



**SENATE OF THE
FEDERAL REPUBLIC OF NIGERIA
ORDER PAPER**

Tuesday, 31st October, 2017

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- 1. Prayers**
 - 2. Approval of the Votes and Proceedings**
 - 3. Oaths**
 - 4. Announcements (if any)**
 - 5. Petitions**
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PRESENTATION OF REPORTS

- 1. Report of the Committee on Niger Delta**
Niger Delta Development Commission (NDDC) Act 2000 (Amendment) Bill, 2017 (SB. 544)
Sen. Peter Nwaoboshi (*Delta North*)
-That the Senate do receive the report of the Committee on Niger Delta on the Niger Delta Development Commission (NDDC) Act 2000 (Amendment) Bill, 2017 (SB. 544) -*To be Laid.*
 - 2. Report of the Committee on Tertiary Institutions and TETFUND**
Federal Colleges of Education Act (Amendment) Bill, 2017 (SB. 445)
Sen. Jibrin Barau (*Kano North*)
-That the Senate do receive the report of the Committee on Tertiary Institutions and TETFUND on the Federal Colleges of Education Act CAP F8 LFN 2004 (Amendment) Bill, 2017 (SB. 445) -*To be Laid.*
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ORDERS OF THE DAY

MOTIONS

- 1. The Excess Crude Account: an Illegality and a Drain Pipe.**

Sponsor: Sen. Rose O. Oko (*Cross River North*)

Co-sponsors: Sen. Buhari Abdulfatai (*Oyo North*)
Sen. Mohammed Shaaba Lafiagi (*Kwara North*)
Sen. Suleiman Adokwe (*Nasarawa South*)
Sen. Suleiman O. Hunkuyi (*Kaduna North*)
Sen. Gershon H. Bassey (*Cross River South*)
Sen. Bassey A. Akpan (*Akwa Ibom North-East*)
Sen. Binta Masi Garba (*Adamawa North*)
Sen. Mathew A. Urhoghide (*Edo South*)
Sen. Enyinnaya H. Abaribe (*Abia South*)
Sen. Sam O. Egwu (*Ebonyi North*)
Sen. Nelson A. Effiong (*Akwa Ibom South*)
Sen. Godswill Akpabio (*Akwa Ibom North-West*)
Sen. Osinakachukwu Ideozu (*Rivers West*)
Sen. Jang Jonah David (*Plateau North*)

Sen. Barau I. Jibrin (*Kano North*)
Sen. Fatimat Raji-Rasaki (*Ekiti Central*)
Sen. Umaru I. Kurfi (*Katsina Central*)
Sen. Philips Tanimu Aduda (*FCT*)
Sen. Atai Ali Aidoko (*Kogi East*)
Sen. Olugbenga Ashafa (*Lagos East*)
Sen. Sonny Ogbuoji (*Ebonyi South*)
Sen. Murray- Bruce Ben (*Bayelsa East*)
Sen. Mao A. Ohuabunwa (*Abia North*)
Sen. Samuel N. Anyanwu (*Imo East*)
Sen. Ogba Obinna (*Ebonyi Central*)
Sen. Uzodinma Goodhope (*Imo West*)
Sen. Shehu Sani (*Kaduna Central*)
Sen. Duro Samuel Faseyi (*Ekiti North*)

Sen. Babajide C. Omoworare (*Osun East*)
 Sen. Binta Masi Garba (*Adamawa North*)
 Sen. John Owan Enoch (*Cross River Central*)
 Sen. Ibrahim Abdullahi Gobir (*Sokoto East*)
 Sen. Olanrewaju A. Tejuoso (*Ogun Central*)
 Sen. Robert Ajayi Boroffice (*Ondo North*)
 Sen. Rafiu Adebayo Ibrahim (*Kwara South*)

Sen. Biodun Olujimi (*Ekiti South*)
 Sen. Rilwan A. Akanbi (*Oyo South*)
 Sen. Kabir G. Marafa (*Zamfara Central*)
 Sen. Mohammed Hassan (*Yobe South*)
 Sen. Aliyu Wamakko (*Sokoto North*)
 Sen. Joshua Lidani (*Gombe South*)
 Sen. Emmanuel Paulker (*Bayelsa Central*)

The Senate:

Notes that the Excess Crude Account (ECA) was set up in 2004, ostensibly to provide savings for the country and stabilization for the economy during periods of shortfalls in oil revenue;

Also notes that the accruals to the ECA was expected to be the amount above the benchmark of crude oil sales;

However Notes that the ECA is alien to the 1999 constitution as amended or any known law in the country;

Worried that the ECA is not in tandem with sections 80 (1-4) and 162 (1-3) of the 1999 Constitution, which prescribes revenue receipts and expenditure;

Alarmed that these breaches of the Constitution in setting up and operating the ECA have created room for a pool of funds from revenue accruing to the Federation being operated without legal backing and without any checks and balances, thereby providing loopholes for imprudence and financial recklessness;

Further alarmed that a report by the National Resource Governance Institute rates Nigeria's Excess Crude Account as one of the most poorly managed around the world, where its operation is discretionary and at the whims of the Executive;

Notes that for instance, the ECA increased from \$5.16 billion in 2005 to over \$20billion in 2008, and decreased to less than \$4billion by 2010 with no known tracking of its operations;

Further notes that at various times and from several quarters in 2013, it was purported that \$5billion was missing from the ECA, and that \$2billion was withdrawn without authorization;

Observes that by May 2017, Government announced a resumption of payment into the ECA of \$87million ostensibly since May, 2015, arbitrarily;

Further observes that however, between May, 2015 and August, 2017, about US \$122.2million had accrued and ought to have been paid to the ECA;

Deeply saddened by the continued impunity of the ECA and its discretionary operation in contravention of the 1999 Constitution, creating room for imprudence, recklessness and arbitrariness;

Very concerned that this is one veritable source of huge revenue leakage in the country,

Accordingly resolves to:

- i. *Request* the Executive to act in conformity with sections 80 (1-4) and 162 (1-3) of the 1999 Constitution as amended, in its revenue receipt and expenditure;
- ii. *Suspend* the operation of the ECA forthwith;
- iii. *Pay* the amount above the oil benchmark into the Federation Account in compliance with the Constitution;
- iv. *Place* the amount in the Sovereign Wealth Fund (SWF) upon the amendment of section 162 of the Constitution and other sectors as deemed appropriate; and

- v. *Mandate* an Ad-hoc Committee to investigate the revenue that accrued from the amount above the oil benchmark from 2004 to date and Federal government's utilization, identifying any infractions committed and report back within two months.
2. The preventable economic loss and national embarrassment arising from the failure of the federal government to complete the National Library after 11 years.

Sponsor: Sen. Olugbenga Ashafa (*Lagos East*)

Notes that the National Library Building project was conceptualized by the Federal Government in 2002 but awarded in 2006 to Messrs Reynolds Construction Company (RCC) at the sum of N8.590 Billion with a project timeline of 22 Months;

Notes that while the company commenced work on the project in April, 2006, it could not proceed due to the failure of Government to release sufficient funds for the completion of the project, leading to its being revised 3 times over the period;

Observes that a comprehensive report made in the Daily Trust Online Newspaper, published on October 18, 2016 and a recent report on Channels TV detail the pitfalls of the project as follows:

- a. That after a series of false starts leading to the initial suspension of work on the project, sometime in 2009, the project scope was reduced from the initial 8 floor plan to 5 floors and the contract sum of the reduced scope was reviewed upward to N17 billion from the original sum of N8.590 billion;
- b. The Bureau of Public Procurement issued a compliance certificate of 'no objection' on the review and the Federal Executive Council approved the revised sum. The completion period for the revised project was made 21 months effective from July 2010. The project could not be completed again due to paucity of funds; and
- c. That in 2012, the presidency requested for the return of the project back to full scope. A presidential anticipatory letter with reference number NLO/C.62/VI/66 was sent to NLN (National Library of Nigeria) dated October 11, 2012 with directive to OIA to instruct the contractor to revert to full scope. By then, the contractor was about concluding arrangement for roofing at fifth floor. The initial reviewed sum of N23. 153 billion for the full scope was submitted by the consultants to the Ministry of Education but it was never processed. In February 2013, the contractor requested for the extension of time and reviewed the contract sum upward to N48 billion;

Observes that despite the importance of this National Library, the project has been poorly funded since its inception;

Disturbed that the allocation to this project between 2008 and 2015 as reported are as follows:

- i. 2008 - N2, 269,197,198.00 appropriated N1, 217,401,308.05 was released;
- ii. 2009 - N2.4 billion budgeted and N2, 367,968,402.14 released;
- iii. 2010 - N1.8 billion budgeted N708, 301,501.34 was released;
- iv. 2011 - N758, 549,771.00 was earmarked but N491, 230,136.70 was released;
- v. 2012 - N2 billion budgeted and N1, 081,448,443.00 was released;
- vi. 2013 - N4 billion was budgeted and N3, 164,726,518.19 was released;
- vii. 2014 - N2.2 billion was budgeted and N555, 697,923.52 was released; and
- viii. 2015 - N1.4 billion was budgeted, but N7 million was released;

(Source "National library project rises from N8bn to N38bn" - Daily Trust Online Newspaper, published on October 18, 2016);

Worried that the continuous failure to properly fund the project within the specified period would cause the government losses modestly estimated to be in the range of 40 to 50 Billion Naira and that if this failure to fund the project expeditiously continues, it might cost the Government even more in the long run;

Disturbed that 57 years after the birth of Nigeria and with trillions of naira sunk in the development of Abuja, the National Library of Nigeria still operates from a rented building because it does not have a permanent site;

Disturbed that the National Library is of critical importance to the country because it would serve as an important intellectual monument, representing the value placed on information, learning, knowledge, culture, and history amongst others;

Further disturbed that the failure of prioritization of this project by successive governments, is a direct reflection and metaphor for the almost inexistent premium we place on knowledge and intellectual capital as a country. This trend must stop and we must rise once again to the occasion;

Concerned that in view of the population explosion taking place in Nigeria, we no longer have the luxury of relegating knowledge and information amongst the populace. In the world that we are living in now, knowledge is the new black gold and we must not only diversify our economy into agriculture and solid-minerals but most importantly migrate wholly into a knowledge based economy. In achieving this, Government must be focused on providing public access to quality knowledge and information;

Worried that the future of generations yet unborn is in jeopardy, as a failure to properly fund the National Library Project would greatly affect the capacity of the country in the area of proper documentation of historical documents, artifacts and archiving in general. Our heritage as a people is now at risk of extinction if we don't move now;

Disturbed that this failure of strategic planning is not peculiar to the National Library Project alone but has become the bane of various capital projects across the country, amounting to a significant number of abandoned projects and preventable economic loss,

Accordingly resolves to:

- i. *Urge* the Federal Government to prioritize the funding and completion of the permanent site of the National Library of Nigeria in order to mitigate losses accruable to the project;
- ii. *Mandate* the Senate Committee on Education to meet with the Honourable Ministers of Education and the Federal Capital Territory and the National Librarian/Chief Executive Officer of the National Library of Nigeria to adopt an appropriation strategy that would ensure the completion of the project starting from the 2018 Appropriation Bill; and
- iii. *Advise* the Federal Government to be more strategic in the award of contracts with a view to embarking on only projects that can be adequately financed to the tune of its budgetary appropriation.

3. Abuse of Expatriate Quota by Foreign Multinationals.

Sponsor: Senator Andy Uba (*Anambra South*)

The Senate:

Notes that the Immigration Act, Cap 11, Laws of the Federation of Nigeria, 2004 conferred on the Nigeria Immigration Service and the Nigeria Investment Promotion Council delegated powers to grant expatriate quota to companies seeking to employ expatriates in Nigeria, among other functions;

Observes that the same Act mandates such operators to apply and receive approval from the Board of such multinational companies before making any application for expatriate's quota approvals to the Federal Ministry of Internal Affairs or any other agency of government charged with the responsibility;

Aware that such approvals are usually for 2-3 years renewable and limited to four (4) expatriates in the first instance;

Aware also that approvals are to be granted as a result of non-availability of experts locally in the position to be occupied;

Aware also that the objective is to fill up inadequate supply of manpower, train local manpower, attract foreign investments and transfer of technology;

Observes that in recent times there has been avalanche of complaints of improper application of the above stipulations;

Worried that the unemployment ratio is on the rise daily and still some Nigerian outfit are alleged to have in their employment over 300 expatriate in positions that could be filled by Nigerians;

Convinced that this is a gross abuse of our laws and total disregard of government effort in providing employment to her teeming unemployed youths,

Accordingly resolves to:

Direct the Senate Committees on Interior and Employment, Labour & Productivity to investigate through a Public hearing all the allegations and report back in one month.

4. The revitalization of Primary Health Care System across Nigeria.

Senator Duro Faseyi (*Ekiti North*)

The Senate:

Notes with concern the worsening state of the primary health care facilities across the country;

Alarmed that Nigeria loses over 2300 children under the age of five and 145 women on daily basis due to poor state and inadequate number of primary health care facilities in the country, according to reports by World Health Organization and UNICEF;

Alarmed further that less than 20 percent of the nation's rural population have access to primary health care facility, an initiative conceived fundamentally to take health care services to the doorsteps of the local communities, in so doing, addressing the immediate health needs of the people;

Notes and as buttressed by Professor Eytayo Lambo, former Minister of Health that if the primary healthcare delivery system were functioning well with effective referral system, the primary health care system should be able to resolve the health problems of at least 70% of the people, compared to the less than 20% of the population that have access to it;

Observes that between 2014 and 2015, the federal government spent well over N2billion for the building of primary health centres across the country resulting in the award of 91 contracts but regrettably most of the health care centres have either been abandoned or locked without being used or worse still, lacking in equipment, drugs and relevant personnel;

Notes that there is obvious disconnect between the relevant agencies of the federal government and those of the states and local councils where the primary health care centres are sited;

Worried that the federal government's agenda of ensuring adequate provision of primary health care facilities and services may run into a serious hitch, given the critical challenges enumerated above,

Accordingly resolves to:

- i. *Urge* the federal government to take immediate and concrete steps in ensuring that all the health centres are functional, operating at full capacity;
- ii. *Direct* relevant federal government agencies to build urgent linkages, cooperation and partnership with corresponding bodies at state and local council levels and also the community leaders where the primary health care facilities are located for the accomplishment of shared goals and enhanced results;

- iii. *Urge the federal government to ensure that at least two primary health centres are established and functioning at full capacity in each political ward in the country, as against one announced by the government; and*
- iv. *Mandate the Committee on Primary Health Care and Communicable Disease to monitor compliance and report back to the House in six weeks.*

5. Inadequate maintenance of Federal Government Owned Hospitals.

Sponsor: Senator Monsurat Sunmonu (*Oyo Central*)

The Senate:

Notes that hospitals are health care institutions designed to provide patients with adequate, timely, and specialized medical attention;

Believes that the provision of timely and adequate medical attention to patients can save the lives of those who are in need of medical care, and is the first step in ensuring that our health care sector attains the desired standard in boosting the faith of Nigerians in our hospitals;

Recognizes that despite Nigeria's strategic position in Africa, the country is greatly under-served in the health care sphere and the health care sector has suffered several downfalls, particularly due to inadequate health facilities (health centers, personnel, and medical equipment) as well as incessant strike actions;

Aware that the current year budgetary allocation to the Nigerian health sector is to the tune of N308, 464,276.782;

Further believes that at these times, government owned hospitals are not able to provide basic medicine or drugs (such as paracetamol tablets) while malfunctioning medical equipment such as x-ray machine, oxygen, syringes, and most importantly, lack of adequate electricity in the clinics has become the order of the day;

Further believes renovations or even constructions are baseless if hospitals are not equipped with basic facilities required to save lives;

Notes that the state of Nigerian health care system is in dire need of attention;

Further notes that in order to improve the future of medicine and health care system in Nigeria, improving the medical and clinical training system for post-graduate students to enable them acquire various specialist qualifications is of utmost importance;

Reiterates the need to desensitize our hospitals of the attitude that life is cheap, and to purge every sector in Nigeria of corruption in order to help move Nigeria forward,

Accordingly resolves to:

- i. *Charge the Ministries of Finance and Budget to prioritize the Ministry of Health in the release of annual budgetary allocation;*
- ii. *Charge the Ministry of Health to ensure efficiency in health care services, and maintain high standard of health care delivery services within the country through periodic training, hospital inspections etc;*
- iii. *Charge the Senate Committee on Health to investigate, probe, or request the audit of federal government owned hospitals; and*
- iv. *Charge all federal government owned hospitals to provide quality management through continuous evaluations.*

CONSIDERATION OF BILLS

1. A Bill for an Act to authorize the issue from the Federal Capital Territory (FCT) Administration Consolidated Revenue Fund of the Federal Capital Territory Administration Account, the total sum of N222, 360, 551, 512 (Two Hundred and Twenty two Billion, Three Hundred and Sixty Million, Five Hundred and Fifty One Thousand, Five Hundred and Twelve Naira) only, out of which the sum of N52, 574, 479, 667 (Fifty Two Billion, Five Hundred and Seventy Four Million, Four Hundred and Seventy Nine Thousand, Six Hundred and Sixty Seven Naira) only, is for Personnel Cost and the sum of N41, 294, 590, 480 (Forty One Billion, Two Hundred and Ninety Four Million, Five Hundred and Ninety Thousand, Four Hundred and Eighty Naira) only, is for Overhead Cost while the Balance of N128, 491, 481, 366 (One Hundred and Twenty Eight Billion, Four Hundred and Ninety One Million, Four Hundred and Eighty One Thousand, Three Hundred and Sixty Six Naira) only is for Capital Projects, for the service of the Federal Capital Territory, Abuja for the financial year commencing from 1st January and ending 31st December, 2017 (SB. 550) - *Second Reading*.
Senate Leader
2. A Bill for an Act to establish the Nigerian Tax Academy in order to provide training, develop standard curriculum for continue education of tax administrators and collectors to facilitate effective service delivery and for other related matters, 2017 (SB. 330) - *Second Reading*
Sen. Aliyu Abdullahi (*Niger North*).
3. A Bill for an Act to amend the Agricultural Research Council of Nigeria and for related matters, 2017 (SB. 315) - *Second Reading*
Sen. Abdullahi Adamu (*Nasarawa West*).
4. A Bill for an Act to amend the Legal Practitioners Act CAP C11 LFN 2004 and for other connected matters, 2017 (SB. 435) - *Second Reading*
Sen. Godswill Akpabio (*Akwa-Ibom North West*).
5. A Bill for an Act to amend the National Orientation Agency Act, CAP N100 and for other connected matters, 2017 (SB. 333) - *Second Reading*
Senator Dino Melaye (*Kogi West*).
6. A Bill for an Act to establish the National Tea and Coffee Development Council and for other connected matters, 2017 (SB. 462) - *Second Reading*
Sen. Yusuf Abubakar Yusuf (*Taraba Central*).
7. A Bill for an Act to provide for Legal, fiscal and regulatory framework for sustainable energy development in Nigeria with the overall objective of providing clean, affordable, adequate and reliable energy and for other related matters, 2017 (SB. 431) - *Second Reading*
Sen. Ibrahim Gobir (*Sokoto East*).

COMMITTEE MEETINGS

No.	Committee	Date	Time	Venue
1.	Nigeria-Germany Parliamentary Group	Tuesday, 31 st October, 2017	2.30pm	Committee Room 117 Senate New Building
2.	Solid Minerals	Tuesday, 31 st October, 2017	1.00pm	Committee Room 305 Senate New Building
3.	Finance	Tuesday, 31 st October, 2017	2.00pm	Committee Room 211 Senate New Building
4.	Education (Basic & Secondary)	Tuesday, 31 st October, 2017	2.00pm	Committee Room 107 Senate New Building
5.	FCT	Tuesday, 31 st October, 2017 (Meeting with the Minister)	2.00pm	Conference Room 231 Senate New Building

6.	Federal Character and Inter-Governmental Affairs	Tuesday, 31 st October, 2017	2.00pm	Committee Room 438 Senate New Building
7.	Foreign Affairs	Tuesday, 31 st October, 2017	1.00pm	Committee Room 224 Senate New Building
8.	Customs, Excise & Tariff and Marine Transport	Tuesday, 31 st October, 2017	11.00am	Committee Room 324 Senate New Building
9.	Ad-hoc Committee on Nigeria Immigration Service Internally Generated Revenue	Tuesday, 31 st October, 2017	2.00pm	Committee Room 327 Senate New Building
10.	Establishment and Public Service	Tuesday, 31 st October, 2017	2.30pm	Committee Room 221 Senate New Building
11.	Ethics, Privileges and Public Petitions	Tuesday, 31 st October, 2017	3.00pm	Committee Room 120 Senate New Building
12.	Ad-hoc Committee to Investigate the various Allegations Levelled against the Police, Inspector-General of Police and Police Service Commission	Tuesday, 31 st October, 2017	2.30pm	Committee Room 430 Senate New Building
13.	Gas	Tuesday, 31 st October, 2017	2.00pm	Committee Room 305 Senate New Building
14.	Local and Foreign Debts	Tuesday, 31 st October, 2017	2.00pm	Conference Room 022 Senate New Building
15.	ICT and Cybercrime	Tuesday, 31 st October, 2017	3.00pm	Committee Room 107 Senate New Building
16.	Industries	Tuesday, 31 st October, 2017	2.00pm	Committee Room 328 Senate New Building
17.	Ad-Hoc Committee on Alleged Mis-use, Under-Remittance and other fraudulent Activities.	Tue. 31 st Oct. – Thur. 2 nd Nov, 2017 (Public Hearing)	12.00noon	Committee Room 204 Senate New Building
18.	Land Transport	Thursday, 2 nd Nov, 2017 (Public Hearing)	12.00noon	Conference Room 022 Senate New Building
19.	Ad-Hoc Committee on Alleged Mis-use, Under-Remittance and other fraudulent Activities.	Tue. 7 th – Thur. 9 th Nov, 2017 (Public Hearing)	12.00noon	Committee Room 204 Senate New Building