

105TH CONGRESS
2D SESSION

H. R. 3916

Expressing the sense of the Congress regarding the need to address Nigerian advance fee fraud, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 20, 1998

Mr. MARKEY (for himself Mr. ROYCE, Mr. PAYNE, Mr. CAMPBELL, Mr. MENENDEZ, Mr. MCDADE, Ms. MCKINNEY, Mr. BARRETT of Nebraska, Mr. SCHUMER, Mr. LATOURETTE, Mr. MCGOVERN, Mr. METCALF, Mr. STARK, Ms. RIVERS, Mr. HOLDEN, and Ms. FURSE) introduced the following bill; which was referred to the Committee on International Relations

A BILL

Expressing the sense of the Congress regarding the need to address Nigerian advance fee fraud, and for other purposes.

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 “Nigerian Advance Fee
5 Fraud Prevention Act of 1998”.

6 **SEC. 2. FINDINGS.**

7 The Congress makes the following findings:

1 (1) Nigerian advance fee fraud, known inter-
2 nationally as “4-1-9” fraud after the section of the
3 Nigerian penal code which addresses fraud schemes,
4 has reached epidemic proportions.

5 (2) Such frauds generally involve a company or
6 individual that receives an unsolicited letter from a
7 Nigerian claiming to be a senior civil servant of the
8 Nigerian Government, usually from the Nigerian
9 National Petroleum Corporation.

10 (3) The Nigerian perpetrator of the fraud ex-
11 plains that the entity of the Nigerian Government
12 concerned is seeking a reputable foreign company or
13 individual to use its account to deposit funds rang-
14 ing from \$10,000,000 to \$60,000,000, which the Ni-
15 gerian Government overpaid on a contract.

16 (4) The intended victims of such frauds are
17 typically asked to provide company letterhead and
18 bank account information which they are told will be
19 used to show completion of the contract.

20 (5) The victim’s letterhead is actually used to
21 forge letters to other prospective victims and to
22 forge letters of recommendation for travel visas from
23 the United States Embassy in Lagos, Nigeria.

1 (6) Victims of such frauds are pressured to
2 send money for unforeseen taxes, fees to the Nige-
3 rian Government, and attorney fees.

4 (7) Victims of such frauds are requested to
5 travel to Nigeria to complete the fraudulent trans-
6 action, and are told a visa is not necessary to enter
7 the country.

8 (8) The perpetrators of such frauds often bribe
9 airport officials to bypass a victim of such fraud
10 through immigration, and use the victim's illegal
11 entry into the country as leverage to coerce the vic-
12 tim into releasing more funds to the perpetrators.

13 (9) Violence and threats of physical harm have
14 also been used to pressure victims of such frauds.

15 (10) 15 foreign businessmen, including 2
16 United States citizens, have been murdered after
17 traveling to Nigeria in pursuit of a 4-1-9 scam.

18 (11) Financial losses incurred by United States
19 citizens and reported to the United States Secret
20 Service exceed \$100,000,000.

21 (12) The money derived from these schemes is
22 often used to fund other illegal activities, including
23 drug trafficking and violent crimes.

24 (13) The United States Secret Service has es-
25 tablished "Operation 4-1-9", which is designed to

1 target these schemes, and the Secret Service receives
2 over 100 telephone calls and 300 to 500 pieces of
3 mail from victims of such schemes every day.

4 (14) Perpetrators of 4–1–9 frauds are rarely
5 prosecuted or jailed by the Nigerian Government,
6 and money lost is rarely recovered.

7 (15) The Nigerian Government is suspected of
8 playing a role in these schemes, at least insofar as
9 it has not made any serious efforts to curb the
10 schemes, enforce its own laws against the schemes,
11 or apprehend and prosecute the perpetrators.

12 **SEC. 3. EFFORTS TO END THE NIGERIAN ADVANCE FEE**
13 **FRAUD.**

14 (a) SENSE OF CONGRESS.—It is the sense of the Con-
15 gress that—

16 (1) the United States should work with the
17 international community to ensure the prosecution
18 of Nigerian scam artists involved in the advance fee
19 frauds described in section 2; and

20 (2) the United States should take all steps nec-
21 essary to educate the public about such advance fee
22 fraud, and to prevent future occurrences of such
23 fraud.

24 (b) REPORTS TO CONGRESS.—Not later than 1 year
25 after the date of the enactment of this Act, the Secretary

1 of State and the Secretary of the Treasury shall jointly
2 submit to the Congress a report which includes the follow-
3 ing information:

4 (1) Actions undertaken by the Nigerian Govern-
5 ment to cooperate with international officials in ap-
6 prehending and extraditing persons responsible for
7 committing advance fee fraud described in section 2
8 and preventing future occurrences of such fraud.

9 (2) Efforts undertaken to inform United States
10 citizens about such advance fee fraud.

11 (3) Efforts undertaken to ensure the coordina-
12 tion of activities by the United States Government
13 relating to such fraud.

14 (4) Efforts undertaken to work with the inter-
15 national community to combat such fraud and ap-
16 prehend the perpetrators.

17 (5) Other measures being undertaken, and
18 which will be undertaken, to ensure and promote an
19 end to such advance fee fraud, including the imposi-
20 tion of economic and other sanctions on the Govern-
21 ment of Nigeria.

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