

110<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 4544

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## AN ACT

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,*

1 **SECTION 1. SHORT TITLE.**

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

4 **SEC. 2. PURPOSE.**

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

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

10 (2) honoring Native American code talkers is  
11 long overdue.

12 **SEC. 3. FINDINGS.**

13 The Congress finds the following:

14 (1) When the United States entered World War  
15 I, Native Americans were not accorded the status of  
16 citizens of the United States.

17 (2) Without regard to that lack of citizenship,  
18 members of Indian tribes and nations enlisted in the  
19 Armed Forces to fight on behalf of the United  
20 States.

21 (3) The first reported use of Native American  
22 code talkers was on October 17, 1918.

23 (4) Because the language used by the Choctaw  
24 code talkers in the transmission of information was  
25 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 (5) This use of Native American code talkers  
4 was the first time in modern warfare that such a  
5 transmission of messages in a native language was  
6 used for the purpose of confusing an enemy.

7 (6) On December 7, 1941, Japan attacked  
8 Pearl Harbor, Hawaii, and the Congress declared  
9 war the following day.

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

15 (8) The United States Army recruited approxi-  
16 mately 50 Native Americans for special native lan-  
17 guage communication assignments.

18 (9) The United States Marine Corps recruited  
19 several hundred Navajos for duty in the Pacific re-  
20 gion.

21 (10) During World War II, the United States  
22 employed Native American code talkers who devel-  
23 oped secret means of communication based on native  
24 languages and were critical to winning the war.

1           (11) To the frustration of the enemies of the  
2           United States, the code developed by the Native  
3           American code talkers proved to be unbreakable and  
4           was used extensively throughout the European the-  
5           ater.

6           (12) In 2001, the Congress and President Bush  
7           honored Navajo code talkers with congressional gold  
8           medals for the contributions of the code talkers to  
9           the United States Armed Forces as radio operators  
10          during World War II.

11          (13) The heroic and dramatic contributions of  
12          Native American code talkers were instrumental in  
13          driving back Axis forces across the Pacific during  
14          World War II.

15          (14) The Congress should provide to all Native  
16          American code talkers the recognition the code talk-  
17          ers deserve for the contributions of the code talkers  
18          to United States victories in World War I and World  
19          War II.

20 **SEC. 4. DEFINITIONS.**

21          In this Act, the following definitions shall apply:

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

1 (A) served in the Armed Forces during a  
2 foreign conflict in which the United States was  
3 involved; and

4 (B) transmitted (encoded and translated)  
5 secret coded messages for tactical military oper-  
6 ations during World War I and World War II  
7 using their native tribal language (non-sponta-  
8 neous communications)

9 (2) SECRETARY.—The term “Secretary” means  
10 the Secretary of the Treasury.

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

12 (a) AWARD AUTHORIZATION.—The Speaker of the  
13 House of Representatives and the President pro tempore  
14 of the Senate shall make appropriate arrangements for the  
15 award, on behalf of the Congress, of gold medals of appro-  
16 priate design in recognition of the service of Native Amer-  
17 ican code talkers during World War I and World War II.

18 (b) IDENTIFICATION OF RECIPIENTS.—The Sec-  
19 retary, in consultation with the Secretary of Defense and  
20 the tribes, shall—

21 (1) determine the identity, to the maximum ex-  
22 tent practicable, of each Native American tribe that  
23 had a member of that tribe serve as a Native Amer-  
24 ican code talker, with the exception of the Navajo  
25 Nation;

1           (2) include the name of each Native American  
2       tribe identified under subparagraph (A) on a list;  
3       and

4           (3) provide the list, and any updates to the list,  
5       to the Smithsonian Institution for maintenance  
6       under section 5(c)(2).

7       (c) DESIGN AND STRIKING OF MEDALS.—

8           (1) IN GENERAL.—The Secretary shall strike  
9       the gold medals awarded under subsection (a) with  
10      appropriate emblems, devices, and inscriptions, as  
11      determined by the Secretary.

12          (2) DESIGNS OF MEDALS EMBLEMATIC OF  
13      TRIBAL AFFILIATION AND PARTICIPATION.—The de-  
14      sign of a gold medal under paragraph (1) shall be  
15      emblematic of the participation of the code talkers  
16      of each recognized tribe.

17          (3) TREATMENT.—Each medal struck pursuant  
18      to this subsection shall be considered to be a na-  
19      tional medal for purposes of chapter 51 of title 31,  
20      United States Code.

21      (d) ACTION BY SMITHSONIAN INSTITUTION.—The  
22      Smithsonian Institution—

23           (1) shall accept and maintain such gold medals,  
24      and such silver duplicates of those medals, as recog-

1 nized tribes elect to send to the Smithsonian Institu-  
2 tion;

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

6 (3) is encouraged to create a standing exhibit  
7 for Native American code talkers or Native Amer-  
8 ican veterans.

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

10 The Secretary, in consultation with the Secretary of  
11 Defense and the tribes, shall—

12 (1) with respect to tribes recognized as of the  
13 date of the enactment of this Act —

14 (A) determine the identity, to the max-  
15 imum extent practicable, of each Native Amer-  
16 ican code talker of each recognized tribe with  
17 the exception of the Navajo Nation;

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

22 (C) provide the list, and any updates to the  
23 list, to the Smithsonian Institution for mainte-  
24 nance under section 5(d)(2);

1           (2) in the future, determine whether any Indian  
2           tribe that is not a recognized as of the date of the  
3           enactment of this Act, should be eligible to receive  
4           a gold medal under this Act; and

5           (3) with consultation from the tribes listed in  
6           following subsection, examine the following specific  
7           tribes to determine the existence of Code Talkers:

8                   (A) Assiniboine.

9                   (B) Chippewa and Oneida.

10                  (C) Choctaw.

11                  (D) Comanche.

12                  (E) Cree.

13                  (F) Crow.

14                  (G) Hopi.

15                  (H) Kiowa.

16                  (I) Menominee.

17                  (J) Mississauga.

18                  (K) Muscogee.

19                  (L) Sac and Fox.

20                  (M) Sioux.

21 **SEC. 7. DUPLICATE MEDALS.**

22           (a) SILVER DUPLICATE MEDALS.—

23                   (1) IN GENERAL.—The Secretary shall strike  
24           duplicates in silver of the gold medals struck under

1 section 5(b), to be awarded in accordance with para-  
2 graph (2).

3 (2) ELIGIBILITY FOR AWARD.—

4 (A) IN GENERAL.—A Native American  
5 shall be eligible to be awarded a silver duplicate  
6 medal struck under paragraph (1) in recogni-  
7 tion of the service of Native American code  
8 talkers of the recognized tribe of the Native  
9 American, if the Native American served in the  
10 Armed Forces as a code talker in any foreign  
11 conflict in which the United States was involved  
12 during the 20th century.

13 (B) DEATH OF CODE TALKER.—In the  
14 event of the death of a Native American code  
15 talker who had not been awarded a silver dupli-  
16 cate medal under this subsection, the Secretary  
17 may award a silver duplicate medal to the next  
18 of kin or other personal representative of the  
19 Native American code talker.

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

23 (b) BRONZE DUPLICATE MEDALS.—The Secretary  
24 may strike and sell duplicates in bronze of the gold medal  
25 struck pursuant to section 4 under such regulations as the

1 Secretary may prescribe, at a price sufficient to cover the  
2 cost thereof, including labor, materials, dies, use of ma-  
3 chinery, and overhead expenses, and the cost of the gold  
4 and silver medals.

5 **SEC. 8. AUTHORITY TO USE FUND AMOUNTS; PROCEEDS OF**  
6 **SALE.**

7 (a) **AUTHORITY TO USE FUND AMOUNTS.**—There  
8 are authorized to be charged against the United States  
9 Mint Public Enterprise Fund such amounts as may be  
10 necessary to pay for the cost of the medals struck pursu-  
11 ant to this Act.

12 (b) **PROCEEDS OF SALE.**—Amounts received from the  
13 sale of duplicate bronze medals authorized under section  
14 7(b) shall be deposited into the United States Mint Public  
15 Enterprise Fund.

Passed the House of Representatives September 25,  
2008.

Attest:

*Clerk.*



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