



THE SENATE FEDERAL REPUBLIC OF NIGERIA VOTES AND PROCEEDINGS

Wednesday, 8th November, 2017

1. The Senate met at 10:59 a.m. The Senate President read Prayers.
2. **Votes and Proceedings:**
The Senate examined the Votes and Proceedings of Tuesday, 7th November, 2017.

Question was put and the Votes and Proceedings were approved.

3. **Announcements:**

(a) **Notification of Burial Arrangement:**

The Senate President read a letter from Senator Isah H. Misau (*Bauchi Central*) as follows:



SENATOR ISAH H. MISAU
Federal Republic of Nigeria

8th November, 2017

NOTIFICATION OF BURIAL ARRANGEMENT

This is to notify Distinguished Senators that the Burial Rites of the late Wife of Distinguished Senator Danjuma Goje, Chairman, Committee on Appropriations is scheduled as follows:

Date: Thursday, 9th November, 2017

Venue: Emir's Palace, Gombe, Gombe State;

Time: 2:00 pm prompt

Distinguished Senators desirous of attending the event should please contact Senator Isah H. Misau, Suite 2.17, Senate New Wing, National Assembly Complex.

(Signed)

Senator Isah H. Misau
Chairman, Committee on Navy

(b) **Peoples' Democratic Party (PDP) Caucus Meeting:**

The Senate President read a letter from Senator Godswill O. Akpabio (*Akwa Ibom North-West*) as follows:



THE SENATE
Senate Minority Leader

8th November, 2017

NOTICE OF MEETING

Your Excellency,

There will be meeting of the Peoples' Democratic Party (PDP) Caucus immediately after Plenary at Hearing Room 1.

(Signed)

Senator Godswill O. Akpabio
Senate Minority Leader

(c) **Acknowledgment:**

The Senate President acknowledged the presence of the Staff and Students of Jams Academy, Madalla, Niger State who were at the gallery to observe Senate Proceedings.

4. Petitions:

- (i) Rising on Rule 41, Senator Ibrahim A. Gobir (*Sokoto East*) drew the attention of the Senate to a petition from his constituent, Traders of Sokoto Metropolis, against the Nigerian Customs Service, over frequent confiscation of their goods. He urged the Senate to look into the matter.

Petition laid and accordingly referred to the Committee on Ethics, Privileges and Public Petitions [Rule 41(3)] to report within two (2) weeks.

- (ii) Rising on Rule 41, Senator Ovie A. Omo-Agege (*Delta Central*) drew the attention of the Senate to a petition from his constituent, Miss Goodness O. Adhekwewigre, against the University of Abuja, over her wrongful expulsion. He urged the Senate to look into the matter.

Petition laid and accordingly referred to the Committee on Ethics, Privileges and Public Petitions [Rule 41(3)] to report within two (2) weeks.

- (iii) Rising on Rule 41, Senator Benjamin C. Uwajumogu (*Imo North*) drew the attention of the Senate to three (3) petitions from:

- (a) Chief John Chukwu, against the Nigeria Bottling Company Plc., over breach of contract;
- (b) Dr. M. O. Kanu, against the Nigeria Ports Authority (NPA), over breach of contract; and
- (c) Dr. Matthew C. Echeruo, against the Comptroller-General of Immigration, over Service entitlements.

He urged the Senate to look into the matters.

Petitions laid and accordingly referred to the Committee on Ethics, Privileges and Public Petitions [Rule 41(3)] to report within two (2) weeks.

- (iv) Rising on Rule 41, Senator Mao A. Ohuabunwa (*Abia North*) drew the attention of the Senate to a petition from his constituent, Ojichukwu Attorneys & Solicitors on behalf of Mr. Kingsley E. Kalu, against the Nigeria Police, over assault. He urged the Senate to look into the matter.

Petition laid and accordingly referred to the Committee on Ethics, Privileges and Public Petitions [Rule 41(3)] to report within two (2) weeks.

- (v) Rising on Rule 41, Senator Albert B. Akpan (*Akwa Ibom North-East*) drew the attention of the Senate to a petition from his constituent, Otobong N. Udo-Bassey, against the Nigerian Television Authority (NTA), over wrongful termination of his appointment. He urged the Senate to look into the matter.

Petition laid and accordingly referred to the Committee on Ethics, Privileges and Public Petitions [Rule 41(3)] to report within two (2) weeks.

5. Matter of Urgent Public Importance:

Rising on Rule 42, Senator Rose O. Oko (*Cross River North*) drew the attention of the Senate to the International and Local Media reports on the death of twenty-six (26) Nigerian girls aboard a Spanish ship. She stated that these ladies were molested, sexually harassed and maltreated resulting in their death. She sought and obtained the leave of the Senate to present the matter.

Matter to stand over to the next Legislative Day [Rule 42(2)].

6. Committee on Federal Capital Territory:

Report on the 2017 Federal Capital Territory Appropriation Bill, 2017 (SB. 550):

Motion made: That the Senate do receive the Report of Committee on the Federal Capital Territory on the 2017 Federal Capital Territory Appropriation Bill, 2017 (*Senator Dino Melaye — Kogi West*).

Question put and agreed to.

Report laid.

7. Motions:

- (a) ***The illegal extension of the tenure of the Board of the Niger Delta Development Commission (NDDC):***

Motion made: That the Senate observes that the Niger Delta Development Commission (NDDC) was established to tackle developmental issues affecting the Niger Delta;

notes that it was in response to the age-long agitation of the people of the Niger Delta that had snowballed into militancy which disrupted oil production and affected our national economic interest that the Commission was established;

notes further that the Commission consists of a Board made up of Members drawn from the States of Abia, Akwa Ibom, Bayelsa, Cross-River, Delta, Edo, Imo, Ondo and Rivers;

observes that Section 4 of the Act states that the office of the Chairman shall rotate amongst member States of the Commission in alphabetical order;

observes that the Chairmanship of the NDDC started with Abia State and has rotated in accordance with the Act up to Cross-River State now;

observes that the NDDC Act also states that "where a vacancy occurs in the membership of the board it shall be filled by the appointment of a successor to hold office for the remainder of the term of his predecessor, so however, that the successor shall represent the same interest and shall be appointed by the President, Commander-in-Chief of the Armed Forces subject to the confirmation of the Senate in consultation with the House of Representatives";

observes that the Board headed by Senator Victor Ndoma Egba, SAN was appointed by the President, Commander-in-Chief of the Armed Forces to replace the one headed by Senator Bassey Henshaw;

observes further that Section 5 (3) of the Act dictates that the Board headed by Senator Victor Ndoma Egba, SAN serves out the remainder of the term of the Board chaired by Senator Bassey Henshaw will terminate in December 2017;

notes that contrary to the clear provisions of Section 5 (3) of the NDDC Act, the tenure of the present Board of the Commission has been illegally extended to 4 years by the immediate past Acting Secretary of the Government of the Federation, Dr. Habiba Muda Lawal; and

worried that contravention of the NDDC Act portends grave danger to the relative peace we enjoy in the Niger Delta.

Accordingly resolves to:

mandate the Committee on Niger Delta to investigate the illegal renewal of the tenure of the present Board of the Commission (*Senator Emmanuel I. Paulker — Bayelsa Central*).

Debate:

Proposed Resolution:

Question: That the Senate do mandate the Committee on Niger Delta to investigate the illegal renewal of the tenure of the present Board of the Commission.

Amendment Proposed:

Leave out the Proposed Resolution and *insert* the following instead thereof:

"That the Senate do mandate the Committee on Niger Delta to liaise with the Office of the Secretary to the Government of the Federation to resolve the issue" (*Senator Ahmad I. Lawan — Yobe North*).

Question that the amendment be made, put and agreed to.

Resolved:

That the Senate do mandate the Committee on Niger Delta to liaise with the Office of the Secretary to the Government of the Federation to resolve the issue (*S/Res/107/03/17*).

(b) Monumental Fraud in the Power Sector:

Motion made: That the Senate notes that sometime in July 2013, the Federal Government raised a total sum of \$1 Billion through a Eurobond issue;

aware that the sum of \$350 million was taken by the Federal Government out of the proceeds of the July 2013 Eurobond issue and released to Nigerian Bulk Electricity Trading (NBET) Plc. as shareholder contribution to shore up its capitalization;

further aware that NBET is a Federal Government owned public liability company that deals in electricity trading and management of associated liabilities;

notes that the sum of \$350 million released to NBET was to demonstrate NBET's preparedness to assume its role as a government backed electricity bulk trader to provide some market confidence in the privatized electricity market;

observes that this move by the Federal Government was intended to backstop NBET with new investors in the electricity market especially new generation companies and to provide assurance to them that NBET is a credit worthy off-taker of power with the requisite capitalization to meet its payment obligations to both greenfield and brownfields power generators;

notes that as further confidence building measure, this money (i.e. \$350 million) was domiciled with the Nigerian Sovereign Investment Authority (NSIA) for reinvestment in low risk investment and structured in a manner that NBET can call for funds at short notice when required;

observes that this fund has been with NSIA since 2014 and has helped built market confidence especially among new investors in the electricity market who see NBET's positive balance sheet as a form of security that their investments are safe and that NBET has the wherewithal to meet its payment obligations;

alarmed that there is now a desperate attempt by the Federal Ministry of Power, Works and Housing to retrieve this fund (\$350 million) and divert same to fund the so called Fast Power Projects which the Ministry has already spent of \$35 million of public funds not appropriated by the National Assembly;

further alarmed that since the introduction of the Fast Power Project by the Federal Ministry of Power, Works and Housing, a total sum of \$35 million has been spent by the Ministry on Afam Power Project alone to pay \$29 million to General Electric (GE) as cost for turbines and \$6 million in consultancy fees to other entities respectively, all without requisite feasibility study of the projects and appropriation by the National Assembly as required by the Constitution;

observes that a lot of questions are begging for answers as regards the \$29 million paid to General Electric and the \$6 million paid to other consultants as to -

- a. Who were the Consultants and how were they procured?
- b. Was there observance of due process in awarding the consultancy of \$6 million and in paying General Electric \$29 million for turbines?
- c. Why is the transaction cloaked in secrecy?
- d. What is the true value of Afam Fast Power?
- e. Why is the Ministry engaging in constructing new power plant while government has several idle plants that it is seeking buyers for?
- f. Why is the Ministry that is supposed to be making policies, dabbling into constructing new power plants that we have all agreed is better handled by the private sector?

concerned that the Federal Ministry of Power, Works and Housing is determined to persist in this brazen violation of the Constitution and extant laws on due process by insisting that the NSIA should release the \$350 million meant to NBET on the pretext of acting under a purported presidential approval; and

convinced that there is an urgent need to bring the Ministry to order regarding its planned diversion of the sum of \$350 million meant for NBET and further demand a detailed account of unappropriated public funds spent on the controversial Fast Power Projects.

Accordingly resolves to:

- (i) mandate the Committees on Public Accounts; and Power, Steel Development and Metallurgy to invite the Minister of Power, Works and Housing to render a detailed account in terms of public funds spent on the Fast Power Projects (Afam Fast Power Project in particular); evidence of feasibility study indicating the viability of the projects; requisite appropriation by the National Assembly as required by the Constitution; and the controversial presidential approval for the projects;
- (ii) mandate the Committees on Public Accounts; and Power, Steel Development and Metallurgy to investigate and consider summoning the Nigerian Sovereign Investment Authority(NSIA); Nigerian Bulk Electricity Trading (NBET) Plc. etc., to generally establish the status of the funds(\$350 million) and to report within two (2) weeks; and
- (iii) urge the Federal Ministry of Power, Works and Housing to stop or suspend all attempts or efforts to pressurize NSIA to release the sum of \$350 million meant for NBET to the Ministry for use on the controversial Fast Power Projects (*Senator Dino Melaye — Kogi West*).

Debate:

Proposed Resolution(i):

Question: That the Senate do mandate the Committees on Public Accounts; and Power, Steel Development and Metallurgy to invite the Minister of Power, Works and Housing to render a detailed account in terms of public funds spent on the Fast Power Projects (Afam Fast Power Project in particular); evidence of feasibility study indicating the viability of the projects; requisite appropriation by the National Assembly as required by the Constitution; and the controversial presidential approval for the projects — *Agreed to*.

Proposed Resolution(ii):

Question: That the Senate do mandate the Committees on Public Accounts; and Power, Steel Development and Metallurgy to investigate and consider summoning the Nigerian Sovereign Investment Authority(NSIA); Nigerian Bulk Electricity Trading (NBET) Plc. etc., to generally establish the status of the funds(\$350 million) and to report within two (2) weeks — *Agreed to*.

Proposed Resolution(iii):

Question: That the Senate do urge the Federal Ministry of Power, Works and Housing to stop or suspend all attempts or efforts to pressurize NSIA to release the sum of \$350 million meant for NBET to the Ministry for use on the controversial fast power projects — *Negated*.

Additional Proposed Resolutions:

Insert Additional Proposed Resolutions as follows:

- “(i) That the Senate do mandate the Public Accounts Committee to investigate the status of the balance of \$650 Million allocated, in which Transmission Company of Nigeria (TCN) and the Nigerian National Petroleum Corporation (NNPC) received \$150 Million and \$500 Million respectively” (*Senator Mohammed Hassan — Yobe South*).

Question that the amendment be made, put and agreed to.

- “(ii) That the Senate do mandate the Committee on Finance to carry out a thorough investigation on Nigerian Sovereign Investment Authority (NSIA) operations” (*Senator Nelson A. Efiang — Akwa Ibom South*).

Question that the amendment be made, put and agreed to.

- “(iii) That the Senate do mandate the Committee on Judiciary, Human Rights and Legal Matters to carry out a review of the present Nigerian Sovereign Investment Authority (NSIA) Act and establish the areas that require amendment” (*Senator Mao A. Ohuabunwa — Abia North*).

Question that the amendment be made, put and agreed to.

Resolved:

That the Senate do:

- (i) mandate the Committees on Public Accounts; and Power, Steel Development and Metallurgy to invite the Minister of Power, Works and Housing to render a detailed account in terms of public funds spent on the Fast Power Projects (Afam Fast Power Project in particular); evidence of feasibility study indicating the viability of the projects; requisite appropriation by the National Assembly as required by the Constitution; and the controversial presidential approval for the projects;
- (ii) mandate the Public Accounts; and Power, Steel Development and Metallurgy to investigate and consider summoning the Nigerian Sovereign Investment Authority(NSIA); Nigerian Bulk Electricity Trading (NBET) Plc. etc., to generally establish the status of the funds(\$350 million) and to report within two (2) weeks;
- (iii) mandate the Public Accounts Committee to investigate the status of the balance of \$650 Million allocated, in which Transmission Company of Nigeria (TCN) and the Nigerian National Petroleum Corporation (NNPC) received \$150 Million and \$500 Million respectively;
- (iv) mandate the Committee on Finance to carry out a thorough investigation on Nigerian Sovereign Investment Authority(NSIA) operations; and
- (v) mandate the Committee on Judiciary, Human Rights and Legal Matters to carry out a review of the present Nigerian Sovereign Investment Authority (NSIA) Act and establish the areas that require amendment (*S/Res/108/03/17*).

8. Committee on Banking, Insurance and Other Financial Institutions:

Report on the Unscrupulous Violation of the Foreign Exchange (Monitoring and Miscellaneous) Act by MTN:

Motion made: That the Senate do consider the Report of the Committee on Banking, Insurance and other Financial Institutions on the Unscrupulous Violation of the Foreign Exchange (Monitoring and Miscellaneous) Act by Mobile Telecommunication Network (MTN) (*Senator Rafiu A. Ibrahim — Kwara South*).

Question put and agreed to.

Report presented.

Debate:

Proposed Resolution (i):

Question: That the Senate do condemn the Central Bank of Nigeria (CBN) for failing in its duty to bring forth those observed deficiencies of the Foreign Exchange Monitoring and Miscellaneous Act (FEMMA) for amendment rather than granting extensions and exemptions which have become prone to abuses — *Agreed to.*

Proposed Resolution (ii):

Question: That the Senate do urge the CBN to sanction Stanbic IBTC for improper documentations in respect of capital repatriation and loan repayments amounting to \$388,195,183 and \$199,440,952:07 respectively — *Agreed to.*

Proposed Resolution (iii):

Question: That the Senate do urge the CBN to sanction the activities of Stanbic IBTC Nominees in the matter of Shares transfer and splitting for the purpose of dividend repatriation — *Agreed to.*

Proposed Resolution (iv):

Question: That the Senate do urge the CBN to come up with a proposal for the amendment of FEMMA with a view to ensuring the growth of the economy through massive foreign capital inflow and greater retention of foreign exchange. The Amendment is still on-going in the Senate — *Agreed to.*

Proposed Resolution (v):

Question: That the Senate do urge the CBN to forthwith render periodic status reports on the performance of foreign investments inflows and outflows — *Agreed to.*

Resolved:

That the Senate do:

- (i) condemn the Central Bank of Nigeria (CBN) for failing in its duty to bring forth those observed deficiencies of the Foreign Exchange Monitoring and Miscellaneous Act (FEMMA) for amendment rather than granting extensions and exemptions which have become prone to abuses;
- (ii) urge the CBN to sanction Stanbic IBTC for improper documentations in respect of capital repatriation and loan repayments amounting to \$388,195,183 and \$199,440,952:07 respectively;
- (iii) urge the CBN to sanction the activities of Stanbic IBTC Nominees in the matter of Shares transfer and splitting for the purpose of dividend repatriation;
- (iv) urge the CBN to come up with a proposal for the amendment of FEMMA with a view to ensuring the growth of the economy through massive foreign capital inflow and greater retention of foreign exchange. The Amendment is still on-going in the Senate; and
- (v) urge the CBN to forthwith render periodic status reports on the performance of foreign investments inflows and outflows (*S/Res/109/03/17*).

9. Federal Polytechnic Kobo (Establishment, etc.) Bill, 2017 (SB. 407):

Motion made: That a Bill for an Act to establish the Federal Polytechnic Kobo to Provide Full-time Courses in Technology, Applied Science Management and Other Field of Studies and to Make Provisions for the General Administration of Such Polytechnics and for Other Related Matters, 2017 be read the Second Time (*Senator Jibrin I. Barau — Kano North*).

Debate:

Question put and agreed to.

Bill accordingly read the Second Time and referred to the Committee on Tertiary Institutions and TETFUND to report within two (2) weeks.

The Senate further mandated the Committee on Tertiary Institutions and TETFUND to provide the modalities of establishing Federal Polytechnics, Federal Colleges of Education and Universities across Nigeria.

10. Federal Polytechnic Ukana (Establishment, etc.) Bill, 2017 (SB.434):

Motion made: That a Bill for an Act to Establish the Federal Polytechnic Ukana, Akwa Ibom State and for Other Matters Connected Therewith, 2017 be read the Second Time (*Senator Godswill O. Akpabio — Akwa Ibom North-West*).

Debate:

Question put and agreed to.

Bill accordingly read the Second Time and referred to the Committee on Tertiary Institutions and TETFUND to report within Four (4) weeks.

11. Federal College of Education, Omuma (Establishment, etc.) Bill, 2017 (SB.480):

Motion made: That a Bill for an Act to Establish the Federal College of Education, Omuma, Imo State and for Other Matters Connected Therewith (*Senator Hope O. Uzodinma — Imo West*).

Debate:

Question put and agreed to.

Bill accordingly read the Second Time and referred to the Committee on Tertiary Institutions and TETFUND to report within Four (4) weeks.

12. Federal Capital Territory University of Science and Technology, Abaji (Establishment, etc.) Bill, 2017 (SB. 59):

Motion made: That a Bill for an Act to provide for the establishment of the Federal Capital Territory University of Science and Technology, Abaji and for Related Matters, 2017 (*Senator Phillip T. Aduda — FCT*).

Debate:

Question put and agreed to.

Bill accordingly read the Second Time and referred to the Committee on Tertiary Institutions and TETFUND to report within Four (4) weeks.

13. Metallurgical Regulation Bill, 2017 (SB.260):

Motion made: That a Bill for an Act to provide for the regulation and effective monitoring of Metallurgical activities in the Mines and Steel Sector, Metallurgical inspection and raw materials development in Nigeria and for Other Related Matters, 2017 be read the Second Time (*Senator Theodore A. Orji — Abia Central*).

Debate:

Question put and agreed to.

Bill accordingly read the Second Time and referred to the Committee on Power, Steel Development and Metallurgy to report within Four (4) weeks.

14. Nigerian Council for Food Science and Technology (Establishment, etc.) Bill, 2017 (SB.92):

Motion made: That a Bill for an Act to provide for the establishment of the Nigerian Council for food Science and Technology and for allied Matters Connected Therewith, 2017 be read the Second Time (*Senator Robert A. Boroffice — Ondo North*).

Debate:

Question put and agreed to.

Bill accordingly read the Second Time and referred to the Committee on Science and Technology to report within Four (4) weeks.

Extension of Time:

Motion made: That the Senate do sit this day beyond the time appointed for the termination of the Sitting of the Senate (Rule 13) (*Senate Leader*).

Question put and agreed to.

15. Foreign Service Commission (Establishment, etc.) Bill, 2017 (SB.422):

Motion made: That a Bill for an Act to provide for the Establishment of the Foreign Service Commission charged with the responsibility of ensuring Excellence and Professionalism in conducting the Foreign Affairs of the Federal Republic of Nigeria and for Connected Matters, 2017 be read the Second Time (*Senator Shehu Sani — Kaduna Central*).

Debate:

Question put and agreed to.

Bill accordingly read the Second Time and referred to the Committee on Foreign Affairs to report within Four (4) weeks.

16. National Institute of Credit Administration (Establishment, etc.) Bill, 2017 (SB.153):

Motion made: That a Bill for an Act to provide for the Establishment of National Institute of Credit Administration and for Other Matters Connected Therewith, 2017 be read the Second Time (*Senator Ben Murray-Bruce — Bayelsa East*).

Debate:

Question put and agreed to.

Bill accordingly read the Second Time and referred to the Committee on Establishment and Public Service to report within Four (4) weeks.

17. Nigerian Institute of Management Act No.14 2003 (Amendment) Bill, 2017 (SB. 13):

Motion made: That a Bill for an Act to Amend the Nigerian Institute of Management Act No.14 2003 and for Other Matters Connected Thereto, 2017 be read the Second Time (*Senator Mao A. Oluabunwa — Abia North*).

Debate:

Question put and agreed to.

Bill accordingly read the Second Time and referred to the Committee on Establishment and Public Service to report within Four (4) weeks.

18. Federal Capital Territory (FCT) Borderline Communities Development Commission (Establishment, etc.) Bill, 2017 (SB. 235):

Consideration of Bill deferred to another Legislative Day.

19. Adjournment:

And it being 2:05 p.m the Senate President adjourned the Senate till Thursday, 9th November, 2017 at 10:00 a.m.

Adjourned accordingly at 2:05 p.m.

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