

118TH CONGRESS  
2D SESSION

# S. 5324

To amend title 38, United States Code, to ensure veterans of secrecy oath programs receive the full benefits they have earned, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

NOVEMBER 14, 2024

Mr. BLUMENTHAL introduced the following bill; which was read twice and referred to the Committee on Veterans' Affairs

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## A BILL

To amend title 38, United States Code, to ensure veterans of secrecy oath programs receive the full benefits they have earned, and for other purposes.

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 “Obligations to Aber-

5 deen’s Trusted Heroes Act of 2024” or the “OATH Act

6 of 2024”.

7 **SEC. 2. FINDINGS.**

8 Congress finds the following:

9 (1) From 1948 to 1975, more than 7,000

10 United States Army personnel participated in a pro-

1       gram under which they were subjected to secret  
2       chemical warfare testing at Edgewood Arsenal at  
3       Aberdeen Proving Ground, an Army base in Mary-  
4       land.

5               (2) Government-employed scientists, including  
6       former Nazi Germany scientists, tested mustard  
7       agents, psychedelics, nerve agents, and other dan-  
8       gerous chemicals on the Army members.

9               (3) When the members of the Army entered the  
10       program at Edgewood, they were sworn to secrecy—  
11       a violation of their oath came with the threat of  
12       court-martial or criminal prosecution.

13              (4) Upon leaving service in the Army, veterans  
14       of the program could not seek benefits provided by  
15       the Department of Veterans Affairs for disabilities  
16       relating to the program without violating their se-  
17       crecy oaths.

18              (5) In 2006, the Department of Defense re-  
19       leased the veterans of the program from their se-  
20       crecy oaths, allowing them to apply for veterans'  
21       benefits.

22              (6) Because the statute governing veterans'  
23       benefits requires veterans to apply within one year  
24       of discharge to receive retroactive benefits, veterans

1 of the program could only receive benefits beginning  
2 from the date of their disability application.

3 (7) By complying with their secrecy oaths, the  
4 veterans of the program lost the ability to receive  
5 the full veterans' benefits they earned.

6 (8) Veterans of other secrecy oath programs  
7 may face the same hurdles to obtaining benefits.

8 (9) While some veterans of secrecy oath pro-  
9 grams received limited relief in the courts, there is  
10 uncertainty about the scope of benefits available to  
11 those veterans.

12 (10) Congress has the power and obligation to  
13 ensure that heroes of the United States are not pun-  
14 ished for upholding their secrecy oaths.

15 **SEC. 3. DEFINITION OF SECRECY OATH PROGRAM.**

16 Section 5100 of title 38, United States Code, is  
17 amended by adding at the end the following new para-  
18 graph:

19 “(3) The term ‘secrecy oath program’ means a  
20 United States Government program in which partici-  
21 pants are required to sign a non-disclosure agree-  
22 ment preventing the disclosure of any information  
23 regarding the program under penalty of court-mar-  
24 tial or criminal punishment.”.

1 **SEC. 4. NOTICE TO VETERANS OF SECRECY OATH PRO-**  
2 **GRAMS REGARDING BENEFITS.**

3 (a) NOTICE REQUIRED.—

4 (1) IN GENERAL.—Section 6303 of title 38,  
5 United States Code, is amended—

6 (A) by redesignating subsections (c), (d),  
7 and (e) as subsections (d), (e), and (f), respec-  
8 tively; and

9 (B) by inserting after subsection (b) the  
10 following new subsection (c):

11 “(c) NOTICE TO VETERANS OF SECRECY OATH PRO-  
12 GRAMS.—(1) Not later than 90 days after the date on  
13 which participants in a secrecy oath program are released  
14 from the oath taken under such program, the Secretary  
15 shall—

16 “(A) identify the veterans who participated in  
17 the program;

18 “(B) notify each such veteran of all benefits  
19 and services under laws administered by the Depart-  
20 ment for which the veteran may be eligible; and

21 “(C) distribute the information described in  
22 subsection (d)(1) as required by such subsection.

23 “(2) If the Secretary identifies any veterans who are  
24 entitled to notice under paragraph (1) and did not receive  
25 such notice, the Secretary shall, not later than 90 days  
26 after the date of any such identification—

1           “(A) notify each such veteran of all benefits  
2           and services under laws administered by the Depart-  
3           ment for which the veteran may be eligible; and

4           “(B) distribute the information described in  
5           subsection (d)(1) as required by such subsection.

6           “(3) In this subsection, the term ‘secrecy oath pro-  
7           gram’ has the meaning given that term in section 5100 of  
8           this title.”.

9           (2) CONFORMING AMENDMENTS.—Section 6303  
10          of such title is further amended—

11                 (A) in subsection (a), by striking “through  
12                 (d)” and inserting “through (e)”; and

13                 (B) in subsection (e), as redesignated by  
14                 subsection (a)(1)(A), by striking “subsections  
15                 (b) and (c)” and inserting “subsections (b), (c),  
16                 and (d)”.

17          (b) EDGEWOOD ARSENAL PROGRAM.—Not later than  
18          90 days after the date of the enactment of this Act, the  
19          Secretary of Veterans Affairs shall—

20                 (1) identify the veterans who participated in the  
21                 secrecy oath program at Edgewood Arsenal at Aber-  
22                 deen Proving Ground, Maryland, at any time during  
23                 the period beginning on January 1, 1948, and end-  
24                 ing on December 31, 1975;

1           (2) notify each such veteran of all benefits and  
2 services under laws administered by the Department  
3 of Veterans Affairs for which the veteran may be eli-  
4 gible; and

5           (3) distribute the information described in sec-  
6 tion 6303(d)(1) of title 38, United States Code, as  
7 amended by subsection (a), as required by such sec-  
8 tion.

9 **SEC. 5. EFFECTIVE DATES OF AWARDS OF DISABILITY COM-**  
10 **PENSATION FOR PARTICIPANTS IN SECRECY**  
11 **OATH PROGRAMS.**

12       (a) IN GENERAL.—Section 5110(b) of title 38,  
13 United States Code, is amended by adding at the end the  
14 following new paragraph:

15       “(5)(A) Except as provided in subparagraph (B), the  
16 effective date of an award of disability compensation to  
17 a veteran who participated in a secrecy oath program shall  
18 be the day following the date of the veteran’s discharge  
19 or release if—

20           “(i) application therefor is received on or before  
21 the date that is one year after the date on which no-  
22 tice is sent to the veteran pursuant to—

23                   “(I) section 6303(c) of this title; or

24                   “(II) section 4(b)(2) of the Obligations to  
25 Aberdeen’s Trusted Heroes Act of 2024; and

1           “(ii) the disability for which compensation is  
2           sought was incurred or aggravated in line of duty in  
3           the active military, naval, air, or space service while  
4           participating in such secrecy oath program.

5           “(B)(i) The effective date of an award of disability  
6           compensation to a veteran described in clause (ii) shall  
7           be the day of receipt of the application therefor.

8           “(ii) A veteran described in this clause is a veteran  
9           who—

10           “(I) participated in the secrecy oath program at  
11           Edgewood Arsenal at Aberdeen Proving Ground,  
12           Maryland, at any time during the period beginning  
13           on January 1, 1948, and ending on December 31,  
14           1975; and

15           “(II) submits to the Secretary an application  
16           for disability compensation for a disability that was  
17           incurred or aggravated in line of duty in the active  
18           military, naval, air, or space service while partici-  
19           pating in such secrecy oath program after the date  
20           that is one year after the date on which notice is  
21           sent to the veteran pursuant to section 4(b)(2) of  
22           the Obligations to Aberdeen’s Trusted Heroes Act of  
23           2024.”.

24           (b) EFFECTIVE DATE AND APPLICABILITY.—

1           (1) IN GENERAL.—Paragraph (5) of section  
2           5110(b) of such title, as added by subsection (a),  
3           shall take effect on the date of the enactment of this  
4           Act and shall apply to claims for disability com-  
5           pensation received on, before, or after the date of  
6           the enactment of this Act.

7           (2) MODIFICATION OF PRIOR AWARDS.—Not  
8           later than 90 days after the date of the enactment  
9           of this Act, the Secretary of Veterans Affairs shall  
10          review all awards made by the Department of Vet-  
11          erans Affairs on or before the date of the enactment  
12          of this Act of compensation under chapter 11 of  
13          such title to veterans for a disability that was in-  
14          curred or aggravated in line of duty in the active  
15          military, naval, air, or space service while partici-  
16          pating in a secrecy oath program (as defined in sec-  
17          tion 5100 of such title) and adjust such awards of  
18          compensation such that the claim for such com-  
19          pensation is treated as if—

20                 (A) paragraph (5)(A) of section 5110(b) of  
21                 such title, as added by subsection (a), were in  
22                 effect on the date of the filing of the claim for  
23                 the compensation; and



1                   (B) application for such compensation was  
2                   received in compliance with clause (i) of such  
3                   paragraph.

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