

110TH CONGRESS  
2D SESSION

# S. 2681

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

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## 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

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## 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.

