



SENATE OF THE FEDERAL REPUBLIC OF NIGERIA

VOTES AND PROCEEDINGS

Tuesday, 16th May, 2017

1. The Senate met at 10:33 a.m. The Senate President read Prayers.
2. **Votes and Proceedings:**
The Senate examined the Votes and Proceedings (2) of Thursday, 11th May, 2017.
Question was put and the Votes and Proceedings were approved.
3. **Announcements:**
(a) **Meeting:**
The Senate President read a letter from Senator Joshua C. Dariye (*Plateau Central*) as follows:



THE SENATE

FEDERAL REPUBLIC OF NIGERIA
COMMITTEE ON PUBLIC PROCUREMENT

Sen./NCD/BPP/16/05

16th May, 2017

The Senate President,

NOTICE OF MEETING:

This is to bring to the notice of members of the Committee on Public Procurement that there will be a meeting in respect of the referral on "The need for investigation into allegations of failure to perform/conduct mandatory post-procurement audit and corrupt issuance of "certificate of no objection" by Bureau of Public Procurement from 2011 to 2017", which is slated to hold today in my office, Room 3.01 New Building at 2:00pm prompt.

Members are kindly requested to attend this inaugural meeting of the assignment please.

(Signed)
JOSHUA CHIBI DARIYE
CHAIRMAN

The Senate mandate the Committee on Ethics Privileges and Public Petitions to join the Committee on Public Procurement at investigating the failure to perform/conduct mandatory post procurement audit and corrupt issuance of "Certificate of no Objection" by Bureau of Public Procurement from 2011 to 2017.

(b) Acknowledgment:

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

- (i) Members of Nigerian Youth Parliament, Abuja;
- (ii) Staff and Students of Lyngra High School, Karu L.G.A, Nasarawa State;
- (iii) Staff and Students of Noble Hall Leadership Academy for Girls, FCT, Abuja; and
- (iv) Staff and Students of Sheikh Hamdan Model Senior Secondary School, Gwagwalada, Abuja.

4. Petitions:

- (i) Rising on Rule 41, Senator George T. Sekibo (*Rivers East*) drew the attention of the Senate to a petition from Ibuluya-Ama Community, over gas explosion/leakages against the operating oil companies in their areas. 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 Enyinnaya H. Abaribe (*Abia South*) drew the attention of the Senate to two petitions from:
- (a) the family of Sergeant Daniel Nwankwo, against the Nigeria Police, over his disappearance from official duty in Akwa Ibom State; and
 - (b) South-East South-South Network, over worrisome lapses in the on-going Independent National Electoral Commission(INEC) Continuous Voters Registration (CVR).

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.

5. Personal Explanation:

Rising on Rule 43, Senator Bala Ibn Na'Allah (*Kebbi South*) drew the attention of the Senate to the 2017 Budget of Parastatals and Agencies which have not been presented to the National Assembly for consideration. He stated that such Parastatals and Agencies should strictly adhere to the Constitutional provision to avoid corrupt practices.

By the leave of the Senate matter to be presented on the next Legislative Day.

6. Committee on Sports and Youth Development:

Report on the National Sports Commission (Establishment, etc.) Bill, 2017 (SB. 155):

Motion made: That the Senate do receive the Report of the Committee on Sports and Youth Development on National Sports Commission (Establishment, etc.) Bill, 2017 (*Senator Obinna J. Ogba — Ebonyi Central*).

Question put and agreed to.

Report Laid.

7. Committee on Sports and Youth Development:

Report on the National Sports Commission (Establishment, etc.) Bill, 2017 (SB. 154):

Motion made: That the Senate do consider the Report of the Committee on Sports and Youth Development on the Nigeria Football Federation (Establishment, etc.) Bill, 2017 (*Senator Obinna J. Ogba — Ebonyi Central*).

Question put and agreed to.

Report presented.

Motion made: That the Senate do resolve into the Committee of the Whole to consider the Report (*Deputy Senate Leader*).

Question put and agreed to.

(SENATE IN THE COMMITTEE OF THE WHOLE)

CONSIDERATION OF A BILL FOR AN ACT TO REPEAL THE NIGERIA FOOTBALL ASSOCIATION ACT, CAP. N110, LFN, 2004 AND ENACT THE NIGERIA FOOTBALL FEDERATION AND FOR OTHER MATTERS CONNECTED THEREWITH, 2017

Debate:

Further consideration of Report deferred to another Legislative Day.

Chairman to report progress.

(SENATE IN PLENARY)

The Senate President reported that the Senate in the Committee of the Whole considered the Report of the Committee on Sports and Youth Development on the Nigeria Football Federation (Establishment, etc.) Bill, 2017 and deferred further consideration.

Question: That the Senate do approve the Report of the Committee of the Whole — *Resolved in the Affirmative.*

8. Motions for Amendments:

(a) *Amendment of eight (8) items of a Bill for an act to establish the National Institute for Cancer Research and Treatment of Patients in Nigeria and for Related Matters:*

Motion made: The Senate notes that the National Institute for Cancer Research and Treatment Bill, 2017 was passed by the National Assembly on 12th January, 2017 and transmitted to the President for assent;

aware that the National Assembly withdrew the Bill on 7th of February, 2017 after some issues relating to the smooth operation of the Bill when enacted were raised;

aware that there is no defined procedure on the reconsideration of Bills Passed by the National Assembly transmitted to the President for assent and later withdrawn;

notes that Order 1 (b) of the Senate Standing Orders 2015 as amended states that “in all cases not provided for hereinafter or by session or Order practice of the Senate, the Senate shall by resolution regulate its procedure; and

desirous to effect the amendments in the Long Title, Sections 3 (b), 3(c), 3(d) (v), 6 and 16 of the Bill.

Accordingly resolves to:

- (i) invoke Order 1 (b) of the Senate Standing Orders 2015 as amended to refer the Bill to the Committee of the Whole to effect the amendments; and
- (ii) resolve into the Committee of the Whole to consider the Amendment (*Deputy Senate Leader*).

Debate:

Proposed Resolution (i):

Question: That the Senate do invoke Order 1 (b) of the Senate Standing Orders 2015 as amended to refer the Bill to the Committee of the Whole to effect the amendments —
Agreed to.

Proposed Resolution (ii):

Question: That the Senate do resolve into the Committee of the Whole to consider the Amendment — *Agreed to.*

Resolved:

That the Senate do:

- (i) invoke Order 1 (b) of the Senate Standing Orders 2015 as amended to refer the Bill to the Committee of the Whole to effect the amendments; and
- (ii) resolve into the Committee of the Whole to consider the Amendment (*S/Res/168/02/17*).

(SENATE IN THE COMMITTEE OF THE WHOLE)

CONSIDERATION OF AMENDMENT OF EIGHT (8) ITEMS OF A BILL FOR AN ACT TO ESTABLISH THE NATIONAL INSTITUTE FOR CANCER RESEARCH AND TREATMENT OF PATIENTS IN NIGERIA AND FOR RELATED MATTERS.

Clause 1: Amendment of Item 1:

National Institute for Cancer Research and Treatment (Establishment, Etc.) Act, 2017.

Question that the amendment be made, put and agreed.

Question that Clause 1 do stand part of the Bill, put and agreed to.

Clause 2: Amendment of Item 2:

National Institute for Cancer Research and Treatment (Establishment, Etc.) Act, 2017.

Question that the amendment be made, put and agreed.

Question that Clause 2 do stand part of the Bill, put and agreed to.

Clause 3: Amendment of Item 3:

National Institute for Cancer Research and Treatment (Establishment, Etc.) Act, 2017.

Question that the amendment be made, put and agreed.

Question that Clause 3 do stand part of the Bill, put and agreed to.

**Clause 4: Amendment of Item 4:
Membership of the Board**
The Board shall consist of -
S.3 (b) A representative of the Federal Ministry responsible for Health Matters.

Question that the amendment be made, put and agreed.

Question that Clause 4 do stand part of the Bill, put and agreed to.

**Clause 5: Amendment of Item 5:
Membership of the Board.**
The Board shall consist of -
S. (3) (c) a representative each of-
(iii) Nursing and Midwifery Association of Nigeria.

Question that the amendment be made, put and agreed.

Question that Clause 5 do stand part of the Bill, put and agreed to.

**Clause 6: Amendment of Item 6:
Membership of the Board.**
The Board shall consist of -
S. 3(d)(vi) A representative of an Association or Group of Cancer Survivors.

Question that the amendment be made, put and agreed.

Question that Clause 6 do stand part of the Bill, put and agreed to.

**Clause 7: Amendment of Item 7:
Director and Other Staff of the Institute.**
S.6(2) A person shall not be qualified to be appointed a Director unless the person is someone who is experienced in the profession of cancer care, management and treatment with at least 10 years research experience and preferably a professor with administrative experience.

Question that the amendment be made, put and agreed.

Question that Clause 7 do stand part of the Bill, put and agreed to.

**Clause 8: Amendment of Item 8:
Citation.**
S.16 This Act shall be cited as the National Institute for Cancer Research Treatment (Establishment, Etc.) Act, 2017.

Question that the amendment be made, put and agreed.

Question that Clause 8 do stand part of the Bill, put and agreed to.

Chairman to report Bill.

(SENATE IN PLENARY)

The Senate President reported that the Senate in the Committee of the Whole considered the amendment of eight (8) items of a Bill for an act to establish the National Institute for Cancer Research and Treatment of Patients in Nigeria and for Related Matters and approved as follows:

Clauses 1- 8

— As Recommended

Question: That the Senate do approve the Report of the Committee of the Whole — *Resolved in the Affirmative.*

(b) Amendment of eight (8) items of a Bill for an act to provide for the establishment of the Federal University of Petroleum Resources, Effurun and for Related Matters:

Motion made: The Senate notes that the Federal University of Petroleum Resources, Effurun (Establishment, etc.) Bill 2017 was passed and transmitted to the President, Federal Republic of Nigeria, by the National Assembly on 12th January, 2017 for assent;

aware that the National Assembly withdrew the Bill on 7th of February, 2017 after some issues relating to the smooth-operation of the Bill when enacted were raised;

aware that there is no defined procedure on the reconsideration of Bills Passed by the National Assembly, transmitted to the President for assent and later withdrawn;

notes that Order 1 (b) of the Senate Standing Orders 2015 as amended states that "in all cases not provided for hereinafter or by session or Order practice of the Senate, the Senate shall by resolution regulate its procedure; and

desirous to effect the amendments in the Long Title, Sections 1 (5), 2(1), 5(e) 6(7), 9 (2) and 29 of the Bill.

Accordingly resolves to:

- (i) invoke Order 1 (b) of the Senate Standing Orders 2015 as amended to refer the Bill to the Committee of the Whole to effect the amendments; and
- (ii) resolve into the Committee of the Whole to consider the Amendment (*Deputy Senate Leader*).

Debate:

Proposed Resolution (i):

Question: That the Senate do invoke Order 1 (b) of the Senate Standing Orders 2015 as amended to refer the Bill to the Committee of the Whole to effect the amendments — *Agreed to.*

Proposed Resolution (ii):

Question: That the Senate do resolve into the Committee of the Whole to consider the Amendment — *Agreed to.*

Resolved:

That the Senate do:

- (i) invoke Order 1 (b) of the Senate Standing Orders 2015 as amended to refer the Bill to the Committee of the Whole to effect the amendments; and
- (ii) resolve into the Committee of the Whole to consider the Amendment (*S/Res/169/02/17*).

(SENATE IN THE COMMITTEE OF THE WHOLE)

CONSIDERATION OF AMENDMENT OF EIGHT (8) ITEMS OF A BILL FOR AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF THE FEDERAL UNIVERSITY OF PETROLEUM RESOURCES, EFFURUN AND FOR RELATED MATTERS.

Clause 1: Amendment of Item 1:
Federal University of Petroleum Resources, Effurun, (Establishment, Etc.) Act, 2017.

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

Question that Clause 1 do stand part of the Bill, put and agreed to.

Clause 2: Amendment of Item 2:
Federal University of Petroleum Resources, Effurun, (Establishment, Etc.) Act, 2017.

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

Question that Clause 2 do stand part of the Bill, put and agreed to.

Clause 3: Amendment of Item 3:
S.1 (5) The Federal Ministry of Petroleum Resources; Petroleum Technology Development Fund; and Nigerian Content Development and Monitoring Board shall provide 2% of their annual budget for research programmes in petroleum technology acquisition, and facilities in the University.

Leave out the provision in item 3.

Question that Clause 3 as amended do stand part of the Bill, put and agreed to.

Clause 4: Amendment of Item 4:
Principal Officers of the University.
S.2 (1) The University shall consist of :
(d) Deputy Vice Chancellor(s)

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

Question that Clause 4 do stand part of the Bill, put and agreed to.

Clause 5: Amendment of Item 5:
Compositions, Tenure and Powers of the Council.
S.5(e) 4 persons representing a variety of interests and broadly representative of the whole Federation to be appointed by the President from

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

Question that Clause 5 do stand part of the Bill, put and agreed to.

Clause 6: Amendment of Item 6:
Functions of the Council and its Finance and General Purpose Committee.
S.6 (7) There shall be paid to the members respectively of the Council, the Finance and General Purposes Committee and any other committee set up by the Council, such allowances in respect of travelling and other reasonable expenses, at such rates as may, from time to time, be fixed by the appropriate authority.

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

Question that Clause 6 do stand part of the Bill, put and agreed to.

PART II - GENERAL FUND, TRANSFER OF PROPERTY, ETC,
TO THE UNIVERSITY AND CONDITION OF SERVICE OF EMPLOYEES

Clause 7: Amendment of Item 7:

General Funds of the University

S.9(2) The Federal Ministry of Petroleum Resources; Petroleum Technology Development Fund; and Nigerian Content Development and Monitoring Board shall provide 2% of their annual budget for research programmes in petroleum technology acquisition, and facilities in the University.

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

Question that Clause 7 do stand part of the Bill, put and agreed to.

Clause 8: Amendment of Item 8:

Citation.

S. 29 This Act shall be cited as the Federal University of Petroleum Resources, Effurun, (Establishment, Etc.) Act, 2017.

Question that the amendment be made, put and agreed.

Question that Clause 8 do stand part of the Bill, put and agreed to.

Chairman to report Bill.

(SENATE IN PLENARY)

The Senate President reported that the Senate in the Committee of the Whole considered the amendment of eight (8) items of a Bill for an act to provide for the establishment of the Federal University of Petroleum Resources, Effurun and for Related Matters and approved as follows:

Clauses 1- 8 — As Recommended

Question: That the Senate do approve the Report of the Committee of the Whole — *Resolved in the Affirmative.*

9. Committee on Ethics, Privileges and Public Petitions:

a. *Motion made:* That the Senate do consider the Report of the Committee on Ethics, Privileges and Public Petitions in respect of:

Report on petition from Mr. Ghali Mustapha against the Nigeria Police for Alleged Wrongful Dismissal from the Service (Senator Samuel N. Anyanwu — Imo West).

Question put and agreed to.

Report presented.

Debate:

Proposed Resolution:

Question: That the Senate do commend the Nigeria Police for reinstating Mr. Ghali Mustapha to the Service even when the Committee had not concluded work on the petition — *Agreed to.*

Resolved:

That the Senate do commend the Nigeria Police for reinstating Mr. Ghali Mustapha to the Service even when the Committee had not concluded work on the petition (S/Res/170/02/17).

- b. *Motion made:* That the Senate do consider the Report of the Committee on Ethics, Privileges and Public Petitions in respect of:
Report on petition from Mr. Mohammed Sani Lapai against the Securities and Exchange Commission for Alleged Unlawful Disengagement from the Service of the Commission (Senator Samuel N. Anyanwu — Imo West).

Question put and agreed to.

Report presented.

Debate:

Proposed Resolution:

Question: That the Senate sustains the decision of the Securities and Exchange Commission (SEC) to terminate the appointment of Mr. Mohammed Sani Lapai as due process was followed in line with the Presidential Guidelines on Public Service Reforms and Personnel Clean-Up Exercise of 2006 — *Agreed to.*

Resolved:

That the Senate sustains the decision of the Securities and Exchange Commission (SEC) to terminate the appointment of Mr. Mohammed Sani Lapai as due process was followed in line with the Presidential Guidelines on Public Service Reforms and Personnel Clean-Up Exercise of 2006 (S/Res/171/02/17).

- c. *Motion made:* That the Senate do consider the Report of the Committee on Ethics, Privileges and Public Petitions in respect of:
Report on petition From Captain James Pere Femowei (Rtd) against the Nigerian Army for Alleged non inclusion in Military Pension by the Army (Senator Samuel N. Anyanwu — Imo West).

Question put and agreed to.

Report presented.

Debate:

Proposed Resolution:

Question: That the decision of the Nigerian Army not to include Captain James Pere Femowei for pension be sustained since he did not serve up to fifteen (15) years which was the eligibility period for qualifying for pension as at 1990 when he retired — *Agreed to.*

Resolved:

That the decision of the Nigerian Army not to include Captain James Pere Femowei for pension be sustained since he did not serve up to fifteen (15) years which was the eligibility period for qualifying for pension as at 1990 when he retired (S/Res/172/02/17).

- d. *Motion made:* That the Senate do consider the Report of the Committee on Ethics, Privileges and Public Petitions in respect of:
Report on petition From Mr. Aniekan Umoh against Shell Petroleum Development Company of Nigeria Limited (SPDCL) over his Unlawful Disengagement from the Service of the Company (Senator Samuel N. Anyanwu — Imo West).

Question put and agreed to.

Report presented.

Debate:

Proposed Resolution:

Question: That based on the fact that Mr. Aniekan Umoh was actually employed as a contract staff for a known period of three (3) years from July 2002 to June, 2005, and was duly paid off upon termination of his appointment; and also because he accepted the terminal benefits without protesting the payment, the Senate refused to grant his request to compel Shell Petroleum Development Company of Nigeria Limited (SPDCL) for reinstatement — *Agreed to.*

Resolved:

That based on the fact that Mr. Aniekan Umoh was actually employed as a contract staff for a known period of three (3) years from July 2002 to June, 2005, and was duly paid off upon termination of his appointment; and also because he accepted the terminal benefits without protesting the payment, the Senate refused to grant his request to compel Shell Petroleum Development Company of Nigeria Limited (SPDCL) for reinstatement (*S/Res/173/02/17*).

10. Motions:

(a) *Outright Omission of Eastern Corridor Rail Line in the request for approval of Federal Government 2016 - 2018 External Borrowing (Rolling Plan):*

Motion made: The Senate recalls that on 26th of April, 2017 the Federal Government laid before the National Assembly a request seeking an approval for a loan of \$5,851 billion from China Exim Bank to execute the modernization of Lagos-Kano, Kano-Kaduna, Lagos-Ibadan and Lagos-Calabar rail segment;

observes with dismay that the above sections of the rail line that the loan was being sought for covers only a section of the country i.e. the western corridor or sections;

notes that the Eastern Section of the rail segment, which has a link between the South Eastern to North Eastern parts of the rail line is completely excluded from the request;

further notes that the loan being a Federal Government borrowing would be paid for by all Sections of the country; therefore every section of the country should be taken into consideration;

aware that there is a Rail Master Plan developed by the Ministry of Transportation and of which such plan has not been referred to in the current borrowing plan;

also aware that for the railway projects to have a meaningful impact on the development of the country, it should cover all parts of Nigeria; and

concerned that the complete exclusion of the Eastern section that links the four zones of South-South, South-East, North-Central and North-East and the key cities such as Port Harcourt, Aba, Enugu, Makurdi, Lafia, Gudi, Jos, Bauchi and Maiduguri is inexplicable.

Accordingly resolves to:

invite the Minister of Transportation to appear and explain the reasons for the exclusion of the Eastern Corridor of Nigeria's Rail Lines from the proposed loan from China Exim Bank (*Senator Enyinnaya H. Abaribe — Abia South*).

Debate:

Proposed Resolution:

Question: That the Senate do invite the Minister of Transportation to appear and explain the reasons for the exclusion of the Eastern Corridor of Nigeria's Rail Lines from the proposed loan from China Exim Bank.

Amendment Proposed:

Immediately after the word "appear" in line 1, *leave out* the word "and"; and *insert* the words "before the Committee on Local and Foreign Debts to" (*Senator James E. Manager — Delta South*).

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

Resolved:

That the Senate do invite the Minister of Transportation to appear before the Committee on Local and Foreign Debts to explain the reasons for the exclusion of the Eastern Corridor of Nigeria's Rail Lines from the proposed loan from China Exim Bank (*S/Res/174/02/17*).

(b) ***The Continued Voters Registration Exercise; Matters Arising:***

Consideration of Motion deferred to another Legislative Day.

11. **Adjournment:**

Motion made: That the Senate do now adjourn till Wednesday, 17th May, 2017 at 10:00 a.m. (*Deputy Senate Leader*).

Adjourned accordingly at 12:36 p.m.

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

