



HOUSE OF REPRESENTATIVES FEDERAL REPUBLIC OF NIGERIA VOTES AND PROCEEDINGS

Wednesday, 8 November, 2017

1. The House met at 11.21 a.m. Mr Deputy Speaker read the Prayers.

2. **Votes and Proceedings**
Mr Deputy Speaker announced that he had examined and approved the *Votes and Proceedings* of Tuesday, 7 November, 2017.

The Votes and Proceedings was adopted by unanimous consent.

3. **Announcements**

Visitors in the Gallery:

Mr Deputy Speaker recognised the presence of the following visitors in the Gallery:

- (i) Staff and Students of *Jams Academy*, Suleja, Niger State; and
- (ii) Legislative Staff of the *Gombe State House of Assembly*, Gombe State.

4. **Petitions**

- (i) A petition from Musa Mohammed, on the non-payment of his pension arrears by the Directorate of Military Pensions and the Ministry of Defense, was presented and laid by Hon. Olufemi Bandele Adebajo (*Alimosho Federal Constituency*);
- (ii) Petitions from the following persons were presented and laid by Hon. Samuel Onuigbo (*Ikwunano/Umuahia North/Umuahia South Federal Constituency*):
 - (a) C. N. Nwokete, on the termination of his appointment by the National Root Crops Research Institute, Umudike, Abia State;
 - (b) Mike Umeh on behalf of 33 others, on their disengagement from service and the refusal by National Insurance Commission (NIACOM) to comply with the court Order in Suite No.: FHC/ABJ/CS/83/2012;
- (iii) A petition from Emmanuel Oladipo Ogundele (Assistant Controller-General of Prison), on the non-release of his promotion to the Rank of Deputy Controller-General of Prisons by the Nigerian Prisons Service, was presented and laid by Hon. Israel Ajibola Famurewa (*Atakunmosa East/Atakunmosa West/Ilesa Federal Constituency*);

- (iv) A petition from Fasore Ayodele and four others, on the refusal by the Nigeria Police Force to comply with the Court Order in Suit No.: FHC/AKCA/28/2009, was presented and laid by Hon. Babatunde Kolawole (*Akoko South/Akoko West/Akoko East Federal Constituency*).

Petitions referred to the Committee on Public Petitions.

Matters of Urgent Public Importance (Standing Order Eight, Rule 4)

- (i) ***Call to Halt Retaking of Madagali Local Government Area in Adamawa State by Insurgents:***
Hon. Adamu Kamale (*Michika/Madagali Federal Constituency*), introduced the matter and prayed the House to consider and approve the matter as one of urgent public importance — ***Agreed to.***

Matter to stand over till the next legislative day.

- (ii) ***Case of Sexual Harassment and Shooting of a 17 year old SSI Female Student by a Soldier Deployed on Internal Security in Riyom Local Government Area, Plateau State:***
Hon. Gyang Istifanus Dung (*Barikinladi/Riyom Federal Constituency*), introduced the matter and prayed the House to consider and approve the matter as one of urgent public importance — ***Agreed to.***

Matter to stand over till the next legislative day.

6. Presentation of Bills

The following Bills were read the *First Time*:

- (1) Nigerian National Petroleum Corporation Act (Amendment) Bill, 2017 (HB. 1208).
- (2) Telecommunications Value Added Services Regulatory Bill, 2017 (HB. 1209).

7. Presentation of Reports

- (i) ***Ad-hoc Committee to Interface with the Federal Ministry of Petroleum Resources on the Review of the Price of Petroleum Motor Spirit (PMS):***
Motion made and Question proposed, "That the House do receive the Interim Report of the Ad-hoc Committee to Interface with the Federal Ministry of Petroleum Resources on the Review of the Price of Petroleum Motor Spirit (PMS) (HR. 218/2016)" (Hon. Raphael Nnanna Igbokwe — *Ahiazu Mbaise/Ezinihitte Federal Constituency*).

Agreed to.

Report laid.

- (ii) ***Ad-hoc Committee to Investigate the Health Implications of Mounting Telecommunications Masts close to Buildings:***
Motion made and Question proposed, "That the House do receive the Report of the Ad-hoc Committee to Investigate the Health Implications of Mounting Telecommunications Masts close to Buildings (HR. 11/2017)" (Hon. Iboro Ekanem Asuquo — *Ini/Ikoro Federal Constituency*).

Agreed to.

Report laid.

8. **A Bill for an Act to Provide a Legal Framework for the Mainstreaming of Climate Change Responses and Actions into Government Policy Formulation, Implementation and the Establishment of the National Council on Climate Change; and for Related Matters (HB.1020) — Third Reading**

Motion made and Question proposed, "That a Bill for an Act to Provide a Legal Framework for the Mainstreaming of Climate Change Responses and Actions into Government Policy Formulation, Implementation and the Establishment of the National Council on Climate Change; and for Related Matters (HB.1020) be now read the Third Time" (*Hon. Femi Gbajabiamila — House Leader*).

Question Agreed to.

Bill read the Third time and passed.

9. **A Bill for an Act to Repeal and Re-enact the National Agricultural Seeds Council; and For Related Matters (HB. 472) — Third Reading**

Motion made and Question proposed, "That a Bill for an Act to Repeal and Re-enact the National Agricultural Seeds Council; and For Related Matters (HB. 472) be now read the Third Time" (*Hon. Femi Gbajabiamila — House Leader*).

Question Agreed to.

Bill read the Third time and passed.

10. **Consolidation of Bills:**

(i) *Motion made and Question proposed*, "That a Bill for an Act to Amend the Public Accounts Implementation Tribunal Act, Cap. P36, Laws of the Federation of Nigeria, 2004 and to Repeal the Public Accounts Implementation Tribunal Act, Cap. P36, Laws of the Federation of Nigeria, 2004; and for Other Matters Related Thereto (HB. 340 and HB. 275); and a Bill for an Act to Repeal the Public Accounts Implementation Tribunal Act, Cap. P36, Laws of the Federation of Nigeria, 2004, and Re-enact the Public Accounts Implementation Tribunal Bill, 2016 which shall, among Other Things, Recover from Public Officers, Contractors or Companies, Government Funds or Properties Found by the Public Accounts Committee to have been Misappropriated or to be Due to the Government of the Federation; and for Related Matters (HB. 632) be now consolidated" (*Hon. Orker-Jev Emmanuel Yisa — Buruku Federal Constituency*).

Agreed to.

(ii) *Motion made and Question proposed*, "That a Bill for an Act to Provide for the Manner in which Individuals may, in the Public Interest, Disclose Information that Relate to Unlawful or Other Illegal Conduct or Corrupt Practices of Others, to Provide for the Protection against Victimization of Persons who make these Disclosures and to Reward Individuals who make the Disclosures; and for Related Matters (HB. 1144); and a Bill for an Act to Encourage and Facilitate Whistle Blowing, to Regulate the Receiving, Investigating and Otherwise Dealing with Disclosures by Whistle Blowers, and to Protect Whistle Blowers from Reprisals and Other Adverse Actions; and for Related Matters (HB. 1073) be now consolidated" (*Hon. Orker-Jev Emmanuel Yisa — Buruku Federal Constituency*).

Agreed to.

(iii) *Motion made and Question proposed*, "That a Bill for an Act to Amend the Economic and Financial Crimes Commission (Establishment) Act, Cap. E1, Laws of the Federation of Nigeria, 2004 to ensure that Forfeited Properties are returned to the Original Owners of the Proceeds of the Crimes or Original Owners of the Properties/Assets; and for Related Matters (HB.795); and a Bill for an Act to Amend the Economic and Financial Crimes Commission

(Establishment) Act, Cap. E1, Laws of the Federation of Nigeria, 2004 to enable the Commission act within its Jurisdiction; and for Related Matters (HB. 1071) be now consolidated" (*Hon. Orker-Jev Emmanuel Yisa — Buruku Federal Constituency*).

Agreed to.

11. **A Bill for an Act to Amend the Nigerian Security and Civil Defence Corps Act, Cap. N146, Laws of the Federation of Nigeria, 2004 to, among Other Things, Maintain Peace and Order, Protection and Rescuing the Civil Population during Emergency; and for Related Matters (HB. 1117) — Second Reading**

Motion made and Question proposed, "That a Bill for an Act to Amend the Nigerian Security and Civil Defence Corps Act, Cap. N146, Laws of the Federation of Nigeria, 2004 to, among Other Things, Maintain Peace and Order, Protection and Rescuing the Civil Population during Emergency; and for Related Matters (HB. 1117) be now read a Second Time" (*Hon. Danasabe Charles Hosea — Gashaka/Kurmi/Sardauna Federal Constituency*).

Debate.

Question that the Bill be read a Second Time — Agreed to.

Bill read the Second Time.

Bill referred to the Committee on Interior.

12. **Need to Establish a Naval School at Borgu, New Bussa Local Government Area of Niger State**
Order read; deferred by leave of the House.

13. **Need to Investigate the Handling of Import Duty Revenues, Waivers and Bonds on Import Duties Collected by the Nigeria Customs Service from 2010 to Date**
Motion made and Question proposed;

The House:

Notes that the Nigeria Customs Service is mandated, among other things, to collect duties on all goods imported into Nigeria except those that were granted waivers and are on the prohibited list;

Also notes that the Nigeria Customs Service customarily issues Pre-Arrival Assessment Reports which are used to assess duties payable on imported goods but the Reports are sometimes compromised by importers, thereby leading to under payment of duties in billions of Naira;

Aware that the Ministry of Finance gave series of duty waivers to companies in line with the policy of government to assist businesses, but in most cases, the waivers were used to import goods not listed on the approval, thereby depriving the government of the needed revenues;

Also aware that some importers, most times, issue Bank and/or Insurance Bonds to Nigeria Customs Service in lieu of duty payments to enable the importers clear the imported goods immediately and thereafter expected to redeem the Bonds by paying the appropriate duty rates, but information reveals that the Bonds are either partially redeemed or never redeemed at all;

Further aware that the inability of the Federal Government to finance the 2017 budget and meet its other obligations made the Ministry of Finance to source for funds from local Banks and the Capital Market through "sukuk" etc., meanwhile there are leakages in revenue collections by the Nigeria Customs Service;

Acknowledges that if those leakages are blocked and the perpetrators punished, Nigeria's revenue base will increase and there may not be any need to source for funds of any type to fund infrastructural development in the country.

Resolves to:

Mandate the Committee on Customs and Excise to:

- (i) determine the nature and extent of abuse of the Customs Pre-Arrival Assessment Reports (PAAR) by importers and officials of the Customs Service in order to recover the revenues due to the Federal Government but were not paid;
- (ii) investigate the abuse of import duty waivers granted by the Federal Ministry of Finance and its effects on the economy; and
- (iii) identify the companies or individuals that have refused to redeem the Bonds even after clearing their imports, and report back within Ninety (90) days for further legislative action (*Hon. James Abiodun Faleke — Ikeja Federal Constituency and 14 others*).

Debate.

Agreed to.

The House:

Noted that the Nigeria Customs Service is mandated, among other things, to collect duties on all goods imported into Nigeria except those that were granted waivers and are on the prohibited list;

Also noted that the Nigeria Customs Service customarily issues Pre-Arrival Assessment Reports which are used to assess duties payable on imported goods but the Reports are sometimes compromised by importers, thereby leading to under payment of duties in billions of Naira;

Aware that the Ministry of Finance gave series of duty waivers to companies in line with the policy of government to assist businesses, but in most cases, the waivers were used to import goods not listed on the approval, thereby depriving the government of the needed revenues;

Also aware that some importers, most times, issue Bank and/or Insurance Bonds to Nigeria Customs Service in lieu of duty payments to enable the importers clear the imported goods immediately and thereafter expected to redeem the Bonds by paying the appropriate duty rates, but information reveals that the Bonds are either partially redeemed or never redeemed at all;

Further aware that the inability of the Federal Government to finance the 2017 budget and meet its other obligations made the Ministry of Finance to source for funds from local Banks and the Capital Market through "sukuk" etc., meanwhile there are leakages in revenue collections by the Nigeria Customs Service;

Acknowledged that if those leakages are blocked and the perpetrators punished, Nigeria's revenue base will increase and there may not be any need to source for funds of any type to fund infrastructural development in the country.

Resolved to:

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- (ii) investigate the abuse of import duty waivers granted by the Federal Ministry of Finance and its effects on the economy; and
- (iii) identify the companies or individuals that have refused to redeem the Bonds even after clearing their imports, and report back within Ninety (90) days for further legislative action (HR. 147/2017).

14. Need to Investigate the Operational Activities of Webb Fontaine Nigeria Limited in the Nigeria Customs Service Information and Communications Technology (ICT) Infrastructure Between 2013 and 2017, the Violation of Its Automated System for Customs Data (ASYCUDA) Time-Line Agreement, Rules of Engagement and Delay in the Handover of its Services to the Nigeria Customs Service

Motion made and Question proposed;

The House:

Notes that Webb Fontaine Nigeria Limited is one of the Service Providers for the import and export trade facilitation within Nigeria Customs Service ICT Infrastructure;

Recalls that while other Service Providers like Cotecna, SGS and Global Scan which operated in the various seaports, airports and borders handed over their operations to the Nigeria Customs Service on 1 December, 2013, Webb Fontaine Nigeria Limited never did for some curious reasons;

Aware that Webb Fontaine has transferred almost all its shares to Hong Kong and is left with one share as stated on the deed of transfer of shares Forms 2006 which raises the question of whose economic interest that is being protected by the transfer of nearly all its shares abroad, more so when Hong Kong is not under Nigeria's jurisdiction;

Concerned that the transfer of the shares to Hong Kong implies that when Webb Fontaine wins a huge service contract in Nigeria, a major chunk of the profit will be transferred offshore to Webb Fontaine Hong Kong;

Cognizant that Webb Fontaine is being monitored from abroad, especially now that it still has some perks of ICT infrastructure relationship with Nigeria Customs Service in the area of application of software as far as Pre-Arrival Assessment Report (PAAR) and trade facilitation are concerned in Nigeria;

Believes that Webb Fontaine appears to be losing interest in Nigeria and consequently does not deliver its services having transferred majority of its shares abroad which calls for a re-examination of the Time-Line Agreement, Rules of Engagement, Schedule of Payment of its services and Corporate Economic and Social Responsibilities so far in Nigeria.

Resolves to:

- (i) urge the Federal Ministry of Finance to look into its Agreement with Webb Fontaine with a view to exploring the option of handing it over to the Nigeria Customs Service as already done by other Service Providers and also set up a Compliance Monitoring Team that will liaise with the Nigeria Customs Service to further utilize its ICT Infrastructure towards conforming to the World Customs Organization standard; and
- (ii) mandate the Committee on Customs and Excise to investigate the operational activities in the Nigeria Customs Service ICT Infrastructure between 2013-2017, violation of its ASYCUDA Time-Line Agreement, Rules of Engagement and the delay in handing over to Nigeria Customs Service when other Service Providers did so in December, 2013, and report back within six (6) weeks for further legislative action (*Hon. Jerry Alagbaoso — Orlu/Orsu/Oru East Federal Constituency and 10 others*).

Debate.

Agreed to.

The House:

Noted that Webb Fontaine Nigeria Limited is one of the Service Providers for the import and export trade facilitation within Nigeria Customs Service ICT Infrastructure;

Recalled that while other Service Providers like Cotecna, SGS and Global Scan which operated in the various seaports, airports and borders handed over their operations to the Nigeria Customs Service on 1 December, 2013, Webb Fontaine Nigeria Limited never did for some curious reasons;

Aware that Webb Fontaine has transferred almost all its shares to Hong Kong and is left with one share as stated on the deed of transfer of shares Forms 2006 which raises the question of whose economic interest that is being protected by the transfer of nearly all its shares abroad, more so when Hong Kong is not under Nigeria's jurisdiction;

Concerned that the transfer of the shares to Hong Kong implies that when Webb Fontaine wins a huge service contract in Nigeria, a major chunk of the profit will be transferred offshore to Webb Fontaine Hong Kong;

Cognizant that Webb Fontaine is being monitored from abroad, especially now that it still has some perks of ICT infrastructure relationship with Nigeria Customs Service in the area of application of software as far as Pre-Arrival Assessment Report (PAAR) and trade facilitation are concerned in Nigeria;

Believed that Webb Fontaine appears to be losing interest in Nigeria and consequently does not deliver its services having transferred majority of its shares abroad which calls for a re-examination of the Time-Line Agreement, Rules of Engagement, Schedule of Payment of its services and Corporate Economic and Social Responsibilities so far in Nigeria.

Resolved to:

- (i) urge the Federal Ministry of Finance to look into its Agreement with Webb Fontaine with a view to exploring the option of handing it over to the Nigeria Customs Service as already done by other Service Providers and also set up a Compliance Monitoring Team that will liaise with the Nigeria Customs Service to further utilize its ICT Infrastructure towards conforming to the World Customs Organization standard; and
- (ii) mandate the Committee on Customs and Excise to investigate the operational activities in the Nigeria Customs Service ICT Infrastructure between 2013-2017, violation of its ASYCUDA Time-Line Agreement, Rules of Engagement and the delay in handing over to Nigeria Customs Service when other Service Providers did so in December, 2013, and report back within six (6) weeks for further legislative action (**HR. 148/2017**).

15. Need to Investigate the Allegations that Ministries, Departments and Agencies (MDAs) of Government Owe ₦115 Billion Tax Liabilities and that Some Taxes Collected by Banks were not Remitted to the Federal Inland Revenue Service (FIRS)

Motion made and Question proposed;

The House:

Notes that with the receding economic recession in the nation, the need to increase government revenues through aggressive taxation drive, policies, remittances and accountability cannot be over emphasized as they constitute the veritable measures towards the country completely exiting recession;

Aware of the low culture of individual and corporate organizations' tax compliance, despite taxation being the means through which governments can earn extra revenues to bring about the much desired development to the country, especially in the face of declining revenues from Crude Oil;

Also notes the recent allegation by the Revenue Mobilization Allocation and Fiscal Commission (RMAFC) that some MDAs are owing the Federal Government ₦115 Billion which is such a serious issue that should not be allowed to be swept under the carpet, especially that those funds could have either been mismanaged or squandered by those Agencies;

Further notes a similar allegation by the then Ag. Chairman of the Federal Inland Revenue Service (FIRS), Mr Kabir Mashi on September 3, 2017 at a forum in Abuja that the FIRS is losing huge revenues through MDAs that award contracts to companies without Tax Identification Number (TIN), pointing out that deductions made for Withholding Tax (WHT) or Value Added Tax (VAT) and remitted through Banks are often not transferred to the FIRS.

Resolves to:

Mandate the Committees on Finance and Public Accounts to investigate the allegations with a view to determining the amount each Ministry, Department or Agency (MDAs) is owing and for how long the amount had been withheld, make recommendations on how to prevent re-occurrence of this illegality and report back within six (6) weeks for further legislative action (*Hon. Jerome Amadi — Etche/Omuma Federal Constituency*).

Debate.

Agreed to.

The House:

Noted that with the receding economic recession in the nation, the need to increase government revenues through aggressive taxation drive, policies, remittances and accountability cannot be over emphasized as they constitute the veritable measures towards the country completely exiting recession;

Aware of the low culture of individual and corporate organizations' tax compliance, despite taxation being the means through which governments can earn extra revenues to bring about the much desired development to the country, especially in the face of declining revenues from Crude Oil;

Also noted the recent allegation by the Revenue Mobilization Allocation and Fiscal Commission (RMAFC) that some MDAs are owing the Federal Government ₦115 Billion which is such a serious issue that should not be allowed to be swept under the carpet, especially that those funds could have either been mismanaged or squandered by those Agencies;

Further noted a similar allegation by the then Ag. Chairman of the Federal Inland Revenue Service (FIRS), Mr Kabir Mashi on September 3, 2017 at a forum in Abuja that the FIRS is losing huge revenues through MDAs that award contracts to companies without Tax Identification Number (TIN), pointing out that deductions made for Withholding Tax (WHT) or Value Added Tax (VAT) and remitted through Banks are often not transferred to the FIRS.

Resolved to:

Mandate the Committees on Finance and Public Accounts to investigate the allegations with a view to determining the amount each Ministry, Department or Agency (MDAs) is owing and for how long the amount had been withheld, make recommendations on how to prevent re-occurrence of this illegality and report back within six (6) weeks for further legislative action (**HR. 149/2017**).

16. Consideration of Reports

- (i) *A Bill for an Act to Provide for the Establishment of School of Mines and Geological Studies in Akoko-Edo Local Government Area; and for Related Matters (HB. 105)*

Order read; deferred by leave of the House.

- (ii) *Committee on National Security and Intelligence:*

That the House do consider the Report of the Committee on National Security and Intelligence on a Bill for an Act to Amend the Firearms Act, Cap. F28, Laws of the Federation of Nigeria, 2004 to increase Penalties for Offences, Miscellaneous Provisions under the Act and for Matters Connected Therewith (HB. 182) and approve the recommendations therein.

Order read; deferred by leave of the House.

17. Adjournment

That the House do adjourn till Thursday, 9 November, 2017 at 11.00 a.m. (Hon. Femi Gbajabiamila — House Leader).

The House adjourned accordingly at 12.38 p.m.

Yussuff Suleimon Lasun
Deputy Speaker