

CORPORATE CHARTER  
OF THE  
THREE AFFILIATED TRIBES  
OF THE  
FORT BERTHOLD RESERVATION

A FEDERAL CORPORATION CHARTERED  
UNDER THE ACT OF JUNE 18, 1934

Whereas, the Three Affiliated Tribes of the Fort Berthold Reservation in North Dakota are a recognized Indian tribe organized under a Constitution and By-laws ratified by the Tribe on May 15, 1936, and approved by the Secretary of the Interior on June 29, 1936, pursuant to section 16 of the Act of June 18, 1934, (48 Stat. 984), as amended by the Act of June 15, 1935 (49 Stat. 378); and

Whereas, more than one-third of the adult members of the Tribe have petitioned that a charter of incorporation be granted to such Tribe, subject to ratification by a vote of the adult Indians living on the Reservation;

Now, therefore, I, Harold L. Ickes, Secretary of the Interior, by virtue of the authority conferred upon me by the said Act of June 18, 1934, (48 Stat. 984), do hereby issue and submit this Charter of Incorporation to the Three Affiliated Tribes of the Fort Berthold Reservation to be effective from and after such time as it may be ratified by a majority vote in an election at which at least 30 percent of the adult Indians living on the Reservation shall vote.

Corporate  
Existence  
and  
Purposes.

1. In order to further the economic development of the Three Affiliated Tribes of the Fort Berthold Reservation in North Dakota by conferring upon the said Tribe certain corporate rights, powers, privileges and immunities; to secure for the members of the Tribe an assured economic independence; and to provide for the proper exercise by the Tribe of various functions heretofore performed by the Department of the Interior, the afore-said Tribe is hereby chartered as a body politic and corporate of the United States of America, under the corporate name of "The Three Affiliated Tribes of the Fort Berthold Reservation".

Perpetual  
Succession.

2. The Three Affiliated Tribes of the Fort Berthold Reservation shall, as a Federal Corporation, have perpetual succession.

Member-  
ship.

3. The Three Affiliated Tribes shall be a membership corporation. Its members shall consist of all persons now or hereafter members of the Tribe, as provided by its duly ratified and approved Constitution and By-laws.

Manage-  
ment.

4. The Tribal Business Council of the Three Affiliated Tribes established in accordance with the said Constitution and By-laws of the Tribe, shall exercise all the corporate powers hereinafter enumerated.

Corporate  
Powers.

5. The Tribe, subject to any restrictions contained in the Constitution and laws of the United States, or in the Constitution and By-laws of the said Tribe, shall have the following corporate powers in addition to all powers already conferred or guaranteed by the tribal Constitution and By-laws:

- (a) To adopt, use, and alter at its pleasure a corporate seal.

(Section 5(b) changed in its entirety by Amendment No. I, ratified November 27, 1961)

- (b) To purchase, take by gift, bequest or otherwise, own, hold, manage, operate and dispose of property of every description, real and personal, subject to the following limitations:

- (1) No sale or mortgage may be made by the corporation of any land, interest in land, including water rights, oil, gas, and other mineral rights now or hereafter held by the tribal corporation, unless specifically authorized by law and then only with the consent and approval of the Secretary of the Interior.

NOTE:

(2) No authority is hereby granted to sell, mortgage or lease for a period exceeding that authorized by law any land within the reservation and all leases, permits or other contracts relating to lands within the reservation must be approved by the Secretary of the Interior or his duly authorized representative.

NOTE:

(3) No action shall be taken by or in behalf of the corporation, which conflicts with the regulations authorized by Section 6 of the Act of June 18, 1934, or in any way operates to destroy or injure the tribal grazing land, timber or other natural resources.

(c) To issue interests in corporate property in exchange for restricted Indian lands, the forms for such interests to be approved by the Secretary of the Interior.

(d) To borrow money from any source for any purpose not inconsistent with law, regulations of the Secretary of the Interior, the tribal constitution or this charter: Provided, that any agreement covering a loan to the tribes which involves the pledge or assignment of chattels, future tribal income or other tribal assets as security therefor shall be subject to the approval of the Secretary of the Interior; and provided further, that any contract involving payment of money by the corporation in excess of \$50,000 in any one fiscal year shall be subject to the approval of the Secretary of the Interior. (Changed by Amendment No. I, ratified November 27, 1961)

NOTE:

- (e) To engage in any business that will further the economic well-being of the members of the Tribe or to undertake any activity of any nature whatever, not inconsistent with law or with any provision of this Charter.
- (f) To make and perform contracts and agreements of every description, not inconsistent with law or with any provisions of this Charter, with any person, association, or corporation, with any municipality or any county, or with the United States or the State of North Dakota including agreements with the State of North Dakota for the rendition of public services: Provided, That any contract involving payment of money by the corporation in excess of \$50,000.00 in any 1 fiscal year shall be subject to the approval of the Secretary of the Interior or his duly authorized representative. (Changed by Amendment No. I, ratified November 27, 1961)
- (g) To pledge or assign chattels or tribal income due or to become due to the Tribe: Provided, That such assignments of tribal income, other than assignments to the United States, shall not extend more than 10 years from the date of execution and shall not exceed \$50,000.00 in any one year: And provided further, That any such pledge or assignment shall be subject to the approval of the Secretary of the Interior or his duly authorized representative. (Changed by Amendment No. I, ratified November 27, 1961)
- (h) To deposit, to the credit of the Three Affiliated Tribes of the Fort Berthold Reservation, North Dakota, corporate funds, without limitation on the amount in any account, in

any National or State bank whose deposits are insured by any agency of the Federal government: Provided, that funds advanced from the Indian Credit Fund or from funds of the corporation held in trust in the United States Treasury shall be deposited with a bonded disbursing officer of the United States whenever the conditions prescribed by the Secretary of the Interior or his authorized representative, in connection with such advance, require that the advance be so deposited.

NOTE

NOTE

- (i) To sue and to be sued in courts of competent jurisdiction within the United States; but the grant or exercise of such power to sue and to be sued shall not be deemed a consent by the said Tribe or by the United States to the levy of any judgment, lien or attachment upon the property of the Tribe other than income or chattels specially pledged or signed.
- (j) To exercise such further incidental powers, not inconsistent with law, as may be necessary to the conduct of corporate business.

Termination of Supervisory Powers.

- 6. Upon the request of the Tribal Business Council for the termination of any supervisory power reserved to the Secretary of the Interior under sections 5 (b) (3), 5 (c), 5 (d), 5 (f), 5 (g), 5 (h), and section 8 of this Charter, the Secretary of the Interior, if he shall approve such request, shall thereupon submit the question of such termination for ratification by the Tribe. The termination shall be effective upon ratification by a majority vote at an election in which at least 30 percent of the adult members of the Tribe residing on the reservation shall vote. If at any time after 10 years from the effective date of this Charter such request shall be made, and the Secre-

tary shall disapprove it or fail to approve it within 90 days after its receipt, the question of the termination of any such power may then be submitted by the Secretary of the Interior or by the Tribal Business Council to popular referendum of the adult members of the Tribe actually living within the Reservation and if the termination is approved by two-thirds of the eligible voters, it shall be effective.

Corporate  
Property.

7. No property rights of the Three Affiliated Tribes, as heretofore constituted, shall be in any way impaired by anything contained in this Charter, and the tribal ownership of unallotted lands, whether or not assigned to the use of any particular individuals, is hereby expressly recognized. The individually owned property of members of the Tribe shall not be subject to any corporate debts or liabilities, without such owners' consent. Any existing lawful debts of the Tribe shall continue in force, except as such debts may be satisfied or cancelled pursuant to law.

Corporate  
Dividends.

NOTES

8. The Tribe may issue to each of its members a non-transferable certificate of membership evidencing the equal share of each member in the assets of the Tribe and may distribute per capita, among the recognized members of the Tribe, all profits of corporate enterprise over and above sums necessary to defray corporate obligations and over and above all sums which may be devoted to the establishment of a reserve fund, the construction of public works, the costs of public enterprises, the expenses of tribal government, the needs of charity, or other corporate purpose. No such distribution of profits in any 1 year amounting to more than \$10 in any 1 year per capita payment shall be made without the approval of the Secretary of the Interior. No distribution of the financial assets of the Tribe shall be made except as provided herein or as authorized by Congress.

Corporate  
Accounts.

9. The officers of the Tribe shall maintain accurate and complete public accounts of the financial affairs of the Tribe, which shall clearly show all credits, debts, pledges, and assignments, and shall furnish an annual balance sheet and report of the financial affairs of the Tribe to the Commissioner of Indian Affairs.

Amend-  
ments.

10. This charter shall not be revoked or surrendered except by act of Congress, but amendments may be proposed by resolutions of the Council which, if approved by the Secretary of the Interior, shall be effective when ratified by a majority vote of the adult members living on the Reservation at a popular referendum in which at least 30 percent of the eligible voters vote.

Ratifica-  
tion.

11. This charter shall be effective from and after the date of its ratification by a majority vote of the adult members of the Three Affiliated Tribes living on the Fort Berthold Reservation, provided at least 30 percent of the eligible voters shall vote, such ratification to be formally certified by the Superintendent of the Fort Berthold Agency and the Chairman of the Tribal Business Council.

Submitted by the Secretary of the Interior for ratification by the Three Affiliated Tribes of the Fort Berthold Reservation in a popular referendum to be held on April 24, 1937.

HAROLD L. ICKES,  
Secretary of the Interior.

(SEAL)

WASHINGTON, D. C., April 1, 1937.

AMENDMENT  
CORPORATE CHARTER  
OF THE  
THREE AFFILIATED TRIBES OF THE FORT BERTHOLD RESERVATION  
NORTH DAKOTA

AMENDMENT I

Section 5(b) shall be stricken in its entirety and the following shall be substituted:

"Section 5(b) To purchase, take by gift, bequest or otherwise, own, hold, manage, operate and dispose of property of every description, real and personal, subject to the following limitations:

(1) No sale or mortgage may be made by the corporation of any land, interest in land, including water rights, oil, gas, and other mineral rights now or hereafter held by the tribal corporation, unless specifically authorized by law and then only with the consent and approval of the Secretary of the Interior.

(2) No authority is hereby granted to sell, mortgage or lease for a period exceeding that authorized by law any land within the reservation and all leases, permits or other contracts relating to lands within the reservation must be approved by the Secretary of the Interior or his duly authorized representative.

(3) No action shall be taken by or in behalf of the corporation, which conflicts with the regulations authorized by Section 6 of the Act of June 18, 1934, or in any way operates to destroy or injure the tribal grazing land, timber or other natural resources."

Section 5(d) shall be deleted in its entirety and the following shall be substituted:

"5(d) - To borrow money from any source for any purpose not inconsistent with law, regulations of the Secretary of the Interior, the tribal constitution or this charter: Provided, that any agreement covering a loan to the tribes which involves the pledge or assignment of chattels, future tribal income or other tribal assets as security therefor shall be subject to the approval of the Secretary of the Interior; and provided further, that any contract involving payment of money by the corporation in excess of \$50,000 in any one fiscal year shall be subject to the approval of the Secretary of the Interior.

In Section 5(f) the figure \$10,000.00 shall be stricken and the figure \$50,000.00 shall be substituted.

In Section 5(g) the words "shall not cover more than 10 percent of the net tribal income" shall be stricken and the words "shall not exceed \$50,000.00 in any one year" shall be substituted.

Section 5(h) shall be stricken in its entirety and the following substituted:

"Section 5(h) - To deposit, to the credit of the Three Affiliated Tribes of the Fort Berthold Reservation, North Dakota, corporate funds, without limitation on the amount in any account, in any National or State bank whose deposits are insured by any agency of the Federal government: Provided, that funds advanced from the Indian Credit Fund or from funds of the corporation held in trust in the United States Treasury shall be deposited with a bonded disbursing officer of the United States whenever the conditions prescribed by the Secretary of the Interior or his authorized representative, in connection with such advance, require that the advance be so deposited.

The foregoing Amendment I is herewith approved and submitted for ratification by the adult members of the Three Affiliated Tribes living on the Fort Berthold Reservation, North Dakota, in accordance with Section 10 of the Corporate Charter of the Three Affiliated Tribes of the Fort Berthold Reservation and pursuant to the authority vested in the Secretary of the Interior by the Act of June 18, 1934 (48 Stat. 984).

/sgd/ John A. Carver, Jr.  
Assistant Secretary of the Interior

Washington, D. C.

Date: Oct. 19, 1961

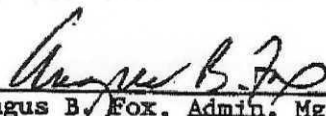
CERTIFICATION OF ADOPTION

Pursuant to section 17 of the Act of June 18, 1934 (48 Stat. 984), the attached Amendment I issued on October 19, 1961, by the Assistant Secretary of the Interior to the Corporate Charter of the Three Affiliated Tribes of the Fort Berthold Reservation, North Dakota, was duly submitted for ratification to the adult members of the Tribes living on the reservation, and was on November 27, 1961, duly ratified by a vote of 357 for, and 118 against, in an election in which at least thirty percent of those entitled to vote cast their ballots.

/sgd/ Robert Fox  
Chairman, Council of Three Affiliated Tribes

/sgd/ Homer M. Gilliland  
Superintendent, Fort Berthold Agency

I certify that this is a copy on file at the Bureau of Indian Affairs.

  
Angus B. Fox, Admin. Mgr.  
06-29-93