

108TH CONGRESS
2D SESSION

H. R. 4641

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

IN THE HOUSE OF REPRESENTATIVES

JUNE 22, 2004

Mr. ENGLISH (for himself, Mr. HOLDEN, Mr. VAN HOLLEN, Mr. McDERMOTT, Mrs. MALONEY, Ms. HART, Mr. WELDON of Pennsylvania, Mr. MCGOVERN, and Mr. GRIJALVA) 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 has been at the crossroads of
9 civilizations, a mosaic of ethnic and linguistic cul-

1 ture, and a major contributor to the world commu-
2 nity for more than two millennia.

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

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

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

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

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

24 (7) During the period from 336 to 323 B.C.,
25 Alexander the Great defeated Duriush III, the last

1 Kakhamanesh ruler, took control of Afghanistan,
 2 and introduced new coins and artistic styles to the
 3 region.

4 (8) Alexander the Great and his army marched
 5 through the Khyber Pass to reach the plains of
 6 India, Aryans passed through on their victorious ad-
 7 vance of Persian and Greek armies, and Scythians,
 8 White Huns, Seljuks, Tartars, Mongols, Sassanians,
 9 Turks, Mughals, and Durrani made successive in-
 10 roads into the territories beyond Peshawar Valley
 11 and Indus via the Khyber Pass.

12 (9) Graeco-Buddhist Gandharan culture
 13 reached its height during Afghanistan's Kushan Em-
 14 pire under King Kanishka.

15 (10) During the Kushan Empire, Buddha was
 16 first given a human face, and the world's largest
 17 Buddhas ranging from 120 to 175 feet tall were
 18 carved into the cliff at Bamiyan.

19 (11) The Silk Road passed through Afghani-
 20 stan, bringing Roman glass and Chinese ceramics.

21 (12) In 962, the rise of the Ghaznavid Dynasty
 22 ushered in the Islamic era and gave Afghanistan a
 23 permanent political and cultural role in Islamic civ-
 24 ilization.

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

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

10 (15) Reports indicate that copies of ancient
11 maps are being used by looters to track long lost vil-
12 lages in the eastern provinces of Nangarhar,
13 Laghman, and Kunar.

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

18 (17) The nation of Afghanistan has endured a
19 raping and pillage of its cultural property over the
20 past two decades, leading Abdul Wasey Feroozi, di-
21 rector of the National Archaeological Institute in
22 Kabul, to state, “The catastrophe of war annihilated
23 seventy years of our hard work and accomplish-
24 ments. In the period from 1992 to 1994 . . . over
25 70 percent of the Kabul National Museum was

1 burned and damaged and 100 percent of the objects
2 were stolen or vandalized. Illegal excavations and ex-
3 tensive clandestine digging started at most historical
4 sites, and thousands of valuable objects were trans-
5 ported to other countries, notably through Pakistan,
6 to the international markets.”.

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

12 **SEC. 3. EMERGENCY IMPLEMENTATION OF IMPORT RE-**
13 **STRICTIONS.**

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

21 (b) **DEFINITION.**—In this section, the term “archae-
22 ological or ethnological material of Afghanistan” means
23 cultural property of Afghanistan and other items of ar-
24 chaeological, historical, cultural, rare scientific, or reli-
25 gious importance illegally removed, after the date of the

1 enactment of this Act, from the National Museum in
2 Kabul or other locations, including archaeological sites, in
3 Afghanistan.

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

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

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

12 (2) September 30, 2009.

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