



**REPUBLIC OF KENYA**

**THIRTEENTH PARLIAMENT**

**NATIONAL ASSEMBLY**

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## THE HANSARD

Tuesday, 23<sup>rd</sup> July 2024

The House met at 2.30 p.m.

*[The Speaker (Hon. Moses Wetang'ula) in the Chair]*

PRAYERS

QUORUM

**Hon. Speaker:** Hon. Members, there is no quorum. Serjeant-at-Arms, ring the Quorum Bell.

*(The Quorum Bell was rung)*

Clerk-at-the-Table, read out the Orders.

### COMMUNICATION FROM THE CHAIR

**Hon. Speaker:** Hon. Members, there is a Communication at Order No. 2, which I will do slightly later.  
Next Order.

### MESSAGE

**Hon. Speaker:** Hon. Members on your feet, please take your seats. The Hon. Minority Whip, take your seat.

*(Hon. Junet Mohamed and several Members stood along the aisle)*

Members coming in, please, take the nearest seats.  
Thank you.

### REFERRAL OF THE FINANCE BILL AND BRIDGING THE FISCAL DEFICIT IN THE 2024/2025 FINANCIAL YEAR BUDGET

**Hon. Speaker:** Hon. Members, I have two Messages to convey to the House. The first one is on referral, by His Excellency the President, of the Finance Bill, (National Assembly Bill No.30 of 2024), and bridging the fiscal deficit in the Financial Year 2024/2025 Budget.

Hon. Members, I wish to take this opportunity to welcome you back to the House after the just concluded short recess. You will recall that the recess was preceded by illegal access and damage to the precincts of Parliament by unauthorised persons at the tail-end of the consideration of the Finance Bill, 2024. We have ventilated on this and other pertinent matters during the Members' *Kamukunji* this morning and I commend Members for the bipartisan discussions.

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Having said that, I wish to report to the House that on 27<sup>th</sup> June 2024, I received a Memorandum from His Excellency the President referring the Finance Bill, (National Assembly Bill No. 30 of 2024), back to the House for reconsideration in accordance with the provisions of Article 115 of the Constitution.

*(Several Members walked into the Chamber)*

Members at the back, take the nearest seats. This will be a bit long.

In the Memorandum, His Excellency the President expressed reservations on the contents of the Bill in its entirety and recommended the deletion of all the clauses of the Bill. In making the recommendations, the President noted the widespread expression of dissatisfaction by the public on the contents of the Bill. Therefore, the proposed deletion of all the provisions of the Bill will accord with its general rejection by the public.

Standing Order 42(2) provides that if a message is received from the President at a time when the House is not in Session, the Hon. Speaker shall forthwith cause the message to be transmitted to every Member and report the message to the House on the day the House next sits.

Consequently, in keeping with the provisions of Standing Order 42(2), on 27<sup>th</sup> June 2024, I notified all Members of the Message from the President and referred the Memorandum from the President to the Departmental Committee on Finance and National Planning for expeditious consideration.

Hon. Members, following the submission of the Memorandum, my Office received several inquiries from Members of Parliament and the general public regarding the fate of the Bill and the manner of bringing the fiscal deficit arising from its rejection. Various misleading opinions have also been advanced on the fate of the Bill following its referral back to the House. Given the gravity and import of the matter, I issued an explainer with a view to creating clarity and understanding of both procedural and legal tenets relating to the referral.

One of the primary concerns then was whether the President can propose the deletion of all operative clauses in a Bill or, indeed, the entire Bill. At the outset, I wish to clarify that the President's Memorandum recommending rejection of the entire Bill, though significant, was neither exceptional in our legislative history nor new to this August House. Members may recall that on 2<sup>nd</sup> May 2024, I conveyed a Message from the President relating to the referral of the Penal Code (Amendment) Bill, (National Assembly Bill, No. 56 of 2022), back to the House for reconsideration.

In the Memorandum, the President expressed reservations on Clause 2 of the Bill, which was the operative provision in the Bill and further recommended its deletion. This essentially constituted a rejection of the whole Bill.

*(Several Members walked into the Chamber)*

Members at the Bar, take the nearest seats.

Similarly, in the 11<sup>th</sup> and 12<sup>th</sup> Parliaments, the then President referred the Central Bank (Amendment) Bill, (National Assembly Bill, No. 28 of 2014), and the Law of Contract (Amendment) Bill, (National Assembly Bill, No. 1 of 2019), back to the National Assembly for reconsideration. In both instances, the recommendation from the President was the deletion of the operative Clauses of the Bills, which in essence, constituted the rejection of the said Bills.

Hon. Members, a strict reading of Article 115 of the Constitution shows that no limitation is imposed on the nature of reservations or, indeed, the recommendations that the President ought to make on a Bill. Indeed, this is also reflected in the practice in other comparative jurisdictions.

For instance, in the United States (US) Congress, the President, while referring a Bill back to the House, may either choose to provide general recommendations based on the reservations to the Bill or propose the actual text to be added to or deleted from specified parts of the Bill.

Concerns were also raised whether the Finance Bill, 2024, having been referred back to the National Assembly, would become law due to effluxion of time on the basis of the provisions of Article 115 of the Constitution. For clarity, Article 115(6) of the Constitution states, and I quote:

“115. (6) If the President does not assent to a Bill or refer it back within the period prescribed in clause (1), or assent to it under (5)(b), the Bill shall be taken to have been assented to on the expiry of that period.”

For context, Article 115(1) of the Constitution provides that:

“115. (1) Within fourteen days after receipt of a Bill, the President shall—  
(a) assent to the Bill; or,  
(b) refer the Bill back to Parliament for reconsideration by Parliament, noting any reservations that the President has concerning the Bill.”

A clear reading of these provisions reveals that the fourteen-day period applies to the President’s action regarding assent or refusal to assent to a Bill. As soon as any of the actions contemplated under Article 115(1) is undertaken by the President within the timelines prescribed, the application of Article 115(6) ceases to apply. In this regard, I wish to reiterate that the Constitution ought not to be construed in a narrow or sophistic sense.

The Constitution should be interpreted broadly and liberally in accordance with the guiding principles provided under Article 259(1) of the Constitution. Bearing this in mind, it becomes evident that the fourteen-day period specified in Article 115 is a timeline for the President’s action and not a date when the Bill automatically becomes law.

Therefore, the concerns alluding to the possibility of the Finance Bill 2024 becoming law due to the effluxion of time were and still are unfounded and a miscomprehension of the provisions of the Constitution. This also explains why the House was not recalled from recess for Special Sitings.

Hon. Members, now that the regular sittings of the House have resumed, I wish to state that Standing Order 154(2) requires the House to consider the President’s reservations within 21 days when the House next meets. Under normal circumstances, the House would have had 21 days from today within which to consider and dispense with the Memorandum.

However, noting that the Memorandum had already been referred to the Departmental Committee on Finance and National Planning for consideration on 27<sup>th</sup> June 2024, I have been briefed that the Committee is yet to conclude its consideration and shall table a report to the House on or before Tuesday, 30<sup>th</sup> July 2024 – that is next week.

Hon. Members, permit me at this point to remind the House of the Speaker’s Communication of 28<sup>th</sup> July 2015 concerning the consideration of the President’s reservations to a Bill and amendments thereto.

*(Several Members walked into the Chamber)*

Members at the back, take the nearest seats.

As per the guidance, any Member who wishes to move the House to reinstate any clause of the Finance Bill, 2024 shall be required to marshal the support of at least 233 Members. This is in keeping with the provisions of Article 115(4) of the Constitution, which requires that such a proposal be supported by at least two-thirds of the Members of the National Assembly.

Conversely, agreement with the President's reservations and the recommendation to delete all the clauses of the Finance Bill shall only require the support of a simple majority of the Members present and voting. This is in line with the provisions of Article 115(2)(a) of the Constitution as read together with Article 122(1) of the Constitution.

Hon. Members, when the Memorandum will be scheduled by the House Business Committee for the clause-by-clause consideration of the Bill, the House will convert itself into a Committee of the whole House for that purpose. Any amendments to be proposed to the Bill will be proceeded with in the manner I have guided.

Hon. Members, having conveyed the Message from the President, I now wish to address the various measures that need to be undertaken to bridge the fiscal deficit that is arising from the rejection of the Finance Bill, 2024.

On the Division of Revenue Act, 2024, Article 218 of the Constitution requires Parliament to introduce the Division of Revenue Bill and the County Allocation of Revenue Bill at least two months before the end of each financial year. The Division of Revenue Bill divides revenue raised by the National Government among the national and county levels of Government. On its part, the County Allocation of Revenue Bill divides the revenue allocated to the county level of Government among the counties.

As Members would recall, His Excellency the President assented to the Division of Revenue Act, 2024 on 10<sup>th</sup> June 2024. The Act provides for the division of revenue raised nationally between the national and county governments for Financial Year, 2024/2025. In particular, the Act provides that the total shareable revenue is Ksh2.9 trillion, out of which Ksh2.5 trillion was allocated to the National Government and Ksh400 billion to county governments.

The revenue apportioned by the Division of Revenue Act was based on projections of revenue intended to be raised by the National Government in FY 2024/2025. As such, the amounts in the Division of Revenue Act, 2024 may only be realised if the projected revenues are collected by the National Government. Any shortfall in the projected revenue collection has a significant bearing on the shares apportioned between the two levels of government.

Hon. Members, it is estimated that the rejection of the Finance Bill 2024 will occasion a financial gap of approximately Ksh346 billion. This gap shall significantly impact the amounts apportioned by the Division of Revenue Act, 2024; the revenue due to counties under the County Allocation of Revenue Bill 2024 and the monies appropriated to finance the Budget for FY 2024/2025.

On the County Allocation of Revenue Bill 2024, I am aware that on 10<sup>th</sup> July 2024, His Excellency the President referred back the County Allocation of Revenue Bill 2024 to the Senate for reconsideration in light of the anticipated fiscal deficit. Article 219 of the Constitution obligates the National Government to transfer the equitable share apportioned to counties in the Division of Revenue Act without reduction.

To ensure that the national Government does not default on its obligations, the Division of Revenue Act, 2024 ought to be amended to reflect the revenue that the National Government is capable of transferring to the counties in view of the current reality. Failure to amend the Division of Revenue Act, 2024 shall result in the national Government owing a financial obligation which it cannot clearly meet. In addition to the proposed reconsideration of the County Allocation of

Revenue Bill 2024 by the Senate, it is expected that the Chairperson of the Budget and Appropriations Committee shall introduce a Bill to effect the necessary amendments to the Division of Revenue Act, 2024.

On Supplementary Estimates I, with regard to the monies already appropriated by the House to finance the Budget for FY 2024/25, I wish to remind the House of the Notification I issued on 12<sup>th</sup> July 2024, informing you of the submission of the First Supplementary Estimates for the Financial Year 2024/2025, which I referred to the Budget and Appropriations Committee and the departmental committees for expedited consideration. The Supplementary Estimates seek to rationalise the FY 2024/25 Budget Estimates to align with the Revised Fiscal Framework and actualise expenditure cuts across the three Arms of Government, constitutional commissions and independent offices.

As guided in my Notification of 12<sup>th</sup> July 2024, the Budget and Appropriations Committee is expected to table its report on the Supplementary Estimates I on or before tomorrow, Wednesday, 24<sup>th</sup> July 2024. The House shall thereafter consider the said Estimates and the resultant legislation to give effect to the Revised Fiscal Framework and the proposed expenditure reductions.

The House is accordingly guided, and I thank you.

*(Several Members walked into the Chamber)*

Members at the back, take the nearest seats before the next Communication.

**Hon. Junet Mohamed** (Suna East, ODM): On a point of order.

**Hon. Speaker:** Hon. Junet.

**Hon. Junet Mohamed** (Suna East, ODM): Hon. Speaker, I wish to comment on this matter.

**Hon. Speaker:** You know Communication from the Chair is never debated on.

**Hon. Junet Mohamed** (Suna East, ODM): Hon. Speaker, it is true but this is a very weighty matter - the Memorandum from the President on the Finance Bill.

**Hon. Speaker:** Yes.

**Hon. Junet Mohamed** (Suna East, ODM): For the simple reason that when you look at this Memorandum, you realise that Kenyans have not understood how Parliament operates or what stages a Bill goes through. That is First Reading, Second Reading, Third Reading and also what happens when a Bill is presented to the President for assent. A colleague of mine said yesterday that we used to have open days in Parliament where people used to be taken through the processes of a Bill.

This is a very important decision that has been made on a very important Bill in this country. You know very well how emotive and controversial this Bill was before we went on recess. There are people in the country, our voters, who believe that this Bill is becoming law. They believe that this Bill is going to be implemented. Indeed, this is an unprecedented situation because it is the first time since I came to this Parliament - ten years ago - that a President has deleted every clause in a Bill. I am not sure whether he has deleted even the title of the Bill. We need to check that in the Memorandum. It is unprecedented and it has never happened.

In the last ten years, we are used to having a Memorandum that would come to the House and the President could have issues with one, two or three clauses. This is the first time that a whole Bill has been deleted. What does that mean, Hon. Speaker? If you ask me as a legislator here, because you have to raise two-thirds in numbers of Members to undo what he has

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recommended, according to me, this Bill is dead as a *dodo*. They say a *dodo* is an animal that used to live in Malaysia, but which is extinct now. So, the Bill is extinct now as we...

**Hon. Speaker:** Not Malaysia but Madagascar.

**Hon. Junet Mohamed** (Suna East, ODM): Madagascar. You are right, Hon. Speaker.

*(Loud consultations)*

As we speak, this Bill is dead. I do not think we will have the capacity to raise two-thirds in this House. We do not intend to do so because I am the Whip of the Minority Party, and I will not provide the two-thirds from our side to undo what the President has done. So, it is very important to give clarity to our voters as well as Kenyans that this Bill is dead.

*(Applause)*

We only need to agree on a burial date where we are going to do the burial rites, bury it properly and forget about it. In our area, this is called *Tero buru*. We just do the *Tero buru* and finish this thing, Hon. Speaker.

**Hon. Speaker:** You have made your point.

**Hon. Junet Mohamed** (Suna East, ODM): Hon. Speaker, lastly, my last point.

**Hon. Speaker:** Okay, give him the microphone.

**Hon. Junet Mohamed** (Suna East, ODM): In your Communication, other than the issues that came back from the President, is the issue of how to deal with the Supplementary Estimates I and the County Allocation of Revenue Act. I urge this House to re-look at those things objectively. It is this House that can know where to 'cut' that money from the Budget. I urge the Budget and Appropriations Committee to sit down and look through it with a fine-tooth comb, the Budget that was passed, and make sure that we remove excess baggage and fat from areas that Kenyans do not need money in. Let us not touch issues that are very important to Kenyans. It is the work of the Budget and Appropriations Committee. Let them rise up to the occasion. In any case, the Leader of the Majority Party has been a Chairperson of that Committee for seven years and so, he knows and can guide them. Let us not 'cut' the money from where we think Kenyans will feel pain.

With those few remarks, I agree with the deletion and will be presiding over the burial of that Bill when it is brought here.

**Hon. Speaker:** Thank you. Hon. Members, I am not opening debate on this one. The Communication is not to elicit debate, but Hon. Junet is right. The mischievous and misleading comments about the fate of the Bill upon rejection unfortunately came from some of our own Members here. Members continued churning out fake news to the public about the fate of the Bill to the effect that within 14 days, it was going to become law, which was false. One senior Member even sent me a draft Bill to repeal the Finance Bill that was not already an Act of Parliament.

*(Laughter)*

**An Hon. Member:** We know him.

**Hon. Speaker:** And I politely reminded him that you can only repeal an existing Act. You cannot repeal a rejected Bill, and this point comes home to all of us. The Finance Bill was the genesis and, probably, the catalyst of the vents that we have witnessed in the country. Continuing to churn fake news about the Finance Bill is to compound the problem in the country. So, I urge

all of us to follow the procedure. Hon. Junet, you are right that it might be difficult for any Member proposing to save a clause in the Bill to raise two-thirds majority knowing how this House operates. But, under the Constitution and the Standing Orders, we must go through the entire rigmarole to make sure that the Bill comes back to the House. You will sit as a Committee of the whole House, consider each clause and if there is nobody challenging the deletion by the President, you will vote with a simple majority present. Our quorum number being 50 Members, half of that is 25. Therefore, 26 Members can vote to support the President's Memorandum. Anyone who wants to save any part of the Bill, including the Title, must marshal 233 Members to vote to save it.

Yes, Hon. Makilap.

**Hon. Joseph Makilap** (Baringo North, UDA): Thank you, Hon. Speaker. On behalf of the Departmental Committee on Finance and National Planning, I wish to report that we have already met and finalised our Report. We are ready to table it tomorrow morning.

Thank you, Hon. Speaker.

**Hon. Speaker:** That is excellent. We will finish it even faster.

*(Hon. Kangogo Bowen and several other Members walked into the Chamber)*

Members on their feet, take your seats. I have another message to deliver. Hon. Bowen, stop greeting colleagues and take a seat.

#### NOMINATION OF PERSONS FOR APPOINTMENT AS CABINET SECRETARIES

**Hon. Speaker:** Hon. Members, Standing Order 42(1) relating to Messages from the President provides that-

The Speaker shall read to the House any message from the President delivered to the Speaker for communication to the House.

In this regard, I wish to convey to the House that I have received a Message from His Excellency the President notifying the nomination of various persons for appointment to the offices of Cabinet Secretaries.

In the Message, His Excellency the President conveys that in the exercise of powers conferred on him by Articles 152(2) of the Constitution, as read together with Sections 3 and 5 of the Public Appointments (Parliamentary Approval) Act, 2011, he nominates various persons for appointment to the aforementioned offices.

For clarity, Article 152(2) of the Constitution states and I quote:

“152 (2) The President shall nominate and, with the approval of the National Assembly, appoint Cabinet Secretaries.”

The names of persons submitted to this House for approval for appointment as Cabinet Secretaries are as follows:



NOMINEE	MINISTRY/OFFICE
Hon. (Prof.) Kithure Kindiki, EGH	Cabinet Secretary, Ministry of Interior & National Administration
Dr. Debra Mlongo Barasa	Cabinet Secretary, Ministry of Health
Hon. Alice Wahome, EGH	Cabinet Secretary, Ministry of Lands, Public Works, Housing and Urban Development
Mr. Julius Migos Ogamba	Cabinet Secretary, Ministry of Education
Hon. Roselinda Soipan Tuiya, EGH	Cabinet Secretary, Ministry of Defence
Dr. Andrew Mwihia Karanja	Cabinet Secretary, Ministry of Agriculture and Livestock Development
Hon. Aden Barre Duale, EGH	Cabinet Secretary, Ministry of Environment, Climate Change and Forestry
Mr. Eric Muriithi Muuga	Cabinet Secretary, Ministry of Water, Sanitation and Irrigation
Mr. Davis Chirchir, EGH	Cabinet Secretary, Ministry of Roads and Transport
Dr. Margaret Nyambura Ndung'u	Cabinet Secretary, Ministry of Information, Communication and the Digital Economy

*(Loud consultations)*

Order! Order, Hon. Members.

In view of the foregoing and pursuant to the provisions of Section 8 of the Public Appointments (Parliamentary Approval) Act, of 2011, as read together with Standing Order 42(3), I hereby refer the Message from the President, together with the curriculum vitae of the nominees, to the Committee on Appointments.

*(Loud consultations)*

Order, Hon. Members. Can we listen to the Message?

Hon. Members, Section 8 of the Public Appointments (Parliamentary Approval) Act, 2011 provides that unless otherwise provided in law, the Committee to which such nomination is referred shall consider the matter and table a report in the House within twenty-eight (28) days. It

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is, therefore, imperative that the Committee on Appointments immediately commences the process of consideration of the nominees.

The Committee on Appointments is expected to immediately notify the nominees and the general public, commence the necessary approval hearings and table its report in the House soonest, to enable the House to consider the nominees within the stipulated timelines.

Thank you.

*(Loud consultations)*

Order, Hon. Members.

**Hon. Junet Mohamed** (Suna East, ODM): On a point of order, Hon. Speaker.

**Hon. Speaker:** Yes, Hon. Junet. What is it?

**Hon. Junet Mohamed** (Suna East, ODM): Hon. Speaker, in Parliament, they normally say that what you communicate is final. I am not sure whether this list is correct.

*(Laughter)*

While we cannot change your records in Parliament, we are really in doubt whether this is the correct list. We shall wait.

Having said that, I want to speak on this matter and tell Members, who are also my colleagues that, at this time and period in Parliament, the vetting of those Cabinet Secretaries is not going to be business as usual! This time, this time, and I repeat for the third time, this time, if somebody is not suitable and does not have the capacity, we are going to throw them out. We must do justice to Kenyans. We must do our work properly this time. I participated in the vetting of the last Cabinet Secretaries.

*(Loud consultations)*

**Hon. Speaker:** Order.

**Hon. Junet Mohamed** (Suna East, ODM): For the people who have been nominated again, we know what they told us in the previous vetting. If their records of net worth do not match, they should know that we will throw them, not out through the door, but the window. The responsibility of ensuring that only suitable people who meet the stipulated requirements of becoming a Cabinet Secretary is vested in this House through the Parliamentary Approval Act.

**Hon. Speaker:** Hon. Junet, you are a Member of the Vetting Committee.

**Hon. Junet Mohamed** (Suna East, ODM): I am concluding. It is this House that will ensure that Kenyans get value for their money. If any of my brothers and sisters who have been nominated know that they do not qualify, they should just leave early before they appear before this House. This time, we will put them bare-naked in front of Kenyans. Kenyans are tired. They are saying that they do not mind who become Cabinet Secretaries as long as they are the right and qualified people. We will perform our constitutional mandate. For those of you who were in the offices before and have been brought back, you will see what we are going to do to you.

With those few remarks, I am prepared for the Vetting Committee. *Tukutane na hao watu mundu khumundu.*

*(Laughter)*

**Hon. Speaker:** Yes, Hon. Kamket. Hon. Members, you should remember that we do not debate a communication such as this one.

**Hon. Kassait Kamket** (Tiaty, KANU): Thank you, Hon. Speaker. While what you read could be contradictory to what we heard from the President's announcement, I would like you to confirm that it is, indeed, what was communicated by the Head of State.

Secondly, I have heard Hon. Junet threaten those Cabinet nominees. While the bar must be raised higher for anyone who is appointed to the position of Cabinet Secretary or any other public office, we do not expect His Excellency the President to appoint angels into the Cabinet. As much as Hon. Junet is threatening those nominees, he must know that he who comes to equity must come with clean hands. He must not stand here and threaten the careers of other Kenyans as if he is a very clean man. We also know him.

**Hon. Speaker:** Order. There is no Motion against him here. Yes, Hon. Sunkuli?

**Hon. Julius Sunkuli** (Kilgoris, JP): I want to thank you, Hon. Speaker, for the Message that you have just delivered. I am sure that the list is very correct this time. On behalf of the people of Narok, I want to congratulate Hon. Soipan Tuya in advance for coming back to a very important Ministry.

*(Loud consultations)*

**Hon. Speaker:** Order, Hon. Sunkuli. Hon. Soipan Tuya is not our Cabinet Secretary yet, but a nominee. Let us listen to Hon. Kiborek.

**Hon. Kiborek Reuben** (Mogotio, UDA): Thank you, Hon. Speaker. I would like to ask whether it is in order for the House to again vet the re-appointed Cabinet nominees who had been previously vetted.

Secondly, rumours have been circulating that there is going to be a broad-based Government. Is there a possibility that Hon. John Mbadi might be one of them and that is why he does not want to sit? Is arrogance getting to his head? I know him as a very humble guy. Is Hon. Junet an interested party too?

Thank you, Hon. Speaker.

**Hon. Speaker:** Order, Hon. Kiborek. Under the Constitution and the Public Appointments Parliamentary Approval Act, everybody, whether they were in the dismissed Cabinet or not, must be vetted once they have been re-appointed. In fact, the Public Appointments (Parliamentary Approval) Act says the persons to be vetted include those appointed and re-appointed. That is the law. I have read in some public fora whether persons who have been re-appointed after dismissal qualify to be so re-appointed. Again, the answer is in the affirmative, unless you have been dismissed for breaching Chapter Six of the Constitution or for violating the Constitution and being unaccountable in the management of public resources. The dismissal assigned no reasons and, therefore, they are eligible for re-appointment. Under the Public Appointments (Parliamentary Approval) Act, you will vet them and vote on their re-appointment.

Hon. (Dr) Nyikal, last time you nearly assaulted me in the Chair because I did not give you time to speak. I hope now it mitigates everything.

**Hon. (Dr) James Nyikal** (Seme, ODM): Thank you, Hon. Speaker. What we are discussing is so important because it is the crux of what is happening in the country today. Cabinet Secretaries were dismissed due to public pressure. Clearly, going by what was happening, the public had actually lost confidence in the Government. When the people invaded Parliament, this

was a loss of confidence on Parliament and its credibility. Therefore, the process to reverse that must start in the most transparent way without doubt. What the President announced is definitely different from what you have read to us. At that point alone, the public will not really have confidence in what we are doing unless the President comes out and first makes the changes. He has the appeal to do that. What the public knows we are going to vet is what he announced and yet, what we are going to vet is totally different. Whether they are right or wrong, people act from their beliefs. When they were running and attacking the National Assembly, it arose from their deep belief that we do not represent their interests; we are not credible to them.

Hon. Speaker, you really need to clarify why the list you have read to us is different from what the President read. We are starting from a very weak point on that basis alone. We really need to preserve this country and, particularly, this House. The challenges are going to be bigger, leave alone dismissing people and then you bring them back. The question is: Why did you dismiss them in the first place? That credibility is required. We should have the same list, Hon. Speaker.

**Hon. Speaker:** Hon. (Dr) Nyikal, as a House of Parliament, we are a House of records. And the record we have is a Communication from the Executive Office of the President. It must be in writing and signed by the President. And it is right here. You can see the President's signature. And this is the Communication Letter from the Head of Public Service. The President, like anybody else, has the right to change his mind on what he has decided. What is important is the record that comes to this House. The record that has arrived in this House is what I have read to you. Remember that nobody will become a Cabinet Secretary until and unless the President has written to Parliament and two, until Parliament has sat in Committee and vetted them; and, three, until the whole House has voted on the report of the vetting Committee. That is what is important.

We have had cases before where people were pronounced in the media as having been appointed as ambassadors and we received communication that showed they had been transposed from one station to another, and we have vetted them without any question. In any case, the proposed names that I have read to you are not Cabinet Secretaries until you pass them in this House. So, there is nothing inconsistent.

Hon. Kaluma.

**Hon. Peter Kaluma** (Homa Bay Town, ODM): I thank you, Hon. Speaker. I am not fortunate to sit in the Committee on Appointments, but let me tell the members of that Committee about something that the High Court said a short while back, as they go into that critical process, before I make my last comment.

**Hon. Speaker:** Those members include yours truly. I am the Chairperson of that Committee.

**Hon. Peter Kaluma** (Homa Bay Town, ODM): You are the Chair and I am your loyal assistant, Hon. Speaker.

*(Laughter)*

Hon. Speaker, in the year 2018, this is what the High Court said regarding public appointments under the new Constitution:

“27<sup>th</sup> August 2010 ushered in a new regime of appointment to public office. Whereas the past was characterised by open corruption, tribalism, nepotism, favouritism, scrapping the barrel and political patronage, the new dispensation requires a break from the past. The Constitution signifies the end of ‘jobs for the boys’ era.”

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Article 10 sets out the values that must be infused in every decision-making process. This is a critical reminder to us because we are at a point in time when the nation is looking unto this House to provide the leadership it needs. It is for this reason that, last week, the Orange Democratic Movement (ODM) party and independent parties of Azimio sat and said that the Government of Kenya belongs to all of us. We met as ODM and resolved. I am saying this because I do not want some confusion that I have seen circulating where somebody says if members of the ODM party are appointed to Government, they are going on their own. We met and resolved so.

*(Loud consultations)*

Do not say no! When the ODM party speaks, even Azimio has spoken. There is a tendency coming up in this country...

*(Loud consultations)*

**Hon. Speaker:** Order! Order! Go on.

**Hon. Peter Kaluma** (Homa Bay Town, ODM): Hon. Speaker, let me explain to these people the law. I will speak.

*(Loud consultations)*

**Hon. Speaker:** Order, Hon. Members. Hon. ‘Jalas’, this is not a *baraza* in Lang’ata. This is a House of Parliament. Go on.

**Hon. Peter Kaluma** (Homa Bay Town, ODM): Hon. Speaker, let me address what is in Article 232 of the Constitution. It says the Public Service shall have the face of Kenya. All ethnic communities will be there. Persons of the gender quotas prescribed under Article 27 will be there. As a person from an ethnic community, I will not agree to a position where people say everybody is in the Government of Kenya except Luos and yet, Luos also pay taxes!

Hon. Speaker, I congratulate the President on the appointment of Cabinet Secretaries. However, I request him that within the week and as soon as tomorrow, we want to see those other appointments that *Baba* was to forward to him. We want all of them to be approved. If that can happen, then we will push these appointments very fast. We cannot leave anybody out.

Let me send a warning. The people who are sending conflicting positions from the Orange Democratic Movement (ODM) should remember that they are on interim positions. If we resolve a position and they contradict it, we can remove them. This has to happen for the good of the nation. We tell the Government that we are ready to serve in order to ensure Kenya moves properly.

I thank you, Hon. Speaker.

*(Applause)*

*(Loud consultations)*

**Hon. Speaker:** Order, Hon. Members. Next Order. This Order on Messages is over. Hon. Owino, take your seat. We will now go back to Order No.2, where I have a Communication. The Messages are over. The Messages on Finance Bill and nomination of persons for appointment as Cabinet Secretaries are over.

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*(Hon. Charles Ong'ondo consulted loudly)*

Hon. Were, Order! Hon. Members, I have a Communication on allegations of bribery of Members of Parliament in the discharge of parliamentary duties.

*(Several Hon. Members spoke off the record)*

Order, Hon. Members. I do not want any assistance. Just listen as I talk.

### COMMUNICATION FROM THE CHAIR

#### ALLEGATIONS OF BRIBERY OF MEMBERS OF PARLIAMENT IN THE DISCHARGE OF PARLIAMENTARY DUTIES

**Hon. Speaker:** Hon. Members, I wish to inform the House that my Office is in receipt of correspondences dated 24<sup>th</sup> and 25<sup>th</sup> June 2024 from various Members of Parliament regarding allegations of bribery of Members of Parliament during the voting on the Finance Bill, (National Assembly Bill No. 30 of 2024). The Hon. Members include:

1. Hon. Joseph Munyoro, MP.
2. Hon. Josses Kosgey Lelmengit, MP.
3. Hon. (Ms) Jane Kagiri, MP.
4. Hon. (Dr) Kanyuithia Mutunga, MP.
5. Hon. Didmus Wekesa Barasa, MP.

Hon. Didmus Barasa also raised the matter on the Floor of the House on Wednesday, 25<sup>th</sup> June 2024. In their complaints, the Members allege that on Sunday, 23<sup>rd</sup> June 2024, the Member for Juja - Hon. George Koimburi - was quoted across various media outlets claiming that Members of this House who voted in support of the Second Reading of the Finance Bill, (National Assembly Bill No. 30 of 2024), were bribed with Ksh2 million each to do so.

The affected Hon. Members sought my guidance on how to address this matter. In their estimation, the assertions attributed to Hon. Koimburi, if left unsubstantiated, continue to bring shame and odium to Members of Parliament and paint the entire House in bad light.

Hon. Members, you will recall that when the matter was raised on the Floor of the House, I undertook to give a considered ruling at the next sitting of the House, which is today.

In a related development, I wish to inform the House that I have also received a letter dated 22<sup>nd</sup> July 2024 from Hon. Koimburi titled: Apology Letter. It indicates as follows:

I, George Koimburi Ndung'u, of ID No..., elected Member of Parliament for Juja Constituency, would like to tender my apology to the House leadership and my colleagues, Members of Parliament. I understand we are living in very dynamic and sensitive times. My utterances in the past may have caused some problems in the country. I am remorseful and humbly seeking for forgiveness. As an ambassador of peace, I pray that peace prevails in our country. God bless Kenya.

*(Applause)*

*(Several Members spoke off the record)*

Order, Hon. Members. Today, at the rise of the House Business Committee at 1.45 p.m., I called Hon. Koimburi to ascertain his authorship of the letter. He confirmed it and further denied any claims that he had disowned the letter and its contents. He further indicated that he is currently away in Mombasa and unavailable to attend the sittings of the House until Tuesday, 30<sup>th</sup> July 2024.

Hon. Members, any allegation of corrupt practice, bribery or attempted bribery is a stain on the privilege of the institution of Parliament and deserves expeditious investigations and resolution. The practice and precedents applicable in the House require that any issue touching on the privilege of the House should be dispensed with as a matter of priority.

I fully appreciate the pain and discomfort that the pendency of Hon. Koimburi's allegations continue to cause the affected Members. However, I have reluctantly allowed him to avail himself to the House by 2.45 p.m. on Tuesday, 30<sup>th</sup> July 2024 to explain his actions with regard to the complaint raised by the affected Members and the context of his apology letter, in the manner contemplated by the Parliamentary Powers and Privileges Act, 2017 and the Standing Orders. Thereafter, I shall guide the House on any subsequent actions to be taken in the matter.

The House is accordingly guided. I thank you. Yes, Leader of the Majority Party.

**Hon. Kimani Ichung'wah** (Kikuyu, UDA): Thank you for that Communication, Hon. Speaker. We are well guided as per your directions regarding Hon. Koimburi. However, I am a bit concerned because last evening, a gentleman from his office whom I was told is his Constituency Office Manager delivered a copy of that letter to my office. It is also copied to the offices of Leader of the Majority Party and Leader of the Minority Party.

When you raised the matter before the House Business Committee this afternoon, I confirmed Hon. Koimburi's Personal Assistant delivered the letter to my office. The copy that was stamped in my office had only one stamp. The Personal Assistant had another copy which was stamped twice. At one instance, the rubber stamp was upside down and, therefore, it was stamped twice. Hon. Members and Kenyans will note that this is the letter that was circulating on social media. I took great offence with my staff when I suspected that they had circulated a letter on social media before I even saw it. I saw it when I was already at home after 8.00 p.m.

What worries me is that immediately that letter circulated on social media, Hon. George Koimburi stamped it as fake on his Facebook page. It is the same letter that you have alluded to now. You have asserted that you spoke to him and he has confirmed that it was his letter. Even as he comes to shed light on what he said on the matters that were complained about, his behaviour last evening, today and the days before that brings into disrepute not only his image as an Hon. Member of Parliament, but also the integrity of the office he holds. We will wait to hear from him. I want to bring to the attention of the House the kind of Member we are dealing with. Even as he comes on Tuesday, he should clarify whether this letter is fake. He said it was fake on social media, but he told you that he is the author. We do not know which Hon. George Koimburi to believe; the one on social media and churches, or the one who will be here. We will wait for him. I honestly do not know who the Member for Juja is now. He has too many faces. Thank you.

**Hon. Speaker:** Yes, Hon. Wamaua.

**Hon. Mary Njoroge** (Maragwa, UDA): Thank you for giving me a chance. I support whatever the Leader of Majority Party has said. When you look at the letter that was circulating on social media together with what you have read, it does not detail the reason he is giving an apology. Later on, Hon. Koimburi may say that he was not giving an apology for the Ksh2 million issue that he levelled against us. The letter is a bit ambiguous on the reason he is giving an apology.

If we are to agree with an apology letter that talks of an allegation that Members were given Ksh2 million, this one is a bit vague and ambiguous.

Thank you, Hon. Speaker.

**Hon. Speaker:** Yes, Keynan.

**Hon. Adan Keynan** (Eldas, JP): Thank you, Hon. Speaker. This is a House of traditions. That is why it is called the august House. The Member has made a number of un-substantiated allegations against individual Members of Parliament, the 13<sup>th</sup> Parliament, and everybody else. As a human being, I may be tempted to accept that apology on the face of it. However, this thing has circulated so much and it is all over. I beseech you to refer this issue to the Powers and Privileges Committee to subject the document to proper justice. Here, justice means that I want to appear as a witness and state the pain and agony I went through as a Member included in the particular bracket. Taking into account that this Member has also been flip-flopping, I am sure next time he will say he did not speak to the Speaker. We do not want the integrity of the Speaker to be questioned.

I agree with the Leader of the Majority Party that we beseech you to refer this to the Powers and Privileges Committee so that we are fair, contended and satisfied. It will not only deal with this issue. It will also deal with any other would-be Member who would be casting aspersions on the integrity of this House and individual Members. Hon. Speaker, I beseech you. If there are issues in the Powers and Privileges Act and the current Standing Orders that we need to amend, this will also give us an opportunity to do so. That is so that this House remains respected in line with the letter and the spirit of the current Constitution.

Thank you, Hon. Speaker.

**Hon. Speaker:** Dr. Mutunga.

**Hon. (Dr) John K Mutunga** (Tigania West, UDA): Thank you, Hon. Speaker. I believe strongly that Hon. Koimburi was in his normal senses when he stood on the pulpit of a church and made the allegation. In any way, the activities that followed do not indicate Hon. Koimburi was remorseful. I believe he has written the vague apology letter because your Office contacted him.

**Hon. Speaker:** That is not true, Hon. Mutunga. My Office spoke to Hon. Koimburi this afternoon. That is after the *Kamukunji* raised issues.

**Hon. (Dr) John K Mutunga** (Tigania West, UDA): Thank you for the correction. Let me prosecute my point. This letter has caused us a lot of pain and many expenses. Wherever we go, we are first required to deliver the Ksh2 million before we start doing any other thing.

*(Applause)*

In this country, we are in a situation that brands Members of Parliament. The circumstances under which this allegation was made were very severe. We are in a situation where we need to redeem our image and yet, Hon. Koimburi puts fuel to burning fire. We do not need Hon. Koimburi to come and give us stories here. Hon. Speaker, I know you have the discretion. However, the Committee should be given the responsibility so that we may go and tell him what we have gone through. He needs to suffer a bit because he has subjected us to a lot of suffering. Many people have lost their properties because of such allegations.

*(Applause)*

**Hon. Speaker:** Mama Nairobi.

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**Hon. Esther Passaris** (Nairobi City County, ODM): Thank you for giving me this opportunity to contribute.

Hon. Speaker, everybody out there thinks that Parliament has been under State capture. When a Member of Parliament goes out there and says that he was paid Ksh2 million to vote 'Yes' but he declined, it means parliamentarians are not able to make decisions on their own. It takes me back to 2023 when I made a decision to support the Finance Bill. Everybody in social media said that I had visited State House and got a package. I never visited State House. I have never met the President on a one-to-one basis. I have only met him in public functions.

An Hon. Member who makes such a statement should be put to strict proof. As a lawyer, I am sure you understand that. If we forgive him without withdrawing, apologising and saying he lied, it means we are coercing him to withdraw. That is if he cannot substantiate whatever statement he made in public. We do not want him to withdraw. He said he was offered Ksh2 million. Let him prove to us who had offered it to him. He should be punished if he lied. Whatever he said out there implicates every Member of Parliament. When I decide here, I make decisions based on my reasoning and objectivity. Sometimes, I have even gone against my party. That means I do not lose my objectivity as a citizen when I am in Parliament, either as a Member in the Majority or Minority.

It is important that all of us in Parliament stand and affirm whatever we say out there. I would really feel ashamed if he was just forgiven to come back. Whatever he said there makes it very difficult for us, as parliamentarians, to stand and say that we were not bribed. We actually oversee this country's various institutions. People are seeing abject corruption that is not being dealt with. That corruption is not because parliamentary oversight committees are not doing their job. It is because the reports we make as Parliament are not moving forward. It is important for us as Parliament to look at all the reports we have made over the years. I mean those that call for the prosecution of various members of public entities. We should mark entities that have failed to address the corruption that we have seen.

I really pray and hope that we make sure that Member of Parliament is put to strict proof on the Ksh2 million that he got, unless he is suffering from amnesia. He should be punished if he never got an offer of Ksh2 million and yet, he went out there and made an allegation that implicates all Members of Parliament.

**Hon. Speaker:** Thank you. Hon. Wamumbi, you are the last one on this. Give the microphone to Hon. Wamumbi.

**Hon. Eric Wamumbi** (Mathira, UDA): Hon. Speaker, thank you for giving me this opportunity. We have heard you loud and clear, Hon. Speaker. We are requesting you that Hon. Koimburi does not come to give an explanation. We heard what he said. For these Members to redeem their image and dignity, Hon. Koimburi must be punished. For this House to continue, Koimburi must be punished because these Members need to redeem their dignity.

*(Loud consultations)*

The Members who voted 'No' also need to tell us whether they were paid to vote 'No'. We voted 'Yes' on our own volition. For this House to continue and these Members to redeem their dignity, Koimburi must be punished. Thank you, Hon. Speaker.

*(Loud consultations)*

**Hon. Speaker:** Order, Hon. Members. I said that I shall guide the House on any subsequent actions that will be taken on this matter.

Next Order.

### PAPERS

**Hon. Speaker:** Yes, Hon. Naomi.

**Hon. Naomi Waqo** (Marsabit County, UDA): Hon. Speaker, I beg to lay the following Papers on the Table:

1. Supplementary Estimates I for the Financial Year 2024/2025 from the National Treasury and Economic Planning, and the following accompanying documents:
  - (a) Programme-Based Budget;
  - (b) Recurrent Estimates;
  - (c) Development Estimates (Vol. I and Vol. II); and,
  - (d) Statement on Financial Year 2024/2025 Supplementary Estimates No.1.
2. Legal Notice No.105 of 2024 relating to the Income Tax (Charitable Organisations and Donations Exemption) Rules 2024, including Explanatory Memorandum and the evidence of public participation from the National Treasury.
3. Legal Notice No.109 of 2024 relating to the Road Maintenance Levy Fund (Imposition of Levy) Order 2024, including Explanatory Memorandum and reports of public participation from the Ministry of Roads and Transport;
4. Report of the NG-CDF Board on project proposals approval, disbursement status and restrictions imposed on constituency account for the Third Quarter of 2023/2024 Financial Year.
5. Price stability target and the Economic Policy of the Government for the Financial Year 2024/2025 Budget from the National Treasury.
6. The June 2024 Special Audit Report of the Auditor-General on debt servicing of external loans in Kenya; and,
7. The June 2024 Special Audit Report of the Auditor-General on the implementation of the Global Fund Programme in Kenya.

Thank you, Hon. Speaker. I beg to lay.

*(Loud consultations)*

**Hon. Speaker:** Order, Hon. Members.

*(Hon. Joseph Makilap and Hon. Babu Owino stood along the gangways)*

Order, Hon. Makilap and Hon. Babu Owino. Take your seats.

*(Several Hon. Members withdrew from the Chamber)*

Those Members walking out for their coffee or conversations, do so without disrupting the proceedings of the House.

Chairman, Budget and Appropriations Committee. Is Hon. Ndindi Nyoro here? Yes, Hon. Mary Emaase, are you ready with your Report on Supplementary Estimates? You can do it later.

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Get in touch with your Chairman. Next, Chairman, Departmental Committee on Trade, Industry and Co-operatives.

**Hon. Marianne Kitany** (Aldai, UDA): Hon. Speaker, I beg to lay the following Paper on the Table:

Report of the Departmental Committee on Trade, Industry and Co-operatives on its inspection visit to New Kenya Planters Co-operatives Union (New KPCU PLC) warehouses in Nairobi, Sagana and Meru.

Thank you, Hon. Speaker.

**Hon. Speaker:** Thank you. Next is the Chairman, Departmental Committee on Finance and National Planning. Member for Kesses.

**Hon. Julius Rutto** (Kesses, UDA): Thank you, Hon. Speaker. I beg to lay the following Paper on the Table of the House:

Report of the Departmental Committee on Finance and National Planning on its consideration of the President's Memorandum on the Finance Bill, (National Assembly Bill No. 30 of 2024).

Thank you.

**Hon. Speaker:** Next Order.

### NOTICE OF MOTION

**Hon. Speaker:** Hon. Emaase, we wait for your Chairman. You will be given an opportunity to table and give notice of Motion. Chairman, Departmental Committee on Trade, Industry and Co-operatives.

#### ADOPTION OF REPORT ON INSPECTION VISIT TO THE NEW KENYA PLANTERS COOPERATIVES UNION WAREHOUSES IN NAIROBI, SAGANA AND MERU

**Hon. Marianne Kitany** (Aldai, UDA): Hon. Speaker. I beg to give notice of the following Motion.

THAT, this House adopts the Report of the Departmental Committee on Trade, Industry and Co-operatives on its inspection visit to the New Kenya Planters Cooperatives Union warehouses in Nairobi, Sagana and Meru, laid on the table of the House on Tuesday, 23<sup>rd</sup> July 2024.

I thank you, Hon. Speaker.

**Hon. Speaker:** Next Order.

### MOTION

#### ADOPTION OF REPORT ON FUNDS SPENT CONTRARY TO PROVISIONS OF ARTICLE 223 OF THE CONSTITUTION

THAT, this House adopts the Report of the Public Petitions Committee on its consideration of Public Petition No. 4 of 2022 regarding Funds Spent by the National Government Contrary to the Provisions of Article 223 of the Constitution, laid on the Table of the House on Tuesday, 12<sup>th</sup> March 2024.

*(Moved by Hon. Nimrod Mbai on 20.6.2024 – Afternoon Sitting)*

*(Resumption of debate interrupted on 20.6.2024 – Afternoon Sitting)*

**Hon. Speaker:** Hon. Members we are now at Order 8 on the Public Petition on Funds Spent contrary to provisions of Article 223 of the Constitution. My record shows that Hon. Nimrod Mbai moved the Motion. Hon. Janet Sitienei seconded the Motion. The Question was proposed and then there was a Member who claimed that there was no quorum. So, we now open the Motion to debate. My screen has nobody desiring to speak to this.

Mover, Hon. Nimrod? Where is Hon. Nimrod? Hon. Janet Sitienei, you are the Secunder. Yes, Hon. Makali Mulu.

**Hon. (Dr) Makali Mulu** (Kitui Central, WDM): Thank you, Hon. Speaker. I just want to indulge you on this matter. This matter of expenditure as per Article 223 of the Constitution is a matter of national interest. That is why the Petitioner had petitioned Parliament so that the matter is debated. From what you have said, it was only moved and seconded. I am sure Members may not have had time to look at the recommendations. I do not know whether it will be procedural for you to defer it so that we can have time to look at it or we can get a recap of the issues and then we can debate it. It is a very important matter. We will be losing a very big chance as Parliament if we do not discuss this matter. If that is not possible Hon. Speaker, if you allow me, because it is a matter I have a lot of information on, I could also just make some general remarks as a Member of the Budget and Appropriations Committee and Public Debt and Privatisation Committee.

Thank you, Hon. Speaker.

**Hon. Speaker:** Are you moving that we adjourn the debate on this Motion?

**Hon. (Dr) Makali Mulu** (Kitui Central, WDM): Yes. I would be proposing that we adjourn the debate to another day.

**Hon. Speaker:** Do not propose. Just move that we adjourn it.

**Hon. (Dr) Makali Mulu** (Kitui Central, WDM): Hon. Speaker, I beg to move that we adjourn the debate to another day to allow Members to look at the Report and then we can debate from an informed position.

**Hon. Speaker:** Do you have a Secunder?

**An Hon. Member:** I second.

*(Question put and agreed to)*

*(Debate on the Motion deferred)*

Yes, the Leader of the Majority Party.

**Hon. Kimani Ichung'wah** (Kikuyu, UDA): Hon. Speaker, I beg for your indulgence because I know Members have just come back from the recess and this is part of the business that came towards the end of the last Session. You remember that many Members have raised concerns on the performance of the Committee on Petitions on how quickly they process petitions. This being one very important report, I want to agree with Hon. Makali Mulu because those are payments that were made out of Article 223 of the Constitution. This is an issue, as Hon. Makali Mulu has said, that has bedevilled all Parliaments right from the 11<sup>th</sup> Parliament. This House has spoken at length on the abuse of Article 223. So, I beg Members to get a copy of this Report and

interact with it because this relates to the payments that were made in the dying hours of the last regime.

The Ksh6 billion Telkom heist and many other payments that were made in the run-up to the last elections are issues that are being addressed by this Report. I beg Members to interact with it so that when this matter comes up for debate again, we debate with the full knowledge of what the Committee found out through the interactions with all the stakeholders that they interacted with. Also, I can see this matter touches on the Departmental Committee on Agriculture and that of Administration and Internal Affairs. It also touches on the National Treasury. Therefore, it is important for Chairs of Committees, their Vice-Chairs and also Members who sit in those particular committees to interact with this Report before we decide to adopt the Report or not.

Hon. Speaker I wish to thank Hon. Makali Mulu for moving that Motion of Adjournment. Thank you.

**Hon. Speaker:** Thank you. Next Order.

### MOTION

#### ADOPTION OF REPORT ON FINANCIAL STATEMENTS FOR NG-CDF FOR NINE CONSTITUENCIES IN BUNGOMA COUNTY

**Hon. Speaker:** Chairperson of Decentralised Funds Accounts Committee. Is that the Committee of Mulyungi?

*(Hon. Innocent Obiri rose in his place)*

Hon. Obiri, are you the Vice-Chair or a Member of the Committee?

**Hon. Innocent Obiri** (Bobasi, WDM): I am a member of the Committee. I am moving on behalf of the Chair.

**Hon. Speaker:** Go ahead.

**Hon. Innocent Obiri** (Bobasi, WDM): Hon. Speaker, on behalf of the Chairman of the Decentralised Funds Committee, I beg to move:

THAT, this House adopts the third Report of the Decentralised Funds Accounts Committee on its consideration of the Reports of the Auditor-General on the Financial Statements for the National Government Constituencies Development Fund for nine constituencies in Bungoma County for Financial Years 2013/2014, 2014/2015 and 2015/2016, laid on the Table of the House on Thursday, 7<sup>th</sup> March 2024.

Hon. Speaker, the Decentralised Funds Accounts Committee is established pursuant to Standing Order No. 205(b) and is responsible for the examination of the reports of the Auditor-General on the accounts of the National Government Constituencies Development Fund (NG-CDF) Board, National Government Affirmative Action Fund (NGAAF) and the National Government Affirmative Action Fund (NGAAF) Board.

The Committee examined a total of 27 reports of the Auditor-General for Sirisia, Kabuchai, Tongaren, Bumula, Kanduyi, Webuye East, Webuye West, Kimilili and Mt. Elgon constituencies for the Financial Years 2013/2014 and 2015/2016. The specific observations, findings and recommendations to the audit queries are contained in the Committee Report.

Hon. Speaker, the Committee, upon examination of the Auditor-General's reports for the nine constituencies, it made general observations and recommendations as follows:

There are outstanding land issues in the constituencies examined related to transfer, succession and acquisition of the title deeds for all the land purchased in the review period. The Committee recommends, amongst others, that the NG-CDF Board should, within three months of the adoption of this Report, provide guidelines to project management committees on how to deal with purchase of land that is under succession and the land for which transfers are pending. Further, that the Board adopts a policy on the procedure of buying land while at the same time ensuring the NG-CDF Committee adheres to the provisions of the NG-CDF Regulations 2016 on purchase of land or buildings.

On reallocation and use of emergency funds, some of the projects that are funded using emergency funds did not meet the threshold as set out in Section 62(6)(2) and Section 8 of the NG-CDF Act. The Committee, therefore, recommends that the NG-CDF Board should ensure that the fund account managers comply with the provisions of the Act on the use of emergency funds.

Pending ongoing projects were common in the constituencies examined owing to the partial allocation of funds for projects. The Committee recommends that the NG-CDF Board should, with immediate effect, discourage the partial allocation of funds to projects and ensure that the projects are completed, at most, within two financial years. Further, that the NG-CDF Board should develop a realistic policy framework for costing projects for each constituency, which is informed by the cost of materials, transportation, taxes, topography of each constituency and reports from the relevant Government departments.

*[The Speaker (Hon. Moses Wetang'ula) left the Chair]*

*[The Temporary Speaker (Hon. Peter Kaluma) took the Chair]*

There is the issue of inadequate co-operation between the internal auditors, the Office of the Auditor-General and the NG-CDF Board leading to delays in providing documents that were subject to examination by the Auditor-General for verification at the time of the audit, while some fund account managers were ill-prepared during their appearance before the Committee. The Committee recommends that the NG-CDF Board should strengthen the link between the Board, the Office of the Auditor-General and the fund managers, particularly regarding the timely response to audit queries. Further, the NG-CDF Board should also improve on the post-audit correction of irregularities that are cited in the Auditor-General's report as well as ensure that there is a structured handover process between fund account managers when their term of service comes to an end.

The Committee recommends that the NG-CDF Board should ensure that constituency committees employ qualified accountants for their constituency offices beginning from the Financial Year 2023/2024 within the 6 per cent of administrative allocation to the NG-CDF.

The Committee also recommends for the continuous capacity building of fund account managers on financial reporting standards, record keeping and procurement laws and regulations.

Hon. Temporary Speaker, I beg to move and request Hon. Ng'elechei to second this Report. Thank you.

**The Temporary Speaker** (Hon. Peter Kaluma): Who is seconding? Hon. Ng'elechei, Member of Parliament for Elgeyo Marakwet.

**Hon. Caroline Ng'elechei** (Elgeyo Marakwet County, Independent): Thank you, Hon. Temporary Speaker. I beg to second the Motion:

THAT, this House adopts the third Report of the Decentralised Funds Accounts Committee on its consideration of the Reports of the Auditor- General on the Financial Statements for the National Government Constituencies Development Fund (NG-CDF) for nine constituencies in Bungoma County.

Hon. Temporary Speaker, since the establishment of this Fund through the enactment of the Constituencies Development Fund (CDF) Act in 2003, we can all attest that it has significantly impacted people's lives in the constituencies through infrastructure development, funding of education and other projects. The NG-CDF Act, 2015 has since undergone further amendments to align it with the Constitution.

The delay in disbursement of funds from the Exchequer continues to affect project implementation, leading to audit queries in all the constituencies examined. This matter can only be addressed through timely and adequate disbursement of funds to the NG-CDF Board by the National Treasury for immediate release to the constituencies. This will ensure that planned projects are implemented promptly for the benefit of the people.

While we laud the good work the NG-CDF has done, the Committee in its Report observed that there were cases where Project Management Committees (PMCs) implemented projects and yet the parcels of land did not have title deeds. The Committee recommended that the NG-CDF Board, in conjunction with the NG-CDF Committee, should ensure that title deeds for the affected projects are obtained within three months of the adoption of this Report. Also, fund account managers should ensure that the PMCs purchase land with clear ownership documents, especially where land adjudication has been done.

Another matter that the Committee continues to engage with when examining constituencies audit accounts, is fund account managers failing to avail documents to auditors during the audit window. This has led to audit queries being raised on matters which ordinarily would have been addressed, if the documents were availed during the audit period. The Committee recommends that the NG-CDF Board should ensure that the fund account managers comply with the provisions of Section 62(1)(b) and (c) of the Public Audit Act No. 34 of 2015; requiring accounting officers to provide information within a reasonable time.

The NG-CDF continues to support development in the constituencies. So, we should all support measures that are aimed at strengthening the management of the Fund. The implementation of the Committee recommendations as contained in this Report will go a long way in enhancing the management of that critical Fund.

Thank you, Hon. Temporary Speaker. With those few remarks, I support.

*(Question proposed)*

**The Temporary Speaker** (Hon. Peter Kaluma): Hon. Julius Mawathe, do you want to speak on this? Hon. Wilberforce Oundo, proceed.

**Hon. (Dr) Ojiambo Oundo** (Funyula, ODM): Thank you, Hon. Temporary Speaker, for giving me this opportunity to contribute to the Motion as presented here. I am not from Bungoma County and so, I will make general remarks concerning the observations laid on the Table and as moved by the Committee.

I want to be very clear to the people of Kenya that Members of Parliament are not the accounting officers of the NG-CDF. They play no role in the implementation of projects. It all

begins and ends with public participation. They just oversee to ensure that funds allocated to a particular constituency are utilised as per the law and the Public Finance Management (PFM) Act. Therefore, if there is any impropriety or audit query, it must be directed to the rightful persons. They should not vent the anger on Members of Parliament. In the past few weeks, in respect to the Generation Z demonstrations, many Members have been cited for all the malpractices that are highlighted in the audit reports in those constituencies.

I urge the Committee to add the following recommendations and strongly pass them over to the NG-CDF Board so that we can strengthen the Fund and ensure things are running properly:

First, all fund account managers are obligated by the Public Audit Act and the Constitution to provide audit documents. Where they are not provided, it is the responsibility of the Board to take the necessary sanctions against those fund account managers.

Second, the fund account managers are also obligated to make sure that proper books of account are maintained at all times. Things like bank reconciliation becoming an audit query is an indictment of the level, quality and capacity of those accounting officers. The third recommendation, which must be passed very clearly, is that there must be capacity building. They should not just pick anybody to become a fund account manager, without even the ability to maintain books of accounts.

There are always many challenges during time of transition from one committee to another and from one accounting officer to another. During that particular moment, there are so many gaps that are normally found in the respective files. I have also witnessed this in my constituency. Therefore, it is important to have a mechanism put in place at the Board level, to ensure that the handover is seamless and all the documents are availed. If the outgoing fund account manager remains in service, he or she should be held liable and must be obligated to provide all the information required.

Nevertheless, we also want the Office of the Auditor-General to understand the unique circumstances and nature of the NG-CDF. Some of the requirements, be it in procurement or tendering, might not be achievable depending on where the particular project is being undertaken. If you go to the remotest part of this country for example, Mandera or Wajir, to get contractors with all the requirements is a tall order. If we cannot look at this sympathetically, let us look at it in a more robust manner, before condemning all the projects in this country.

As I conclude, whatever happens, the NG-CDF remains the only engine of development that can be noticed wherever we go. I want to urge my colleagues that the NG-CDF belongs to the people of the constituency and not them. So, Members of Parliament should avoid personalising the NG-CDF projects. You do not have to fix your photo on a school bus you bought or on posters and signposts as required by the Board.

Hon. Temporary Speaker, we must, as a people, guard the NG-CDF because the recipients of the NG-CDF have no problem with it. It is only the lazy bodies and the busy bodies all over the country who think that the NG-CDF is a licence for a Member of Parliament to be re-elected. The NG-CDF is a poisoned chalice that can either send a Member of Parliament home or can retain a Member of Parliament. It is not an automatic passage to the next point. I urge my colleagues that wherever we are, let us talk about the NG-CDF because that is what can be seen all over. All those other projects cannot be seen.

Hon. Temporary Speaker, the other day, I saw in a report somewhere that there is a certain constituency where the school infrastructure is dilapidated and the only thing you can see are those ones that are done by the NG-CDF. The county government has never built an ECDE block or anything. So, we must not bastardise but always strengthen the NG-CDF.



I ask our colleagues in the Senate that, if they have nothing important to do or debate in the Chamber, let them not waste their time talking about the NG-CDF. We do not talk about their Senate Oversight Fund which they only use to eat *mandazis* and keep girlfriends and mistresses in their offices.

With those few remarks, Hon. Temporary Speaker, I support the Report.

**The Temporary Speaker** (Hon. Peter Kaluma): Thank you. Member for Ruaraka.

**Hon. T.J. Kajwang'** (Ruaraka, ODM): Hon. Temporary Speaker, I thank you for recognising my presence in the House. I would have passed it but I cannot pass an opportunity such as this to contribute to issues concerning my people. This is interesting!

*(Laughter)*

Hon. Temporary Speaker, in Ruaraka, there are efforts to resolve the issues of interest to my electorate. One of them is intervention of the devolution. The other is the direct intervention of the national Government. We have seen all this over the years but, until the solution of the NG-CDF came, there has been no other attempt at reaching the basic needs of the people as has been with the disbursements of the NG-CDF especially on issues of education and security. I am aware that there is a tussle, but this tussle is elitist and is sponsored by those who think that all the funds should go to devolution.

If you think like that, then there would be no reason for Division of Revenue. When you think about it Hon. Temporary Speaker, once there is Division of Revenue which is in the Constitution, the revenue which remains to the national Government, the national Government has authority and the leeway to spend it in the best way in which it can have impact on the people.

So, the NG-CDF does not come at all from the devolved funds. Prof. Oundo here would assist me. It does not come at all from the devolved funds. There is Division of Revenue which, whether I like it or not at some point, would have to divide revenue. At some point, whether it is 35 per cent, 45 per cent, 50 per cent or even 70 per cent, some money will have to go to the national revenue and devolved. So, we are just talking about the national revenue. So, to that extent, when I hear a lot of resistance especially from the Council of Governors resisting that devolution would mean more money to them, I think they have just lost the concept of the constitutional order in which money is divided.

Hon. Temporary Speaker, together with the action of this House in looking afresh at the NG-CDF Act and aligning it with the provision of the court rulings and especially on the Constitution, the Member of Parliament has no chance except mobilising his people during public participation as has been said by Prof. Oundo. This country must choose to develop. If they choose to develop, then they must allow those who are able to mobilise communities to be able to ignite enough funds that would stimulate growth at the constituency level.

Now, some of us earn our salaries and my salary is enough to pay for the services. As I stand before you here, my salary has been paid. I have no appetite. I have no interest in putting my fingers in monies which I do not have legislation authority over. In fact, one would say that now I do not have money to spend on funerals and weddings. At some point, I will urge the House to allocate if at all the economy recovers, so that I can have money to pay for funerals and weddings. But as of now, my legislative duties, my representation duties and my oversight duties are well paid for by my salary.

So, this misnomer that governors think that if they destabilise the NG-CDF or for that matter the other House, that then that would give them the opportunity to put their fingers on this till. In fact, it is the reverse.

Hon. Temporary Speaker, have you asked yourself why governors, for example, give bursaries to students? If their constitutional mandate is about ECDE, what is this mandate they have that they are exercising to give bursaries? This is just a confused system. We must come to order so that monies are concentrated where the Constitution has directed them to be.

I, thank you, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Peter Kaluma): Did you say governors are giving bursary to secondary and university students?

**Hon. T.J. Kajwang'** (Ruaraka, ODM): I am shocked Hon. Temporary Speaker that I have never heard a governor give out ECDE scholarships. I am waiting for governors to be able to give scholarships for the bright children in Preparatory One and Preparatory Two. I am waiting for that day when a governor will call nursery school students to give ECDE scholarships. The money is paid to secondary school students and university students.

The other day somewhere in Eldoret, the governor who is now an Hon. Member of Parliament has never been able to respond to this. That tranches of thousands and thousands of monies were paid to some students going abroad. Those were students going to do Masters Degrees and Postgraduate Diplomas. Why would you want to put public funds to equip a boy who is now going to go into postgraduate training while you are unable to afford primary schools and ECDE schools? I do not know what kind of devil has walked into our system but, really, the devil is walking within our system in some way that we are impervious to reason.

I thank you, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Peter Kaluma): Thank you Hon. Kajwang'.  
Hon. Ferdinand Wanyonyi.

*[The Temporary Speaker (Hon. Peter Kaluma) left the Chair]*

*[The Temporary Speaker (Hon. David Ochieng') took the Chair]*

**Hon. Ferdinand Wanyonyi** (Kwanza, FORD-K): Thank you, Hon. Temporary Speaker for giving me the chance. I have been sitting here the entire day and thank you for this chance. I do not come from Bungoma, but I was born in Bungoma. I do not know the issues that have been raised by the NG-CDF Committee, but I want to make a few comments here and there on the same.

First, I agree with Hon. Kajwang' on the issue of governors giving out bursaries. I know they have particular cases where they give out scholarships. That can be accepted because of a specific issue. For example, maybe, one of the students is outstanding in an area, or is an orphan. I have seen governors give scholarships to students to go overseas for education, which is acceptable. However, giving bursaries is something that is misplaced. It is where misappropriation of funds for the community takes place. I know of cases where they are supposed to be building Early Childhood Development Education (ECDEs) centres, but not giving out bursaries.

Hon. Speaker, I saw on the television, and maybe you also saw an argument by a Senator wanting to do away with the NG-CDF. I do not know what the said Member was up to. I will not mention his name. I do not know where he comes from or lives. Maybe, he resides in Nairobi and does not know what is happening in the village. Therefore, he wants the NG-CDF to be abolished.

That is out of envy and jealousy. He knows that Members of Parliament are doing very well. The only thing he can do is to undermine them by suggesting that the NG-CDF be abolished.

It is time for this House, and probably the substantive Speaker of this House, to talk to the substantive Speaker of the Senate so that this issue is never raised anymore. How does he talk about the NG-CDF in that manner? Probably, he is a newcomer who had nothing to say. I say so because when he was given a chance to speak, he stood up and started talking about the abolishment of the NG-CDF.

The other thing that is true is the issue of the NG-CDF dealing with land. Across the country, there are many land issues. Probably, the community wants a school, a chief's office or an assistant chief's office to be put up somewhere. It must be clear that for such an office to function, there must be a title deed for the land on which it stands. In most cases, title deeds are an issue in this country. People do not have them. Some people have issues because their parents passed on and they do not have title deeds.

The NG-CDF across the country, including in my own area, have been having problems. You might find an available land which is conveniently located, but you cannot do anything on it because there is no title deed for it. The same thing is happening in other areas, like Bungoma County, where I was born but I do not live there. That matter is prevalent everywhere.

The other thing is capacity building of personnel serving in the NG-CDF offices. It is an ongoing case. We have cases where the NG-CDF officers are not properly trained. Because of that, even bookkeeping and reports are not prepared well. Such reports cannot be done at the headquarters. Therefore, we need to have regular training and exposure for the NG-CDF officers in all the areas. The CDF Board can consider taking some officers from, for instance, the Rift Valley Region, and train them on effective management of the NG-CDF for development. I am where I am because of the good work that is being done in my constituency. We have done well because we allocate bursaries for students from families which are unable to raise school fees. I do not just give out bursaries. I vet all the cases brought forward and ascertain that the applicants deserve help. Even those we find undeserving; we regularly give them some bursaries.

*[The Temporary Speaker (Hon. David Ochieng') left the Chair]*

*[The Temporary Speaker (Hon. Peter Kaluma) took the Chair]*

The only problem, as mentioned by someone, is the delay in the disbursement of the NG-CDF funds. Parliament should inform the NG-CDF Board to disburse funds on time because delayed disbursement is the biggest problem. A project cannot take off on time because of delays in disbursement. You could have engaged a contractor to build some structure in a secondary school, for example, but it takes a long time for the money to be disbursed. That is something that must be corrected so that we can complete some of the projects in good time. Let us be serious on the issue of the NG-CDF. Anybody who is opposed to the existence of the NG-CDF does not know where we are.

With those remarks, I support.

**The Temporary Speaker** (Hon. Peter Kaluma): Hon. (Dr) Makali Mulu.

**Hon. (Dr) Makali Mulu** (Kitui Central, WDM): Thank you very much, Hon. Temporary Speaker, for giving me this opportunity to add my voice to the debate on this important Report that has been tabled by the Committee on Special Programmes, chaired by Hon. Mulyungi, the Member of Parliament for Mwingi Central.

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I want to start by thanking the Committee and all the Members for the good work. This is the second Report that we are debating from this Committee. This Report is specifically for constituencies in Bungoma County.

Hon. Temporary Speaker, the approach of looking at one county and all the constituencies under it, in terms of looking at how the NG-CDF funds have been spent, is very good. This is because neighbouring constituencies have a lot of things to share.

As I listened to the Mover, I could not stop thinking about what happened in the Senate about two weeks ago, when they were debating the NG-CDF. As I watched the Senators discuss this matter, I saw a lot of ignorance in terms of what the NG-CDF does in different parts of this country. I could see people debating from a position of lack of information.

Hon. Temporary Speaker, we have amended the original CDF Act many times. We have even amended the NG-CDF Act about three times since its enactment. Members of Parliament used to be patrons of the original CDF. There was provision for what we used to call Oversight Committee. The Member was the chairperson and was expected to nominate four members so that they could oversee the operations of the NG-CDF. However, in the latest amendment, we did away with the Oversight Committee. As we speak, the Member of Parliament just oversees the NG-CDF as he does with all other national Government projects.

The Committee on Special Programmes should bring out these matters clearly so that those Kenyans who are ignorant on the latest amendment of the NG-CDF Act can understand. When it comes to the NG-CDF matters, it is the Board which oversees the implementation on a day-to-day basis. The only time a Member of Parliament comes in is when they do public participation to identify the projects and programmes to be implemented.

After public participation, the Board takes over the implementation and the Member of Parliament oversees the implementation. Given that operational framework, anybody associating a Member of Parliament fully with the operations of the NG-CDF is misinformed. I urge our colleagues in the Senate to take time and look at the NG-CDF Act so that they are updated in terms on how the NG-CDF is structured.

Hon. Temporary Speaker, three things have come out in the recommendations. One of them is the matter of land. The Committee went out there and could not get the title deeds for some of the parcels of land where some of the projects are located. The truth is that in some areas, title deeds have not been issued to the landowners. The owners are waiting for survey to be done so that they can obtain their title deeds. In such cases, the landowners have an agreement with the assistant chief for their land to be set aside for public utilities. That is the only basis for locating land belonging to schools and any other public facility. In other circumstances, documentation has been done and filed. The Committee should appreciate that title deeds are not available everywhere.

If you were unable to locate the title deed for certain properties, please; let us know if you have any other documentation that confirms ownership of the public land. In our area, we follow a similar procedure. We ask the landowner to sign an agreement document in the presence of the assistant chiefs. This ensures that as we process the title deeds, we do not delay the implementation of projects that are identified by the citizens.

The Committee also brought up the issue of documentation, pointing out that there were no accounting documents to back up the expenditure. I believe this was part of your recommendations in the previous report. The Committee realised that fund managers were unable to provide the necessary accounting documents which, in my opinion, may have been a deliberate move. I thank Hon. Obiri for moving the debate on this Report, as we belong to the same party.

Most of our fund managers have a background in accounting or economics. One of the basic criteria for recruitment is ability to prepare books of account.

The National Treasury posts a district accountant to each constituency to oversee accounting activities. Therefore, I find it hard to believe that the fund managers are incapable of providing accounting documents because they are incapacitated. I agree with you that they are doing this deliberately to cover some of their wrong moves in financial accountability. I would like to see a more punitive recommendation. If fund managers cannot account for funds, they should be handed over to the Directorate of Criminal Investigation (DCI) for further investigations. We should hold fund managers accountable for the proper implementation of projects.

Hon. Temporary Speaker, it is important to note that most of the fund managers are non-locals. Therefore, in the event that there is mismanagement of funds, it means that benefits are being taken from one constituency to another. This ultimately results in a significant loss for us as Members of Parliament. If a fund manager misappropriates resources, those resources will likely be invested in a different constituency rather than where they are intended to be used. As we oversee the NG-CDF, we should acknowledge that we love our fund managers, but they must do their work professionally. We need to streamline this process.

Before I came to Parliament, I was a monitoring and evaluation specialist. I have developed many monitoring frameworks and conducted evaluation and impact assessment exercises for many programs. I want to affirm to the country that in my professional opinion, there is no project that is more impactful for Kenyans than the NG-CDF. The NG-CDF has had a positive impact on our people. Those who may want to get rid of this Fund may not like their Members of Parliament or the fund managers, but we should keep the NG-CDF running in this country because it positively impacts the lives of our people.

Hon. Temporary Speaker, like I do, you oversee a constituency. We both joined Parliament on the same day. What you have done with Ksh50 million every year in Homa Bay Town cannot be compared with what the governors have done over the last 10 years, despite them getting billions of shillings. What you have done is impactful and visible compared to what the county governments have done. My proposal would be for us to increase the allocation to the NG-CDF to help our people more. If that happens, we will grow the local economies where this Fund is utilized.

With those many remarks, I support the Motion on this Report. It is time we increased the NG-CDF allocation so that our people can get value for money.

**The Temporary Speaker** (Hon. Peter Kaluma): Hon. Julius Melly.

**Hon. Julius Melly** (Tinderet, UDA): Thank you, Hon. Temporary Speaker. I rise to support the Motion on the adoption of this Report. I also thank the Committee for coming up with such an informative and detailed Report on public projects.

The Office of the Auditor-General is very important. It is important for this House and the country to know that that Office exists for the good of the public. It ensures that the money that is allocated to public entities is put to good use. It audits the books of accounts of public institutions to ascertain whether or not the resources that are allocated to schools, colleges, universities and hospitals are used effectively. Sometimes, when audit reports are presented, the officers may not view them in good faith. This Report serves to educate and inform the public about the use of their resources.

The NG-CDF Report on constituencies in Bungoma County highlights important issues that resonate with many parts of the country. The NG-CDF has facilitated the distribution of Government funds to even the most remote areas. The Fund operates with a clear structure and has enabled constituencies to build schools, police stations and dispensaries. Before the establishment

of the NG-CDF, Government resources were not reaching the local areas. We can now see tangible impact in the form of classrooms, toilets, police posts and other facilities. The well-structured nature of the NG-CDF has contributed to its success, making it an example of an effective devolved fund.

Billions of shillings have been devolved through the county governments, but their structure is very expensive compared to the NG-CDF structure. The NG-CDF structure has about six employees and a committee led by the chairperson. Every time the committee sits, they are paid an allowance, the total of which is less than 2 per cent of the total cost of the resource fund allocated to that particular constituency.

Hon. Temporary Speaker, in effect, the NG-CDF is the most visible Fund across all the constituencies, counties and sub-counties in Kenya. It is through this Fund that students who are orphans have been able to go to school and a number of football or sporting activities are run across the constituencies.

The same Fund has enabled institutions, which were hitherto not known to have been built in the country, to become very big national institutions such as secondary schools and colleges. There are many teachers training colleges and facilities in some of our local universities that have been put up by the NG-CDF. Without enumerating so many, I want to state that the Report that has been tabled this afternoon is quite informative and important.

The Report has raised so many issues. On the issue of title deeds, I want to agree with Hon. Makali Mulu that many areas in this country have not been adjudicated and, hence, do not have title deeds. However, we cannot stop building schools just because those areas do not have title deeds. In the greatest expanse of the northern parts of this country, and even some parts of the pastoral regions, land is still communal. Therefore, we cannot rely on title deed as the only instrument to show that you have spent money on land where a title deed has not been issued. We know of public schools that are running, and which have been in existence for over 30 years without possessing title deeds for the land on which they stand.

Another very important issue that has been noted in this Report is that the accounting officer, who is the fund account manager, has to be held responsible. There is no fund account manager who cannot prepare accounting documents and, therefore, this cannot be an excuse. It cannot be allowed. In any case, every expenditure has to be shown. There is supposed to be a record showing that money was spent on a particular item or project. All the documentation has to be put in place.

I laud the Office of the Auditor-General and the Committee for pointing out that every fund account manager has to be held responsible if they do not produce the appropriate accounting documents. I want to urge Members to ensure that each and every officer makes sure that the documents are well prepared, and are produced when they are required for audit purposes.

Lastly, on matters of the NG-CDF, I want to ask Members of the Senate to note that there is no competition in terms of popularity. Members of Parliament do not play any role in this Fund. In fact, our role has always been overseeing and making the NG-CDF as successful as possible. The fact that they do not have such a fund does not warrant them to say that the NG-CDF should be dissolved or discontinued. If the NG-CDF is discontinued, it will be to the detriment of the Kenyan people.

Hon. Temporary Speaker, we have been together in this House for the last more than ten years. We have seen hundreds of thousands of schools constructed, courtesy of the NG-CDF. For instance, in my constituency, I used to have about 70 primary schools but today, we have over 130. I inherited the constituency when there were about 16 secondary schools but, today, we have

almost 50 secondary schools, courtesy of the NG-CDF. That is not about an individual, but the community. It is what we are doing.

Right now, there are several police stations that we want to construct and if we are going to rely on the Ministry of Interior and National Administration, it will take us ages to construct them. I want every member of the public to know that this is a Fund that goes down to the poorest child in the village. The NG-CDF gives bursaries to children from poor families.

As a House, we need to strengthen the NG-CDF. We need to make it stronger, efficient and accountable so that the officers overseeing it, including Members of Parliament, are accountable for it. Fund account officers need to make sure that the operation of this Fund is above board. This Fund is going to leave a legacy in this country in terms of devolution. It is more effective than what the county governments are doing. It is more effective than all the other funds that the various governments have tried to take to the rural people.

During the Moi Administration, we had the District Focus for Rural Development (DFRD) programme. We have also had various funds like the Women Enterprise Fund and *Uwezo* Fund, among others, but they cannot be equated to the NG-CDF in terms of the impact on the social, economic and political spheres of our societies.

As a House, as we look at the Report of the Auditor-General and the Decentralized Funds Account Committee's Report, we need to find ways to make it more constitutionally viable and ensure that the laws that we have are for the benefit of the people.

Thank you.

**The Temporary Speaker** (Hon. Peter Kaluma): Hon. Melly, just before you do that, there is a thinking that the role of a member of parliament around the NG-CDF is still as chair or patron of the Fund. As the Chairman of the Departmental Committee on Education and Research, you should explain to them our oversight role now that we are considering an audit report from the Auditor-General on the NG-CDF in respect of constituencies. Take a minute or two.

**Hon. Julius Melly** (Tinderet, UDA): Hon. Temporary Speaker, there is a lot of misconception. In these very difficult political times, Kenyans tend to believe everything that is on social media to the detriment of the nation. I want to say that Members of Parliament have no official or any other role in the NG-CDF, other than oversight.

In fact, in the last Regulations that were issued, the Member of Parliament was supposed to be a member of an oversight committee of the NG-CDF. The Member of Parliament oversees the NG-CDF Committee and the fund account manager. The fund account manager and the committee are supposed to identify projects where there is public participation. When you proceed, you will realise that the money is deposited in schools' accounts that are held by the school committee members or what we call project management committee (PMC).

The role of a Member of Parliament as chairperson, patron or anything else is non-existent. However, that has been propagated over time to give Members of Parliament a bad name. There is an English proverb that says: "Give a dog a bad name and kill it." In effect, no Member of Parliament is a chairperson or patron. The Member of Parliament has no official role in the day-to-day operations of the NG-CDF other than to oversee the operations by the project committees and fund account managers to ensure the realization of the public good and value for money.

With those remarks, I support.

**The Temporary Speaker** (Hon. Peter Kaluma): Thank you, Hon. Melly.

Hon. Members, this is a very critical thing because people have been asking who audits or oversees the NG-CDF. If you have been following whatever has been happening, you will note that there has been a misconception that Members of Parliament implement the NG-CDF. In this

context, I have heard people, including some Members of Parliament in the Senate, say that we should kill the NG-CDF. Without free secondary education and subsidised university education, this is a platform for you to explain to people your interaction with the NG-CDF, and how its structures work. Ultimately, it is for the people of Kenya to decide what to do with this Fund.

Let us have Hon. John Waluke, to be followed by Hon. Peter Masara.

**Hon. John Koyi** (Sirisia, JP): Thank you very much, Hon. Temporary Speaker, for giving me a chance to contribute to the debate on this important Report.

I thank the Committee for the good work they have done. The work of the NG-CDF in this country is seen all over. It has done a lot of work. The money that constituencies get is very little compared to the money that county governments receive, which is in terms of billions of shillings. There is no single constituency that has received Ksh220 million, but you can see the work that has been done, including buying buses for schools. In my constituency, since I took over, I have managed to build 27 primary schools in addition to those that had been in existence during the time of Hon. Moses Wetang'ula as the Member of Parliament for Sirisia.

Previously, we used to build dispensaries. There is no constituency or sub-county in this country where a county government can brag about having constructed a dispensary or health centre. The existing facilities on the ground were built through the NG-CDF before the health function was devolved. Some of the projects have never been completed by the county governments after the money was devolved. The incomplete projects are just there even though the money goes to county governments. The auditors should do a thorough job in terms of auditing the money that is disbursed to the county governments because its impact is not felt on the ground. We do not know what it does. We are just adding money to county governments every time they cry. For example, three years ago, they demanded money for sports, which we used to give to our children to facilitate them during games. Since that money was devolved, there has been a very big problem in the counties, sub-counties and constituencies. That is because the work of those people is to steal that money. There is a big impact of the NG-CDF money that we get. It can be accounted for and it has a structure. It has a positive impact everywhere. You will see a school or an administration office for a sub-county or a chief's office. They are permanent structures. When you go around, you will be happy to see that, indeed, the NG-CDF is working. The work of a Member of Parliament is only to oversee the Fund. We do not have any role either as the chairman or something else. Our work is oversight.

For a very long time, the Senate has lost focus. Their work is to oversee the use of the money that is allocated to the county governments. They have been taking the NG-CDF Board to court, seeking to remove the NG-CDF money, whose impact can be seen by every *mwananchi*. The Fund can pay bursaries for poor children who used to suffer. Where I come from, I pay school fees for 5,000 students. The county government can only disburse fees in the tune of Ksh1 million per ward out of Ksh15 billion. Bungoma has 45 wards. That amounts to Kshs45 million. That is the amount of money that one constituency disburses. Last time, I disbursed Ksh60 million as bursary funds for students in universities, secondary schools and technical training institutes. So, you cannot compare. The Senate should check and oversee the use of the money that goes to the county governments.

In the Report by auditors, there are schools which were there in the 1960s – even before some of us were born – but, up to now, they have no title deeds. It is not the work of the NG-CDF to chase after title deeds of schools that were built in the 1960s or 1940s. The NG-CDF came into being only the other day. The problem of title deeds has been there since Independence. A school may have a very small parcel of land whereas the community wants it expanded. Yet, they cannot



get a title deed. You might even wait until you die before you build the school. Development is demanded by a community or parents of a particular school. We build schools because the population grows every day. School communities have demands like administrative offices every year. Every year, a location, sub-location or division is created because of population growth.

As I thank the Committee, the Government should put in place structures on the use of the money that is disbursed to the county governments. The NG-CDF has a structure in place and you cannot take any money. Even if you want to build a school, you cannot just write a letter or make a phone call to the Board and say that you want to build a school. There is a procedure to be followed. This message should go to those who are fighting to remove the NG-CDF. The courts should also consider this matter because everybody, including the Chief Justice and the Attorney-General, comes from the village. They see what we are talking about in this august House. They come from their village communities. When they go home, they will see new schools that have been built. We all come from villages. We need to be honest to our people, who do not understand. We should make them understand that the NG-CDF has structures in place.

Thank you, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Peter Kaluma): Whom did I say should follow? Hon. Masara, you want to wait and undertake some business before you contribute. Just hold on a bit. The leading Clerk-at-the-Table will approach you shortly.

Hon. Catherine Omanyo.

**Hon. Catherine Omanyo** (Busia County, ODM): Thank you, Hon. Temporary Speaker. I stand to add my voice to the Motion on the Reports of the Auditor-General on the NG-CDF on nine constituencies in Bungoma County. Although I am a Woman Representative, I am also a member or daughter of the soil in Busia. As I criss-cross the county every day, I witness a lot of good things that have been done using money from this Fund. In fact, people should talk of adding more resources to this Fund rather than doing away with it. There are schools that have never seen a permanent or serious building in their compound. As I move across my communities and county today, I see storey buildings coming up. They are permanent buildings that are conducive for our children and offices for the people or staff who take care of them. They are being erected because of the NG-CDF.

Some of us could never have gone to school without help. Children who come from the lowest social stratum of societies could not have gone to school if there was no bursary being given to them through the NG-CDF. In Kenya at the moment, we either sink or swim by inciting or not doing it. Many things are happening, but people are not even sensitive enough to the situation at the moment. I have been reading about the NG-CDF in WhatsApp groups. Some of the people who are talking about it do not need it. Most of them are doing very well in towns. They do not even understand why NG-CDF is important. Let them allow the beneficiaries to give evidence. They are the right case studies to show that the NG-CDF has put roofs above the heads of school-going children. Those are children who were previously learning under trees.

I visited Marsabit County recently. I was shocked to learn that some Kenyans do not have some of the things that people take for granted. I know my country very well. There is tribalism and, therefore, there is no regional balance when it comes to initiating development. The NG-CDF has enabled communities which no one in Government thought of – people almost forgot that they belonged in Kenya – to be empowered through their Members of Parliament. The NG-CDF has cut off people who wished that if they were the ones in the seat of power, they would ignore those who did not vote for them. With the NG-CDF in place, it is upon the Member of Parliament who

the people have sent to represent them to take development to them. The NG-CDF gives priority to projects that are identified by *wananchi* for implementation at the grassroot level.

I will look into the gaps that are there to see how to make it more palatable to everybody, including grandmothers who take care of orphans and benefit because their grandchildren are in school. Let us add more money to the NG-DF kitty so that all children in Kenya, regardless of their ethnicity and background, can benefit.

Thank you, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Peter Kaluma): Hon. Peter Masara, lay the document first.

### PAPER

**Hon. Peter Masara** (Suna West, ODM): Hon. Temporary Speaker, I beg to lay the following Paper on the Table:

Report of the Budget and Appropriations Committee on its consideration of the First Supplementary Estimate for Financial Year 2024/2025, and the compendium of the Departmental Committee Reports on their consideration of the Supplementary Estimates. Thank you, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Peter Kaluma): Will you give the notice of Motion?

**Hon. Peter Masara** (Suna West, ODM): Yes.

**The Temporary Speaker** (Hon. Peter Kaluma): Proceed, please.

**Hon. Raphael Wanjala** (Budalangi, ODM): On a point of order, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Peter Kaluma): Hon. Raphael Wanjala, approach the Chair.

*(Hon. Raphael Wanjala approached the Chair)*

Meanwhile, proceed, Hon. Peter Masara.

### NOTICE OF MOTION

#### ADOPTION OF REPORT ON THE FIRST SUPPLEMENTARY ESTIMATES FOR FINANCIAL YEAR 2024/2025

**Hon. Peter Masara** (Suna West, ODM): Hon. Temporary Speaker, I beg to give notice of the following Motion:

THAT, this House adopts the Report of the Budget and Appropriations Committee on its consideration of the Supplementary Estimates for Financial Year 2024/2025, laid on the Table of the House on Tuesday, 23<sup>rd</sup> July 2024 and, pursuant to the provisions of Article 221 of the Constitution, Section 39 of the Public Finance Management (PFM) Act, 2012 and Standing Order 239:

1. Approves a reduction of the current expenditure for Financial Year 2024/2025 by Ksh38,896,358,312 in respect of the Votes contained in the First Schedule of the Report.

2. Approves a reduction of the total Capital Expenditure for Financial Year 2024/2025 by Ksh107,445,697,478 in respect to the Votes contained in the First Schedule of the Report.

3. Approves an overall reduction in the total Budget for Financial Year 2024/2025 by Ksh146,342,055,790 in respect of the Votes contained in the First Schedule of the Report, subject to paragraph (vi) (Committee of Supply).

4. Makes the Policy and Financial Resolution as contained in the Second Schedule to the Report.

5. Orders that “The Speaker do now leave the Chair” to facilitate the consideration of the Budget Estimates with respect to each Vote and Programme in the Committee of Supply as contemplated under Standing Order 240 (Consideration of Supplementary Estimates in the Committee of Supply).

Thank you, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Peter Kaluma): Thank you. Hon. Masara, has given a notice of motion. In the meantime, Hon. Beatrice Elachi will speak, and then you will speak on the Motion that was going on. We will revert to the Motion on the NG-CDF.

*(Debate on the Motion resumed)*

**Hon. Beatrice Elachi** (Dagoretti North, ODM): Thank you, Hon. Temporary Speaker.

I rise to support the Report of the Auditor-General on the National Government-Constituencies Development Fund for the nine constituencies in Bungoma County. More importantly, is to speak on what many of my colleagues have spoken to and speak on ourselves as Members of Parliament. As we reflect on ourselves, the most critical part is to ask ourselves how we have used our NG-CDF on the ground. I know many Kenyans will come out to support the Fund because it has worked. Today, I am a testimony, and if anyone wants to know that the NG-CDF works, they should walk to Dagoretti North and see how it has worked.

Therefore, it is for us in this House to go to the next level. Every Kenyan is crying about education and our bursary. We all need to sit down as a House and ask ourselves whether there is a way we can come up with a better proposal on the NG-CDF to ensure that we have free day secondary education. We can do that. Today, we have different projects that are happening from both the NG-CDF and social corporate programmes. We can sit down with the national Board because we must do that. If we want Kenya to come down to appreciate this Fund, we must find a way to sponsor our day schools and ensure that every child is in school. We should only ask parents to ensure their children have food and school uniform. We can take over the tuition fees. It can happen.

We also need to ask all the Members, because we are not the only ones who are here. I know that we are a problem in ourselves. If you let the NG-CDF to work as it should, you will never have a problem. I sit in the National Government Constituencies Development Fund Committee and I have seen some reports and some of the things that the Members have done. If you bring reports of Members who were previously in the Senate, you will be surprised how they find themselves in trouble. I even wonder how one goes to the other House and thinks they are very okay, forgetting that Kenyan money is public resources. We can come for you any time. We are speaking to those who are in the Senate.

We have talked with much emotion on all the things that are happening. Can we refocus our energies to the right direction? If we want that Fund to run well, not just this Fund, but any other, even the ones for governors, we have said here that you do not need to give me your picture.

No. We know you are a governor or a Member of Parliament. Finished. Appreciate you have done it and leave.

We must tell the Board that fund managers must also start following the right process. It is only with the NG-CDF from the national Government where you cannot start a project without having money in the project management committee (PMC) account. You can never. Therefore, there is no pending bill in an NG-CDF project. Fund managers decide when they want to pay for the projects. No. If we have said that the completion of a project is within six months, we come to launch it with the community after six months and we are done. You must have cleared the contractor to leave. The only thing you can retain is some money to be paid after testing the project to see how it will run or how its maintenance will be. That is none of your business. It is because of the school. The project management committee of the school will be answerable if anything goes wrong. Why did you pay the contractor knowing very well the project was not right?

Bashing Members of Parliament every day is not right. We need to give very clear civic education to make sure our people on the ground understand how these things are done. How do we account back? Why is there need to complete a school on time? I am very strict. Completion takes a maximum of seven months. I always tell someone that the money is there. Do not tell me that we are starting a project that does not have resources.

Hon. Temporary Speaker, all the 290 Members, it is time we redeemed ourselves in doing what is right. I was a bit sad in the morning. We have come back to heal. I want to pray for both sides. Can we heal? Can we heal so that the country heals? Today, can you imagine that even civil servants have a holiday on Tuesdays? They do not go to work and yet we are here as leaders, joking with Kenya. We are supposed to help the President bring back the Kenya we are crying for. When I see the way we throw words at each other, I wonder who we are in this House. Are we also in the same problem? That is where we must start, in our hearts. Even our Clerk is feeling hurt. He said he was disappointed, which is true. Many of us were disappointed. We were supposed to come and find ways to resurrect Kenya. Today, Bunyala Road and all these other places, even the projects we are talking about, are burning. Children are about to close school. We cannot continue with all the madness we are seeing when children are about to close school. We have to come together to reason and see how we can move forward.

Those who normally go to court over the NG-CDF, I beg them to come and see first. I even request the judges to walk in some of those constituencies and ask the public. Let us not make the mistake we made with our Finance Bill. Ask the public. They will tell you if they feel this is a wrong Fund. They will tell you if they feel it is a right Fund. The judges should also come out of their judicial space. For things that are in public and the public feels that they own them, please, go to the public before you make a judgement that can bring many issues. I beg them. I respect them. I know they will do what is respectful to Kenyans because that is the only working Fund. Very soon, I will be giving all vulnerable Form IVs a second funding for them to clear their Form IV studies without being sent back home. Which other fund can do that? When you walk to a chief's office today, it has dignity. Which other fund can do that? Tell me!

Look at the classrooms that were done by the Ministry of Education under the late Magoha. We are bringing some of them down because they were so badly built. Classrooms were built on the second floor where there are no stairs nor ramps. We are now re-organising. In fact, the Auditor-General should ask for the report of the schools done by the Ministry of Education. For example, let her just have a look at Lavington Girls' Secondary School. I will show her a classroom that was done on the second floor, with no stairs. It has been there and nobody has ever occupied it. We are currently doing the stairs. That is not the only classroom. Many of them were done very

badly and wrongly. Those are the things that we are saying. If we want to move ahead and have an all-round developed country, then the NG-CDF can do that.

See the kitchens that Members are building here today. I wish county governments built such kitchens for their hospitals. Those kitchens have one centre where you can pick up and supply food. Economies of scale. What else do we need if we can have good affordable kitchens in hospitals, with clean energy?

As I finalise, I pray that this House moves forward for a few months in a bipartisan manner so that we can gain back this House and country. We would like to see people going to their offices to work every day rather than just for two days in a week. I know we Kenyans love *sherehe* and sleeping at home. If we continue that way, we will lose the country. I beg that of the leadership of this House. We did not start well from the *kamukunji*. Let us speak to one another and not shout at each other. Let us forgive even though we have many issues. We can forgive one another on some issues and move on for the sake of what we have gone through.

With those few remarks, Hon. Temporary Speaker, I beg to support.

**The Temporary Speaker** (Hon. Peter Kaluma): Thank you, Hon. Beatrice Elachi. Hon. Francis Masara followed by Hon. Timothy Toroitich.

**Hon. Peter Masara** (Suna West, ODM): Thank you, Hon. Temporary Speaker. Once again. I rise to support the Report of the Auditor-General for nine constituencies in Bungoma on the NG-CDF.

It is high time Kenyans understood the impact of the National Government Constituencies Development Fund. Before the NG-CDF, the only fund that was felt on the ground in this country was the Local Authorities Transfer Fund (LATF). I happened to be the last Mayor of Migori. That is the Fund whose projects are still visible on the ground almost ten or so years after its collapse. As the Mayor of Migori Municipal Council, through LATF, which was hardly Ksh50 million, we started several health centres like Midoti Dispensary, Ragana Dispensary, Dip Dispensary, Onyalo Secondary School, Ondong' Dispensary and several water projects and roads. I come from Migori County where the county government has received billions of shillings. However, if we compare it with what was done using LATF those days, my friends, it is like day and night.

We, therefore, need to strengthen the NG-CDF and add more money to it. My sister, the Member of Parliament for Busia, mentioned something about marginalisation. Assuming one day one time we get a rogue president, who does not love a certain community and decides not to take any money to them through the Appropriation Act, the only remedy the community can get is the NG-CDF. Before I attest to that, many people do not know that the deputy county commissioner is a member of the NG-CDF committee. The district accountant is a mandatory signatory of the NG-CDF account. We have the public works officer employed by the Government who must give a payment certificate because he is a technical person. Above all, the fund manager, who is employed by the Board, is a mandatory signatory. The rest of the NG-CDF committee is composed of people with disability and minority individuals from specific wards.

The role of Members of Parliament is oversight as per the NG-CDF Act of 2015. Members of Parliament are only patrons and oversee the Fund. It is high time this country awarded performing Members of Parliament State commendation. Members need to be given a lot of money for oversight because they use their vehicles and time to oversee the full implementation of projects. In my Suna West Constituency alone, in the last six years, through the NG-CDF, we have started 21 public primary schools where land is being bought; some for even Ksh3 million. Those schools do not just have two classrooms, but rather some have storey classrooms. For example, St.

Albert Dip Primary, a school in a slum, the NG-CDF bought land and have done eight storey classrooms.

There is John Okwanyo Primary School, Wuoth Ogik Primary and Oruba Keiyo Primary School. Through the NG-CDF, Suna West Constituency has started four girls' secondary schools like Ragan Girls, Nyangubo Girls, Wiga Girls and the latest Maweni Girls. For record purposes, Nyangubo Girls, a school which is in a slum and was started by the NG-CDF, managed to take 85 girls to university. That is not a small achievement. Ragana Girls, which was started by the NG-CDF, including the land, classroom, laboratory and dormitory all done by the NG-CDF, managed to take 15 girls to university - the first time they sat for the national examinations. Wiga Girls land was bought by the NG-CDF. They have eight classrooms, an administration block, laboratory, dormitory, staff quarters and water. They managed to take over 20 girls to the university. The latest achievement in Suna West is an orphan boy who the NG-CDF paid for fees from Form I up to the university. He graduated on 17<sup>th</sup> in Kenyatta University with First Class Honours.

Our colleagues who are fighting the NG-CDF are the public enemy. Let them prove to us, especially Senators, the contrary. The county governments funds are not working and yet, the Government takes billions of shillings to the counties. We get a county doing an Early Childhood Development (ECD) class using Ksh600,000 but, on the day of launching, they go with 50 vehicles, 100 people and the expenditure is almost Ksh10 million. If I were the President today, I would take half of the money that is taken to the counties and take it to the NG-CDF. This is because it is the money that can be felt across the country and very few people complain about it. In Suna West Constituency, before the NG-CDF, there was no police station! But today, as we speak, we have four police stations, one in each ward, five police posts and anti-stock theft. We have over 60 offices of the administrators, the chiefs and assistant chiefs that have been done by the NG-CDF.

Hon. Temporary Speaker, I invite you to Suna West Constituency, where you visited some time, and you will realise what we have done with the NG-CDF, through the Suna West Constituency NG-CDF Committee. We appreciate that good leadership yield fruits. Even God is happy with leaders who are performing. It is indicated somewhere that when you serve humanity, you serve God himself.

The issue of land is very contentious and it is high time this House legislates a law which can allow public institution to be registered without passing through the normal process. Some primary schools do not have money for the Board, the 4 per cent charge on land before it is registered. It must be paid by an institution before the land is transferred to them. It is high time we decided if we want Government land to be registered in Governments institution name. There should be a special way of treating such an interaction.

Finally, there is a school in my constituency which was number two in the entire Nyanza Region called St. Peters Abwao Boys Secondary School. The NG-CDF Suna West Constituency sponsors students with 400 and 390 marks to this school and they have never disappointed for the last four years. We have managed to take over 150 students direct to university and majority were sponsored by the NG-CDF. In Suna West, in the last examination, 380 day-scholars who were sponsored by the NG-CDF with Ksh10,000 each managed to get grades to join university directly. That is not a small achievement. It is an achievement that needs to be appreciated. Through our education days, we have managed to increase the number of girls who are in boarding schools. Before, they were about 200 but now, they are 2,552 girls in boarding secondary schools.

I urge Kenyans not to be taking the NG-CDF to court every now and then. It should form part of our Constitution like the money that is going to counties. The devolved fund called the NG-

CDF should be part of our Constitution. We are happy you are sitting on the Chair of the Speaker today. You are one of the few lawyers who are respected in Kenya and internationally. Kindly, champion for this noble Fund so that one, it can be increased, and two, its details can be entrenched in the Constitution.

I know everybody is not sure what will happen in this country tomorrow. As a believer - because I go to church every now and then and I pray often because I want to go to heaven - I know nothing happens without a purpose. The Generation Zs were brought by God himself to wake up the leaders from their slumber. Let us start reasoning as Kenyans. Let us not reason the way we reasoned before when we used to say that this Member belonged to Kenya Kwanza Coalition and the other Member belonged to Azimio Coalition and yet, when people are taxed, it is not only the people from Kenya Kwanza who are taxed, but everybody. Let there be equity. It is high time it goes on record that I support the “one man, one vote, one shilling” call.

However, before that is done, we want tarmac roads that are in other areas to be done in areas where there is none. There should be Level 6 hospitals in every region. We, the people of Nyanza, demand that the Jaramogi Oginga Odinga Teaching and Referral Hospital be made a Level 6 hospital. It is high time we are given a Level 6 hospital. We have been going to Eldoret, Nairobi and other areas with our sick people for a long time, and we cannot manage that cost anymore. Many of our people are dying. We need equity in this country. We want universities to be in all areas. When money is taken as a loan on behalf of this country for projects, the projects should be done across the country so that every person enjoys.

Where I come from, there is a road from Masara to Miuru which was started when the former Prime Minister, Hon. Raila Odinga, was in charge of the Ministry of Roads and it has stalled. There is another road going to Sori, which has stalled. There is a road, Kababu-Piny Oyie-Kopanga Road, which is very important in joining Kenya and Tanzania through Kopanga Border Point. The NG-CDF has bought land for immigration at Kopanga. That road needs to be tarmacked so that when I am asked to pay taxes on behalf of my people and my family, I do not cry because I know I will be seeing the fruits of my tax.

Finally, I want to request the President not to recycle leaders. The young people have talked. We want young and fresh people who have worked in the corporate world to manage our ministries, so that we can get results. We do not want to see somebody being moved from one ministry to another and yet, they do not perform. It is high time we give other people a chance to perform. Somebody may actually believe that were it not for being given a chance while at the age of 24 years to lead, the people of Suna West would not be enjoying what they are enjoying today. So, it is high time we listened to our people. Let us listen to those young people because they are the future leaders. Whatever we are doing today, we are doing it for them. So, when they speak, we need to listen to them. We should not ignore them. We should not brand them as criminals. They are Kenyans. Criminals are in courts and jail. Those are educated young people who are hopeless. Some of them graduated 10 years ago and they have not yet been employed. Some of them their time to marry has come, but they have not married because they do not have money to marry.

Thank you.

**The Temporary Speaker** (Hon. Peter Kaluma): Hon. Rashid Bedzimba.

**Hon. Rashid Bedzimba** (Kisauni, ODM): Ahsante sana, Mhe. Naibu Spika wa Muda kwa kunipa fursa hii nami nipenyeze sauti yangu. Nasimama kupongeza hazina ya NG-CDF kwa miradi inayofanya mashinani. Kwa kweli, miradi ya NG-CDF ndiyo inayoonekana kila mahali. Ukitembea katika maeneo bunge, utaona bango au ishara zinazoonyesha majengo yaliyojengwa

na hazina zipi. Ukweli ni kuwa, shule nyingi ambazo hazikuweko zimejengwa. Kabla ya NG-CDF kuja, eneo langu la bunge lilikuwa na shule zilizojengwa wakati wa ukoloni. Hazikuwa nyingi. Iibidi wanafunzi watembe kwa umbali mkubwa wakienda kutafuta elimu. Haya yote yalisababishwa na umaskini mkubwa. Mchana hawangeweza kurudi nyumbani kula chakula cha mchana. Walibaki shuleni na njaa mpaka jioni ilihali wengine hawakula asubuhi. Hata hivyo, hazina ya NG-CDF ilipokuja, mashule ya karibu yalijengwa na imekuwa rahisi kwa wanafunzi kwenda shuleni na kurudi nyumbani ili wapate kopo la uji na wanaporudi huwa wana makini katika *classroom* zao na wanapata elimu.

Hazina ya NG-CDF imekatiza mambo mengi sana. Kama ingekuwa haipo, nakuhakikishia kuwa viongozi ambao wanawakilisha maeneo Bunge wangelazimika kwenda kulalamika kwa Mtukufu Rais na kusema kuwa wako chini ya miguu ya Rais. Badala ya kuwahudumia wananchi Jumamosi, wangelazimika kwenda kubisha kwa milango ya Ikulu wakiomba wajengewe *classrooms* mbili au wasaidiwe vinginevyo. Hazina ya NG-CDF imesaidia na sasa hakuna mtu anayeenda Ikulu. Wabunge wana nafasi ya kusema ukweli wa mambo yalivyo. Kama kuna makosa, watasema hata kama ni kwa kiongozi wa taifa kwa sababu wanajua miradi ya hazina ya NG-CDF itaendelea bila ya kuenda kuomba omba.

Naweza kuwaita wachawi au wanga wale wanaopendekeza hazina ya NG-CDF iondolewe. Watu wanasaidika kwa kupata *bursaries* za shule na pesa za kujifundisha ujuzi. Kazi ya Mbunge ni kuhakikisha kuwa watu anaowakilisha wanapata msaada na ikiwezekana, atafute mbinu ya watu hao kuendelea kupata fedha hizo badala ya kusema hazina ya NG-CDF iondolewe. Huo ni uchawi. Kule mashinani kuna matatizo mengi sana. Ikiwa kuna jambo ambalo Mbunge halitaki, aende akalifanyie public participation. Awaulize wananchi mashinani ikiwa wanahitaji hazina ya NG-CDF iendele, badala ya kuamua ofisini na kusema hii hazina ikatwe. Haya ndiyo yanayoleta matatizo kama yaliyotokea juzi. Taifa linaongozwa na sheria. Hata kama Mbunge ana uwezo wa kwenda mahakamani, kwanza ni muhimu aulize wananchi ikiwa wanahitaji hazina ya NG-CDF. Sina shida na fedha walizo nazo ndugu zetu katika *county governments* kwa mfano, *governors*. Sina shida nao wakitoa *bursaries*. *Bursaries* wanazotoa pamoja na hazina ya NG-CDF hupewa mwananchi. Ni vizuri kama itawasaidia wananchi kumaliza masomo bila kero. Watu wetu wana kero. Kuna shida. Fedha ya hazina ya NG-CDF lazima iangaliwe ili matokeo yake yaonekane na hata kama mtu haoni, anaweza akapelekwa akashike matokeo hayo. Hata hivyo, kuna hazina ambazo faida zake hazionekani. Kuna fedha nyingi ambazo watu wamepata lakini hakuna miradi yake inayoonekana.

Hii NG-CDF imesaidia na iendele kusaidia kwa sababu inaipa umakini wale viongozi. Hakuna mtu tutampigia magoti. Tutahakikisha kwamba watoto wanapata usawa. Na hali ilivyo, NG-CDF imekatwa mambo mengi. Kuna vitu kama *security lights*, unaambiwa kwamba hii usifanye; *borehole* unaambiwa usifanye. Unakuta ulijenga shule umemaliza, unaambiwa usijenge borehole kwa sababu hiyo si kazi yako. Sasa ile shule inakaa bila maji kwa sababu ya mambo tu madogo madogo.

Kwa hivyo, iwekwe wazi, kwa sababu ni hazina ambayo inakaguliwa na inasaidia mwananchi. Mtu asiwe na nia kwamba yeye aitoe, kwa sababu anataka kupunguza matumizi ya pesa. Na kama ni kupunguza matumizi, kuna Bunge la Kitaifa hapa na kuna Seneti. Wacha Seneti ivunjwe, sote tuje hapa tung'ang'ane ili *tusave* ile pesa. Kama wewe unataka kusimamia mradi huo, mimi nimesimama kuunga mkono NG-CDF iendele.

Ahsante sana.

**The Temporary Speaker** (Hon. Peter Kaluma): Ahsante. Nilikuwa nimesema Mjumbe Timothy Toroitich aseme.



**Hon. Timothy Kipchumba** (Marakwet West, Independent): Thank you, Hon. Temporary Speaker, for giving me an opportunity to contribute to this very important Report. It is time to comment, particularly on the issue of NG-CDF. What has made the NG-CDF work in this country? It is a Fund that can be felt and touched because of its design and architecture. The way the NG-CDF has been designed and implemented has made it work in this country. It has a very lean management team headed by the fund manager, and the staff of the Fund are limited to a certain number - about nine. It has a lean committee and a lean board as provided for under the NG-CDF Act. There is nowhere, especially after the recent amendments, that a Member of Parliament plays any role in the management of the NG-CDF. The cardinal role of a Member of Parliament remains legislation, representation and oversight, even in the NG-CDF.

Initially, we had the COC, but it was removed so that we can remain to exercise our constitutional role, which is legislation, oversight and representation. We do not need to teach anyone in this country that the NG-CDF has contributed immensely in development, especially in terms of infrastructure. You cannot, for any reason, compare the NG-CDF with the devolved funds. I have made a case several times that, as a country, we need to sit down and relook at the design and the architecture of devolution. There is a lot of pilferage of public resources under devolution. It is a system that seems not to be well thought-out. It is a system that we rushed into. If you ask me, the lowest level where devolution should be done is at the constituency level because those are funds that can be touched and felt by the people.

That is why you see certain busybodies going to courts to challenge the NG-CDF. I agree with Hon. Elachi who spoke here very well, that going forward in this House, we must speak in one mind. We must have a bipartisan approach to issues and agree on a matter like the NG-CDF. We anchor it in the Constitution once and for all so that no one will challenge the same for being unconstitutional. We support the NG-CDF, not because we just want to support or we love it, but because we have seen its value in terms of development as compared to other funds that are channelled to county governments or to other areas in this country.

As a Member of Parliament, in fact, I have asked myself what I stand to lose if the NG-CDF is taken away and I remain in this House and just do legislation, oversight and representation. We will lose a lot because, in a way, those are funds that have been used at the constituency level and we have seen the benefits. That is why there is no reason for us to delay in anchoring the NG-CDF and NGAAF in the Constitution of this great Republic of Kenya. We can do it in a bipartisan manner.

As I finalise, there is an issue to do with land. We have had a lot of challenges in terms of the purchase of land to construct structures for the NG-CDF. Some of us come from constituencies where adjudication has not been concluded and, therefore, we do not have title deeds in some areas within our constituencies. We need to sit down and, maybe, come up with a regulation so that, if, for example, a matter is in court, where it is under a succession and there is urgency in purchasing land... The right to education cannot be postponed in this country.

There is a section where you want to build classrooms in an institution and you do not have land. We have to come up with a regulation or the Board can sit on its own motion and develop a framework in which we can acquire land where there is no title deed. We can come up with agreements. We can come up with standard agreements and say: "This person or a community has sold this parcel of land to the NG-CDF" and therefore, that particular parcel can be used to erect structures that are beneficial to the people. We cannot be held hostage because there is a gap in law. So, we must address that issue as a matter of urgency.

The other day, I brought a Motion before this House that we need valuers in every constituency so that we can value the parcels of land the NG-CDF committee intends to purchase. This is to ensure that we do not have an over-valuation or under-valuation of that particular parcel of land. So, we need valuers in every constituency.

We also need public works officers. Some projects are being delayed. There is insufficient supervision of those projects because we do not have public works officers in every constituency to be able to look at the issue of the quality of the classrooms that are being constructed.

As I finalise, I said that going forward, as a House, we need a bipartisan approach to debating matters in this country. What started as a very simple issue has escalated and, as we speak, our country is not in a very good position globally. This morning, when I was leaving the House, I asked my six-year-old daughter who was unable to go to school why she was not going to school. She said it was because of *maandamano*. I asked that little daughter what *maandamano* is and she said it is teargas and shooting people. As I left, she told me: “Daddy, take care of yourself as you go to Parliament.” This is not the country that was envisaged by our forefathers. There comes a time that this country is greater than any individual: It is greater than the President, the Deputy President, and even the Members of this House. We must first of all have a country so that we can discuss how we can run it forward. If we continue in this manner, we may not move in the right direction. In fact, I even appreciate those young people because in a way, they have re-awakened the conscience of this nation. There are things that were not right and those young people have told us that we need to strengthen certain parts.

I believe the President has the best interests of this country at heart, and I believe that the steps he has taken so far are very intentional towards transforming this country in the right trajectory. We call upon Hon. Members here, and even our young people and our citizens that, we need to have patriotism at our hearts. We appreciate that those young people have re-awakened the conscience of our nation. As individuals and Members of this House, I believe going forward, we shall do things in a manner that satisfies the conscience of our nation.

Thank you, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Peter Kaluma): Next is Hon. Esther Passaris.

**Hon. Esther Passaris** (Nairobi County, ODM): Thank you, Hon. Temporary Speaker, for giving me this opportunity to contribute to the Auditor-General’s Report on the NG-CDF for the nine constituencies in Bungoma County.

As I stand here, I want to narrate a story of a family in Dagoretti South which I met recently during a bursary event. A mother came with her two daughters dressed in school uniform and she said: “My two children have been chased away from school in Kajiado.” Of course, the bursary process takes a long time. First, is making of applications which are vetted, the board approves and thereafter, cheques are issued. The allocation for three-quarters of the Financial Year 2023/2024 have already been utilised. So, I decided to visit that family in Dagoretti South because I like a holistic approach to poverty to see the interventions that are needed. I saw that the family has eight children. One child finished high school and attained a mean grade of D. When I spoke to him, he told me that he scored that grade because he was often sent away from school. So, he was unable to get good grades.

There are four younger children who are supposed to be in Junior Secondary School (JSS). They had not reported back to school because the family could not afford to pay fees. I will handle this problem next week. Yesterday, I took the two children back to their school in Kajiado. They did not have money for shopping and secondary schools do not provide sanitary towels. I bought

them sanitary towels, soap, lotion and toilet paper. The total cost was about Ksh6,000 for both of them. Obviously, their family cannot afford that.

When we got to school, I engaged the headteacher who told me that the parents should pay school fees on time because the capitation is little and comes late. It is supposed to be about Ksh21,000 and the Government has paid Ksh11,000 only. So, if parents do not pay school fees, the schools are worried that if they cannot provide dinner, water and firewood, the children will burn the school. The Board held a meeting with parents and they decided to send all the children with school fees arrears home.

I asked her what the school fees balance was for the two children! She said it was Ksh30,000. I asked her what amount had been paid and she said that Ksh5,000 had been paid by the area Member of Parliament, Hon. Memusi. They had not received any money from the Member for Dagoretti South. So, the two students, from the same family which lives in Dagoretti South, had school fees arrears of over Ksh30,000. I paid that amount from my pocket and the children remained in school. The headteacher refused to give me a discount even though the children were not in school for two weeks and had not consumed their services.

I want to talk about the NG-CDF and the NGAAF because I feel that leaders should be genuine and sincere. All the members of county assembly (MCAs), governors who also have scholarship programs, County Woman Representatives (CWAs) and Members of Parliament should not handle bursaries. This House needs to pass a Bill for free education where capitation goes up to Ksh30,000 and families pay Ksh1,000. But how will a family like the one I have talked about from Dagoretti South, which lost 20 dairy cows during the drought, manage to raise Ksh1,000? The only way we can do this is by going back to what Raila Amollo Odinga said in his Manifesto. He was going to give Ksh6,000 to every family with unemployed parents. I do not think this is sufficient. We should have an unemployment benefit of Ksh10,000 and then we ensure that it is well vetted and the representatives of the people are involved because sometimes the administration fails us. I saw this when we were compensating the people who were affected by demolitions. Many of them did not get their money. If we have an unemployment benefit of Ksh10,000 per household and Ksh15,000 per household with a child or parent with disability, this will cost about Ksh125 billion.

To be honest, we can afford an unemployment benefit for 10 million households. Once we do that, we straight away take care of the hardship that citizens are facing. A household can use Ksh1,000 out of the Ksh10,000 as a family contribution towards their child's education. Then, we can educate them on family planning. Parents would like their children to finish university. Therefore, they will plan their families so that they can afford to educate their children. Once those households are registered, we should enable them to seek employment. We should look at the kind of Technical and Vocational Education and Trainings (TVETs) we can offer employment opportunities. This will give us data of the unemployed people and enable us to guide them on career opportunities.

We need a holistic approach to poverty. I feel that we should depoliticise the Ksh75 million allocated to Members of Parliament for bursaries, Ksh1.5 million allocated to CWAs, Ksh4 million allocated to MCAs and Ksh1 billion allocated to governors for scholarships. Let us depoliticise education and make it completely free up to secondary school level. Then, we can ensure that students report to school and we have 100 per cent transition. The first challenge will be books and the second, uniforms, mattresses and toiletries. Let schools provide some of those needs so that no child has to carry a mattress and a box.

The private sector has exploited uniforms and made them so expensive. To take a child to school, you need Ksh30,000 worth of uniforms. The National Youth Service (NYS) should make affordable uniforms for school children. We have to remove ourselves from this colonial idea of wearing uniforms, sweaters, jackets and blazers which are expensive. A Member of Parliament can have so many children reporting to school and there are no classrooms. Let us focus on building classrooms. The money is insufficient for Members of Parliament, if we do not implement the one man, one vote one shilling agenda. If a Member has 300,000 students, he needs more money to put up more classrooms.

**The Temporary Speaker** (Hon. Peter Kaluma): Order, Hon. Passaris. I thought the NG-CDF is not money for a Member of Parliament.

**Hon. Esther Passaris** (Nairobi County, ODM): True, but a Member of Parliament oversees the Fund.

**The Temporary Speaker** (Hon. Peter Kaluma): In fact, the Act does not mention a Member of Parliament anywhere, not even the oversight committee. A Member of Parliament only interacts with the NG-CDF in the manner we are doing now, which is the oversight of the Report of the Auditor-General. So, proceed.

**Hon. Esther Passaris** (Nairobi County, ODM): Thank you, Hon. Temporary Speaker. I stand corrected. I meant when a Member of Parliament knows that he has over 300,000 students in school, that money will be insufficient because the allocation is not done fairly. If the Fund uses one man, one vote, one shilling, he will get sufficient money to build classrooms or demand that the Ministry of Education also builds classrooms. We need equity so that everyone can benefit. Members of Parliament, just like CWAs, are patrons. We are not involved in the absolute running of the Fund.

I think it is important for us to call for free secondary education and not increased allocation of bursaries in the NG-CDF or NGAAF kitty. If we give unemployment benefits, then the Ksh1,000 contribution by the parents will be sufficient. As for Higher Education Loans Board (HELB) loans for universities and colleges, we should allow the parents to pay, maybe, Ksh1,500. HELB is a repayable loan, but if there are no jobs, it will collapse. I believe we need a holistic approach of dealing with things. In as much as I am not a member of the Departmental Committee on Education and Research or the Departmental Committee on Labour or the Social Protection Committee, I will start being a friend of those committees because I want to ask these hard questions. We need free secondary and primary education.

There are some schools where performance is mediocre. Students in those schools have no hope at all because they are sent home and their performance is mediocre. If teachers cannot produce students with good grades, they should be fired. You cannot have a school with a mean score of four and you have no reason why the school is performing so badly. If you take your clever child to a school where performance is so mediocre, then that child has no chance in life. We need to look at our society and our issues holistically.

When it comes to corruption, which is the biggest elephant in the room and the main reason for the Gen Z revolution right now, we need to make sure that the country and Parliament looks at all the oversight reports. If there have not been prosecutions, we should make sure that we highlight that. Right now, we are looked at as the enemy. We are looked at as the ones who are not doing the right thing, but I know there are so many reports which have called for prosecution and highlighted corruption and rot in various public entities and Ministries, and nothing has been done about it. The Executive needs to give amnesty, collect the money and redirect it for education, health, food security and job creation.

We have a big problem right now in this country. We are not able to sustain the population. The reason we are not able to sustain the population is because of corruption. We are not a socialist country. We are a capitalist country. If we have to pay for every expense in this country, then we have to increase taxes because that is how it works. There is no two ways about it. There is no need to increase taxes if the ones we collect are not accounted for. This is an absolutely beautiful time in our country. Sadly, it has cost the lives of many of our youths. Their blood should not have been shed in vain. We should see a shift in how we move this country from poverty to prosperity, from disunity to unity, from a lack of accountability to good governance. If we do that, then we will be a Parliament that is remembered not only today, but tomorrow. But if we come back and it is business as usual, then I regret moving from the private sector to the political sector. It would have been a failure in my decision to join the leadership to do good for my country.

Let us all put Kenya first in everything because we do not have another country. We only have Kenya. My appeal to the Gen Zs is to give the President a chance. And my appeal to Raila Amolo Odinga is this: Can we please join the Government? Some of the things that you had in your Manifesto were amazing. You had an amazing way to deal with unemployment. You had an amazing way to deal with job creation through clusters. If those ideas that you had are given to William Ruto and his Government, we should forge ahead. I would also like to urge the President to look at the Gen Zs. Let us have a few Gen. Zs or let us have a Gen. Z desk in every Ministry, like we had a NEPAD desk, so that the Gen. Zs can be part and parcel of driving this nation forward. For me, it is wrong for us to not consider some positions for them. They might show us another way of doing things. As I talk to them, I know that the passion they have is because of unemployment and lack of opportunity. They have a different way of dealing with situations than we do as their parents. For the remaining positions, let us have a few Gen. Zs. Let them recommend people. They cannot remain leaderless and faceless. They have to come out and say: "These are the people we are recommending for these Ministries and let the President consider them." I pray that together, we can make a difference to not just in Kenya, but the region because we lead by example.

Thank you.

**The Temporary Speaker** (Hon. Peter Kaluma): Hon. Esther Passaris, the last time I checked, all Kenyans were in Government, including the Rt. Hon. Raila Odinga. Which government is this that you want former Prime Minister Raila Odinga to join? The last time I checked, all Kenyans were in Government but in different political parties as stated in Article 4. Which government is this you are inviting Baba to? Is it the one he is already in or for another country? Do you want to respond to that?

**Hon. Esther Passaris** (Nairobi City County, ODM): You see, I always say this to people: That whether you are in the opposition, in government, the Judiciary or the Executive, we are all part of the Government. We all constitute the Government. With the position that the country found itself in, the Rt. Hon. Raila Odinga has said he is willing to dialogue. We cannot solve our problems through anarchy. In his coming to dialogue, if he can suggest a few technocrats who can help steer this Government in the right direction, then that will help the Government to deliver. As the Opposition, there are very limited things that we can do when we do not have the majority.

**The Temporary Speaker** (Hon. Peter Kaluma): Clarification made, Hon. Passaris. Thank you very much. There is no Opposition under our current Constitution. Thank you.

Hon. Keynan, proceed because of the rank.

**Hon. Adan Keynan** (Eldas, JP): Thank you, Hon. Temporary Speaker. Before I comment on the audit report on the NG-CDF, allow me to delve a bit back into the history of this great

nation. This country was once called the British East Africa Company in the early 1880s. That was a personal company, a private company. Later, we became a British Protectorate and then a British colony. At a certain stage, we were allowed to do our internal self-rule up to 1962. In 1963, we got our Independence. In 1969, with agitation, we became a one-party State. In 1991, we went back and became a multi-party State. In 1992, we held our first general election under the multi-party Constitution. Since then, there was agitation for a new constitutional dispensation until 2010, when we promulgated the current Constitution. Since then, there have been eventful activities in our country. During the just concluded General Elections, we had the hustler effect. Just last month, we had the Gen Z uprising. Under all these occurrences, one thing emerges: Kenyans are resilient, ever optimistic and very proud people when it comes to their country.

I send my condolences and empathy to those young Kenyans under the tag of genuine Gen Zs who decided to put up a bit of awakening call on the political leadership of this country. Wherever you are, my sons and daughters, we have heard you. Your message is loud and clear. You have made your clear points that have been implemented by His Excellency the President and we want you to be patient. Do not delve into anything else. Whatever positive suggestions you have made to improve our governance, I want to assure you, as the “father” of Parliament and the longest-serving Member of Parliament, that we have heard you. I have personally heard you. We will take all those issues into account and I can assure you that business will not be as usual. As we do that, destruction, violence and all other related issues that can negate the gains that we have made since Independence will not add any value. I beseech you, wherever you are, as the gallant sons and daughters of the Republic of Kenya who have gone to school, do not destroy Kenya. We beseech you, wherever you are, to be patient with the political class. Your points have been heard and it is clear. My daughters, sons and, to some extent, my grandchildren, will soon be there. We have heard you. The message is clear.

I also ask the political class that we must pause and ask: What has led to this Gen Zs uprising? We must deal with corruption. We must deal with inefficiencies in Government departments. We must stand for the rights of Kenyans as far as their governance activities are concerned. Those of us in politics and are entrusted with the leadership of this country, we must do a bit of summative informative evaluation and take into account the positive suggestions that have been made by our sons and daughters. I want to ask you once again, please, allow the President and his Government to internalise and implement the positive suggestions that you have made.

Hon. Temporary Speaker, I am aware that there is a lot of under-employment and unemployment right now. So many graduates with first class honours do not have jobs. We can only sort this out, if we put our heads together and collectively, work for the premier nation called Kenya, which is our motherland.

I had an opportunity of being the Chairman of the Departmental Committee on Defence, Intelligence and Foreign Relations. During that period, I visited many countries. I can assure you that we ought to be proud of our country. Civil war only creates a humanitarian crisis, environmental devastation, hunger and total lawlessness. Our country is governed under the rule of law or constitutionalism which is something that you cannot exchange for anything else.

We should look around and see the unfortunate things that have happened to some of our neighbours and where they are today. I also appreciate that we are not where we are supposed to be. We are lagging behind. Kenya was a donor country in the 1960s. Our Gross Domestic Product (GDP) was at par with South Korea and Indonesia. Today, the GDP of South Korea is 50 times that of Kenya. We used to be a donor nation to the newly independent African countries. However,

today, we are lagging behind. These issues must be addressed collectively. The President alone cannot address them. The citizens must be ready to support the Government. The President must also be ready to listen to the citizens. They must have faith in their leadership, which must remain accountable.

As the father of the 13<sup>th</sup> Parliament, there comes a time when we must all come together, reason and collectively pursue a path that will add us to the list of developed nations. It cannot be achieved through violence or the activities that we have seen in the name of economic sabotage. How do you create employment and yet, the very avenues of creating it are being sabotaged? When you want to occupy Jomo Kenyatta International Airport (JKIA), which is the communication and transport hub of the region, you want to grind our economic activities to a halt. Where will employment come from? When you discourage business people from creating wealth, where will employment come from? We are negating every positive activity our forefathers left to us. I appeal to our generation that we must reason together. We must listen to each other. We must all ask ourselves what we can add positively to this premium nation.

We also appreciate that this is a diverse country. Our diversity must be used to positively project the image of this country. Politicians come and go, but Kenya will remain. Where are those freedom fighters? They are all gone. They left us to take this country to another level. It is our time. We must not allow this country to degenerate into a state of lawlessness when we are awake. I know politics is as divisive as we have seen it. Elections come and go. We had elections and came up with a democratically elected Government. President Ruto did not usurp power. He was elected. The election was disputed and the Supreme Court validated it. He is the duly and democratically elected President of the Republic of Kenya. Whereas you may have issues, we can channel them through our democratically established and accepted process, including the political parties, Constitution and courts. We have other avenues of passing information.

I also plead with my colleagues, the political class, who have been yapping around that they have not seen the effects of a civil war. You only need to go outside the country and experience it. Please, remember I cannot be a refugee at this age. I cannot allow my grandchildren to be refugees at this age. As an individual and leader, I will do whatever it takes to make sure that Kenya remains a united and democratic country. This will not be a mean achievement.

Hon. Temporary Speaker, what you said today during your contribution touched me emotionally. There comes a time when a person must get out of that tribal yoke, regional thinking and expand his horizon of thinking, and ask what he can add to the country. We are in a very difficult period right now, not only in Kenya, but also globally. Look at what happened in Bangladesh recently and the United States of America (USA) two days ago. There are general global activities that are going on. Even President Joe Biden said that he could not afford to contribute to anything that negates the existence of the USA. As leadership, what are we doing? I would like to recommit and tell my sons and daughters, wherever they are, to listen. Your message is loud and clear. Your agenda is focused. I am sure that we, in the political class, will give you an opportunity. I also appreciate the President for hearing the cries of our children. That is why he declined to assent to the Finance Bill, 2024, dissolved his Cabinet and even accepted to be hosted in the X space. We have a listening President. Can we give him an opportunity to guide this country? Without our support, it will be difficult to govern this country. Therefore, for God's sake and for the sake of this country, I want us - the political class - to come together.

Hon. Temporary Speaker, I like what you said today when you contributed. Let us not be guided by our petty day-to-day political partnerships that are driven by regional interest. Let us be driven by what brings this country together and constitutes the premier Republic of Kenya. We

will compete here, but we are all Members of Parliament outside there. In Articles 94, 95 and 96 of the Constitution and Chapter 1 of the Constitution, sovereignty is equated to representation. Where is it? It must come in the form of accountability and being prepared to listen to what our people are saying. It comes as part of our oversight, legislative and budget-making roles.

I have a plea on this topic. I have travelled to over 136 countries, some of which you do not know their names, in my over two-and-half decades in Parliament. This is the most beautiful and resilient country. Kenyans are the most generous and enthusiastic people that I have ever interacted with. We must all be ready to protect this. Kenya requires all of us at every given stage. That is the only way. Even if we go back to our villages, we will have competition. I have a competitor and you have one. Even in your homestead, you have a competitor. Without competition, we will not develop. It should be used positively. Those of us in leadership should not be guided by emotions. Let us look in the mirror, see ourselves and ask what we have done. Are we part of the problem? Can we be part of the solution? Can we change positions? It is only fools who do not change their minds. If there is unemployment, let us all work hard and create wealth. We cannot do it through destruction. On this topic, join me. I have said this because I was emotionally touched when one of the international news outlets reported that Kenya was on the brink of a civil war, because people had gathered on the streets. Luckily, by the grace of God, the streets were normal the next day. Everything was going on normally. That reflected the resilience of Kenyans. Let us not take that for granted.

Hon. Temporary Speaker, let me go back to the Motion on the Reports of the Auditor-General on the NG-CDF for Nine Constituencies in Bungoma County. I have been a Member of Parliament without CDF (Constituencies Development Fund). I have also been a Member of Parliament when Eng. Karue came up with the idea of the Constituencies Development Fund (CDF). I want to tell you that, when I was first elected, my then Wajir West Constituency was the only one without a single secondary school in the entire Republic of Kenya. Today, I am representing a second constituency called Eldas. We have tens of primary and secondary schools, courtesy of the NG-CDF. For the associated and those who want to tie us at the hip with the NG-CDF, I urge that Members of Parliament have no other role with the NG-CDF other than pursuant to Article 95. There is confusion.

We have been in this Parliament. We have witnessed the promulgation of the current Constitution. We do not have a federal government. We have an economic devolution at three levels. That is national, county and the NG-CDF. Each category has its players. I tell those who want to rubbish the NG-CDF that it will not happen during our lifetime. It will not happen during our lifetime. Removing the NG-CDF is denying our people development. There are ego-driven people. There are people who only understand creating space for themselves, whether legal or illegal. The spaces must be created legally.

I will be the Governor of Wajir County in 2027, Insha'Allah. However, nothing removes the role of the Member of Parliament. The role of the Member of Parliament is this thing. The NG-CDF Act clearly spells out the mandate and function of the NG-CDF. Why are the shenanigans to remove the NG-CDF going around? It is simply because of one thing. You remember the way people wanted to consolidate power and resources around them. They are not after development. I ask you to resist. Resist anything that attempts to remove the NG-CDF, whether it is the Law Society of Kenya (LSK), the Senate or governors. We must resist, stand firm and say that the NG-CDF is not the property of a Member of Parliament. The NG-CDF is a facility to constituencies. That must remain and be facilitated. The resources must go up to that level.



There is one last thing that I want to say to Members of Parliament in just one minute. I am concluding.

**The Temporary Speaker** (Hon. Peter Kaluma): Take only one minute.

**Hon. Adan Keynan** (Eldas, JP): In all this, we must also ask the NG-CDF fund managers and the people who deal with the NG-CDF to manage it in the most accountable and transparent manner. That is the only way we can also be accountable. I urge those tasked with running the NG-CDF to be prepared to be held accountable in the manner the resources are used and how efficiently they reach the people who need them.

With that, I support. Thank you.

**The Temporary Speaker** (Hon. Peter Kaluma): Thank you, Hon. Keynan. Hon. Joshua Kimilu, Member of Parliament for Kaiti.

**Hon. Joshua Kimilu** (Kaiti, WDM): Thank you for giving me the opportunity.

Before I contribute, I thank the Committee for the good job they have done. Hon. Mbithi, who is a friend, represents the Chairperson. I know they had many considerations regarding the NG-CDF when they were doing the Report. Those fighting the NG-CDF are enemies of the people. The work and the projects the NG-CDF is doing on the ground in our constituencies are the only visible ones.

When I joined Parliament in 2017, my constituents gave me guidelines to do what is right and ensure that the NG-CDF money is safe. That is what made me come back to Parliament. I have given full scholarship to 280 students in my constituency, courtesy of the NG-CDF. I want to be clear that Members of Parliament are not signatories to the NG-CDF accounts. They are just overseers. They are only the patrons of the Fund. The good work that the NG-CDF is doing in our constituencies is the only visible one. Regarding bursaries, many people and even the Gen-Zs have gone to school using the NG-CDF bursaries. This financial year alone, 20,000 beneficiaries in my constituency have benefited from the NG-CDF.

The NG-CDF is doing a tremendous job in our constituencies and Kenya as a whole. I was thinking when the Gen-Zs held *maandamano* the other day. It is high time the President of this country sat down, watched and thought of how to distribute resources in this country.

Hon. Temporary Speaker, the NG-CDF is a good example of how this country's resources can be equitably distributed. If we compare the money we allocate to the NG-CDF and the money we pass in this Parliament for roads, there are areas like Turkana and Ukambani where, for the last four years, we have not seen even one kilometre of road being tarmacked. If the money we pass here were to be distributed according to the constituencies of this country, we will get equal distribution of the resources. I am not saying the money should be distributed through the constituencies. It can be done through the ministry. When it comes to electricity, money is distributed to ensure that every constituency gets a part of it. By doing that, we can equally distribute resources. I like the way the Board of the NG-CDF does its things. When they fund a project, they make a follow up to make sure that it is completed. That is why if we go around the country, we get many white elephant projects. This is a way to go.

Those who are talking of doing away with the NG-CDF are enemies of the people. We have people who cannot take their children to secondary schools. I have cases in my constituency where children are able to go to school because of bursaries. We have people who live below the poverty line. Such people are helped to educate their children using the NG-CDF bursaries. When we talk about the NG-CDF, we need to be sober. I request all Members of Parliament to stand together and make sure that we defend the law by ensuring that the NG-CDF is retained so that Kenyans can benefit from it.

On matters of the environment, the NG-CDF supports it to fulfil Vision 2030. We use the NG-CDF to construct water pans, plant trees and conserve the environment. That is the way to go. Due to climate change, we must join other parts of the world to conserve the environment using the NG-CDF. We also use the NG-CDF to construct police stations and administration blocks for administrators. That is why I am saying that it is high time for us to protect the NG-CDF and make sure it benefits Kenyans.

Hon. Temporary Speaker, I watched a video clip when the Gen Zs were on their daily demonstrations. Someone testified that he went to school and got his degree because of the NG-CDF. That is the way to go.

I thank the Committee for the good work they have done. Let us support the Report and make sure that the NG-CDF is retained. Thank you, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Peter Kaluma): Hon. Paul Biego, Member for Chesumei Constituency.

**Hon. Paul Biego** (Chesumei, UDA): Thank you, Hon. Temporary Speaker, for giving me this opportunity to also voice my contribution. At the outset, I take this opportunity to congratulate the Committee for the good job that they have done. As a matter of fact, we have been having so many discussions about the NG-CDF. And as I concur with many of my colleagues who have spoken, this should be a closed chapter. We actually need to entrench it in the Constitution, so that we can rest this matter once and for all.

Of course, we all know that the NG-CDF advocates for accountability, public participation, equity in access and availability of complaints and redress mechanisms when it comes to its management. We do not spend funds from the NG-CDF without public participation. And for sure, I heard one Member say it is not equitable. But I must say that how the NG-CDF funds are distributed in the country, based on the number of wards you have, I find it equitable. And hence, to me, without the NG-CDF, this country will not be the same again.

What we see in our villages, what we see in our constituencies and what is visible is what the NG-CDF has done. We are alive to the fact that so many billions go to the county governments. But if you walk around the country, what you are going to see and what is visible is what the NG-CDF has built. What we see in our villages is what the NG-CDF has done.

We are alive to the fact that so many billions of shillings go to county governments, but if you walk around the country, what is really visible is what the NG-CDF has built. The NG-CDF bursary, of course, is open to local primary, secondary and tertiary institutions and, hence, accommodating a wide span of education beneficiaries. Why I also like and support it is because it supports postgraduate students. In my constituency, we have more than 9,000 students who are benefiting from a programme called Free Primary Food Programme that we initiated. So, I cannot imagine what 9,000 students will do if the NG-CDF is scrapped.

That Fund has received praises from across the board. It has been praised for incorporating the poverty index in the allocation of part of the funds, and this has a high impact potential in addressing historical and systematic wrongs such as regional disparities. The Kenya National Bureau of Statistics found that Kenya was a nation with huge disparities in service accessibility, quality and efficiency and, hence, the NG-CDF, being a public Fund, plays a crucial role in addressing some of those disparities.

I am also alive to the fact that many Members of Parliament right now have benefitted from this Fund. Had it not been for the NG-CDF, many Members would not have been in this House. That is how they have benefitted from that Fund.

Many young children with no facilitation to go through schools to achieve their dreams are catered for by the NG-CDF to realise their ambitions. I will not be part of the people who are seeing the dreams of young people dying and yet, this facility called the NG-CDF has helped many people and children.

With regard to what is happening right now in Kenya, I would like to assure Gen Zs that we have a listening President. The President has taken into consideration what they wanted. I am appealing to them to give the President and Kenya Kwanza Government some time. I believe the economic growth is visible. The inflation rate which was at 9 per cent has dropped to 5 per cent. This is a clear indicator that things are going on well. I want to plead with the Generation Z that we have heard they want accountability from leaders. They saw that the President did not sign the Finance Bill. So, there is no reason for the unrest we are still having.

It would have been a worse scenario if the President, since he is human, gave up too. I want to appeal to them not to drive this country into anarchy because those countries which went that direction have not recovered. I call upon the Generation Z to give the President and the Government ample time. For sure, in a few months, they will see a lot of difference.

I support the Report of the Committee. Nobody, should think of scrapping the NG-CDF because this country relies on it for development. Over the weekend, I went to some schools in my constituency for prayer day. They are built on one acre of land and yet, they have so many students and are appealing for more land. The Ministry of Education does not fund buying of land. Therefore, only the NG-CDF can fund those schools.

NG-CDF projects are properly managed and supervised from implementation to completion. That is why we get good results. I do not see why anybody would want to scrap it. I appeal to all Members to desist from having this discussion. It is crystal clear that Members of Parliament only play an oversight role. Some people think that MPs run the NG-CDF. I want to be extremely clear that we do not get even a shilling. We do not handle bursaries or development funds because we are not signatories. Our work is to oversight and ensure funds are used for the intended purposes.

Thank you so much, Hon. Temporary Speaker, for giving me the time. Let us all unite and ensure that the NG-CDF is entrenched in the Constitution.

**The Temporary Speaker** (Hon. Peter Kaluma): Member for Nyatike.

**Hon. Tom Odege** (Nyatike, ODM): Thank you very much, Hon. Temporary Speaker, for giving me this opportunity to add my voice to this noble debate which is going on in the House.

For the last five years, I have implemented NG-CDF projects. I am among the people who advocated for devolution in this country. How I wish that this debate was about how we can devolve money to the lowest level possible and not how to stop the disbursement to the NG-CDF.

Hon. Temporary Speaker, it should be a rallying call to all leaders in this country that we devolve more funds. The debate I was expecting from the Senate was how we can create a fund similar to the NG-CDF at the ward level so that we can move more money from the national level up to the lowest level possible. It is backwardness trying to think that a fund that is established closer to the people should be killed just because the name of a Member of Parliament is seen there. I have met a number of senators in functions and the way they argue shows their ignorance. I would wish as National Assembly and Senate, to have a seminar for senators to understand exactly where we are coming from and where we are going.

If a senator can stand in the House and purport that we are driving big cars just because we are managing the NG-CDF is foolishness. Some of us came to this Parliament when we were driving Landcruiser V8, me inclusive. Somebody who is trying to say that I am driving a

Landcruiser V8 because I am managing the NG-CDF is ignorance. Most of the senators who are arguing like that were former Members of Parliament, and we never told them to go to the Senate. If being a Member of Parliament was good enough for them, why did they go to the Senate? If senators can listen to me, let them think of devolving more funds to the wards and not think of how to stop the NG-CDF.

We need more money at the grassroots. We need more funds closer to the people. As Members of Parliament here, the debate I was expecting in this budget is how we can improve the NG-CDF. Like me sitting here today, I can tell you I have over 800 fully sponsored students in Technical and Vocational Education and Training (TVET) institutions and universities being fully funded by the NG-CDF. Most of those students, if you talk to them today... That is why the Gen Zs are making noise here in big towns and they cannot make noise back in Nyatike Constituency because they are taking the bulk of the money. The bulk of the money from the NG-CDF of Nyatike is benefiting the Gen Zs in my constituency. If you ask them today: "How do we go about this NG-CDF now that people do not want it?" They will burn you. I can challenge the senators and even the governors to go and conduct public participation in our constituencies about the NG-CDF and they will get the results. The only money that is being talked about at the lowest level there is the NG-CDF.

We would want to change the debate. If the senators are working under the governors, we need a fund in the wards so that they can lessen our responsibility down there. Let us divide the responsibility. If you go there as a Member of Parliament, you will find people asking you for roads, water and issues related to Early Childhood Development Education (ECDE) because they see you building classrooms. If ECDE or water is lacking, they look for them from you but, when you come to the Act here, you are barred from doing those things. However, because the people elected you, they think that is your full responsibility. That is why the debate now should be on how to devolve more money to the lowest level possible. If I were a member of the Senate today, I would have lobbied the National Assembly to see how best we can get more funds from the national Government up to the ward level. You do not fight a fund which is already devolved and is closer to the people. This money is from the national Government and there is no guarantee that if you stop it today, it will go to the counties. That money will revert to the national Government and those governors will not see it.

Trying to stop people from getting money up to the lowest level possible, I would say here today that, that it is a debate which we cannot entertain. If a senator talked of the NG-CDF being a Member of Parliament's money, that senator needs to be enlightened. He or she requires a seminar and if not, then divine intervention because it is like they do not live in this country. Equally, they do not know what they are supposed to do so that we can lift this country together. What can make us live in this country together is insisting on how we can get more money from the national level to the lowest level. The NG-CDF is one of them and if they work and think they can help Kenyans, well, let them advocate so that we get money which can go up to the ward level where people can budget. We can then do something at the constituency level, the governor also does something at the constituency level, and we will end up getting more money at the lowest level, as opposed to trying to debate over the fund which its benefit has been seen down there.

For anyone who is thinking of how to try and frustrate the NG-CDF, let them be ready to face the wrath of Kenyans. This Fund is now beyond a Member of Parliament. This Fund is owned by Kenyans and if you want to criticise it, be rest assured that they will face you because this is the money they are seeing down there. With us, we are not paid any salary or anything. We take the money to the people and do what they want.

If it was not for the NG-CDF, we would not have schools to be proud of; orphans would not have gone to school; and our police officers, chiefs, schools or school administrators would not be having something they can pinpoint out to be happening down there.

Some of us worked in the Civil Service when the NG-CDF was not there. We fundraised for every orphaned student who went to school. But as we talk now, fundraising for secondary school fees have drastically reduced because of this money.

Students are reporting to the various selected universities on August and September and I am sure all Members of Parliament's phones are full of messages targeting bursaries. Where do we get that bursary? The NG-CDF. So, if somebody is coming out to purport that this money is being misappropriated by Members of Parliament, let them go to Ethics and Anti-Corruption Commission (EACC) or the Directorate of Criminal Investigation (DCI) and report. A Member of Parliament is not allowed to even do business with this money. And if there is any Member of Parliament who is doing business with this Fund, the law is there. Let them be apprehended. But we cannot group everybody and tell the whole country that Members of Parliament are buying cars using that money. Let them single out those individual Members of Parliament. But let us not fight a Fund which is doing good service to the people of Kenya. We must defend this money.

And on this one, we must defend the position of the Committee. I say here categorically that we are going to die with the Committee and ensure that we protect this Fund not for ourselves, but for the people of Kenya.

I thank you, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Peter Kaluma): Hon. (Eng.) Paul Nzengu, Member of Parliament.

**Hon. (Eng.) Paul Nzengu** (Mwingi North, WDM): Thank you, Hon. Temporary Speaker for allowing me to speak to this matter as well.

From the onset, I support the Report. There has been confusion, misunderstanding or misinterpretation by many people out there about the ND-CDF. And as many Members have contributed and said, this is the only Fund that seems to be visible on the ground. The results are tangible. They can always be seen. There is nothing that is done undercover. Projects are done to completion. They are there physically. There is no provision for anyone to try and misuse the funds or misinterpret its usage. And, therefore, the misinterpretation by the civil society, senators and the enemies of our constituencies is completely misplaced.

Hon. Temporary Speaker, this year alone, my constituency has allocated or given bursaries to over 16,000 beneficiaries. We have built schools, classrooms and police stations. When the police came knocking on the doors of the constituency offices asking for money for the construction of their stations, I kept wondering where the money allocated to the Ministry of Interior and National Coordination is? They are allocated a lot of money and we have the privilege to know how much some of those ministries get. Yet, some offices of the police officers, chiefs and even the DCCs are in dilapidated conditions. Others are being done in makeshift structures and yet, the National Government or the Executive is allocated quite a lot of money when you compare.

Hon. Temporary Speaker, if you consider the fact that the NG-CDF is part of the National Government's funds that are taken to the constituency level, it is a unit where equality is exercised. If this money remained in the National Executive and a certain constituency like mine, which is like an opposition zone so to say, there would be no guarantee that, that money will end up getting there. We need to recognise the wisdom of our predecessors who formulated the law on the NG-CDF. I can compare that with the Kenya Rural Roads Authority (KeRRA) funds that are also

shared between the constituencies in Kenya. If that was not the case, I am sure there are constituencies in Kenya which would never have had any roads repaired because of the fact that they may not be reading from the same script with certain people in power.

Hon. Temporary Speaker, I brought the same issue to this Parliament. I was asking about the distribution of the money from the Government of Kenya (GoK) funds; the ones that are not distributed by the Roads Act, that allocates money for KeRRA, the 22 per cent, and the balance, 10 per cent, which goes to the Cabinet Secretary's allocation. You realise that those funds never get to certain constituencies and yet, you hear that a certain county has been allocated over Ksh2 billion. Unfortunately, a county like Kitui gets less than Ksh50 million. That is the kind of comparison that I can make. When money is distributed according to the constituencies, it reaches every corner of this country. But when money is left to an individual to decide, that money only gets to certain people, and not to every corner of our country.

Hon. Temporary Speaker, I want to appreciate the fact that those NG-CDF monies have done a tremendous job and have changed the scenario in the country. Of course, there could be issues on distribution. For example, in my constituency, I have 282 primary schools and 58 secondary schools. That is a total of 340 schools. I have 94 sub-locations and 34 locations. When you compare that with other constituencies, you will realise that some constituencies are sort of disadvantaged in one way or another, because we are given an equal amount of money and yet the number of schools that are supposed to benefit from the NG-CDF funds are not the same. You will even find that some rural constituencies have less than 100 schools.

Some urban constituencies have just three or four schools. People in my constituency might not understand that the NG-CDF funds allocated to me have to take care of 340 schools compared to Nairobi, where Eastleigh has only four schools. When they see the NG-CDF doing storey classrooms in Eastleigh, they start complaining by asking why their NG-CDF is not constructing storey buildings.

Some schools in Nairobi City County even get tarmac roads because they cannot keep on building storey classrooms. So, I think there may be some misconceptions that can be corrected going forward.

The confidence that comes with the NG-CDF is the same that resulted in the President declaring the money that was supposed to be set aside to build Junior Secondary Schools to be channelled through the NG-CDF. Why is it so? It is because it has been proven that NG-CDF funds are always channelled in the right way and the projects are done to completion. When the money goes to the Ministry, there are so many loopholes and the money may be lost. In my view, that is very clear.

I think it is completely misplaced for senators to agitate for the winding up of the NG-CDF. I have met people who are supporting certain senators and claiming that Members of Parliament consume 70 per cent and only 30 per cent of the NG-CDF funds goes to the implementation of projects. It is a pity, and I think senators should be given public education so that they can understand the NG-CDF Act.

I, thank you, Hon. Temporary Speaker.

**ADJOURNMENT**

**The Temporary Speaker** (Hon. Peter Kaluma): Hon. Members, please be upstanding. The debate on this particular Motion will continue tomorrow.

Hon. Members, the time being 7.00 p.m., this House stands adjourned until Wednesday, 24<sup>th</sup> July 2024, at 9.30 a.m.

The House rose at 7.00 p.m.

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