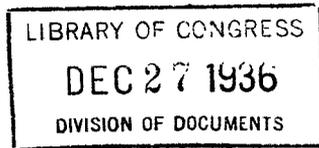


and
Office
Indian Tribes
Omaha Tribe of
Nebr.
/



CORPORATE CHARTER OF THE OMAHA TRIBE OF NEBRASKA

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

Whereas, the Omaha Tribe of Nebraska is a recognized Indian tribe organized under a constitution and by-laws ratified by the tribe on February 15, 1936, and approved by the Secretary of the Interior on March 30, 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 Omaha Tribe of the Omaha Reservation in Nebraska to be effective from and after such time as it may be ratified by a majority vote of the adult Indians living on the reservation at an election in which at least thirty percent of the eligible voters vote.

Corporate Existence.

1. In order to further the economic development of the Omaha Tribe of the Omaha Reservation in Nebraska 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 aforesaid tribe is hereby chartered as a body politic and corporate of the United States of America, under the corporate name "The Omaha Tribe of Nebraska."

Perpetual Succession. Membership.

2. The Omaha Tribe of Nebraska shall, as a Federal Corporation, have perpetual succession.

3. The Omaha Tribe of Nebraska 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.

Management.

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

(1)

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, or in this charter, 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.
 - (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 Tribe of any land, or interests in land, including water rights, and mineral rights, now or hereafter held by the Tribe.
 - (2) No leases or permits (which terms shall not include land assignments to members of the Tribe) covering any land or interests in land now or hereafter held by the Tribe within the boundaries of the Omaha Reservation shall be made by the Tribe for a longer term than ten years, except when authorized by law; and all such leases or permits must be approved by the Secretary of the Interior or by his duly authorized representative.
 - (3) No action shall be taken by or in behalf of the Tribe which in any way operates to destroy or injure the tribal grazing land, timber, or other natural resources of the Omaha Reservation. All leases, permits, and timber sale contracts relating to the use of tribal grazing or timber lands shall conform to regulations of the Secretary of the Interior authorized by section 6 of the Act of June 18, 1934, with respect to range carrying capacity, sustained yield forestry management, and other matters therein specified. Conformity to such regulations shall be made a condition of any such lease, permit, or timber sale contract, whether or not such agreement requires the approval of the Secretary of the Interior, and violation of such condition shall render the agreement revocable, in the discretion of the Secretary of the Interior.

- (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 the Indian Credit Fund in accordance with the terms of Section 10 of the Act of June 18, 1934 (48 Stat. 984), or from any other Governmental agency, or from any member or association of members of the Tribe, and to use such funds directly for productive tribal enterprises, or to loan money thus borrowed to individual members or associations of members of the Tribe: *Provided*, That the amount of indebtedness to which the Tribe may subject itself except for indebtedness to the Indian Credit Fund shall not exceed ten thousand dollars, without the express approval of the Secretary of the Interior.
- (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 provisions 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, partnership, association or corporation, with any municipality or any county, or with the United States or the State of Nebraska, including agreements with the State of Nebraska for the rendition of public services: *Provided*, That any contract involving payment of money by the corporation in excess of \$1,000 in any one fiscal year shall be subject to the approval of the Secretary of the Interior or his duly authorized representative.
- (g) To pledge or assign chattels or future tribal income due or to become due to the Tribe: *Provided*, That such agreements of pledge or assignment, other than agreements with the United States, shall not extend more than ten years from the date of execution and shall not cover more than one-half the net tribal income in any one year: *And provided further*, That any such agreement shall be subject to the approval of the Secretary of the Interior or his duly authorized representative.

- (h) To deposit corporate funds, from whatever source derived, in any national or state bank to the extent that such funds are insured by the Federal Deposit Insurance Corporation, or secured by a surety bond, or other security, approved by the Secretary of the Interior; or to deposit such funds in the Postal Savings Bank or with a bonded disbursing officer of the United States to the credit of the Corporation.
- (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 assigned.
- (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. At any time after twenty years from the effective date of this charter, the Tribal Council of the Omaha Tribe of Nebraska may request the Secretary of the Interior for the termination of any supervisory power reserved to the Secretary of the Interior under sections 5b (2), 5c, 5d, 5f, 5g, 5h, and section 8 of this charter. If the Secretary of the Interior shall approve such termination it shall be effective upon ratification by a majority vote of the adult members of the Tribe residing on the reservation, at an election in which at least thirty per cent of the eligible voters vote. If the Secretary shall disapprove such termination, or fail to approve or disapprove it within ninety days after its receipt, it may then be submitted by the Secretary or by the Tribal Council to popular referendum of the adult members of the Tribe actually living within the reservation, and if approved by two-thirds of the eligible voters, shall be effective.

Corporate Property.

7. No property rights of the Omaha Tribe of Nebraska, 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.

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 after ten years from the ratification of this charter may distribute per capita, among the recognized members of the Tribe, all income or profits of corporate enterprises and activities 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. Any such distribution of income or profits in any one year amounting to a distribution of more than one-half of the accrued surplus, shall not be made without the approval of the Secretary of the Interior. No distribution of the financial assets of the tribe among its members on a per capita or pro rata basis shall be made except as provided in this section 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. The Treasurer of the Tribe shall be the custodian of all moneys which come under the jurisdiction or control of the Tribal Council. He shall pay out money in accordance with the orders and resolutions of the Council, and no disbursements shall be made without the signature or written approval of the Treasurer and of the Chairman of the Tribal Council. He shall keep accounts of all receipts and disbursements and shall make written reports of same to the Tribal Council at each regular and special meeting.

Amendments.

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, to be effective shall be ratified by a majority vote of the adult members living on the reservation at a popular referendum in which, at least thirty percent of the eligible voters vote.

Ratification.

11. This charter shall be effective from and after the date of its ratification by a majority vote of the adult members of the Omaha Tribe of Nebraska living on the Omaha Reservation, provided at least thirty percent of the eligible voters shall vote, such ratification to be formally certified by the Superintendent of the Winnebago Agency and the Chairman of the Tribal Council of the Omaha Tribe.

Submitted by the Secretary of the Interior for ratification by the Omaha Tribe of the Omaha Reservation in Nebraska in a popular referendum to be held on August 22, 1936.

HAROLD L. ICKES,
Secretary of the Interior.
 [SEAL]

WASHINGTON, D. C., *July 28, 1936.*

CERTIFICATION

Pursuant to section 17 of the Act of June 18, 1934 (48 Stat. 984), this charter, issued on July 28, 1936, by the Secretary of the Interior to the Omaha Tribe of Nebraska, was duly submitted for ratification to the adult Indians living on the Omaha Reservation and was on August 22, 1936, duly ratified by a vote of 221 for and 14 against, in an election in which over thirty percent of those entitled to vote cast their ballots.

ELWOOD HARLAN,
Chairman of the Tribal Council.

GABE E. PARKER,
Superintendent, Winnebago Agency.

