander the Great and his army marched  
7           through the Kunar Valley to reach the plains of  
8           India. The Aryan, Persian, and Greek armies and  
9           the Scythian, White Huns, Seljuk, Tartar, Mongol,  
10          Turk, Moghol, and Durrani armies made successful  
11          inroads into territories beyond the Peshawar Valley  
12          and Hindukosh Valleys.

13          (9) Graeco-Buddhist Gandharan culture  
14          reached its height during the Kushan Empire of Af-  
15          ghanistan.

16          (10) During the Kushan Empire, under King  
17          Kanishka, Buddha was for the first time represented  
18          with a human face. Centuries later, the world's larg-  
19          est standing Buddha statues, between 120–175 feet  
20          tall, were carved into the Great Cliff of Bamiyan.

21          (11) The Silk Road passed through Afghani-  
22          stan, bringing Roman glass and Chinese lacquer  
23          ware.

24          (12) In 962, the rise of the Ghaznavid Dynasty  
25          ushered in the Islamic era and gave Afghanistan a

1 permanent political and cultural role in Islamic civ-  
2 ilization.

3 (13) In 1219, Changiz (Genghis) Khan invaded  
4 Bukhara to avenge the looting of his caravan.  
5 Changiz eventually defeated Khwarazn Shah and  
6 proceeded through Afghanistan in his conquest of  
7 Asia.

8 (14) Most archaeological material excavated in  
9 Afghanistan during the 20th century was housed in  
10 the National Museum in Kabul or in regional muse-  
11 ums.

12 (15) The Archaeological Institute of America  
13 has published articles listing thousands of artifacts  
14 that are among the stolen or imperiled treasures of  
15 the National Museum in Kabul.

16 (16) The nation of Afghanistan has endured a  
17 raping and pillage of its cultural property over the  
18 past two decades, leading Abdul Wasey Feroozi,  
19 former director of the National Archaeological Insti-  
20 tute in Kabul, to state, “The catastrophe of war an-  
21 nihilated seventy years of our hard work and accom-  
22 plishments. In the period from 1992 to 1994 . . .  
23 over 70 percent of the Kabul National Museum was  
24 burned and damaged and 100 percent of the objects  
25 were stolen or vandalized. Illegal excavations and ex-

1       tensive clandestine digging started at most historical  
2       sites, and thousands of valuable objects were trans-  
3       ported to other countries, notably through Pakistan,  
4       to the international markets.”.

5           (17) It should be recognized that the cultural  
6       heritage of Afghanistan is at extreme peril and this  
7       legislation is a result of a profound concern for the  
8       damage to Afghan antiquities, sites, monuments,  
9       and cultural institutions.

10 **SEC. 3. EMERGENCY IMPLEMENTATION OF IMPORT RE-**  
11 **STRICTIONS.**

12       (a) **AUTHORITY.**—The President may exercise the au-  
13       thority the President has under section 304 of the Conven-  
14       tion on Cultural Property Implementation Act (19 U.S.C.  
15       2603) with respect to any archaeological or ethnological  
16       material of Afghanistan as if Afghanistan were a State  
17       Party under that Act, except that, in exercising such au-  
18       thority, subsection (c) of such section shall not apply.

19       (b) **DEFINITION.**—In this section, the term “archae-  
20       ological or ethnological material of Afghanistan” means  
21       cultural property of Afghanistan and other items of ar-  
22       chaeological, historical, cultural, rare scientific, or reli-  
23       gious importance (including coins, manuscripts, and stat-  
24       uary artifacts) illegally removed, after the date of the en-  
25       actment of this Act, from the National Museum in Kabul

1 or other locations, including archaeological sites, in Af-  
2 ghanistan.

3 **SEC. 4. TERMINATION OF AUTHORITY.**

4 The authority of the President under section 3 shall  
5 terminate upon the earlier of—

6 (1) the date that is 5 years after the date on  
7 which the President certifies to the Congress that  
8 normalization of relations between the United States  
9 and the Government of Afghanistan has been estab-  
10 lished; or

11 (2) September 30, 2010.

○