

108TH CONGRESS
1ST SESSION

H. R. 2009

To provide for the recovery, restitution, and protection of the cultural heritage
of Iraq.

IN THE HOUSE OF REPRESENTATIVES

MAY 7, 2003

Mr. ENGLISH (for himself and Mr. LEACH) introduced the following bill;
which was referred to the Committee on Ways and Means

A BILL

To provide for the recovery, restitution, and protection of
the cultural heritage of Iraq.

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 “Iraq Cultural Heritage
5 Protection Act”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act—

8 (1) the term “archaeological material of
9 Iraq”—

1 (A) means any object or fragment or part
2 of an object, including human and animal skel-
3 etal remains and plant and floral remains, that
4 was first found within the borders of Iraq as
5 such borders existed on August 2, 1990, and
6 that—

7 (i) was built, manufactured, sculpted,
8 produced, or written by humans;

9 (ii) is at least 100 years old; and

10 (iii) was discovered as a result of sci-
11 entific excavation, illegal or clandestine
12 digging, accidental discovery, or explo-
13 ration on land or under water; and

14 (B) includes all human and animal skeletal
15 remains, as well as floral and botanical remains,
16 that are found in association with archae-
17 ological material described in subparagraph (A);
18 and

19 (2) the term “cultural material of Iraq” means
20 any object, regardless of age, including manuscripts,
21 and materials used for traditional or religious cere-
22 monial purposes, or a fragment or part of an object,
23 that was, on or after August 2, 1990, in the care
24 of Iraq’s cultural or religious institutions and is of

1 historic, artistic, religious, scientific, or cultural in-
2 terest.

3 **SEC. 3. IMPORT RESTRICTION.**

4 (a) IMPORT PROHIBITION.—No archaeological mate-
5 rial of Iraq or cultural material of Iraq that was removed
6 from Iraq after Executive Order 12722 of August 2, 1990,
7 was issued may be imported into the United States, unless
8 the Government of Iraq issues a certification or other doc-
9 umentation certifying that the exportation of the material
10 from Iraq was not in violation of the laws of Iraq.

11 (b) CUSTOMS ACTION IN ABSENCE OF DOCUMENTA-
12 TION.—If the consignee of any archaeological material of
13 Iraq or cultural material of Iraq is unable to present to
14 the appropriate customs officer at the time of making
15 entry of such material the certification or other docu-
16 mentation by the Government of Iraq required under sub-
17 section (a), the customs officer shall refuse to release the
18 material from customs custody, and shall send it to a
19 bonded warehouse or store to be held at the risk and ex-
20 pense of the consignee, notwithstanding any other provi-
21 sion of law, until such certification or other documentation
22 is filed with such officer. If such certification or other doc-
23 umentation is not presented within 90 days after the date
24 on which such material is refused release from customs
25 custody, or such longer period as may be allowed by the

1 Secretary of the Treasury for good cause shown, the mate-
2 rial shall be subject to seizure and forfeiture.

3 **SEC. 4. FORFEITURE OF UNLAWFUL IMPORTS.**

4 (a) SEIZURE.—Archaeological material of Iraq or cul-
5 tural material of Iraq that is imported into the United
6 States in violation of this Act shall be seized and subject
7 to forfeiture under the customs laws of the United States.
8 All provisions of law relating to seizure, forfeiture, and
9 condemnation for violation of the customs laws shall apply
10 to seizures and forfeitures under this Act, insofar as those
11 provisions of law are applicable to, and not inconsistent
12 with, the provisions of this Act.

13 (b) DISPOSITION OF ARTICLES.—Any archaeological
14 material of Iraq or cultural material of Iraq that is for-
15 feited to the United States under this Act shall be re-
16 turned to the country of Iraq.

17 **SEC. 5. COUNTRY OF ORIGIN.**

18 In applying the Tariff Act of 1930 or any other provi-
19 sion of the customs laws of the United States to an article
20 that is an object, or fragment of an object, discovered as
21 a result of scientific excavation, illegal or clandestine
22 digging, accidental discovery, or exploration on land or
23 under water, the country of origin of the object or frag-
24 ment is the country within whose borders, as they exist
25 at the time the object or fragment is imported, or at-

1 tempted to be imported, into the United States, the object
2 or fragment was first discovered or excavated.

3 **SEC. 6. AMENDMENTS TO CONVENTION ON CULTURAL**
4 **PROPERTY IMPLEMENTATION ACT.**

5 (a) DEFINITION OF ARCHAEOLOGICAL OR ETHNO-
6 LOGICAL MATERIAL.—Section 302(2)(i)(II) of the Con-
7 vention on Cultural Property Implementation Act (19
8 U.S.C. 2601(2)(i)(II)) is amended by striking “two hun-
9 dred and fifty years” and inserting “100”.

10 (b) EMERGENCY IMPLEMENTATION OF IMPORT RE-
11 STRICTIONS.—Section 304 of the Convention on Cultural
12 Property Implementation Act (19 U.S.C. 2603) is amend-
13 ed—

14 (1) by striking “State Party” each place it ap-
15 pears and inserting “country”; and

16 (2) in subsection (c)—

17 (A) by striking paragraphs (1) and (2);

18 (B) by striking paragraph (3) and insert-
19 ing the following:

20 “(1) No import restrictions under section 307
21 may be applied under this section to the archae-
22 ological or ethnological materials of any country for
23 more than 10 years after the date on which the no-
24 tice in the Federal Register imposing such restric-
25 tions is published. Such 10-year period may be ex-

1 tended by the President if the President determines
2 that the emergency condition continues to apply with
3 respect to the archaeological or ethnological mate-
4 rial.”; and

5 (C) in paragraph (4)—

6 (i) by redesignating such paragraph
7 as paragraph (2); and

8 (ii) by striking “paragraph (3)” and
9 inserting “paragraph (1)”.

10 (c) CONFORMING AMENDMENTS.—The Convention
11 on Cultural Property Implementation Act is amended—

12 (1) in section 302 (19 U.S.C. 2601)—

13 (A) in paragraph (2)—

14 (i) by amending the matter preceding
15 subparagraph (A) to read as follows:

16 “(2) The term ‘archaeological or ethnological
17 material’ of a State Party or othercountry means—
18 ”; and

19 (ii) in the matter following subpara-
20 graph (C), by inserting “or other country”
21 after “State Party”; and

22 (B) in paragraph (7), by inserting “or an-
23 other country” after “State Party”;

1 (2) in section 305 (19 U.S.C. 2604) in the first
2 sentence, by striking “by such action” and inserting
3 “the country covered by such action”;

4 (3) in section 307 (19 U.S.C. 2606)—

5 (A) in subsection (a)—

6 (i) by striking “State Party” the first
7 place it appears and inserting “the country
8 concerned”; and

9 (ii) by striking “the State Party” each
10 subsequent place it appears and inserting
11 “that country”; and

12 (B) in subsections (b) and (c), by striking
13 “the State Party” each place it appears and in-
14 serting “the country concerned”; and

15 (4) in section 310(b) (19 U.S.C. 2609(b)) by
16 striking “State Party” each place it appears and in-
17 serting “country concerned”.

18 (d) EXTENSION OF AGREEMENTS.—Section 303(e) of
19 the Convention on Cultural Property Implementation Act
20 (19 U.S.C. 2602(e)) is amended by striking “five years”
21 and inserting “10 years”.

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