



SENATE OF THE FEDERAL REPUBLIC OF NIGERIA

VOTES AND PROCEEDINGS

Wednesday, 14th April, 2021

1. The Senate met at 10:35 a.m. The President of the Senate read prayers.
2. **Votes and Proceedings:**
The Senate examined the Votes and Proceedings of Tuesday, 13th April, 2021.

Question was put and the Votes and Proceedings were approved.

3. **Announcements:**

- (a) **Letter of Appreciation:**

The President of the Senate read a letter from Senator Obinna J. Ogba (*Ebonyi Central*) as follows:



Sen. Obinna Joseph Ogba FICA

CHAIRMAN SENATE COMMITTEE ON SPORTS & YOUTH DEVELOPMENT

MEMBER SENATE COMMITTEE ON: Sports & Youth, Dev., Agriculture & Rural Dev., Education (Basic & Sec.) Federal Character, Communications, Petroleum Upstream, Local & Foreign Debt, Police Affairs, Science & Tech., FERMA, Local Contents, Defence.

14th April, 2021

*His Excellency,
DIST. SENATOR AHMAD IBRAHIM LAWAN PH.D, CON
President of the Senate,
National Assembly,
Abuja.*

LETTER OF APPRECIATION

I write to convey my sincere appreciation to Mr. President, Distinguished Senator Ahmad Ibrahim Lawan CON, the Deputy President of the Senate, the Leader of the Senate, all my Distinguished Colleagues and the entire Senate Management for finding time out of your tight schedules to attend the burial of my beloved father CHIEF OGBAOKU ODO (OMEIHEUFU 1 OF NKALAGU) on the 26th and 27th March, 2021.

Distinguished Colleagues, your massive presence was unprecedented. Words are not enough to convey my appreciation for your solid support, condolence messages and show of solidarity in my time of grief. I am deeply honoured.

On behalf of my family and the entire good people of Ebonyi Central Senatorial District, I thank all of you. May the Grace of God Almighty continue to be with you and your families now and forever.

Once again, thank you your Excellency and my Distinguished Colleagues.

As always, please accept the assurances of my esteemed regards.

(Signed)

SEN. OBINNA J. OGBA

Ebonyi Central Senatorial District

(b) Notification:

The President of the Senate read a letter from Senator Ifeanyi P. Ubah (*Anambra South*) as follows:



Senator (Dr.) Patrick Ifeanyi Ubah

Anambra South Senatorial District

Federal Republic of Nigeria

13th April, 2021

The Chairman of the National Assembly

President of the Senate

The Senate

National Assembly Complex

Three Arms Zone

Abuja

Your Excellency,

NOTIFICATION OF INTEREST AND INTENTION TO CONTEST IN THE FORTHCOMING ANAMBRA GUBERNATORIAL ELECTION

With best regards and due recourse to your distinguished office, I write to formally inform you of my intention to vie for the Governorship office of my dear State, Anambra in the gubernatorial election slated for November 6, 2021. This is in view of the election timetable recently released by the Independent National Electoral Commission (INEC).

Having played a progressive role in the Ninth Assembly, the tremendous knowledge and wealth of experience gained so far in public service have further strengthened my confidence in taking this next step which is anchored on the basis of revamping and consolidating Anambra State's credentials as the "Light of the Nation".

In view of the above stated, I am humbly soliciting for your well wishes, prayers and support which will go a long way in making this noble vision a reality.

While counting on your prayers, well wishes and support, please accept the assurances of my distinguished regards.

Yours faithfully,

(Signed)

Senator (Dr.) Ifeanyi Ubah

Anambra South Senatorial District

4. Petitions:

Rising on Order 41, Senator Patrick A. Akinyelure (*Ondo Central*) drew the attention of the Senate to Nine (9) petitions received from the Office of the President of the Senate as follows:

- (i) Comrade Nnamdi A. Onunka, Ph.D of Academic Staff Union of Research Institutions against Mr. Halilu Shaba Ahmad and Hon. Minister of Federal Ministry of Science and Technology over the need to scrutinize the recommendation of Dr. Halilu Shaba Ahmad to the Senate for confirmation as Director General/Chief Executive Officer of the National Space Research and Development Agency (NASRDA);
- (ii) High Chief Sabomabo Jackrich against the Presidential Amnesty Office over the need to intervene on the gross marginalization, sabotage and failure of the Presidential amnesty office to integrate more than four thousand Ex-Militants in the Niger-Delta of the General Egberipapa Camps under the aegis of the Niger Delta Liberation Force;
- (iii) Dr. M.M. Zagi and 5 other Deputy Directors of Department of Petroleum Resources (DPR) against the Hon. Minister of State Petroleum Resources and the Director, Department of Petroleum Resources over the premature retirement of top management staff of the DPR;
- (iv) Ademolekun Samuel Olusola against the Nigeria Immigration Service over unlawful dismissal, maltreatment and breach of Fundamental Human Rights in the Service;
- (v) Pius C. Ofulue and Okoro U. Okoroigwe Esq on behalf of sixteen (16) dismissed Soldiers against the Nigerian Army over unlawful dismissal of the Soldiers attached to 118 Task Force Battalion Cross-Kauwa, Borno State;
- (vi) J. Amity, Esq and two others on behalf of Mr. Kirikareye Archimedes against C. O. Major and J.C Mohammad of the 19 Battalion, Koko, Delta State over unprofessional conduct, extortion, illegal arrest, detention and torture of their client;
- (vii) Rotimi Jacobs against Federal Airports Authority of Nigeria (FAAN) over wrongful acquisition of property of 400 plots;
- (viii) Oyofe Ahmed Suleiman against Ahmad Halilu, Director General of NASRDA over the need to stop his confirmation as Director General of National Space Research and Development Agency (NASRDA); and
- (ix) Ojogba Joseph and two others against the Governor of Ondo State, Chief Rotimi Akeredolu over threat to their lives and gross violation of their Fundamental Human Rights.

He urged the Senate to look into the matters.

Petitions laid and accordingly referred to the Committee on Ethics, Privileges and Public Petitions [Order 41(3)] to report within four (4) weeks.

5. Personal Explanation:

Rising on Order 43, Senator Hezekiah A. Dimka (*Plateau Central*) drew the attention of the Senate to the demise of Senator Sati Davies Gogwin which occurred on Monday, 5th April, 2021 at Rayfield Medical Centre, Jos. He stated that Senator Sati Gogwin was born on 27th July, 1949 and was elected Senator for the Plateau Central Senatorial District in the Sixth Assembly (2007-2011). He urged the Senate to observe a minute silence in honour of the deceased.

One minute silence accordingly observed in honour of the deceased.

6. Personal Explanation:

Rising on Order 43, Senator Istifanus D. Gyang (*Plateau North*) drew the attention of the Senate to the killing of eight (8) persons: five (5) women and three (3) men in a mining field in Kuru, Jos. He condemned the dastardly act and stated that it was part of the repeated/incessant ambush and killing of law abiding citizens in Plateau North Senatorial District. He urged the security agencies to prioritize the security of citizens against terrorism, banditry and killer herdsmen. He therefore urged the Senate to observe a minute silence in honour of the victims.

One minute silence accordingly observed in honour of the deceased.

7. Matter of Urgent Public Importance:

Rising on Orders 42 and 52, Senator Samuel O. Egwu (*Ebonyi North*) drew the attention of the Senate to the Urgent Need for the Federal Government's Intervention to end the serial killing of innocent and defenseless Citizens in Ebonyi State by alleged herdsmen. He sought and obtained the leave of the Senate to present the matter forthwith:

The Senate notes with sadness the general state of insecurity in Nigeria which has now spread to most part of the country, devastating communities and wantonly destroying lives and livelihoods unabated;

concerned that the killings, maiming, kidnapping and wanton destruction of lives and property by herdsmen have now become the daily experience of innocent and defenseless people of Ebonyi State who are murdered in their numbers almost on weekly basis;

aware that on 30th March, 2021, over 18 indigenes of Egedege, Obegu and Amuzu Communities in Ishielu Local Government Area of Ebonyi State, including a Priest, were gruesomely murdered in cold blood by rampaging herdsmen;

alarmed that on Monday the 12th April, 2021, alleged herdsmen/Agila people again invaded Otuebu, Igidi Obu and Ndiagu Ibe-Agba villages in Umuogudu Akpu Community, Ohaukwu LGA of Ebonyi State and gruesomely killed over 12 innocent indigenes, burnt/destroyed over 56 houses and kidnapped 5 persons; and

concerned that if the Federal Government does not intervene urgently, these wicked and senseless killings, kidnapping and destruction of property may continue, thereby subjecting Ebonyi people and other citizens in Ebonyi State to severe hardship and terrific fear.

The Senate accordingly resolves to:

- (i) condemn in the strongest terms the various attacks on communities in Ebonyi State by alleged herdsmen leading to wanton destruction of lives and property;
- (ii) observe a minute silence in honour of the victims of the various attacks by alleged herdsmen against communities in Ebonyi State;
- (iii) urge the Nigerian Police and other relevant security agencies to carry out comprehensive investigation of these dastardly attacks and to promptly arrest and prosecute the perpetrators, as well as rescue kidnap victims that are still held captive;
- (iv) urge the Federal Government and Ebonyi State Government to put appropriate measures in place to forestall further attacks; and
- (v) urge the National Emergency Management Agency (NEMA) to immediately intervene through the provision of relief materials to the families of the victims and displaced persons in the affected communities.

Debate:

Proposed Resolution (i):

Question: That the Senate do condemn in the strongest terms the various attacks on communities in Ebonyi State by alleged herdsmen leading to wanton destruction of lives and property — *Agreed to.*

Proposed Resolution (ii):

Question: That the Senate do observe a minute silence in honour of the victims of the various attacks by alleged herdsmen against communities in Ebonyi State — *Agreed to.*

Proposed Resolution (iii):

Question: That the Senate do urge the Nigerian Police and other relevant security agencies to carry out comprehensive investigation of these dastardly attacks and to promptly arrest and prosecute the perpetrators, as well as rescue kidnap victims that are still held captive — *Agreed to.*

Proposed Resolution (iv):

Question: That the Senate do urge the Federal Government and Ebonyi State Government to put appropriate measures in place to forestall further attacks — *Agreed to*

Proposed Resolution (v):

Question: That the Senate do urge the National Emergency Management Agency (NEMA) to immediately intervene through the provision of relief materials to the families of the victims and displaced persons in the affected communities — *Agreed to.*

Resolved:

That the Senate do:

- (i) condemn in the strongest terms the various attacks on communities in Ebonyi State by alleged herdsmen leading to wanton destruction of lives and property;
- (ii) observe a minute silence in honour of the victims of the various attacks by alleged herdsmen against communities in Ebonyi State;
- (iii) urge the Nigerian Police and other relevant security agencies to carry out comprehensive investigation of these dastardly attacks and to promptly arrest and prosecute the perpetrators, as well as rescue kidnap victims that are still held captive;
- (iv) urge the Federal Government and Ebonyi State Government to put appropriate measures in place to forestall further attacks; and
- (v) urge the National Emergency Management Agency (NEMA) to immediately intervene through the provision of relief materials to the families of the victims and displaced persons in the affected communities (*S/Res/087/02/21*).

One minute silence accordingly observed in-honour of the deceased.

8. Matter of Urgent Public Importance:

Rising on Orders 42 and 52, Senator Abba P. Moro (*Benue South*) drew the attention of the Senate to the urgent need to buffer the corollaries of windstorm disaster on Obu-branch, and Odoba Communities of Ogbadibo Local Government Area, and Olaidu, Okpale-Otah, Ajide, Ojigo Communities of Okpokwu Local Government Area in the Benue South Senatorial District. He sought and obtained the leave of the Senate to present the matter forthwith:

The Senate notes that heavy winds and tornadoes are among the country's most dangerous natural disasters. A natural disaster is a sudden event that causes widespread destruction, major collateral damage or loss of life; brought about by forces other than the acts of human beings;

sadly notes further, that on April 8, 2021, over ten communities in Ogbadibo and Okpokwu Local Government Areas of Benue South Senatorial District were badly hit by a natural disaster, a devastating windstorm which left scores of people injured, hundreds of them homeless and led to a wanton destruction of properties, valuables and several means of livelihood worth millions of naira;

deeply pained that the said windstorm brought down all the blocks of classrooms of the LGEA primary school, Epeilo, the roofs of LGEA primary school Obu 1, three church buildings and all the blocks of classrooms of LGEA primary school Odoba-Ehaje all in Ogbadibo Local Government Area, residential buildings at Ojigo, and Olaidu, some church buildings, four clinics, a police station, masts, electric poles and many residential buildings in Ajide and Okpale-Otah in Okpokwu Local Government Area;

recalls that on May 12, 2020, I drew the attention of the Senate in a motion, in this Hallowed Chamber, over a devastating rain/windstorm disaster that swept through Aifam Community of Ogbadibo Local Government Area wherein one hundred and fifty buildings and other valuables were blown off with the storm, including the roofs of 1000 Capacity St. Michael the Archangel Catholic Church, the Ahor Market and the LGEA Primary School Aifam;

worried that almost one year after the Aifam disaster, the ordeal has repeated itself in a worse and more devastating manner and needs to be addressed to provide succour to the affected communities and persons;

The Senate accordingly resolves to:

- (i) urge the National Emergency Management Agency to, as a matter of urgency, mobilise resources to supply relief and rehabilitation materials to the communities to mitigate the sufferings of those affected by the windstorm;
- (ii) urge relevant Government Agencies to urgently support the rebuilding of all the affected public buildings; and
- (iii) urge relevant Government Agencies to take their presence to Benue South Senatorial District to sensitize the people on measures to be taken to protect themselves and their properties from damages occasioned by this perennial calamity that annually befalls them.

Debate:

Proposed Resolution (i):

Question: That the Senate do urge the National Emergency Management Agency to, as a matter of urgency, mobilise resources to supply relief and rehabilitation materials to the communities to mitigate the sufferings of those affected by the windstorm — *Agreed to.*

Proposed Resolution (ii):

Question: That the Senate do urge relevant Government Agencies to urgently support the rebuilding of all the affected public buildings — *Agreed to.*

Proposed Resolution (iii):

Question: That the Senate do urge relevant Government Agencies to take their presence to Benue South Senatorial District to sensitize the people on measures to be taken to protect themselves and their properties from damages occasioned by this perennial calamity that annually befalls them — *Agreed to.*

Resolved:

That the Senate do:

- (i) urge the National Emergency Management Agency to, as a matter of urgency, mobilise resources to supply relief and rehabilitation materials to the communities to mitigate the sufferings of those affected by the windstorm;
- (ii) urge relevant Government Agencies to urgently support the rebuilding of all the affected public buildings; and
- (iii) urge relevant Government Agencies to take their presence to Benue South Senatorial District to sensitize the people on measures to be taken to protect themselves and their properties from damages occasioned by this perennial calamity that annually befalls them (*S/Res/088/02/21*).

9. Matter of Urgent Public Importance:

Rising on Order 42, Senator Yusuf A. Yusuf (*Taraba Central*) drew the attention of the Senate to the urgent need to provide special Presidential Intervention for the Persons Living with Disabilities in Nigeria. He sought and obtained the leave of the Senate to present the matter.

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

10. Matter of Urgent Public Importance:

Rising on Order 42, Senator Nora L. Daduut (*Plateau South*) drew the attention of the Senate to the fire inferno in Namu Yam Market in Qua'an Pan Local Government Council of Plateau South Senatorial District. She sought and obtained the leave of the Senate to present the matter.

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

11. Presentation of Bills:

- (i) Coins Act Cap C16 LFN 2004 (Amendment) Bill, 2021 (SB. 627) — *Read the First Time.*
- (ii) Public Interest Disclosure and Complaints (Enactment) Bill, 2021 (SB. 644) — *Read the First Time.*
- (iii) Information Communication Technology University (Establishment) Bill, 2021 (SB. 659) — *Read the First Time.*
- (iv) National Burns and Rehabilitation Centre (Establishment) Bill, 2021 (SB. 676) — *Read the First Time.*
- (v) National Youth Commission (Establishment) Bill, 2021 (SB. 686) — *Read the First Time.*

12. Committee on Science and Technology:

Report on the confirmation of the nomination of Mr. Halilu Ahmad Shaba for Appointment as Director-General of the National Space Research and Development Agency:

Motion made: That the Senate do receive and consider the Report of the Committee on Science and Technology on the confirmation of the nomination of Mr. Halilu Ahmad Shaba for appointment as Director-General of the National Space Research and Development Agency (*Senator Uche L. Ekwunife — Anambra Central*).

Question put and agreed to.

Report Laid and Presented.

Motion made: That the Senate do resolve into the Committee of the Whole to consider the Report of the Committee on Science and Technology on the confirmation of the nomination of Mr. Halilu Ahmad Shaba for appointment as Director-General of the National Space Research and Development Agency (*Senate Leader*).

Question put and agreed to.

(SENATE IN THE COMMITTEE OF THE WHOLE)

CONSIDERATION OF THE REPORT OF THE COMMITTEE ON SCIENCE AND TECHNOLOGY ON THE CONFIRMATION OF THE NOMINATION OF MR. HALILU AHMAD SHABA FOR APPOINTMENT AS DIRECTOR-GENERAL OF THE NATIONAL SPACE RESEARCH AND DEVELOPMENT AGENCY

Nominee Recommended:

Mr. Halilu Ahmad Shaba

—

Agreed to

Chairman to report progress.

(SENATE IN PLENARY)

The President of the Senate reported that the Senate in the Committee of the Whole considered the Report of the Committee on Science and Technology on the confirmation of the nomination of Mr. Halilu Ahmad Shaba for appointment as Director-General of the National Space Research and Development Agency and approved the nomination.

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

Confirmation of Nominee:

Question:

“Will the Senate confirm the nomination of Mr. Halilu Ahmad Shaba for appointment as Director-General of the National Space Research and Development Agency?” — *Resolved in the Affirmative.*

Nomination of Mr. Halilu Ahmad Shaba for appointment as Director-General of the National Space Research and Development Agency accordingly confirmed.

13. Committee on Agriculture and Rural Development:

Report on the National Food Reserve Agency (Establishment) Bill, 2021:

Motion made: That the Senate do receive and consider the Report of the Committee on Agriculture and Rural Development on the National Food Reserve Agency (Establishment) Bill, 2021 (*Senator Abdullahi Adamu —Nasarawa West*).

Question put and agreed to.

Report Laid and Presented.

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

Question put and agreed to.

(SENATE IN THE COMMITTEE OF THE WHOLE)

CONSIDERATION OF A BILL FOR AN ACT TO ESTABLISH THE NATIONAL FOOD RESERVE AGENCY AND FOR MATTERS CONNECTED THEREWITH 2021

Clause 1: Establishment of the National Food Reserve Agency.

- (1) There is established a body to be known as National Food Reserve Agency (in this Act referred to as "the Agency").

Amendment Proposed

"Immediately after the word "There" in line 1, leave out the word "is" and insert the words "shall be" instead thereof" (*Senator James E. Manager — Delta South*).

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

- (2) The Agency shall
- (a) be a body corporate with perpetual succession, have a common seal; and
 - (b) capable of suing and being sued in its corporate name (*Senator Abdullahi Adamu — Nasarawa West*).

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

Clause 2: Establishment and Membership of the Governing Board.

- (1) There shall be for the management of the Agency a Governing Board (in this Act referred to as "the Board").
- (2) The Board shall consist of
- (a) a Chairman;
 - (b) one representative each of the following Federal Ministries and Agencies and shall not be below the rank of a Director
 - (i) Agriculture and Rural development
 - (ii) Finance,
 - (iii) Industry, Trade and Investment
 - (iv) Agricultural Research Council of Nigeria,
 - (v) National Agricultural Seeds Council,
 - (c) one representative each from the six geo political zones of the Federation to be appointed in rotation among States of the geo political zone; and
 - (d) the Director General.
- (3) Members, other than ex officio shall be appointed by the President on the recommendation of the Minister.

Amendment Proposed

"Immediately after the word "President" in line 1, leave out the rest of the words" (*Senator Ovie A. Omo-Agege — Delta Central*).

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

- (4) The appointment of a member shall not invalidate any decision by reason of a defect or irregularity in his appointment.

- (5) After consultation with the Minister, the President may vary the composition of the Board.
- (6) The supplementary provisions set out in the schedule to this Bill shall have effect with respect to the proceedings of the Board and other matters contained therein (*Senator Abdullahi Adamu — Nasarawa West*).

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

(DEPUTY PRESIDENT OF THE SENATE IN CHAIR)

Clause 3: Qualifications of Members.

The Chairman and members shall hold the following qualifications

- (a) cognate experience and proven capacity in agricultural policy formulation and implementation;
- (b) Finance and economics as it relates to Agriculture, administration or organization of the Ministry of Agriculture, and Rural Development and;
- (c) persons of proven integrity, ability and vast knowledge and experience in their respective endeavours.

Committee's Recommendation:

That the provision in Clause 3 be retained (*Senator Abdullahi Adamu — Nasarawa West*).

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

Clause 4: Tenure of Office.

Subject to the provisions of section 5 of this Act, a member other than ex officio shall hold office

- (a) for a term of four years and no more; and
- (b) on any other terms and conditions as may be specified in the letter of appointment

Committee's Recommendation:

That the provision in Clause 4 be retained (*Senator Abdullahi Adamu — Nasarawa West*).

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

Clause 5: Cessation of Membership.

- (1) A person shall cease to hold office as a member if
 - (a) he becomes bankrupt, suspend payments or compounds with his creditors;
 - (b) he is guilty of a serious misconduct in relation to his duties; or
 - (c) he is convicted by a court of law of a felony or any offence involving dishonesty or frauds; or
 - (d) he becomes of unsound mind, or incapable of carrying out his duties; or

- (e) in the case of a qualified professional, he is disqualified or suspended, other than at his own request, from practicing his profession in any part of the world by an order of a competent authority made in respect of that matter
 - (f) he resigns his appointment by a letter addressed to the President through the Minister; or
 - (g) he without permission of the Board is absent for more than three consecutive meetings of the Board or without such permission is absent from the country for a period exceeding one year.
- (2) If a member cease to hold office for any reason whatsoever, before the expiration of the term for which he is appointed, another person representing the same interest as that member shall be appointed to the Board for his unexpired term.
- (3) A member may be removed by the President if he is satisfied that it is not in the interest of the Agency or in the interest of the public that the member continues in office.

Committee's Recommendation:

That the provision in Clause 5 be retained (*Senator Abdullahi Adamu — Nasarawa West*).

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

PART II : FUNCTIONS AND POWERS OF THE AGENCY

Clause 6: Functions of the Agency.

The Agency shall:

- (a) implement the overall National Food Reserve Policy to ensure a reliable supply of designated commodities and meet local short falls in the supply of the designated agricultural commodities in the country;
- (b) reduce post harvest losses by construction and management of silos, warehouses and other suitable storage facilities to be installed at such places and ensure the maintenance, availability and functionality of all plants, equipment and ancillary facilities within the country that are, in the opinion of the Minister, strategic and suitable for storage;
- (c) facilitate and provide guidelines for the establishment and maintenance of buffer stock by all states of the federation including the Federal Capital Territory in order to ensure price stabilisation and food security and correct problems relating to the supply of designated commodities;
- (d) meet such other food emergencies caused by drought or flood, or by such other natural disaster, as may be declared by the President;
- (e) promote and ensure compliance to standard and grades of agricultural produce so as to encourage uniformity in quality of produce, in association with the relevant agencies and as provided for in Weight and Measures Act and Standards Act;

- (f) facilitate the establishment of a National Agricultural Market Information system for each designated commodity operated by the agency for the benefit of the consumer and any person engaged in the production;
- (g) promote commercialization of agricultural production system through public private partnership and facilitate the provision of enabling environment for a sustainable commercial agricultural development.

Committee's Recommendation:

That the provision in Clause 6 be retained (*Senator Abdullahi Adamu — Nasarawa West*).

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

Clause 7: Powers of the Board.

- (1) The Board shall have power to:
 - (a) manage and superintend the affairs of the Agency and subject to the provisions of this Act, make, alter and revoke rules and regulations for carrying on the functions of the Agency;
 - (b) fix the terms and conditions for service including remuneration of the employees of the Agency in consultation with relevant Government Agencies;
 - (c) establish such number of committees as it deems necessary for the efficient performance of the Agency; and
 - (d) do such other thing which in the opinion of the Agency are necessary to ensure the efficiency performance of the functions of the Agency.
- (2) Notwithstanding anything to the contrary in this act, the Minister shall exercise all the powers of the Board where:
 - (a) the Board has not been constituted;
 - (b) the Board has been dissolved.
- (3) Any action taken or decision reached in compliance with the provisions of subsection 2 of this section shall be valid.

Committee's Recommendation:

That the provision in Clause 7 be retained (*Senator Abdullahi Adamu — Nasarawa West*).

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

Clause 8: General Directives.

The President may after consultations with the Minister give to the Board such directives of a general nature with respect to the performance of any function of the Agency.

Committee's Recommendation:

That the provision in Clause 8 be retained (*Senator Abdullahi Adamu — Nasarawa West*).

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

PART III : ESTABLISHMENT OF ZONAL OFFICES

Clause 9: Establishment of Zonal Offices.

- (1) There shall be established in each zone as demarcated and delineated by the Minister an office (in this Act referred to as "Zonal Office").
- (2) The Zonal Office shall
 - (a) be headed by a Director who shall be responsible for implementing the agency's programmes in its area of operation;
 - (b) produce quarterly reports which shall be sent to the office of the Director General;
 - (c) be accountable to the Agency for all funds accruing to it for purposes of discharging its functions under this Act; and
 - (d) perform other duties as may be assigned by the Director General.
- (3) the Director may delegate in writing to any employee his powers or functions under this Act, as he may deem appropriate, but the delegation under this section, shall not prevent the exercise by the Director of the power so delegated.

Committee's Recommendation:

That the provision in Clause 9 be retained (*Senator Abdullahi Adamu — Nasarawa West*).

Question that Clause 9 do stand part of the Bill, put and agreed to.

PART IV: APPOINTMENT OF DIRECTOR GENERAL AND OTHER STAFF

Clause 10: Appointment, Qualification and Tenure of Office of the Director General.

- (1) There shall be appointment for the Agency a Director General who shall be responsible for the management of the Agency and its day to day administration.
- (2) The Director General who shall be a person knowledgeable in agriculture and having the requisite cognate experience shall be appointed by the President on the recommendation of the Minister.

Amendment Proposed

"Immediately after the word "President" in line 3, leave out the rest of the words (*Senator Kabiru I. Gaya — Kano South*).

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

- (3) The Director General shall be
 - (a) the Chief Executive and Accounting officer of the Agency; and
 - (b) perform such other functions as the Board may from time to time direct.
- (4) The Director General shall hold office for a term of five years and no more.

- (5) If for any reason the Director General is unable to perform his functions or carry out his duties, or there exist a vacancy in the office of the Director General, the Board may designate an employee of the Agency who is next in rank to the Director General to act as the Director General during the period of this inability or vacancy until a Director General is appointed in accordance with the provisions of this Act and the employee shall while so acting, have all the powers and performs all the functions of the Director General (*Senator Abdullahi Adamu — Nasarawa West*).

Question that Clause 10 as amended do stand part of the Bill, put and agreed to.

Clause 11: Establishment of Departments.

- (1) The Board on the recommendation of the Director General may establish such number of departments for the effective and efficient discharge of the functions of the agency.
- (2) Each department shall be headed by a Director.
- (3) Every department shall be assigned responsibilities from time to time as the Director General may direct.
- (4) The principal officers of the Agency shall be the Director General, heads of departments and zonal secretaries

Committee's Recommendation:

That the provision in Clause 1 be retained (*Senator Abdullahi Adamu — Nasarawa West*).

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

Clause 12: Appointment, Qualification and Functions of the Secretary/Legal Adviser.

- (1) The Board shall appoint for the Agency a Secretary/Legal Adviser who shall be a legal practitioner and shall have been so qualified for a period of not less than ten years.
- (2) The Secretary/Legal Adviser shall
- (a) be Secretary to the Board;
 - (b) be responsible for keeping the books and proper records of proceedings and correspondences of the Board and the upkeep of the records of the Agency;
 - (c) administer and discharge all legal obligations of the Agency;
 - (d) administer and discharge all insurance requirements of the Agency;
 - (e) retain external legal services on behalf of the Council as he may deem necessary or expedient; and
 - (f) perform such other functions as the Board or the Director General as the case may be, may from time to time, assign to him.

Committee's Recommendation:

That the provision in Clause 12 be retained (*Senator Abdullahi Adamu — Nasarawa West*).

Question that Clause 12 do stand part of the Bill, put and agreed to.

Clause 13: Appointment of Other Staff.

The Board may deploy or appoint for the Agency other employees upon such terms and conditions as may be determined by the Board.

Committee's Recommendation:

That the provision in Clause 13 be retained (*Senator Abdullahi Adamu — Nasarawa West*).

Question that Clause 13 do stand part of the Bill, put and agreed to.

Clause 14: Service in the Agency to be Pensionable No. 2, 2004.

Service in the Agency shall be approved service for the purpose of the Pension Reform Act.

Committee's Recommendation:

That the provision in Clause 14 be retained (*Senator Abdullahi Adamu — Nasarawa West*).

Question that Clause 14 do stand part of the Bill, put and agreed to.

PART V : FINANCIAL PROVISION**Clause 15: Fund of the Agency.**

- (1) The Agency shall establish and maintain a fund from which shall be defrayed all expenditure incurred by the Agency.
- (2) There shall be paid and credited to the fund established pursuant to subsection (1) of this section
 - (a) any allocation to the Agency from the Federation Account;
 - (b) such monies as may, from time to time be granted or lent to the Agency by the Federal Government or a State Government or a Local Government Council;
 - (c) such money as may, from time to time, be granted or received from
 - (i) the organized private sector,
 - (ii) international or donor organizations and non governmental organizations,
 - (iii) all monies raised for the purposes of the Agency by way of gift, loan, grant in aid, testamentary disposition or otherwise,
 - (iv) all other assets that may, from time to time accrue, to the Agency.
 - (d) whole or part of the Natural Resource Development Fund as may be approved from time to time by the President.

Committee's Recommendation:

That the provision in Clause 15 be retained (*Senator Abdullahi Adamu — Nasarawa West*).

Question that Clause 15 do stand part of the Bill, put and agreed to.

Clause 16: Expenditure of the Agency.

The Agency shall from time to time, apply the proceeds of the fund established pursuant to section 17 of this Bill

- (a) to the cost of administration of the Agency;
- (b) for reimbursing members of the Board or any committee set up by the Board for such expense as may be authorized by the Board in accordance with the rates approved by the Federal Government;
- (c) for the payment of salaries, fees or other remuneration or allowances, pension and other retirement benefits, payable to the employees of the Agency;
- (d) for the maintenance of any property acquired or vested in the Agency; and
- (e) for and in connection with all or any of the functions of the Agency under this Act.

Committee's Recommendation:

That the provision in Clause 16 be retained (*Senator Abdullahi Adamu — Nasarawa West*).

Question that Clause 16 do stand part of the Bill, put and agreed to.

Clause 17: Annual estimate and expenditure.

- (1) The Board shall, not later than 30th September each year submit to the Minister an estimate of the expenditure and income of the Agency during the next proceeding year.
- (2) The Agency shall keep proper account in respect of each financial year and shall cause the accounts to be audited not later than 6 months after the end of each financial year by auditors appointed from the list and in accordance with the guidelines supplied by the Auditor General of the Federation

Committee's Recommendation:

That the provision in Clause 17 be retained (*Senator Abdullahi Adamu — Nasarawa West*).

Question that Clause 17 do stand part of the Bill, put and agreed to.

Clause 18: Annual Report.

The Agency shall submit to the Minister not later than 30th June each year, a report, in such form as the Minister may direct on the activities of the Agency during the immediate proceeding year, and shall include in the report a copy of the audited accounts of the Agency for that financial year and the auditor's report thereon.

Committee's Recommendation:

That the provision in Clause 18 be retained (*Senator Abdullahi Adamu — Nasarawa West*).

Question that Clause 18 do stand part of the Bill, put and agreed to.

Clause 19: Power to Borrow.

The Agency may with the consent of the Minister, borrow on such terms and conditions as the Agency may determine, such money required for the carrying out its functions.

Committee's Recommendation:

That the provision in Clause 19 be retained (*Senator Abdullahi Adamu — Nasarawa West*).

Question that Clause 19 do stand part of the Bill, put and agreed to.

Clause 20: Gift to the Agency.

(1) The Agency may accept any gift, grant or donation from any person upon such terms and conditions specified by the person making the gift, grant or donation.

(2) The Agency shall not accept any gift, grant under subsection (1) of this section if the conditions attached thereto are inconsistent with the functions of the Agency under this Act.

Committee's Recommendation:

That the provision in Clause 20 be retained (*Senator Abdullahi Adamu — Nasarawa West*).

Question that Clause 20 do stand part of the Bill, put and agreed to.

Clause 21: Guarantee Reserve Fund.

(1) The Agency shall establish a Guarantee Reserve Fund into which shall be paid, from time to time such sum as will maintain the credit balance of such Fund at an amount not less than one quarter of the total of the money which the Agency is liable for the time being to be called upon to pay under guarantee given by the Minister.

(2) Subject to the provision of section (3), the money in the Guarantee Reserve Fund shall be applied solely to meet the obligations incurred by the Agency under any guarantee.

(3) Nothing in subsection (2) shall prevent the Agency transferring from the Guarantee Reserve Fund to any of its accounts the sum by which the credit from time to time maintained under subsection (1).

Committee's Recommendation:

That the provision in Clause 21 be retained (*Senator Abdullahi Adamu — Nasarawa West*).

Question that Clause 21 do stand part of the Bill, put and agreed to.

Clause 22: General Reserve Fund.

(1) In addition to the Guarantee Reserve Fund, the Agency shall establish and maintain a General Reserve Fund and shall, subject to any directions given by the Minister under subsection (3), pay into such Fund any net profit earned by the Agency.

(2) The Guarantee Reserve Fund shall be applied to indemnify any loss or deficiency which may occur in any transaction of the Agency, other than that those for which the Guarantees Reserve Fund is available.

- (3) The Minister with the concurrence of the Auditor General of the Federation, may give direction to the Agency as to the balance to be maintained in the General Reserve Fund and where such directions are given, the Agency shall not be required to pay any of its net profits into the fund whereby the balance thereof would exceed the amount directed by the Minister with the concurrence of the Auditor General.

Committee's Recommendation:

That the provision in Clause 22 be retained (*Senator Abdullahi Adamu — Nasarawa West*).

Question that Clause 22 do stand part of the Bill, put and agreed to.

Clause 23: Power to Invest.

Money of the Agency not immediately required for the purposes of the Agency may in consultation with the Accountant General of the Federation be invested.

Committee's Recommendation:

That the provision in Clause 23 be retained (*Senator Abdullahi Adamu — Nasarawa West*).

Question that Clause 23 do stand part of the Bill, put and agreed to.

Clause 24: Execution of Documents.

All deeds, instruments contract and other documents shall be duly executed by or on behalf of the Agency if

- (a) appended with the seal of the Agency and signed by two members of the Board thereof;
- (b) executed in that behalf by one member of the Board and a member of the Agency both of whom have been appointed by the Board for the purpose.

Committee's Recommendation:

That the provision in Clause 24 be retained (*Senator Abdullahi Adamu — Nasarawa West*).

Question that Clause 24 do stand part of the Bill, put and agreed to.

Clause 25: Purchase of Food Items.

The Agency shall purchase food items either through open bidding, commodity exchange or contract growers, however where the Government so desires, the Agency shall purchase food items through guaranteed minimum price scheme.

Committee's Recommendation:

That the provision in Clause 25 be retained (*Senator Abdullahi Adamu — Nasarawa West*).

Question that Clause 25 do stand part of the Bill, put and agreed to.

Clause 26: Release of Food Stock.

- (1) The Agency shall release food stock under commercial purpose or Government intervention.
- (2) Release under commercial purposes shall be conducted through an open competitive bidding process and or Abuja Securities and Commodity Exchange.

- (3) Release under Government intervention shall be at the price determined by the Government; however, the Government shall reimburse the Agency at a price not less than the cost of stocking.

Committee's Recommendation:

That the provision in Clause 26 be retained (*Senator Abdullahi Adamu — Nasarawa West*).

Question that Clause 26 do stand part of the Bill, put and agreed to.

Clause 27: Penalties.

- (1) Any person who knowingly misrepresents the grade of designated commodity contrary to established standards shall be guilty of an offence and shall be liable upon conviction to a fine of not less than ₦100,000 as well as the forfeiture of the commodity.
- (2) Any person who fails to pay the fine imposed under subsection (1) of this section within two weeks shall in addition to that penalty be prohibited from participating in the marketing or processing of any designated commodity for a period not exceeding three years.

Committee's Recommendation:

That the provision in Clause 27 be retained (*Senator Abdullahi Adamu — Nasarawa West*).

Question that Clause 27 do stand part of the Bill, put and agreed to.

Clause 28. Time within which to sue.

- (1) No suit shall lie or be instituted in any court against the Agency or any member of the staff of the Agency:
 - (a) for any act done in pursuance or execution of any enactment or law or of any public duties of the Agency, or
 - (b) in respect of alleged neglect or default in the execution of any enactment or law, duties or authority, unless it is commenced within three months next after the act, neglect or default complained of and in the case of a continuance of damage or injury, within twelve months next after cessation.
- (2) Without prejudice to the Constitution:
 - (a) no suit shall be commenced against the Agency before expiration of a period of one month after written notice of intention to commence the suit shall have been served upon the Agency by the intending plaintiff or his Agent;
 - (b) the notice shall clearly and explicitly state the cause of action, the particulars of the claim, the name and place of abode of the intending plaintiff and the relief which he claims.

Committee's Recommendation:

Leave out the provision in Clause 28 (*Senator Abdullahi Adamu — Nasarawa West*). — *Agreed to.*

Clause 29: Service Document.

The notice referred to in section 28(2) of this Act and any summons, notice or other documents required or authorized to be served upon the Agency shall be served by delivering same to the Director General of the Agency, or sending it by registered post addressed to the Director General at the headquarters of the Agency.

Committee's Recommendation:

That the provision in Clause 29 be retained (*Senator Abdullahi Adamu — Nasarawa West*).

Question that Clause 29 do stand part of the Bill, put and agreed to.

Clause 30: Power to Prosecute.

The Agency may, with the consent of the Attorney General of the Federation institute legal proceedings against any person that contravenes the provision of this Act.

Committee's Recommendation:

That the provision in Clause 30 be retained (*Senator Abdullahi Adamu — Nasarawa West*).

Question that Clause 30 do stand part of the Bill, put and agreed to.

Clause 31: Declaration of National Food Emergency.

- (1) The President may declare a National Food Emergency if in his opinion, there is a major short fall in the domestic production or availability of designated food items.
- (2) Whenever the President declares a National Food Emergency under subsection (1), the powers of the Board under this Act shall vest in the Minister.
- (3) The Minister shall exercise the powers of the Board, during the existence of the National Food Emergency and for not more than thirty days after the end of emergency as declared by the President.
- (4) When the Minister exercises the power referred to in subsection (2) of this Act the Board shall act as Advisory Committee to the Minister.

Committee's Recommendation:

That the provision in Clause 31 be retained (*Senator Abdullahi Adamu — Nasarawa West*).

Question that Clause 31 do stand part of the Bill, put and agreed to.

Clause 32: Power to make regulations.

The Minister with the approval of the President may make regulation generally for the purpose of giving full effect to this act".

Committee's Recommendation:

That the provision in Clause 32 be retained (*Senator Abdullahi Adamu — Nasarawa West*).

Question that Clause 32 do stand part of the Bill, put and agreed to.

Clause 33: Interpretation.

In this Act, unless the context otherwise requires:

"Agency" means the Agency established by section 1 of this Act;

"Board" means the governing Board of the Agency;

"Chairman" means the chairman of the Board;

"Constitution" means Constitution of the Federal Republic of Nigeria, 1999;

"Director- General" means the Director-General appointed for the Agency under paragraph (e) subsection (2) of section 2 of this Act;

"Function" includes powers and duties;

"Minister" means the minister charged with responsibility for matters relating to Agriculture and Water Resources.

"Member of the Board" includes the chairman;

"President" means President of the Federal Republic of Nigeria.

Committee's Recommendation:

That the provision in Clause 33 be retained (*Senator Abdullahi Adamu — Nasarawa West*).

Question that Clause 33 do stand part of the Bill, put and agreed to.

Clause 34: Short Title.

This Bill may be cited as the National Food Reserve Agency (Establishment, etc.) Bill, 2021.

Committee's Recommendation:

That the provision in Clause 34 be retained (*Senator Abdullahi Adamu — Nasarawa West*).

Question that Clause 34 do stand part of the Bill, put and agreed to.

SCHEDULE

Section 2(6)

Proceeding of the Board

1. (1) Subject to this Bill and section 27 of the Interpretation Act, the Board may make standing regulation on its proceedings or those of any its committees.
- (2) At any meeting of the Board
 - (a) six members shall form a quorum, but in determining whether a quorum has been constituted the presence of any person invited to offer opinion or tender documents shall not be considered;
 - (b) the Chairman of the Board or in his absence, the member elected by the members present to act as Chairman, shall preside;
 - (c) all questions shall be decided by a majority of votes of members present and voting but any person invited to attend any meeting of the board by virtue of paragraph (c) subsection (1) of section 24 of this Bill shall not be entitled to vote in such meeting; and
 - (d) the Chairman of the Board or other member presiding has a deliberative vote and, in the event of equality of votes, also has a casting vote.
- (3) The Board may, if it thinks fit, transact any of the business by the circulation of papers, and resolution in writing approved in writing by a majority of the members thereof shall be as valid and effectual as if it had been passed at a meeting of the Board by the votes of the members so approving the resolution.

- (4) Where the Board desires to obtain the advice of any person on a particular matter, the Board may co opt him to the Board for such a period as it deems fit, but a person who is in attendance by this subparagraph shall not be entitled to vote at any meeting of the Board and shall not count in determining quorum.

Committees

2. (1) The Board may appoint one or more committee to carry out on behalf of the Board, such functions as the Board may determine.
- (2) A committee constituted under this paragraph shall consist of such number of persons as may be determined by the Board and a person shall hold office on the committee in accordance with the terms of his appointment.
- (3) A decision of the committee of the Board shall be of no effect until it is confirmed by the Board.

Conflict of Interest

3. (1) If any member of the Board has any beneficial interest in any land or building situate in an area comprised in any project of the Agency, or has any beneficial interest in any company or undertaking with which the Agency proposes to make any contract, or has an interest in any such contract, he shall forthwith disclose to the Board the fact and the nature of such interest, and such disclosure shall be recorded in the minutes of the Board, and thereafter such member shall take no further part in any deliberation or decision of the Board relating to such project or contract.
- (2) Any member disclosing any interest in any project or company or undertaking in which the Agency proposes to make any contract shall be disregarded for the purposes of constituting a quorum of the Board for any such deliberation or decision.
- (3) For the purposes of subsection (1) of this section a general notice given at a meeting of the Board by a member to the effect that he is a member of a specified company or firm and is to be regarded as interested in any transaction or project of the Agency concerning the company or firm, shall be regarded as a sufficient disclosure of his interest in relation to that transaction or project.
- (4) A member of the Board need not attend in person at a meeting of the Board in order to make any disclosure which he is required to make under this section if he takes reasonable steps to secure that the disclosure is made by notice which is brought up and read at the meeting.

Chairman to report Bill.

(SENATE IN PLENARY)

The President of the Senate reported that the Senate in the Committee of the Whole considered Report of the Committee on Agriculture and Rural Development on the National Food Reserve Agency (Establishment) Bill, 2021 and approved as follows:

Clauses 1-2	—	As Amended
Clauses 3-9	—	As Recommended
Clause 10	—	As Amended
Clauses 11-34	—	As Recommended

Schedule — As Recommended

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

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

Question put and agreed to.

Bill accordingly Read the Third Time and Passed.

14. Psychiatric Hospital Management Act No. 92 1979 (Amendment) Bill, 2021 (SB. 376):

Consideration of Bill deferred to another Legislative Day.

15. Nursing and Midwifery (Registration Etc.) Act (Amendment) Bill, 2021 (SB. 304):

Consideration of Bill deferred to another Legislative Day.

16. Critical Infrastructure Protection (Establishment) Bill, 2021 (SB: 610):

Consideration of Bill deferred to another Legislative Day.

17. Integrated Data Management Commission (Establishment) Bill, 2021 (SB. 102):

Consideration of Bill deferred to another Legislative Day.

18. National Livestock (Protection, Control and Management etc) Bureau (Establishment) Bill, 2021 (SB.471):

Consideration of Bill deferred to another Legislative Day.

19. Motion:

Urgent need to save the people of Queenstown in Opo, Rivers State, from imminent extinction induced by vanishing shorelines and raging flood erosion:

Consideration of Motion deferred to another Legislative Day.

20. Adjournment:

Motion made: That the Senate do now adjourn till Tuesday, 20th April, 2021 at 10:00 a.m. (*Senate Leader*).

Adjourned accordingly at 12:56 p.m.

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

