



SENATE OF THE FEDERAL REPUBLIC OF NIGERIA

VOTES AND PROCEEDINGS

Thursday, 10th December, 2020

1. The Senate met at 10:55 a.m. The President of the Senate read prayers.
2. **Votes and Proceedings:**
The Senate examined the Votes and Proceedings of Wednesday, 9th December, 2020.

Question was put and the Votes and Proceedings were approved.

3. **Matter of Urgent Public Importance:**

Rising on Orders 42 and 52, Senator Hassan I. Hadejia (*Jigawa North-East*) drew the attention of the Senate to the appeal for the reversal of the suspension of the presidential directive on the removal of Dr. Nasiru Mohammed Ladan Argungu as the Director-General of the National Directorate of Employment. He sought and obtained the leave of the Senate to present the matter forthwith:

The Senate:

notes with concern, reports of the removal of Dr. Nasiru Mohammed Ladan Argungu as the DG, National Directorate of Employment (NDE) attributed to a press statement of 8th December, 2020 issued by the Senior Special Assistant to the President on Media and Publicity, Mallam Garba Shehu which indicates that the presidential directive on the removal of Dr Argungu as the DG, NDE on Friday, 4th December, 2020 took effect from Monday, 7th December, 2020;

notes further that there are controversies surrounding the removal of Dr Ladan Argungu as the Director- General, National Directorate of Employment (NDE) since the news of his removal began trending in the print and electronic media;

observes that while it is within the powers of the President as the custodian of Executive Powers of the Federal Government to appoint and remove such calibre of appointees, the presidential directive on the removal of Dr Argungu as the DG, NDE gave room for speculations in many quarters that some unpatriotic people are scheming to undermine and disrupt the implementation of the laudable Federal Government's Special Works Programme. This is also capable of creating needless and avoidable leadership crisis at the NDE at this critical time that the Federal Government intends to leverage on the NDE to address the issues of unemployment and youth empowerment in the country; and

observes further that it is in the overriding public interest to reconsider and rescind the said

presidential directive on the removal of Dr Ladan Argungu as the DG, NDE to ensure leadership stability at the NDE for smooth implementation of job creation, skill acquisition and the Federal Government Special Works Programme aimed at benefiting our youths, many of whom are unemployed and remain restless in the streets, nationwide.

Accordingly resolves to:

- (i) urge President Muhammadu Buhari, GCFR to reconsider and rescind his directive on the removal of Dr Nasiru Ladan Mohammed Argungu as the Director-General of the National Directorate of Employment in the overriding national public interest; and
- (ii) urge Mr. President to direct an investigation into the causes of the frosty relationship between Dr Nasiru Ladan Argungu and his supervisory Minister, the Minister of State for Labour and Employment and the impact of such frosty relationship on the implementation of the Federal Government's Special Works Programme.

Debate:

Proposed Resolution (i):

Question: That the Senate do urge President Muhammadu Buhari, GCFR to reconsider and rescind his directive on the removal of Dr Nasiru Ladan Mohammed Argungu as the Director-General of the National Directorate of Employment in the overriding national public interest — *Agreed to.*

Proposed Resolution (ii):

Question: That the Senate do urge Mr. President to direct an investigation into the causes of the frosty relationship between Dr Nasiru Ladan Argungu and his supervisory Minister, the Minister of State for Labour and Employment and the impact of such frosty relationship on the implementation of the Federal Government's Special Works Programme — *Agreed to.*

Resolved:

That the Senate do:

- (i) urge President Muhammadu Buhari, GCFR to reconsider and rescind his directive on the removal of Dr Nasiru Ladan Mohammed Argungu as the Director-General of the National Directorate of Employment in the overriding national public interest; and
- (ii) urge Mr. President to direct an investigation into the causes of the frosty relationship between Dr Nasiru Ladan Argungu and his supervisory Minister, the Minister of State for Labour and Employment and the impact of such frosty relationship on the implementation of the Federal Government's Special Works Programme (***S/Res/055/02/20***).

4. Presentation of Bills:

- (i) Proceeds of Crimes (Recovery and Management) Bill, 2020 (SB. 553) — *Read the First Time.*
- (ii) Economic and Financial Crimes Commission Act Cap E1 LFN 2004 (Amendment) Bill, 2020 (SB. 519) — *Read the First Time.*
- (iii) Police Service Commission Act 2001 (Repeal & Re-enactment) Bill, 2020 (SB. 594) — *Read the First Time.*
- (iv) National Mangrove Management Commission (Establishment) Bill, 2020 (SB. 601) — *Read the First Time.*
- (v) Patent and Design Act CAP P2 LFN 2004 (Repeal & Re-enactment) Bill, 2020 (SB. 602) — *Read the First Time.*

5. Executive Communication:

Confirmation of the Nomination for Appointment as Managing Director and Executive Directors of the Asset Management Corporation of Nigeria (AMCON):

Motion made: That the Senate do consider the request of Mr. President, Commander-in-Chief of

the Armed Forces of the Federation on the confirmation of the nomination of the following persons for appointment as Managing Director and Executive Directors of the Asset Management Corporation of Nigeria (AMCON):

S/No.	Name	Position
(i)	Mr. Ahmed Kuru	Managing Director
(ii)	Mr. Eberechuku Uneze	Executive Director
(iii)	Mr. Aminu Ismail	Executive Director

(Senate Leader).

Question put and agreed to.

Request accordingly referred to the Committee on Banking, Insurance and Financial Institutions to report within two (2) weeks.

6. Executive Communication:

Confirmation of the Nomination for Appointment as Managing Director and Executive Director of the Nigerian Deposit Insurance Corporation (NDIC):

Motion made: That the Senate do consider the request of Mr. President, Commander-in-Chief of the Armed Forces of the Federation on the confirmation of the nomination of the following persons for appointment as Managing Director and Executive Director of the Nigerian Deposit Insurance Corporation (NDIC):

S/No.	Name	Position
(i)	Mr. Bello Hassan	Managing Director
(ii)	Mustapha Muhammad Ibrahim	Executive Director

(Senate Leader).

Question put and agreed to.

Request accordingly referred to the Committee on Banking, Insurance and Financial Institutions to report within two (2) weeks.

7. *Rescission of some clauses and Committal of the Public Procurement Act 2007 (Amendment) Bill, 2020 to the Committee of the Whole:*

Motion made: That the Senate recalls that the Public Procurement Act Bill was passed by the Senate and the House of Representatives and was transmitted to the Clerk, National Assembly for onward transmission to the President, Commander-in-Chief of the Armed Forces of the Federation for Assent;

observes that after critical examination of the Bill, the Directorate of Legal Services of the National Assembly raised some fundamental issues which require fresh legislative action on the following Sections:

1. Section 17
2. Section 20
3. Section 22;

aware that a Technical Committee of the Senate, House of Representatives and Directorate of Legal Services met and worked on the clauses; and

relying on order 1(b) of Senate Standing Orders.

Accordingly resolves to:

rescind its decision on the affected Sections of the Bill as passed and re-commit same to the Committee of the Whole for re-consideration and passage.

Debate:

Proposed Resolution:

Question: That the Senate do rescind its decision on the affected Sections of the Bill as passed and re-commit same to the Committee of the Whole for re-consideration and passage — *Agreed to.*

Resolved:

That the Senate do rescind its decision on the affected Sections of the Bill as passed and re-commit same to the Committee of the Whole for re-consideration and passage (*S/Res/056/02/20*).

Report on the National Council on Public Procurement and the Bureau of Public Procurement (Establishment to Review Mobilization Fee Paid to Contractors, Institutes E-Procurement and to Provide Time Frame for the Procurement Processes) Act 14 No. of 2007, and for Related Matters, 2020:

Motion made: That the Senate do consider the Report on the National Council on Public Procurement and the Bureau of Public Procurement (Establishment to Review Mobilization Fee Paid to Contractors, Institutes E-Procurement and to Provide Time Frame for the Procurement Processes) Act 14 No. of 2007, and for Related Matters, 2020.

Question put and agreed to.

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

Question put and agreed to.

(SENATE IN COMMITTEE OF THE WHOLE)

RESCISSION OF SOME CLAUSES OF THE NATIONAL COUNCIL ON PUBLIC PROCUREMENT AND THE BUREAU OF PUBLIC PROCUREMENT (ESTABLISHMENT TO REVIEW MOBILIZATION FEE PAID TO CONTRACTORS, INSTITUTE E-PROCUREMENT AND TO PROVIDE TIME FRAME FOR THE PROCUREMENT PROCESSES) ACT 14 NO. OF 2007, AND FOR RELATED MATTERS, 2020.

Clause 1: Amendment of Section 17.

Section 17 of the Principal Act is amended by substituting for the existing section a new section as follows:

Subject to the monetary and prior review thresholds for procurements in this Bill as may from time to time be determined by the Council, the following shall be the approving authority for the conduct of public procurement:

- (a) in the case of:
 - (i) a government agency, parastatal, or corporation, a Parastatals Tenders Board,
 - (ii) a ministry or extra-ministerial entity, the Ministerial Tender Board,

- (iii) in the National Assembly, the Parastatals Tenders Board and the National Assembly Tenders Board, and

Amendment Proposed:

Leave out the words “the Parastatals Tenders Board and” (Senator Aliyu S. Abdullahi — Niger North).

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

- (iv) in the Judiciary, the Judicial Bodies Tenders Board and the

Courts Tenders Board;

- (b) in the case of any other public procurement the value of which exceeds the Ministerial Tenders Board threshold or any other thresholds set by the Council:
- (i) the Federal Executive Council for the Executive Arm of Government,
 - (ii) the National Assembly Tenders Board for the Legislative Arm of Government, and
 - (iii) the National Judicial Council Tenders Board for the Judicial Arm of Government.
- (2) (i) The Chief Executive Officer/Accounting Officer of the procuring entity shall chair the Parastatal Tenders Board, the Permanent Secretary shall chair the Ministerial Tenders Board, while the President or his representative shall chair the Federal Executive Council;
- (ii) the accounting officers of the parastatals under the National Assembly shall chair the Parastatals Tenders Board, while the Clerk to the National Assembly shall chair the National Assembly Tenders Board;

Amendment Proposed:

Leave out the words “the accounting officers of the parastatals under the National Assembly shall chair the Parastatals Tenders Board, while” (Senator Aliyu S. Abdullahi — Niger North).

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

- (iii) the Secretaries and Chief Registrars shall chair the Boards respectively, while the Chief Justice of Nigeria or his representative shall chair the National Judicial Council Tenders Board.
- (3) (i) the Secretary to the Government of the Federation or his representative shall be the Secretary of the Federal Executive Council, the Secretary, Directorate of Procurement, Estate and Works shall serve as Secretary to the National Assembly Tenders Board while the Secretary of the National Judicial Council or his representative shall be the Secretary of the National Judicial Council Tenders Board.

- (ii) for the Parastatal Tenders Board/the Ministerial Tenders Boards, the Directors of Procurement shall be the secretaries, in the case of the judiciary, the secretaries of the Judicial Bodies and the Chief Registrars of the Courts thereof shall be the secretaries (*Senate Leader*).

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

Clause 2: Amendment of Section 20:

Section 20 of the principal Act is amended:

- (a) in subsection(1) by inserting immediately after the word "responsibility"

the words “in the case of the National Assembly, the Clerk; and in the case of the Judiciary, the Secretaries of the judicial bodies and the Chief Registrars” and in the case of the Judiciary, the Secretaries of the judicial bodies and the Chief Registrars of Courts.

- (b) by inserting new subsections (3), (4), (5), and (6) as follows;
- (3) The accounting officer of each procuring entity is empowered to purchase or approve contracts without open competitive tendering provided the value of such procurement (low-value procurement) does not exceed certain threshold set by the Council. For such low-value procurement, the advert shall be for one week on the Notice Board of the procuring entity. The Bureau shall prescribe the procedure and other conditions applicable for different procuring entities and for different goods, works and services to be procured. The accounting officer must render a quarterly report to the Parastatal Tenders Board.
- (4) Each employee of a procuring entity and each member of a board or committee of a public entity shall ensure that this Bill, within the areas of assigned responsibility of the employee or member, is complied with.
- (5) All bidders for the procurement of any goods, works and services for any public entity shall comply with all relevant provisions of this Bill.
- (6) Any stakeholder, be it the accounting officer, an officer of the procuring entity, a member of a committee or board of a public entity and any bidder of public goods, works and services, who fails to independently perform within the respective assigned responsibility as prescribed in this Bill and or who contravenes the provisions of this Bill, shall be guilty of an offence".

Committee’s Recommendation:

That the provision in Clause 2 be retained (*Senate Leader*) — *Agreed to.*

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

Clause 3: Amendment of Section 22:

Section 22 (1) &(5) of the principal Act is amended by substituting new subsections (1) &(5)

- (1) There is hereby established by this Bill:
 - (a) For the executive Arm of the Government:
 - (i) The parastatals Tenders Board in each procuring entity;
 - (ii) the Ministerial Tenders Board in each Ministry and extra-Ministerial Department; and
 - (iii) the Federal Executive Council.
 - (b) For the legislative Arm of Government:
 - (i) the National Assembly Tenders Board in the National Assembly.
 - (c) For the Judicial Arm of Government:
 - (i) the Judicial Bodies and Courts Tenders Boards in each Parastatal under the Judiciary and all Courts; and

(ii) the National Judicial Council Tenders Board.

- (5) The decisions of all Tenders Boards shall be confirmed respectively by the Political Heads of the procuring entities provided that the Political Heads are not the Chairmen of the Tenders Board".

Committee's Recommendation:

That the provision in Clause 3 be retained (*Senate Leader*) — *Agreed to.*

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

Chairman to report Bill.

(SENATE IN PLENARY)

The President of the Senate reported that the Senate in the Committee of the Whole considered the Report on the National Council on Public Procurement and the Bureau of Public Procurement (Establishment to Review Mobilization Fee Paid to Contractors, Institute E-Procurement and to Provide Time Frame for the Procurement Processes) Act 14 No. of 2007, and for Related Matters, 2020 and approved as follows:

Clause 1 — As Amended

Clauses 2 & 3 — As Recommended

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

Motion made: That the Bill be now Read the Third Time (*Senate Leader*).

Question put and agreed to.

Bill accordingly Read the Third Time and Passed.

8. Motion:

Approval to restore the suppressed Abraka State Constituency in Ethiope East Local Government Area from the present Ethiope East State Constituency in Ethiope East Local Government Area, Delta State in compliance with declarations and orders of court and section 115 of the Constitution of the Federal Republic of Nigeria, 1999 (as amended):

Motion made: That the Senate recalls that prior to 1999, Abraka State Constituency in Ethiope East Local Government Area of Delta State was a separate and distinct State Constituency with an elected member in the Delta State House of Assembly;

further recalls that as at 1992/1993, the highly populated Abraka State Constituency in Ethiope East Local Government Area was duly represented in the Delta State House of Assembly by Honourable Emmanuel Akpor Ifeta, but the Constituency was arbitrarily and unjustifiably suppressed and collapsed into the present Ethiope East State Constituency in Ethiope East Local Government Area of Delta State during the 1999 General Elections and it has remained so since then;

notes that following persistent agitations by concerned leaders, electorates and stakeholders of the highly populated Abraka State Constituency in Ethiope East Local Government Area, leading to legal contestations, the Federal High Court, Warri on the 5th day of March, 2015 rendered a decision in Suit No. FHC WR/32/2014 between COMRADE BAYO EYUBE & 2 ORS v. INDEPENDENT NATIONAL ELECTORAL COMMISSION (INEC), directing INEC to restore the suppressed Abraka State Constituency in Ethiope East Local Government Area as a distinct

State Constituency;

observes that the Federal High Court, Warri specifically made the following declarations and orders, as reflected in its JUDGMENT ORDER which is annexed hereto for ease of reference:

DECLARATIONS MADE BY THE COURT

- "(1) THAT the Delta State House of Assembly is not properly constituted as required by Section 91 and 112 of the Constitution of the Federal Republic of Nigeria, 1999 (as amended);
- (2) THAT having regard to the Provisions of Sections 91 and 112 of the Constitution of the Federal Republic of Nigeria, 1999 (as amended), the Defendant acted unlawfully, improperly, unfairly and unjustly in suppressing the Abraka State Constituency in Ethiope East Local Government Area of Delta State as it did in the general elections of 1999, 2003, 2007 & 2011";

ORDERS MADE BY THE COURT

- "(1) THAT AN ORDER BE AND IS HEREBY MADE directing the Defendant to comply with the Provisions of Section 91 and 112 of the Constitution of the Federal Republic of Nigeria, 1999 (as amended) by restoring the suppressed Abraka State Constituency in Ethiope East Local Government Area of Delta State to bring the composition of the Delta State House of Assembly in line with the Provisions of the Constitution;
- (2) THAT AN ORDER BE AND IS HEREBY MADE directing or compelling the Defendant to restore the suppressed Abraka State Constituency in Ethiope East Local Government Area of Delta State;
- (3) THAT AN ORDER BE AND IS HEREBY MADE directing or compelling the Defendant to immediately conduct election into the Delta State House of Assembly in respect of the Abraka State Constituency in Ethiope East Local Government Area of Delta State"; and

further observes that INEC is yet to comply with the unambiguous decision, declarations and consequential orders of the Court made since the 5th day of March, 2015, and this non-compliance is concerning to the leaders, electorates and stakeholders of Abraka State Constituency in Ethiope East Local Government Area of Delta State who have been enduring the injustice of the unjustifiable suppression of the Constituency, and this is itself a threat to public confidence in our representative democracy.

Accordingly resolves to:

- (i) approve the immediate restoration of Abraka State Constituency in Ethiope East Local Government Area from the present Ethiope East State Constituency, in line with the decision, declarations and orders of the Federal High Court to separate the two State Constituencies as follows:
- (a) Abraka State Constituency in Ethiope East Local Government Area, consisting of INEC's present Abraka Ward 1, Abraka Ward 2 and Abraka Ward 3; and
- (b) The remaining part of the present Ethiope East State Constituency in Ethiope East Local Government Area, consisting of INEC's Ward 4 (Okpara Inland), Ward 5 (Ovu), Ward 6 (Kokori Inland), Ward 7 (Orhuoakpor), Ward 8 (Okpara Waterside), Ward 9 (Eku), Ward 10 (Egba/Samagidi) and Ward 11 (Isiokoro);
- (ii) urge the Independent National Electoral Commission to comply with this resolution ahead of the next General Election and election of the members of the next Delta State House of Assembly in compliance with section 115 of the Constitution of the Federal Republic

of Nigeria (as amended), by restoring Abraka State Constituency in Ethiope East Local Government Area from the present Ethiope East State Constituency in Ethiope East Local Government Area, as ordered by the Federal High Court; and

- (iii) seek the concurrence of the House of Representatives to this resolution in line with Section 115 of the Constitution of the Federal Republic of Nigeria 1999 (as amended) (*Senator Ovie A. Omo-Agege — Delta Central*).

Debate:

Proposed Resolution (i):

Question: That the Senate do approve the immediate restoration of Abraka State Constituency in Ethiope East Local Government Area from the present Ethiope East State Constituency, in line with the decision, declarations and orders of the Federal High Court to separate the two State Constituencies as follows:

- (a) Abraka State Constituency in Ethiope East Local Government Area, consisting of INEC's present Abraka Ward 1, Abraka Ward 2 and Abraka Ward 3; and
- (b) The remaining part of the present Ethiope East State Constituency in Ethiope East Local Government Area, consisting of INEC's Ward 4 (Okpara Inland), Ward 5 (Ovu), Ward 6 (Kokori Inland), Ward 7 (Orhuoakpor), Ward 8 (Okpara Waterside), Ward 9 (Eku), Ward 10 (Egba/Samagidi) and Ward 11 (Isiokoro) — *Agreed to*.

Proposed Resolution (ii):

Question: That the Senate do urge the Independent National Electoral Commission to comply with this resolution ahead of the next General Election and election of the members of the next Delta State House of Assembly in compliance with section 115 of the Constitution of the Federal Republic of Nigeria (as amended), by restoring Abraka State Constituency in Ethiope East Local Government Area from the present Ethiope East State Constituency in Ethiope East Local Government Area, as ordered by the Federal High Court — *Agreed to*.

Proposed Resolution (iii):

Question: That the Senate do seek the concurrence of the House of Representatives to this resolution in line with Section 115 of the Constitution of the Federal Republic of Nigeria 1999 (as amended) — *Agreed to*.

Resolved:

That the Senate do:

- (i) approve the immediate restoration of Abraka State Constituency in Ethiope East Local Government Area from the present Ethiope East State Constituency, in line with the decision, declarations and orders of the Federal High Court to separate the two State Constituencies as follows:
- (a) Abraka State Constituency in Ethiope East Local Government Area, consisting of INEC's present Abraka Ward 1, Abraka Ward 2 and Abraka Ward 3; and
- (b) The remaining part of the present Ethiope East State Constituency in Ethiope East Local Government Area, consisting of INEC's Ward 4 (Okpara Inland), Ward 5 (Ovu), Ward 6 (Kokori Inland), Ward 7 (Orhuoakpor), Ward 8 (Okpara Waterside), Ward 9 (Eku), Ward 10 (Egba/Samagidi) and Ward 11 (Isiokoro);
- (ii) urge the Independent National Electoral Commission to comply with this resolution ahead of the next General Election and election of the members of the next Delta State House of Assembly in compliance with section 115 of the Constitution of the Federal Republic of Nigeria (as amended), by restoring Abraka State Constituency in Ethiope East Local

Government Area from the present Ethiope East State Constituency in Ethiope East Local Government Area, as ordered by the Federal High Court; and

- (iii) seek the concurrence of the House of Representatives to this resolution in line with Section 115 of the Constitution of the Federal Republic of Nigeria 1999 (as amended) (*S/Res/057/02/20*).

9. National Sports Commission (Establishment) Bill, 2020 (SB. 202):

Motion made: That a Bill for an Act to establish the National Sports Commission to be charged with the responsibility of administering, encouraging and developing sports and games throughout Nigeria and Other Matters Incidental Thereto, 2020 be read the Second Time (*Senator Joseph O. Ogba — Ebonyi Central*).

Debate:

Question put and agreed to.

Bill accordingly read the Second Time and referred to the Committee on Sports and Youth Development to report within Four (4) weeks.

10. University of Creative Arts and Studies, Orlu, Imo State (Establishment) Bill, 2020 (SB.454):

Consideration of Bill deferred to another Legislative Day.

11. Institute of Information and Communication Technology, Billiri, Gombe State (Establishment) Bill, 2020 (SB. 313):

Motion made: That a Bill for an Act to provide for the establishment of the Institute of Information and Communication Technology Billiri, Gombe State and for Other Matters Connected Therewith, 2020 be read the Second Time (*Senator Bulus K. Amos — Gombe South*).

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.

No. 30

Thursday, 10th December, 2020

1129

12. Electric Power Sector Reform Act 2005 (Amendment) Bill, 2020 (HB. 01) — Concurrence:

Consideration of Bill deferred to another Legislative Day.

13. Environmental Health Officers (Registration) Bill, 2020 (HB. 44) - Concurrence

Consideration of Bill deferred to another Legislative Day.

14. Emergency Economic Stimulus Bill, 2020 (HB. 835) - Concurrence

Consideration of Bill deferred to another Legislative Day.

15. National Commission for Refugees Act CAP N21 LFN 2004 (Repeal & Re-enactment) Bill, 2020 (HB. 171) - Concurrence:

Consideration of Bill deferred to another Legislative Day.

16. FCT Health Insurance Agency (Establishment) Bill, 2020 (HB. 60) - Concurrence:

Consideration of Bill deferred to another Legislative Day.

17. Adjournment:

Motion made: That the Senate do now adjourn till Tuesday, 15th December, 2020 at 10.00 a.m.
(*Senate Leader*).

Adjourned accordingly at 12:46 p.m.

Ahmad Ibrahim Lawan, Ph.D, CON
President,
Senate of the Federal Republic of Nigeria.