

110TH CONGRESS
2D SESSION

S. 2681

To require the issuance of medals to recognize the dedication and valor
of Native American code talkers.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 29, 2008

Mr. INHOFE (for himself, Mr. HARKIN, Mr. DORGAN, Mr. GRASSLEY, Mr. THUNE, and Mr. COBURN) introduced the following bill; which was read twice and referred to the Committee on Banking, Housing, and Urban Affairs

A BILL

To require the issuance of medals to recognize the dedication
and valor of Native American code talkers.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Code Talkers Recogni-
5 tion Act of 2008”.

6 **SEC. 2. PURPOSE.**

7 The purpose of this Act is to require the issuance
8 of medals to express the sense of Congress that—

1 (1) the service of Native American code talkers
2 to the United States deserves immediate recognition
3 for dedication and valor; and

4 (2) honoring Native American code talkers is
5 long overdue.

6 **SEC. 3. FINDINGS.**

7 Congress finds that—

8 (1) when the United States entered World War
9 I, Native Americans were not accorded the status of
10 citizens of the United States;

11 (2) without regard to that lack of citizenship,
12 members of Indian tribes and nations enlisted in the
13 Armed Forces to fight on behalf of the United
14 States;

15 (3) the first reported use of Native American
16 code talkers was on October 17, 1918;

17 (4)(A) during World War I, Choctaw code talk-
18 ers were the first code talkers who played a role in
19 United States military operations by transmitting
20 vital communications that helped defeat German
21 forces in Europe;

22 (B) because the language used by the Choctaw
23 code talkers in the transmission of information was
24 not based on a European language or on a mathe-

1 matical progression, the Germans were unable to un-
2 derstand any of the transmissions;

3 (C) this was the first time in modern warfare
4 that such a transmission of messages in a native
5 language was used for the purpose of confusing an
6 enemy;

7 (5) on December 7, 1941, Japan attacked Pearl
8 Harbor, Hawaii, and Congress declared war the fol-
9 lowing day;

10 (6)(A) the Federal Government called on the
11 Comanche Nation to support the military effort dur-
12 ing World War II by recruiting and enlisting Co-
13 manche men to serve in the Army to develop a secret
14 code based on the Comanche language;

15 (B) the Army recruited approximately 50 Na-
16 tive Americans for special native language commu-
17 nication assignments; and

18 (C) the Marines recruited several hundred Nav-
19 ajos for duty in the Pacific region;

20 (7)(A) during World War II, the United States
21 employed Native American code talkers who devel-
22 oped secret means of communication based on native
23 languages and were critical to winning the war; and

24 (B) to the frustration of the enemies of the
25 United States, the code developed by the Native

1 American code talkers proved to be unbreakable and
2 was used extensively throughout the European the-
3 ater;

4 (8) in 2001, Congress and President Bush hon-
5 ored Navajo code talkers with congressional gold
6 medals for the contributions of the code talkers to
7 the United States Armed Forces as radio operators
8 during World War II;

9 (9) soldiers from the Assiniboine, Cherokee,
10 Cheyenne, Chippewa/Oneida, Choctaw, Comanche,
11 Cree, Crow, Hopi, Kiowa, Menominee, Meskwaki,
12 Mississauga, Muscogee, Osage, Pawnee, Sac and
13 Fox, Seminole, and Sioux (Lakota and Dakota) In-
14 dian tribes and nations also served as code talkers
15 during World War II;

16 (10) the heroic and dramatic contributions of
17 Native American code talkers were instrumental in
18 driving back Axis forces across the Pacific during
19 World War II; and

20 (11) Congress should provide to all Native
21 American code talkers the recognition the code talk-
22 ers deserve for the contributions of the code talkers
23 to United States victories in World War I and World
24 War II.

1 **SEC. 4. DEFINITIONS.**

2 In this Act:

3 (1) **CODE TALKER.**—The term “code talker”
4 means a Native American who—

5 (A) served in the Armed Forces during a
6 foreign conflict in which the United States was
7 involved; and

8 (B) during the term of service of the Na-
9 tive American, participated in communication
10 using a native language.

11 (2) **RECOGNIZED TRIBE.**—The term “recog-
12 nized tribe” means any of the following Indian tribes
13 (as defined in section 4 of the Indian Self-Deter-
14 mination and Education Assistance Act (25 U.S.C.
15 450b)):

16 (A) Assiniboine.

17 (B) Chippewa and Oneida.

18 (C) Choctaw.

19 (D) Comanche.

20 (E) Cree.

21 (F) Crow.

22 (G) Hopi.

23 (H) Kiowa.

24 (I) Menominee.

25 (J) Mississauga.

26 (K) Muscogee.

1 (L) Sac and Fox.

2 (M) Sioux.

3 (3) SECRETARY.—The term “Secretary” means
4 the Secretary of the Treasury.

5 **SEC. 5. CONGRESSIONAL GOLD MEDALS.**

6 (a) AWARD AUTHORIZATION.—The Speaker of the
7 House of Representatives and the President pro tempore
8 of the Senate shall make appropriate arrangements for the
9 award, on behalf of Congress, of gold medals of appro-
10 priate design in recognition of the service of Native Amer-
11 ican code talkers of each recognized tribe.

12 (b) DESIGN AND STRIKING.—

13 (1) IN GENERAL.—The Secretary shall strike
14 the gold medals awarded under subsection (a) with
15 appropriate emblems, devices, and inscriptions, as
16 determined by the Secretary.

17 (2) DESIGNS OF MEDALS EMBLEMATIC OF
18 TRIBAL AFFILIATION AND PARTICIPATION.—The de-
19 sign of a gold medal under paragraph (1) shall be
20 emblematic of the participation of the code talkers
21 of each recognized tribe.

22 (3) TREATMENT.—Each medal struck pursuant
23 to this subsection shall be considered to be a na-
24 tional medal for purposes of chapter 51 of title 31,
25 United States Code.

1 (c) ACTION BY SMITHSONIAN INSTITUTION.—The
2 Smithsonian Institution—

3 (1) shall accept and maintain such gold medals,
4 and such silver duplicates of those medals, as recog-
5 nized tribes elect to send to the Smithsonian Institu-
6 tion;

7 (2) shall maintain the list developed under sec-
8 tion 6(1) of the names of Native American code
9 talkers of each recognized tribe; and

10 (3) is encouraged to create a standing exhibit
11 for Native American code talkers or Native Amer-
12 ican veterans.

13 **SEC. 6. NATIVE AMERICAN CODE TALKERS.**

14 The Secretary, in consultation with the Secretary of
15 Defense and the recognized tribes, shall—

16 (1)(A) determine the identity, to the maximum
17 extent practicable, of each Native American code
18 talker of each recognized tribe;

19 (B) include the name of each Native American
20 code talker identified under subparagraph (A) on a
21 list, to be organized by recognized tribe; and

22 (C) provide the list, and any updates to the list,
23 to the Smithsonian Institution for maintenance
24 under section 5(c)(2); and

1 (2) determine whether any Indian tribe that is
2 not a recognized tribe should be eligible to receive a
3 gold medal under this Act.

4 **SEC. 7. DUPLICATE MEDALS.**

5 (a) SILVER DUPLICATE MEDALS.—

6 (1) IN GENERAL.—The Secretary shall strike
7 duplicates in silver of the gold medals struck under
8 section 5(b), to be awarded in accordance with para-
9 graph (2).

10 (2) ELIGIBILITY FOR AWARD.—

11 (A) IN GENERAL.—A Native American
12 shall be eligible to be awarded a silver duplicate
13 medal struck under paragraph (1) in recogni-
14 tion of the service of Native American code
15 talkers of the recognized tribe of the Native
16 American, if the Native American served in the
17 Armed Forces as a code talker in any foreign
18 conflict in which the United States was involved
19 during the 20th century.

20 (B) DEATH OF CODE TALKER.—In the
21 event of the death of a Native American code
22 talker who had not been awarded a silver dupli-
23 cate medal under this subsection, the Secretary
24 may award a silver duplicate medal to the next

1 of kin or other personal representative of the
2 Native American code talker.

3 (C) DETERMINATION.—Eligibility for an
4 award under this subsection shall be determined
5 by the Secretary in accordance with section 6.

6 (b) BRONZE DUPLICATE MEDALS.—The Secretary
7 may strike and sell duplicates in bronze of the gold medals
8 struck under section 5(b), in accordance with such regula-
9 tions as the Secretary may prescribe, at a price sufficient
10 to cover—

11 (1) the costs of striking the bronze duplicates,
12 including labor, materials, dyes, use of machinery,
13 and overhead expenses; and

14 (2) the costs of striking the silver duplicate and
15 gold medals under subsection (a) and section 5(b),
16 respectively.

17 **SEC. 8. AUTHORITY TO USE FUND AMOUNTS; PROCEEDS OF**
18 **SALE.**

19 (a) AUTHORITY TO USE FUND AMOUNTS.—There
20 are authorized to be charged against the United States
21 Mint Public Enterprise Fund such amounts as are nec-
22 essary to pay for the cost of the medals struck pursuant
23 to this Act.

24 (b) PROCEEDS OF SALE.—Amounts received from the
25 sale of duplicate bronze medals authorized under section

- 1 7(b) shall be deposited into the United States Mint Public
- 2 Enterprise Fund.

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