

108TH CONGRESS
2D SESSION

H. R. 5304

To establish a memorial for 40 fallen American servicemen who perished in the tragic air crash during World War II at Bakers Creek, Australia on June 14, 1943.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 8, 2004

Mrs. CAPITO introduced the following bill; which was referred to the Committee on Veterans' Affairs, and in addition to the Committees on Armed Services and Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To establish a memorial for 40 fallen American servicemen who perished in the tragic air crash during World War II at Bakers Creek, Australia on June 14, 1943.

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 “Bakers Creek Air
5 Crash Memorial Act of 2004”.

6 **SEC. 2. FINDINGS.**

7 The Congress finds the following:

1 (1) During the Second World War, the United
2 States Army Air Corps, established rest and recre-
3 ation facilities in Mackay Queensland, Australia.

4 (2) From the end of January 1943 until early
5 1944, thousands of United States servicemen were
6 ferried almost daily from New Guinea to Mackay.

7 (3) These servicemen traveled by air transport
8 to spend an average of 10 days on a rest and relax-
9 ation furlough.

10 (4) These servicemen were usually carried by
11 two B-17 Flying Fortresses converted for transport
12 duty.

13 (5) On Monday, June 14, 1943, just before
14 dawn, at about 6 a.m., Boeing B-17C, Serial/Tail
15 Number 40-2072, took off headed for Port Moresby.

16 (6) There were 6 crew and 35 passengers
17 aboard.

18 (7) The aircraft took off into fog and, soon
19 after, made a turn at low altitude.

20 (8) A few minutes after take-off, it crashed, at
21 Bakers Creek, killing all but one of those on board.

22 (9) The cause of the crash remains a mystery
23 and is relatively unknown outside Mackay.

1 (10) United States officials who were under or-
2 ders not to reveal the presence of Allied troops in
3 Australia, kept the crash a secret during the war.

4 (11) Relatives of the victims received telegrams
5 from the United States War Department that said
6 little more than the serviceman had been killed in an
7 air crash in the South West Pacific.

8 (12) The victims' remains were flown to
9 Townsville where they were buried in the Belgian
10 Gardens United States military cemetery.

11 (13) Early in 1946, they were disinterred and
12 shipped to Hawaii for reburial.

13 (14) 13 are buried in the Punchbowl cemetery,
14 Hawaii and the remainder were returned to the
15 United States mainland.

16 (15) 15 years ago Robert Cutler was reading
17 his father's wartime journals and found reference to
18 the accident.

19 (16) This discovery inspired Mr. Cutler to em-
20 bark upon a research project that would consume
21 more than a decade and take him to Australia.

22 (17) Mr. Cutler's work and trip to Australia
23 brought to light this valuable information.

1 **SEC. 3. BAKERS CREEK AIR CRASH MEMORIAL MARKER IN**
2 **ARLINGTON NATIONAL CEMETERY.**

3 (a) ESTABLISHMENT.—Subject to section 3, the Sec-
4 retary of the Army is authorized to place in Arlington Na-
5 tional Cemetery a memorial marker to honor the memory
6 of the members of the Armed Forces of the United States
7 who lost their lives at Bakers Creek, Australia on June
8 14, 1943.

9 (b) APPROVAL OF DESIGN AND SITE.—The Secretary
10 of the Army shall have exclusive authority to approve an
11 appropriate design and site within Arlington National
12 Cemetery for the memorial authorized under subsection
13 (a).

14 **SEC. 4. ALTERNATIVE SITE FOR BAKERS CREEK AIR CRASH**
15 **MEMORIAL.**

16 (a) IDENTIFICATION OF ALTERNATIVE SITE.—If the
17 Secretary of the Army determines that there is not suffi-
18 cient space in Arlington National Cemetery for the memo-
19 rial marker referred to in section 2, the Secretary of De-
20 fense and the Secretary of the Interior shall jointly iden-
21 tify appropriate alternative sites for that memorial mark-
22 er.

23 (b) REPORT TO CONGRESS.—The Secretary of De-
24 fense shall submit to Congress a report containing the al-
25 ternative sites identified under subsection (a).

1 (c) SELECTION OF SITE.—The Secretary of Defense
2 is authorized to place in a site selected by the Secretary
3 a memorial marker to honor the memory of the members
4 of the Armed Forces of the United States who lost their
5 lives at Bakers Creek, Australia on June 14, 1943.

6 (d) ADMINISTRATION.—If the memorial marker is es-
7 tablished on a site identified under subsection (a), the me-
8 morial marker shall be placed, maintained, and adminis-
9 tered by the Secretary of Defense.

10 **SEC. 5. AUTHORIZATION OF APPROPRIATIONS.**

11 There is authorized to be appropriated such sums as
12 are necessary to implement this Act.

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