FOURTH REPUBLIC
7TH NATIONAL ASSEMBLY
THIRD SESSION
NO. 40

HOUSE OF REPRESENTATIVES

FEDERAL REPUBLIC OF NIGERIA

VOTES AND PROCEEDINGS

Thursday, 28 November, 2013

1. The House met at 11.52 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 Wednesday, 27 November, 2013.

By unanimous consent, the Votes and Proceedings was adopted.

3. **Announcement:**
(*i*) ***Visitors in the Gallery*:**
Mr Deputy Speaker recognized the presence of Staff and Pupils of Noble Guide Academy, Abuja.

(*ii*) ***Bereavement*:**
Mr Deputy Speaker read a communication from Hon. Uzoma Nkem-Abonta (*Ukwa East/Ukwa West Federal Constituency*) announcing the death of his mother, Madam Rosa Nnenna Abonta.

A minute silence was observed in honour of the deceased.

4. **Petitions:**
The following petitions were presented and laid by:

(*i*) Hon. Godfrey Ali Gaiya (*Jaba/Zango-Kataf Federal Constituency*) from Bulus Daniel, on behalf of disengaged temporary staff of Central Bank of Nigeria (CBN) nationwide, praying the House to prevail on the CBN to pay them their outstanding benefits;

(*ii*) Hon. Tobias Okwurio Okechukwu (*Ikwo/Ezza South Federal Constituency*) from Gabriel N. Alo, seeking the intervention of the House in the ejection from his house by the Post Housing Development Limited (PHD), Kurudu, by some soldiers;

(*iii*) Hon. Joseph Kigbu (*Lafia/Obi Federal Constituency*) from Nyakala Usman, praying the House to investigate the termination of his appointment by the management of Federal Polytechnic, Nasarawa, with a view to reinstating him;

(*iv*) Hon. Ibrahim T. El-Sudi (*Gashaka/Kurmi/Sardauna Federal Constituency*) from Mr Pari Charles Buki, praying the House to redress his wrongful retirement by the First Bank of Nigeria Plc.

Petitions referred to the Committee on Public Petitions.

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5. **Matter of Urgent Public Importance:**
Citing Standing Order VIII, Rule 46, Hon. Tobias Okwurio Okechukwu (*Ikwo/Ezza South Federal Constituency*) drew the attention of the House to the policy of returning unutilized but committed funds on projects to the Federation Account by the Ministries, Departments and Agencies (MDAs) at the end of the every financial year. He noted that the policy has immensely contributed to the abandonment of important projects nationwide, and thus stressed the need to abolish it. He therefore urged the House to consider the matter as one of urgent public importance and to suspend Order VIII, Rule 46 (3) so that the matter can be debated forthwith.

Question that the matter be considered as one of urgent public importance, put and agreed to.

Question that the House do suspend Order VIII, Rule 46 (3) *to enable it debate the matter forthwith, put and agreed to.*

Need to Stop the Return of Obligated Funds to the Federation Account from Releases to Ministries, Departments and Agencies:

The House:

Notes that the yearly Appropriation Act constitutes one of the most valuable avenue through which the government effects its systematic plan for the expenditure of its fix resource for a given period;

Further notes that the budget provides an orderly road map through which the government stimulates, transforms and consolidates its economy and the welfare of citizens;

Aware that funds appropriated under the Appropriation Act are to be released to the appropriate agencies and organs of government as at when due, provided that no funds for any quarter of the fiscal year shall be deferred without prior waiver from the National Assembly;

Further aware of the compulsion to return unutilized funds including obligated funds to the treasury on the 31 st of December each year;

Worried that the return of funds to the treasury including obligated funds inadvertently leads to the abandonment of projects which according to the Presidential Projects Assessment Committee is about 11,886 as at 2011;

Afraid that the non distinction in the mopping up of committed funds and non-committed funds has adversely affected the implementation of Appropriation Acts which is completely at variance with budget implementation practices in other jurisdictions;

Concerned that government in trying to cure the disingenuous defect of MDAs warehousing funds beyond an appropriation year has inadvertently created another defect of starving projects of absolutely required funds;

Believes that obligated funds by way of contracts if retained by MDAs in their CBN accounts would positively affect budget implementation and by implication, the overall economy;

Resolves to:

Mandate the Committee on Finance to ensure that the Federal Ministry of Finance does not compel MDAs to return obligated funds back to the treasury in any given appropriation year (*Hon. Tobias Okwurio Okechukwu — Ikwo/Ezza South Federal Constituency*).

Debate.

Amendment Proposed:
Leave out all the words in the Prayer and *insert* as follows instead thereof:
"Mandate the Committees on Appropriations, Justice, and Finance, to examine the motion in relation to extant laws and if possible proposed amendment to such laws with a view to addressing the challenges that the practice of returning funds had created in respect of capital budget implementation" (*Hon. Leo Ogor — Isoko North/Isoko South Federal Constituency*).

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

Main question as amended, put and agreed to.

The House:

Noted that the yearly Appropriation Act constitutes one of the most valuable avenue through which the government effects its systematic plan for the expenditure of its fix resource for a given period;

Further noted that the budget provides an orderly road map through which the government stimulates, transforms and consolidates its economy and the welfare of citizens;

Aware that funds appropriated under the Appropriation Act are to be released to the appropriate agencies and organs of government as at when due, provided that no funds for any quarter of the fiscal year shall be deferred without prior waiver from the National Assembly;

Further aware of the compulsion to return unutilized funds including obligated funds to the treasury on the 31 st of December each year;

Worried that the return of funds to the treasury including obligated funds inadvertently leads to the abandonment of projects which according to the Presidential Projects Assessment Committee is about 11,886 as at 2011;

Afraid that the non distinction in the mopping up of committed funds and non-committed funds has adversely affected the implementation of Appropriation Acts which is completely at variance with budget implementation practices in other jurisdictions;

Concerned that government in trying to cure the disingenuous defect of MDAs warehousing funds beyond an appropriation year has inadvertently created another defect of starving projects of absolutely required funds;

Believed that obligated funds by way of contracts if retained by MDAs in their CBN accounts would positively affect budget implementation and by implication, the overall economy;

Resolved to:

Mandate the Committees on Appropriations, Justice, and Finance, to examine the motion in relation to extant laws and if possible proposed amendment to such laws with a view to addressing the challenges that the practice of returning funds had created in respect of capital budget implementation" **(HR. 85/2013)**.

6. **Matter Requiring the attention of the House:**
Hon. Ekpenyong Essien Ayi (*Calabar South/Akpabuyo/Bakassi Federal Constituency*) informed the House of a subsisting judgment of the Federal High Court delivered on the 28 October, 2013 on a matter restraining the National Assembly from investigating allegation of abuse of expatriate quota by various user companies. He recalled that on 7th February, 2012, the House mandated the Committees on Labour and Productivity, and Interior to investigate allegation of abuse of expatriate quota by various user companies. He stated that in the course of carrying out the assignment, three user companies challenged the investigative powers of the House in a High Court and the court ruled in favour of the National Assembly and reinforced its constitutional powers to invite any person, human or artificial to its domain in the exercise of its legislative functions. He noted that the judgment of the court will serve as a guide and a judicial authority for effective conduct of oversight functions, and therefore sought the leave of the House to lay a copy of the judgment.

A copy of the ruling of the Federal High court was laid accordingly.

7. **Privilege:**
Citing Order VI, Rules 19 and 22, Hon. Okwu Samson (*Obi/Oju Federal Constituency*) expressed concern on the constitution of the House membership of the Conference Committee on the Medium Term Expenditure Framework (MTEF) on Wednesday, 27 November, 2013. He observed that the same set of Members who had previously worked on the MTEF had been selected once again to confer with their counterparts in the Senate. He expressed doubt on the ability of the conferees to generate new ideas for the resolution of the impasse, and therefore viewed their membership of Conference Committee as an apparent breach of his privilege.

Mr Deputy Speaker noted his observation.

8. **Presentation of Report:**
***Committee on Justice*:**
Motion made and Question proposed, "That this House do receive the Report of the Committee on Justice on a Letter by Hon. Minister of Justice dated Monday, 20 May, 2013 in Respect of the Report of the *Ad-hoc* Committee Report on Malabu Oil and Gas Company Limited" (*Hon. Ali Ahmad — Ilorin East/Ilorin South Federal Constituency*).

Question put and agreed to.

Report laid.

9. **Urgent Need to Suspend the Increase in Import Duty Payable on Imported Used and New Vehicles:**
Motion made and Question proposed:

The House:

Notes that the Federal Government, through the Minister of Finance, recently announced an imposition of a new tariff regime on importation of used and new vehicles and tyres;

Aware that the percentage increase of the new tariff by 70% would have a multiplier effect of 250% increase on the value of the affected items which will definitely lead to higher prices of vehicles and their components;

Further aware that the reason proffered by the Ministry of Finance for the increase in the import duty is to create an environment that would support existing Assembly plants and attract other manufacturers of original equipment who have expressed interest in investing in Nigeria;

Conscious of the fact that the reasons advanced to justify the increase are noble and appears good, if well implemented;

Also aware that even though January 2014 has been set as the commencement date of the policy, so far, none of the Assembly Plants and equipment manufacturers sought to be protected by the policy would have started production or operations in the country;

Desirous of the need to ensure that the implementation of the policy does not bring too much pain to Nigerians, and also curb resort to dealing in smuggled vehicles through the land borders thereby boosting the economy of our neighbouring countries, with the attendant loss of revenues to Nigeria;

Resolves to:

Urge the Ministry of Finance to suspend the implementation of the programme till such a time the Assembly Plants and equipment manufacturers would have first started the production of Nigerian made vehicles (*Hon. Nathaniel Agunbiade — Obokun/Oriade Federal Constituency*).

Debate:

Debate adjourned to enable an Ad-hoc Committee comprising of Chairmen of Committees on Rules and Business, Justice, Judiciary as well as Hon. Bush Alebiosu, Hon. Sunday Adepoju, and Hon. Friday Itulah to examine the motion in relation to the provisions of the Constitution on the imposition of any tax, duty or fee, and other extant laws and report back to the House next week Tuesday, 3 *December*, 2013.

10. **A Bill for an Act to make Provisions for the Prevention of HIV and AIDS-Based Discrimination and to Protect the Fundamental Rights and Dignity of People living with and People affected by HIV and AIDS and for Other Related Matters (HB. 240) — *Third Reading*:**
Motion made and Question proposed, "That a Bill for an Act to make Provisions for the Prevention of HIV and AIDS-Based Discrimination and to Protect the Fundamental Rights and Dignity of People living with and People affected by HIV and AIDS and for Other Related Matters (HB. 240) be now read the Third Time" (*Hon. Mulikat Akande -Adeola — House Leader*).

Question put and agreed to.

Bill read the Third Time and passed.

11. **A Bill for an Act to Authorize the issue from the Statutory Revenue Fund of the Nigerian Communications Commission (NCC) the total sum of ₦61,323,022,000 (Sixty-One Billion, Three Hundred and Twenty-Three Million, and Twenty-Two Thousand Naira) only, of which ₦14,667,445,000 (Fourteen Billion, Six Hundred and Sixty-Seven Million, Four Hundred and Forty-Five Thousand Naira) only, is for Recurrent Expenditure, ₦7,311,474,000 (Seven Billion, Three Hundred and Eleven Million, Four Hundred and Seventy-Four Thousand Naira) only, is for Transfer to Federal Government of Nigeria, ₦10,521,740,000 (Ten Billion, Five Hundred and Twenty-One Million, Seven Hundred and Forty Thousand Naira) only, is for Transfer to Universal Service Fund, an Additional sum of ₦5,470,185,000 (Five Billion, Four Hundred and Seventy Million, One Hundred and Eighty-Five Thousand Naira) only, is Expected to be Transferred from Reserves, while the Balance of ₦19,317,457,000 (Nineteen Billion, Three Hundred and Seventeen Million, Four Hundred and Fifty-Seven Thousand Naira) only, is for Capital and Special Projects for the Year Ending on the 31st Day of December, 2013 (HB. 559) — *Third Reading*:**

Motion made and Question proposed, "That a Bill for an Act to Authorize the issue from the Statutory Revenue Fund of the Nigerian Communications Commission (NCC) the total sum of ₦61,323,022,000 (Sixty-One Billion, Three Hundred and Twenty-Three Million, and Twenty-Two Thousand Naira) only, of which ₦14,667,445,000 (Fourteen Billion, Six Hundred and Sixty-Seven Million, Four Hundred and Forty-Five Thousand Naira) only, is for Recurrent Expenditure, ₦7,311,474,000 (Seven Billion, Three Hundred and Eleven Million, Four Hundred and Seventy -Four Thousand Naira) only, is for Transfer to Federal Government of Nigeria, ₦10,521,740,000 (Ten Billion, Five Hundred and Twenty-One Million, Seven Hundred and Forty Thousand Naira) only, is for Transfer to Universal Service Fund, an Additional sum of ₦5,470,185,000 (Five Billion, Four Hundred and Seventy Million, One Hundred and Eighty-Five Thousand Naira) only, is Expected to be Transferred from Reserves, while the Balance of ₦19,317,457,000 (Nineteen Billion, Three Hundred and Seventeen Million, Four Hundred and Fifty-Seven Thousand Naira) only, is for Capital and Special Projects for the Year Ending on the 31st Day of December, 2013 (HB. 559) be now read the Third Time" (*Hon. Mulikat Akande-Adeola — House Leader*).

Question put and agreed to.

Bill read the Third Time and passed.

12. **A Bill for an Act to Authorize the issue from the Statutory Revenue Fund of the Niger Delta Development Commission (NDDC), the total sum of ₦315,805,990,000.00 (Three Hundred and Fifteen Billion, Eight Hundred and Five Million, Nine Hundred and Ninety Thousand Naira) only, of Which the Sum of ₦15,080,729,671.00 (Fifteen Billion, Eighty Million, Seven Hundred and Twenty-Nine Thousand, Six Hundred and Seventy-One Naira) only, is for Personnel Costs, the Sum of ₦11,992,380,000.00 (Eleven Billion, Nine Hundred and Ninety-Two Million, Three Hundred and Eighty Thousand Naira) only, is for Overhead Expenditure, and ₦2,281,257,520.00 (Two Billion, Two Hundred and Eighty-One Million, Two Hundred and Fifty-Seven Thousand, Five Hundred and Twenty Naira) only, is for Capital Expenditure While ₦286,451,600,000.00 (Two Hundred and Eighty-Six Billion, Four Hundred and Fifty-One Million, Six Hundred Thousand Naira) only, is for Development Projects for the Service of the Niger Delta Development Commission for the Fiscal Year Commencing on 1st April, 2013 and Ending on 31stMarch, 2014 (HB. 458) — *Third Reading*:**

Motion made and Question proposed, "That a Bill for an Act to Authorize the issue from the Statutory Revenue Fund of the Niger Delta Development Commission (NDDC), the total sum of ₦315,805,990,000.00 (Three Hundred and Fifteen Billion, Eight Hundred and Five Million, Nine Hundred and Ninety Thousand Naira) only, of Which the Sum of ₦15,080,729,671.00 (Fifteen Billion, Eighty Million, Seven Hundred and Twenty-Nine Thousand, Six Hundred and Seventy-One Naira) only, is for Personnel Costs, the Sum of ₦11,992,380,000.00 (Eleven Billion, Nine Hundred and Ninety-Two Million, Three Hundred and Eighty Thousand Naira) only, is for Overhead Expenditure, and ₦2,281,257,520.00 (Two Billion, Two Hundred and Eighty-One Million, Two Hundred and Fifty-Seven Thousand, Five Hundred and Twenty Naira) only, is for Capital Expenditure While ₦286,451,600,000.00 (Two Hundred and Eighty-Six Billion, Four Hundred and Fifty-One Million, Six Hundred Thousand Naira) only, is for Development Projects for the Service of the Niger Delta Development Commission for the Fiscal Year Commencing on 1st April, 2013 and Ending on 31stMarch, 2014 (HB. 458) be now read the Third Time" (*Hon. Mulikat Akande-Adeola — House Leader*).

Question put and agreed to.

Bill read the Third Time and passed.

13. **A Bill for an Act to Provide for the Regulation of Air Passengers Rights, Delay and Cancellation of Flights in Nigeria (HB. 539) — *Second Reading*:**
Motion made and Question proposed, "That a Bill for an Act to Provide for the Regulation of Air Passengers Rights, Delay and Cancellation of Flights in Nigeria (HB. 539) be now read a Second Time" (*Hon. Yacoob Bush E. Alebiosu — Kosofe Federal Constituency*).

Debate:

Question that the Bill be read a Second Time, put and agreed to.

Bill read the Second Time and referred to the Committee on Aviation.

14. **A Bill for an Act to Alter the Constitution of the Federal Republic of Nigeria, 1999 (as amended) and for Other Related Matters (HB. 379) — *Second Reading*:**

Order read; by leave of the House, deferred.

15. **A Bill for an Act to Amend the Federal Polytechnics Act, Cap. F17, Laws of the Federation of Nigeria, 2004 and for Other Related Matters (HB. 544) — *Second Reading*:**
Motion made and Question proposed, "That a Bill for an Act to Amend the Federal Polytechnics Act, Cap. F17, Laws of the Federation of Nigeria, 2004 and for Other Related Matters (HB. 544) be now read a Second Time" (*Hon. Adebunkola Abiola Ajaja — Ibadan North-East/Ibadan South-East Federal Constituency*).

Debate:

Debate adjourned to enable the sponsor liaise with the Rules and Business with a view to complying with the rules of the House on amendment Bills.

16. **Adjournment:**
That the House do adjourn till Tuesday, 3 *December*, 2013 *at* 11.00 *a.m.* (*Hon. Mulikat Akande-Adeola — House Leader*).

The House adjourned accordingly at 2.19 p.m.

Chukwuemeka Nkem Ihedioha
Deputy Speaker