

Stat. 647; Pub. L. 101-301, § 12(c), May 24, 1990, 104 Stat. 211; Pub. L. 106-462, title I, § 106(b)(1), Nov. 7, 2000, 114 Stat. 2007.)

## REFERENCES IN TEXT

The Indian Land Consolidation Act, referred to in text, is title II of Pub. L. 97-459, Jan. 12, 1983, 96 Stat. 2517, which is classified generally to chapter 24 (§ 2201 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2201 of this title and Tables.

This Act, referred to in text, is act June 25, 1910, ch. 431, 36 Stat. 855, which enacted sections 47, 93, 151, 202, 337, 344a, 351, 352, 353, 372, 403, 406, 407, and 408 of this title, section 6a-1 of former Title 41, Public Contracts, and section 148 of Title 43, Public Lands, and amended sections 191, 312, 331, 333, and 336 of this title and sections 104 and 107 of former Title 18, Criminal Code and Criminal Procedure. Sections 104 and 107 of former Title 18 were repealed and restated as sections 1853 and 1856 of Title 18, Crimes and Criminal Procedure, by act June 25, 1948, ch. 645, 62 Stat. 683. Section 6a-1 of former Title 41 was repealed and restated as section 6102(e) of Title 41, Public Contracts, by Pub. L. 111-350, §§ 3, 7(b), Jan. 4, 2011, 124 Stat. 3677, 3855. For complete classification of this Act to the Code, see Tables.

## AMENDMENTS

2000—Pub. L. 106-462 substituted “under the Indian Land Consolidation Act or a tribal probate code approved under such Act and pursuant to such rules” for “under such rules” in first sentence.

1990—Pub. L. 101-301 substituted “his decisions shall be subject to judicial review to the same extent as determinations rendered under section 373 of this title” for “his decision thereon shall be final and conclusive”.

1934—Act Apr. 30, 1934, substituted “, all payments made, together with all interest paid on such deferred installments, shall be so forfeited” for “a further amount, not exceeding 15 per centum of the purchase price together with all interest paid on such deferred installments may be so forfeited”, inserted “allottee or his” in sentence beginning “All forfeitures shall inure” and struck out “hereafter” from last proviso.

1928—Act Mar. 3, 1928, inserted in introductory text “or may hereafter be made,” after “has been made,” “together with all interest paid on such deferred installments” after “purchase price”, “or may hereafter be” after “restrictions on alienation has been”, and “hereafter” in last proviso, and substituted “by this or any other Act” for “by any Act”.

**§ 372-1. Repealed. Pub. L. 101-301, § 12(a), May 24, 1990, 104 Stat. 211**

Section, Pub. L. 90-28, title I, June 24, 1967, 81 Stat. 69, provided that, on and after June 24, 1967, hearing officers appointed for Indian probate work did not have to be appointed pursuant to the Administrative Procedure Act, as amended. Similar provisions were contained in the following prior appropriation acts:

May 31, 1966, Pub. L. 89-435, title I, 80 Stat. 181.  
 June 28, 1965, Pub. L. 89-52, title I, 79 Stat. 185.  
 July 7, 1964, Pub. L. 88-356, title I, 78 Stat. 284.  
 July 26, 1963, Pub. L. 88-79, title I, 77 Stat. 107.  
 Aug. 9, 1962, Pub. L. 87-578, title I, 76 Stat. 345.  
 Aug. 3, 1961, Pub. L. 87-122, title I, 75 Stat. 256.  
 May 13, 1960, Pub. L. 86-455, title I, 74 Stat. 104.  
 June 23, 1959, Pub. L. 86-60, title I, 73 Stat. 92.  
 June 4, 1958, Pub. L. 85-439, title I, 72 Stat. 155.  
 July 1, 1957, Pub. L. 85-77, title I, 71 Stat. 257.  
 June 13, 1956, ch. 380, title I, 70 Stat. 257.  
 June 16, 1955, ch. 147, title I, 69 Stat. 141.  
 Aug. 26, 1954, ch. 935, Ch. VII, 68 Stat. 813.

## SAVINGS PROVISION

Pub. L. 101-301, § 12(b), May 24, 1990, 104 Stat. 211, provided that: “Hearing officers heretofore appointed to preside over Indian probate proceedings pursuant to the

proviso repealed by subsection (a) [25 U.S.C. 372-1], having met the qualifications required for appointment pursuant to section 3105 of title 5, United States Code, shall be deemed to have been appointed pursuant to that section.”

**§ 372-2. Indian probate judges**

Notwithstanding any other provision of law, for fiscal year 2006 and each fiscal year thereafter, for the purpose of adjudicating Indian probate cases in the Department of the Interior, the hearing requirements of chapter 10 of this title are deemed satisfied by a proceeding conducted by an Indian probate judge, appointed by the Secretary without regard to the provisions of title 5 governing the appointments in the competitive service, for such period of time as the Secretary determines necessary: *Provided*, That the basic pay of an Indian probate judge so appointed may be fixed by the Secretary without regard to the provisions of chapter 51, and subchapter III of chapter 53 of title 5, governing the classification and pay of General Schedule employees, except that no such Indian probate judge may be paid at a level which exceeds the maximum rate payable for the highest grade of the General Schedule, including locality pay.

(Pub. L. 109-54, title I, § 108, Aug. 2, 2005, 119 Stat. 522; Pub. L. 112-74, div. E, title I, § 111, Dec. 23, 2011, 125 Stat. 1009.)

## AMENDMENTS

2011—Pub. L. 112-74 substituted “for fiscal year 2006 and each fiscal year thereafter, for the purpose of adjudicating” for “in fiscal years 2006 through 2010, for the purpose of reducing the backlog of”.

**§ 372a. Heirs by adoption**

In probate matters under the exclusive jurisdiction of the Secretary of the Interior, no person shall be recognized as an heir of a deceased Indian by virtue of an adoption—

(1) Unless such adoption shall have been—

(a) by a judgment or decree of a State court;

(b) by a judgment or decree of an Indian court;

(c) by a written adoption approved by the superintendent of the agency having jurisdiction over the tribe of which either the adopted child or the adoptive parent is a member, and duly recorded in a book kept by the superintendent for that purpose; or

(d) by an adoption in accordance with a procedure established by the tribal authority, recognized by the Department of the Interior, of the tribe either of the adopted child or the adoptive parent, and duly recorded in a book kept by the tribe for that purpose; or

(2) Unless such adoption shall have been recognized by the Department of the Interior prior to the effective date of this section or in the distribution of the estate of an Indian who has died prior to that date: *Provided*, That an adoption by Indian custom made prior to the effective date of this section may be made valid by recordation with the superintendent if both the adopted child and the adoptive parent are still living, if the adoptive parent re-