



THE SENATE

FEDERAL REPUBLIC OF NIGERIA

VOTES AND PROCEEDINGS

Tuesday, 2nd April, 2019

1. The Senate met at 10:49 a.m. The Senate President read Prayers.

2. **Votes and Proceedings:**

The Senate examined the Votes and Proceedings of Wednesday, 20th March, 2019.

Question was put and the Votes and Proceedings were approved.

3. **Messages from Mr. President:**

The Senate President announced that he had received ten (10) letters from Mr. President, Commander-in-Chief of the Armed Forces of the Federation, which he read as follows:

(a) **Promissory Note Programme and a Bond Issuance:**



**PRESIDENT,
FEDERAL REPUBLIC OF NIGERIA**

5th March, 2019

*Distinguished Senator Abubakar Bukola Saraki
President of the Senate,
Senate Chambers,
National Assembly Complex,
Three Arms Zone,
Abuja.*

Dear Distinguished Senate President,

**PROMISSORY NOTE PROGRAMME AND A BOND ISSUANCE TO SETTLE
INHERITED LOCAL DEBTS AND CONTRACTUAL OBLIGATIONS AND
REFUNDS TO STATE GOVERNMENTS FOR PROJECTS EXECUTED ON
BEHALF OF THE FEDERAL GOVERNMENT: APPROVALS FOR DELTA
AND TARABA STATES**

I wish to inform the Senate that we have received approval of the National Assembly via letter ref: NASS/CNA/106/Vol.11/004 dated 29th January, 2019 for refunds to Delta and Taraba State Governments through the Issuance of Promissory Notes, for projects executed on behalf of the Federal Government.

The Senate may wish to note that following a review of the approval from the National Assembly the following were observed:

- i. *While the Federal Executive Council approved a total sum of ₦78,601,631,430.16 as reimbursement to Delta and Taraba State Governments, the National Assembly approved ₦90,236,461,031.36, which is higher than the amount approved by the Federal Executive Council.*
- ii. *The National Assembly did not approve any reimbursement to Bauchi and Kogi State Governments, whereas the Federal Executive Council had approved reimbursements for them.*

The Senate may note the provisions of the Public Procurement Act, 2007, which empowers the Bureau of Public Procurement to approve vendors and contracts sums. The amounts presented to the National Assembly for approval were duly certified for reimbursement by the Bureau of Public Procurement, before they were approved by the Federal Executive Council.

Since the Bureau of Public Procurement is charged with the responsibility of approving contract sums, and there is a need for compliance with the Public Procurement Act, 2007, I wish to request that you forward to us details relating to the amounts approved by the National Assembly for Delta and Taraba States in excess of what was certified by the Bureau of Public Procurement for necessary certification and approval. Meanwhile, the Federal Government shall proceed with implementation by reimbursing the amounts approved by the Federal Executive Council. Furthermore, I wish to request that you review the reimbursements earlier submitted in favour of Bauchi and Kogi State Governments.

While looking forward to your timely consideration of the request, please accept, Distinguished Senate President, the assurances of my highest regards.

*Yours Sincerely,
(Signed)
Muhammadu Buhari*

(b) Request for Confirmation:



**PRESIDENT,
FEDERAL REPUBLIC OF NIGERIA**

25th March, 2019

*Distinguished Senator Abubakar Bukola Saraki
President of the Senate,
Senate Chambers,
National Assembly Complex,
Three Arms Zone,
Abuja.*

Dear Distinguished Senate President,

**REQUEST FOR CONFIRMATION: RENEWAL OF APPOINTMENT OF HON.
OMOLOLA ABIOLA-EDEWOR AS EXECUTIVE DIRECTOR (CORPORATE
SERVICES) NIGERIA DEPOSIT INSURANCE CORPORATION**

In accordance with the provision of Section 5(4) of the Nigeria Deposit Insurance Corporation Act, I write to forward, for confirmation by the Senate, the name of Hon. Omolola Abiola-Edewor as Executive Director (Corporate Services), Nigeria Deposit Insurance Corporation, for a second and final term of five (5) years. The nominee's Curriculum Vitae is attached herewith.

It is my hope that the Senate will consider and confirm the nominee in the usual expeditious manner.

Please accept, Distinguished Senate President, the assurances of my highest consideration.

*Yours Sincerely,
(Signed)
Muhammadu Buhari*

(c) Presidential Decision to Decline Assent:



**PRESIDENT,
FEDERAL REPUBLIC OF NIGERIA**

28th March, 2019

*Distinguished Senator Abubakar Bukola Saraki
President of the Senate,
Senate Chambers,
National Assembly Complex,
Three Arms Zone,
Abuja.*

Dear Distinguished Senate President,

**PRESIDENTIAL DECISION TO DECLINE ASSENT TO THE
CHARTERED INSTITUTE OF TRAINING AND DEVELOPMENT
OF NIGERIA (ESTABLISHMENT) BILL, 2018**

Pursuant to Section 58(4) of Constitution of the Federal Republic of Nigeria 1999 (as amended), I hereby convey to the Senate, my decision, on 28th February, 2019 to decline Presidential Assent to the Chartered Institute of Training and Development of Nigeria (Establishment) Bill, 2018, recently passed by the National Assembly.

I am declining assent to the Bill because there are concerns that the Institute does not possess the capacity to undertake the numerous duties and responsibilities imposed on it under the Act.

In addition, the Bill criminalises the practice of "training and development" without registration with the Institute even though no description or definition of the term "training and development" is provided in the Bill. This would lead to an unacceptable ambiguity in the operation of the institute and disruption to the many varied sectors of the economy in which training and development occurs.

Please accept, Distinguished Senate President, the assurances of my highest consideration.

*Yours Sincerely,
(Signed)
Muhammadu Buhari*

(d) **Presidential Decision to Decline Assent:**



**PRESIDENT,
FEDERAL REPUBLIC OF NIGERIA**

28th March, 2019

*Distinguished Senator Abubakar Bukola Saraki
President of the Senate,
Senate Chambers,
National Assembly Complex,
Three Arms Zone,
Abuja.*

Dear Distinguished Senate President,

**PRESIDENTIAL DECISION TO DECLINE ASSENT TO THE
NIGERIAN AERONAUTICAL SEARCH AND RESCUE BILL, 2018**

Pursuant to Section 58(4) of Constitution of the Federal Republic of Nigeria 1999 (as amended), I hereby convey to the Senate, my decision, on 28th February, 2019 to decline Presidential Assent to the Nigerian Aeronautical Search and Rescue Bill, 2018, recently passed by the National Assembly.

I am declining assent to the Bill because there are many inconsistencies with the Bill and the Bill is not in tandem with the relevant International Civil Aviation Organisation (ICAO) regulations. Some of the issues identified are itemized below:

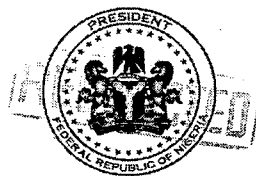
- (a) Section 1 of the Bill provides that the principal objective is to incorporate the Chicago Convention (CC) into Nigerian law. The convention is already incorporated by virtue of Section 30(1) of the Civil Aviation Act 2006.*
- (b) Section 2 of the Bill establishing the NISAR negates the provision of Section 30(3)(0) of the Civil Aviation Act and Part 14.3 of the Nigerian Civil Aviation Regulations as the proposed content of Section 2 are already contained in the Civil Aviation Act and Civil Aviation Regulations.*
- (c) The Bill is a duplication of the work of NEMA, Nigerian Civil Aviation Authority, Nigerian Airspace Management Agency and other responsible organisations for search and rescue services in Nigeria especially aeronautical search and rescue.*

We believe a better alternative to the proposed Bill would be to leave the operations of the proposed purpose of the Bill within the Civil Aviation Act and the details addressed by the Civil Aviation Regulations.

Please accept, Distinguished Senate President, the assurances of my highest consideration.

*Yours Sincerely,
(Signed)
Muhammadu Buhari*

(e) *Presidential Decision to Decline Assent:*



**PRESIDENT,
FEDERAL REPUBLIC OF NIGERIA**

19th March, 2019

*Distinguished Senator Abubakar Bukola Saraki
President of the Senate,
Senate Chambers,
National Assembly Complex,
Three Arms Zone,
Abuja.*

Dear Distinguished Senate President,

**PRESIDENTIAL DECISION TO DECLINE ASSENT TO THE
NATIONAL INSTITUTE OF CREDIT ADMINISTRATION BILL, 2018**

Pursuant to Section 58(4) of Constitution of the Federal Republic of Nigeria 1999 (as amended), I hereby convey to the Senate, my decision, on 19th March, 2019 to decline Presidential Assent to the National Institute of Credit Administration Bill, 2018 recently passed by the National Assembly.

2. *I am declining assent to the Bill because:*

- (i) *The requirement that every member of staff of banks and other financial institutions should hold a National Institute of Credit Administration (NICA) license before they are eligible to practice as credit managers is impractical and portends a recipe for crisis, more so when the Chartered Institute of Bankers of Nigeria does not require the staff of every bank to be its member;*
- (ii) *Section 5 of the Bill should be deleted in its entirety as the powers sought to be conferred on the NICA would be in conflict with the powers of some regulatory bodies such as the Central Bank of Nigeria, the Asset Management Corporation of Nigeria and the National Insurance Commission. We suggest that the NICA should only be a training or certification provider for credit management professionals in Nigeria with the responsibility to promote its objectives among persons who voluntarily elect to be its members; and*
- (iii) *The creation of a credit management institute such as the NICA may unintentionally setup an additional layer to credit management as it creates multiplicity of regulations which cause more bottlenecks to the ease of doing business.*

3. *Please accept, Distinguished Senate President, the assurances of my highest consideration.*

*Yours Sincerely,
(Signed)
Muhammadu Buhari*

(f) *Presidential Decision to Decline Assent:*



**PRESIDENT,
FEDERAL REPUBLIC OF NIGERIA**

27th March, 2019

*Distinguished Senator Abubakar Bukola Saraki
President of the Senate,
Senate Chambers,
National Assembly Complex,
Three Arms Zone,
Abuja.*

Dear Distinguished Senate President,

**PRESIDENTIAL DECISION TO DECLINE ASSENT TO THE SMALL
AND MEDIUM ENTERPRISES DEVELOPMENT AGENCY BILL, 2018**

Pursuant to Section 58(4) of Constitution of the Federal Republic of Nigeria 1999 (as amended), I hereby Convey to the Senate, my decision, on 27th March, 2019 to decline Presidential Assent to the Small and Medium Enterprise Agency Bill, 2018 recently passed by the National Assembly.

2. *I am declining assent to the Bill for the following reasons:*

- (i) Section 32 of the Bill: introduces (i) a 2.5% levy on the profit before tax of the target companies which will increase the tax burdens of the companies while offering no direct benefit to them; (ii) a 1% levy on imports which will also add to the cost of doing business in the country (iii) a 5% levy on luxury goods which duplicates efforts by the Federal Ministry of Finance to raise excise on such goods in a more sustainable manner to the benefit of the Federal Government treasury;*
- (ii) The Agency will have similar objectives to the Bank of Industry particularly with regard to the funding of Small and Medium Enterprises. Accordingly, it is important to streamline its functions to avoid a duplication or overlap of functions with other government institutions performing similar functions; and*
- (iii) The Bill has the likelihood of increasing public recurrent expenditure by the proposed creation of new public sector bodies.*

3. *Please accept, Distinguished Senate President, the assurances of my highest consideration.*

*Yours Sincerely,
(Signed)
Muhammadu Buhari*

(g) *Presidential Decision to Decline Assent:*



**PRESIDENT,
FEDERAL REPUBLIC OF NIGERIA**

27th March, 2019

*Distinguished Senator Abubakar Bukola Saraki
President of the Senate,
Senate Chambers,
National Assembly Complex,
Three Arms Zone,
Abuja.*

Dear Distinguished Senate President,

**PRESIDENTIAL DECISION TO DECLINE ASSENT TO
AJAOKUTA STEEL COMPANY COMPLETION FUND BILL, 2018**

Pursuant to Section 58(4) of Constitution of the Federal Republic of Nigeria 1999 (as amended). I hereby convey to the Senate, my decision. on 19th March, 2019 to decline Presidential Assent to the Ajaokuta Steel Company Completion Fund Bill, 2018 recently passed by the National Assembly.

2. *I am declining assent to the Bill because:*

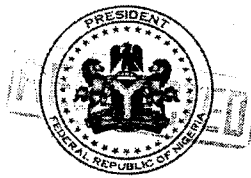
- (i) *Appropriating US\$1 Billion from the Excess Crude Account is not the best strategic option for Nigeria at this time of budgetary constraints. The nation cannot afford to commit such an amount in the midst of competing priorities with long term social and economic impact that the funds can be alternatively deployed towards;*
- (ii) *Bills which seek to make appropriation of revenues to fund public expenditure should be consolidated in the annual Appropriation Act such that these proposals pass through the traditional scrutiny that budget proposals are subjected to by the Ministry of Finance, Ministry of Budget and National Planning and the National Assembly. Furthermore, as the Excess Crude Account funds belong to the Federation it would be proper to consult with the National Economic Council and the States; and*
- (iii) *Relevant stakeholders, such as the Ministry of Mines and Steel Development and the Ministry of Industry, Trade and Investment were not fully consulted. The inputs of key stakeholders are necessary to create the optimal legal and regulatory framework as well as institutional mechanism to adequately regulate the steel sector.*

3. *Please accept, Distinguished Senate President, the assurances of my highest consideration.*

*Yours Sincerely,
(Signed)*

Muhammadu Buhari

(h) *Presidential Decision to Decline Assent:*



PRESIDENT,
FEDERAL REPUBLIC OF NIGERIA

19th March, 2019

*Distinguished Senator Abubakar Bukola Saraki
President of the Senate,
Senate Chambers,
National Assembly Complex,
Three Arms Zone,
Abuja.*

Dear Distinguished Senate President,

**PRESIDENTIAL DECISION TO DECLINE ASSENT TO
THE NATIONAL HOUSING FUND BILL, 2018**

Pursuant to Section 58(4) of Constitution of the Federal Republic of Nigeria 1999 (as amended), I hereby convey to the Senate, my decision, on 19th March, 2019 to decline Presidential Assent to the National Housing Fund Bill, 2018 recently passed by the National Assembly.

2. *I am declining assent to the Bill for the following reasons:*

- (i) *The various levies and obligations imposed by sections 4,5, and 6 of the Bill including (i) 2.5% of the ex-factory price before transportation cost of each manufactured or imported 50Kg bag of cement or equivalent in bulk; (ii) 2.5% monthly deduction from workers salaries; (iii) the compulsory investment requirement imposed on Commercial Banks, Merchant Banks, Insurance Companies and Pension Fund Administrators of a minimum of 10% of their profit before tax into the National Housing Fund, will be disruptive and punitive to a number of industries and sectors of the Nigerian economy including Cement Manufacturing, Banking, Insurance, Pensions and may also impact adversely the average Nigerian worker; and*
- (ii) *The provision of Section 6(5) of the Bill in relation to Pension Reform Act and real estate investments thereunder may undermine the administration of the pension industry by the National Pension Commission and adversely affect the safeguards that protect the pension industry against unreasonable investments risks.*

3. *Please accept, Distinguished Senate President, the assurances of my highest consideration.*

*Yours Sincerely,
(Signed)
Muhammadu Buhari*

(i) *Presidential Decision to Decline Assent:*



PRESIDENT,
FEDERAL REPUBLIC OF NIGERIA

19th March, 2019

*Distinguished Senator Abubakar Bukola Saraki
President of the Senate,
Senate Chambers,
National Assembly Complex,
Three Arms Zone,
Abuja.*

Dear Distinguished Senate President,

**PRESIDENTIAL DECISION TO DECLINE ASSENT TO THE
FEDERAL MORTGAGE BANK OF NIGERIA BILL, 2018**

Pursuant to Section 58(4) of Constitution of the Federal Republic of Nigeria 1999 (as amended), I hereby convey to the Senate, my decision, on 19th March, 2019 to decline Presidential Assent to the Federal Mortgage Bank of Nigeria Bill, 2018 recently passed by the National Assembly.

2. *I am declining assent to the Bill for the following reasons:*

- (i) *The failure to spell out in detail in the Bill, the required qualification and experience threshold of the directors and senior management staff with specific reference to developmental banking, risk management and mortgage loan administration experience;*
- (ii) *The provision in Section 9(2) providing that the liabilities of the Federal Mortgage Bank of Nigeria shall be re-discountable with the Central Bank of Nigeria without specifically stating in the Bill that this is subject to the usual criteria for normally accessing the re-discounting window of the Central Bank of Nigeria; and.*
- (iii) *Conflicts between Section 14 on General Reserves, Section 15 on the Funds of Mortgage Bank and Section 21 on Annual Reports, generally accepted Development Finance Institutions Guidelines and International Financial Report Standards.*

3. *Please accept, Distinguished Senate President, the assurances of my highest consideration.*

*Yours Sincerely,
(Signed)*

Muhammadu Buhari

(j) **Presidential Decision to Decline Assent:**



**PRESIDENT,
FEDERAL REPUBLIC OF NIGERIA**

19th March, 2019

*Distinguished Senator Abubakar Bukola Saraki
President of the Senate,
Senate Chambers,
National Assembly Complex,
Three Arms Zone,
Abuja.*

Dear Distinguished Senate President,

**PRESIDENTIAL DECISION TO DECLINE ASSENT TO THE NATIONAL
BIOTECHNOLOGY DEVELOPMENT AGENCY BILL, 2018**

Pursuant to Section 58(4) of Constitution of the Federal Republic of Nigeria 1999 (as amended), I hereby convey to the Senate, my decision, on 19th March, 2019 to decline Presidential Assent to the National Biotechnology Development Agency Bill, 2018 recently passed by the National Assembly.

2. *I am declining assent to the Bill because:*

- (i) *It fails to include the Ministry of Agriculture and Rural Development within the Governing Board of the Agency; and*
- (ii) *There are a number of drafting issues and errors in the Bill which could affect the interpretation and operation of the Bill. For instance, the reference in Section 8(1)(a) of the Bill for the Revenue Mobilisation Allocation and Fiscal Commission to set the emoluments and benefits of the Board is incorrect, and the correct reference should be for the National Salaries, Income and Wages Commission to perform this function.*

3. *Please accept, Distinguished Senate President, the assurances of my highest consideration.*

*Yours Sincerely,
(Signed)
Muhammadu Buhari*

4. **Announcement:**

Acknowledgment:

The Senate President acknowledged the presence of the following who were at the gallery to observe Senate Proceedings:

- (i) Staff and Students of St. Aloysius Secondary School, Garki - Abuja; and
- (ii) Staff and Students of Pacesetters Academy, Asokoro Extension, Abuja.

5. **Personal Explanation:**

Rising on Rule 43, Senator Ahmad I. Lawan (*Yobe North*) drew the attention of the Senate to the demise of Hon. Mohammed Dantani (*Yauri/Shanga/Ngaski, Federal Constituency of Kebbi State*) who died on Thursday, 28th March, 2019 after a brief illness. He urged the Senate to observe a minute silence and also suspend all legislative proceedings in his honour for the day.

One minute silence accordingly observed in honour of the Deceased and all Senate proceedings suspended.

6. **Committee on Tertiary Institutions and TETFUND:**

Report on the Federal University Uga, Anambra State (Establishment, etc.) Bill, 2019 (SB. 522):

Presentation of Report deferred to another Legislative Day.

7. **Committee on Special Duties:**

Report on the Confirmation of the Nomination for Appointment as Chairman and Members of the Board of the North-East Development Commission:

Consideration of Report deferred to another Legislative Day.

8. **Federal University of Education, Nsugbe (Establishment, etc.) Bill, 2018 (HB. 1067) - Concurrence:**

Consideration of Bill deferred to another Legislative Day.

9. **Animal Disease Control Act (Repeal & Re-enactment) Bill, 2019 (HB. 1268) - Concurrence:**
Consideration of Bill deferred to another Legislative Day.
10. **Committee on Tertiary Institutions and TETFUND:**
Report on the Education (National, Minimum Standards and Establishment of Institutions) (Amendment) Bill, 2019 (SB. 559):
Consideration of Report deferred to another Legislative Day.
11. **Committee on Tertiary Institutions and TETFUND:**
Report on the National Board for Technical Education (Repeal and Re-enactment) Bill, 2019 (SB.560):
Consideration of Report deferred to another Legislative Day.
12. **Committee on Tertiary Institutions and TETFUND:**
Report on the National Commission for Colleges of Education Act (Repeal and Re-enactment) Bill, 2019 (SB. 561):
Consideration of Report deferred to another Legislative Day.
13. **Committee on Agriculture and Rural Development:**
Reports on the National Livestock Identification and Management Bureau (Establishment, etc.) Bill, 2019 (SB. 373):
Consideration of Report deferred to another Legislative Day.
14. **2019 Appropriation Bill, 2019:**
By the leave of the Senate, Sub-Committees on Appropriations were mandated to submit their respective Reports to the Committee on Appropriations on or before Friday, 5th April, 2019 for laying on Tuesday, 9th April, 2019.
15. **Adjournment:**
Motion made: That the Senate do suspend Plenary to enable the Committee on Appropriations to complete work on the 2019 Appropriation Bill, 2019 to Tuesday, 9th April, 2019 at 10:00 a.m (*Senate Leader*).
Adjourned accordingly at 11:24 a.m.

Abubakar Olubukola Saraki, CON
President,
Senate of the Federal Republic of Nigeria.