

this title to enforce the provisions of this chapter; and any such officer, school director, committee, superintendent, or teacher who shall refuse or neglect to comply with the requirements of this chapter, or shall neglect or fail to make proper provisions for the instruction required and in the manner specified by section 111 of this title, for all pupils in each and every school under his jurisdiction, shall be removed from office, and the vacancy filled as in other cases.

(May 20, 1886, ch. 362, § 2, 24 Stat. 69.)

**§ 113. Teachers' certificates dependent on passing examination on effect of alcoholic drinks and narcotics**

No certificate shall be granted to any person to teach in the public schools of the District of Columbia or Territories who has not passed a satisfactory examination in physiology and hygiene, with special reference to the nature and the effects of alcoholic drinks and other narcotics upon the human system.

(May 20, 1886, ch. 362, § 3, 24 Stat. 69.)

**CHAPTER 8—HOWARD UNIVERSITY**

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**SUBCHAPTER I—GENERAL PROVISIONS**

**§ 121. Annual report of president and directors**

The president and directors of Howard University shall report to the Secretary of Education the condition of the institution on the 1st of July of each year, embracing therein the number of pupils received and discharged or leaving the same for any cause during the preceding year, and the number remaining; also, the branches of knowledge and industry taught and the progress made therein together with a statement showing the receipts of the institution and from what sources, and its disbursements, and for what objects.

(July 1, 1898, ch. 546, § 1, 30 Stat. 624; 1940 Reorg. Plan No. IV, § 11(c), eff. June 30, 1940, 5 F.R. 2422,

54 Stat. 1237; 1953 Reorg. Plan No. 1, §§ 5, 8, eff. Apr. 11, 1953, 18 F.R. 2053, 67 Stat. 631; Pub. L. 96-88, title III, § 301(a)(2)(M), title V, § 507, Oct. 17, 1979, 93 Stat. 678, 692.)

**TRANSFER OF FUNCTIONS**

“Secretary of Education” substituted in text for “Secretary of Health, Education, and Welfare” pursuant to sections 301(a)(2)(M) and 507 of Pub. L. 96-88, which are classified to sections 3441(a)(2)(M) and 3507 of this title and which transferred all functions of Secretary of Health, Education, and Welfare under this subchapter to Secretary of Education.

Functions of Federal Security Administrator transferred to Secretary of Health, Education, and Welfare and all agencies of Federal Security Agency transferred to Department of Health, Education, and Welfare by section 5 of Reorg. Plan No. 1 of 1953, set out in the Appendix to Title 5, Government Organization and Employees. Federal Security Agency and office of Administrator abolished by section 8 of Reorg. Plan No. 1 of 1953.

Functions of Department of the Interior relating to administration of Howard University transferred to Federal Security Agency to be administered under direction and supervision of Federal Security Administrator, and annual report required to be furnished to Secretary of the Interior by President and directors of said University was directed to be furnished to Federal Security Administrator, by Reorg. Plan No. IV of 1940, set out in the Appendix to Title 5.

**SIMILAR PROVISIONS**

A similar requirement of a report of the expenditures of the University accompanied the appropriation for the same purposes in the following prior acts:

- Mar. 3, 1893, ch. 208, 27 Stat. 595.
- Aug. 5, 1892, ch. 380, 27 Stat. 372.
- Mar. 3, 1891, ch. 542, 26 Stat. 973.

**§ 122. Limitation on use of appropriations**

No part of the appropriations made by Congress for the Howard University shall be used, directly or indirectly, for the support of the theological department of said university, nor for the support of any sectarian, denominational, or religious instruction therein; and no part thereof shall be paid to said university until it shall accord to the Secretary of Education, or to his designated agent or agents, authority to visit and inspect such university and to control and supervise the expenditure therein of all moneys paid under said appropriations.

(Mar. 3, 1899, ch. 424, 30 Stat. 1101; 1940 Reorg. Plan No. IV, § 11(c), eff. June 30, 1940, 5 F.R. 2422, 54 Stat. 1237; 1953 Reorg. Plan No. 1, §§ 5, 8, eff. Apr. 11, 1953, 18 F.R. 2053, 67 Stat. 631; Pub. L. 96-88, title III, § 301(a)(2)(M), title V, § 507, Oct. 17, 1979, 93 Stat. 678, 692.)

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Functions of Federal Security Administrator transferred to Secretary of Health, Education, and Welfare and all agencies of Federal Security Agency transferred to Department of Health, Education, and Welfare by section 5 of Reorg. Plan No. 1 of 1953, set out in the Appendix to Title 5, Government Organization and Employees. Federal Security Agency and office of Admin-

istrator abolished by section 8 of Reorg. Plan No. 1 of 1953.

Functions of Department of the Interior relating to administration of Howard University transferred to Federal Security Agency to be administered under direction and supervision of Federal Security Administrator by Reorg. Plan No. IV of 1940, set out as a note in the Appendix to Title 5.

#### PRIOR PROVISIONS

Similar prior provisions were contained in act July 1, 1898, ch. 546, 30 Stat. 624.

### § 123. Annual appropriations; inspection by Secretary of Education

Annual appropriations are authorized to aid in the construction, development, improvement, endowment, and maintenance of the university, no part of which shall be used for religious instruction. The university shall at all times be open to inspection by the Secretary of Education and shall be inspected by the said Secretary at least once each year.

(Mar. 2, 1867, ch. 162, § 8, 14 Stat. 439; Dec. 13, 1928, ch. 26, 45 Stat. 1021; 1940 Reorg. Plan No. IV, § 11(c), eff. June 30, 1940, 5 F.R. 2422, 54 Stat. 1237; Aug. 7, 1946, ch. 770, § 1(60), 60 Stat. 871; Pub. L. 96-88, title III, § 301(a)(2)(M), title V, § 507, Oct. 17, 1979, 93 Stat. 678, 692; Pub. L. 98-480, title II, § 208, Oct. 17, 1984, 98 Stat. 2247.)

#### AMENDMENTS

1984—Pub. L. 98-480 inserted “endowment,” after “improvement.”

1946—Act Aug. 7, 1946, repealed third sentence which required that an annual report of the affairs of the university be presented to Congress in the report of Office of Education.

1928—Act Dec. 13, 1928, authorized annual appropriations for the university, prohibited use of funds for religious instruction, made the university subject to inspection at least once a year by the Bureau of Education, and substituted provision that the annual report of the university's affairs be presented to Congress by the Bureau for provision that the Board of Trustees publish such an annual report.

#### EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-480 effective Oct. 1, 1984, see section 209 of Pub. L. 98-480, set out as an Effective Date note under section 130aa of this title.

#### TRANSFER OF FUNCTIONS

“Secretary of Education” substituted in text for “Secretary of Health, Education, and Welfare” pursuant to sections 301(a)(2)(M) and 507 of Pub. L. 96-88 which are classified to sections 3441(a)(2)(M) and 3507 of this title and which transferred all functions of Secretary of Health, Education, and Welfare under this subchapter to Secretary of Education.

Functions of Federal Security Administrator transferred to Secretary of Health, Education, and Welfare and all agencies of Federal Security Agency transferred to Department of Health, Education, and Welfare by section 5 of Reorg. Plan No. 1 of 1953, eff. Apr. 11, 1953, 18 F.R. 2053, 67 Stat. 631, set out in the Appendix to Title 5, Government Organization and Employees. Federal Security Agency and office of Administrator abolished by section 8 of Reorg. Plan No. 1 of 1953.

Office of Education transferred to Federal Security Agency by Reorg. Plan No. I of 1939, §§ 201, 204, eff. July 1, 1939, set out in the Appendix to Title 5.

Office of Education created and placed in Department of the Interior by the act of July 20, 1868, ch. 176, 15 Stat. 106, which abolished the Department of Education. In the appropriation act of July 12, 1870, ch. 251,

16 Stat. 242, the Office was designated the Bureau of Education. This designation was retained until the act of May 14, 1930, ch. 273, 46 Stat. 281, 319, which made appropriations for the “Office of Education.”

#### REPORTS CONTINUED

Office of Education was directed to continue its inspections of Howard University in accordance with provisions of existing law, by Reorg. Plan No. IV of 1940, set out in the Appendix to Title 5, Government Organization and Employees.

### § 124. Transfer of Freedmen's Hospital to Howard University

#### (a) Purpose; authorization; agreement

For the purpose of assisting in the provision of teaching hospital resources for Howard University, thereby assisting the university in the training of medical and allied personnel and in providing hospital services for the community, the Secretary of Health, Education, and Welfare shall, pursuant to agreement with the board of trustees of Howard University, transfer to Howard University, without reimbursement, all right, title, and interest of the United States in certain lands in the District of Columbia, together with the buildings and improvements thereon and the personal property used in connection therewith (as determined by the Secretary), commonly known as Freedmen's Hospital.

#### (b) Congressional intent

It is the intent of Congress (1) that the transfer of Freedmen's Hospital to Howard University be effected as soon as practicable, (2) to assure the well-being of patients at Freedmen's Hospital during the period of transition, and (3) that the transfer be effected with minimum dislocation of the present hospital staff and maximum consideration of their interests as employees.

#### (c) Report to Congress

The Secretary of Health, Education, and Welfare shall report to the Congress the terms of the agreement for such transfer.

(Pub. L. 87-262, § 1, Sept. 21, 1961, 75 Stat. 542.)

#### TRANSFER OF FUNCTIONS

Functions of Secretary of Health, Education, and Welfare under laws relating to relationship between Howard University and Department of Health, Education, and Welfare transferred to Secretary of Education by section 3441(a)(2)(M) of this title.

#### REPEAL OF LAWS APPLICABLE TO FREEDMEN'S HOSPITAL

Pub. L. 87-262, § 7, Sept. 21, 1961, 75 Stat. 544, provided that: “All laws heretofore applicable specifically to Freedmen's Hospital are, to the extent of such applicability, repealed, effective with the transfer of Freedmen's Hospital pursuant to section 1 [this section].”

#### TRANSFER OF FUNDS

Pub. L. 87-262, § 8, Sept. 21, 1961, 75 Stat. 544, provided that: “All unexpended balances of appropriations, allocations, and other funds, available or to be made available, of Freedmen's Hospital are, effective with the transfer of Freedmen's Hospital pursuant to section 1 [this section], transferred to Howard University for use in the operation of the Howard University Hospital facilities, except to the extent (determined by the Director of the Bureau of the Budget [Director of the Office of Management and Budget]) required to meet obliga-