



THE SENATE FEDERAL REPUBLIC OF NIGERIA VOTES AND PROCEEDINGS

Tuesday, 7th November, 2017

1. The Senate met at 10:58 a.m. The Senate President read Prayers.

2. **Closed Session:**

Closed Session — 11:06 a.m.

Open Session — 11:44 a.m.

The Senate President reported that the Senate in a Closed Session deliberated on issues bordering on the workings of the Senate in particular and the National Assembly in general.

3. **Votes and Proceedings:**

The Senate examined the Votes and Proceedings of Thursday, 2nd November, 2017.

Question was put and the Votes and Proceedings were approved.

4. **Announcements:**

(a) **North Central Caucus Meeting:**

The Senate President read a letter from Senator Barnabas A. I. Gemade (*Benue North-East*) as follows:



SENATOR DR. BARNABAS A. I. GEMADE OFR, FNSE
(Nom Iyange u Tiv)
Benue North East Senatorial District

7th November, 2017

ANNOUNCEMENT

There will be a meeting of Senators of the North Central Zone immediately after Plenary on Wednesday, 8th November, 2017 in Hearing Room 1, Senate Wing, White House.

Please be punctual.

(Signed)

Senator Barnabas A. I. Gemade

(b) ***Burial of Princess Anne Nnenna Nnaji:***

The Senate President read a letter from Senator Chukwuka G. Utazi (*Enugu North*) as follows:



**THE SENATE
FEDERAL REPUBLIC OF NIGERIA**

Sen. Chukwuka Utazi

Enugu North Senatorial District

Chairman, Senate Committee on Anti-Corruption & Financial Crimes

November 6, 2017

*The President of the Senate
Senate Chambers
National Assembly
Abuja*

ANNOUNCEMENT:

BURIAL OF PRINCESS ANNE NNAJI

This is to remind all Distinguished Senators that, as was earlier announced, the burial of Princess Anne Nnenna Nnaji, the wife of Senator Gilbert Emeka Nnaji comes up this weekend:

WAKE-KEEP

Date: Thursday, November 9, 2017

Venue: Senator Gilbert Nnaji's Country Home, Iji-Nike, Enugu

BURIAL

Friday, November 10, 2017 at the Family Compound in Iji-Nike, Enugu.

Distinguished Senators who may wish to attend are kindly requested to write their names and the preferred date of arrival in the register placed at the entrance of the Chambers to enable the Committee make necessary arrangement for accommodation and logistics.

(Signed)

Senator Chukwuka Utazi

For: Committee of Friends

5. Matter of Urgent Public Importance:

Rising on Rule 42, Senator Emmanuel I. Paulker (*Bayelsa Central*) drew the attention of the Senate to the fraudulent appointment letters issued by the Office of the Secretary to the Government of the Federal (SGF) to the constituted Board of Niger Delta Development Commission (NDDC). The first letter extended their appointments to complete the remaining tenure of their predecessors while the second indicated November, 2017 as commencement date. He 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. Matter of Urgent Public Importance:

Rising on Rule 42, Senator Joshua M. Lidani (*Gombe South*) drew the attention of the Senate to the various media reports on snake bites in Borno, Gombe, Plateau and Adamawa States. He stated that stock of anti-venom has been exhausted in hospitals in these States. He sought and obtained the leave of the Senate to present the matter.

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

7. Committee on Power, Steel Development and Metallurgy:

Report on the Calabar Football Viewing Centre Tragedy:

Motion made: That the Senate do receive the Report of the Committee on Power, Steel Development and Metallurgy in respect of a motion on the Calabar Football Viewing Centre Tragedy (*Senator Enyinnaya H. Abaribe — Abia South*).

Question put and agreed to.

Report Laid.

8. Executive Communication:

2018 - 2020 Medium-Term Expenditure Framework and Fiscal Strategy:

Motion made: That the Senate do consider the request of Mr. President, Commander-in-Chief of the Armed Forces of the Federation for the Approval of 2018 - 2020 Medium-Term Expenditure Framework and Fiscal Strategy (*Senate Leader*).

Question put and agreed to.

Request accordingly referred to the Committees on Finance; Appropriations; and National Planning to report within two (2) weeks.

9. Motion:

Joint Session of the National Assembly:

Motion made: That the Senate and House of Representatives do sit in a Joint Session to receive an Address by Mr. President, Commander-in-Chief of the Armed Forces of the Federation, President Muhammadu Buhari, GCFR, at 2:00 p.m on the 2018 Appropriation Bill (*Senate Leader*).

Question put and agreed to.

10. Motion:

The Excess Crude Account: Set up and Operation:

Motion made: That 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;

concerned 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, it was reported that the ECA increased from \$5.16 billion in 2005 to over \$20 billion in 2008, and decreased to less than \$4 billion 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 \$5 billion was missing from the ECA, and that \$2 billion was withdrawn without authorization;

concerned that these accusations between tiers of government portray a financial system that is flawed and without probity;

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

further observes that however, between May, 2015 and August, 2017 about US \$122.2 million 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;

notes that the on-going amendment of section 162 of the 1999 Constitution as amended is expected to cure the problem of savings for the nation that is rooted in the Constitution; and

believes that before that is done, the nation cannot continue to operate an appreciable quantum of revenue arbitrarily, outside the law with no checks and balances.

Accordingly resolves to:

- (i) urge 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) pay the amount above the oil benchmark into the Federation Account in compliance with the Constitution;
- (iii) appropriate the amount above the oil benchmark into the Nigerian Sovereign Investment Authority (NSIA) and other sectors;
- (iv) suspend the Excess Crude Account (ECA); 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 its utilization, identifying any further infractions committed and report back within two months (*Senator Rose O. Oko — Cross River North*).

Debate:

Proposed Resolution(i):

Question: That the Senate do urge 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 — *Agreed to.*

Proposed Resolution(ii):

Question: That the Senate do pay the amount above the oil benchmark into the Federation Account in compliance with the Constitution.

Proposed Resolution(iii):

Question: That the Senate do appropriate the amount above the oil benchmark into the Nigerian Sovereign Investment Authority (NSIA) and other sectors.

Amendment Proposed:

Leave out Proposed Resolutions (ii) and (iii) and *insert* the following instead thereof:

"That the Senate do urge the payment of amount above the oil benchmark into the Federation Account in compliance with the Constitution and appropriate some into the Nigerian Sovereign Investment Authority (NSIA) account" (*Senator Aidoko A. Ali — Kogi East*).

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

Proposed Resolution(iv):

Question: That the Senate do suspend the Excess Crude Account (ECA).

Amendment Proposed:

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

"That the Senate do urge for the abolition of the Excess Crude Account (ECA)" (*Senator Mohammed Hassan — Yobe South*).

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

Proposed Resolution(v):

Question: That the Senate do mandate an *Ad hoc* Committee to investigate the revenue that accrued from the amount above the oil benchmark from 2004 to date and it's utilization, identifying any further infractions committed and report back within two months — *Negatived*.

Resolved:

That the Senate do:

- (i) urge 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) urge the payment of amount above the oil benchmark into the Federation Account in compliance with the Constitution and appropriate some into the Nigerian Sovereign Investment Authority (NSIA) account; and
- (iii) urge for the abolition of the Excess Crude Account (ECA) (*S/Res/106/03/17*).

11. National Youth Development Commission (Establishment, etc.) Bill, 2017 (SB. 385):

Motion made: That a Bill for an Act to establish the National Youth Development Commission and for Other Matters Connected Therewith, 2017 be read the Second Time (*Senator Ogba J. Obinna — Ebonyi Central*).

Debate:

Further consideration of Bill deferred to another Legislative Day.

*** 12. Federal University of Agriculture and Technology Oke-Ogun (Establishment, etc.) Bill, 2017 (SB.466):**

Motion made: That a Bill for an Act to provide for the Establishment of the Federal University of Agriculture and Technology Oke-Ogun and for Other Related Matters Thereof, 2017 be read the Second Time (*Senator Buhari Abdulfatai — Oyo 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 Four (4) weeks.

13. Suspension of Sitting:

Motion made: Pursuant to Rule 1(b) that the Senate do suspend Sitting till 1:15 p.m. (*Senate Leader*).

Question put and agreed to.

Sitting suspended — 12:58 p.m

Sitting resumed — 1:33 p.m

14. 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. Federal Polytechnic Kabo (Establishment, etc.) Bill, 2017 (SB. 407):

Consideration of Bill deferred to another Legislative Day.

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

Consideration of Bill deferred to another Legislative Day.

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

Consideration of Bill deferred to another Legislative Day.

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

Consideration of Bill deferred to another Legislative Day.

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

Consideration of Bill deferred to another Legislative Day.

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

Consideration of Bill deferred to another Legislative Day.

21. Suspension of Sitting for Joint Session of the National Assembly:

Motion made: That the Senate do now proceed to the House of Representatives to receive an Address by Mr. President, Commander-in-Chief of the Armed Forces of the Federation, Muhammadu Buhari, GCFR on the 2018 Appropriation Bill (*Senate Leader*).

Question put and agreed to.

Sitting Suspended — 1:58 p.m

Sitting Resumed — 4:06 p.m

22. Adjournment:

And it being 4:09 p.m the Senate President adjourned the Senate till Wednesday, 8th November, 2017 at 10:00 a.m.

Adjourned accordingly at 4:09 p.m.

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

