

Veterans Institutional Exposure Initiative (VIEI)

Executive Summary – VA Tobacco Exposure Policy Reform

Date: October 10, 2025

Purpose and Context

The Veterans Institutional Exposure Initiative (VIEI) addresses a critical gap in veterans' policy: the unfair application of 38 U.S.C. §1103, which prohibits service connection for disabilities resulting from tobacco use. Enacted in 1998—only months after the first successful lawsuit against major tobacco companies—the law effectively disenfranchised the military community from the same legal and moral recognition that was emerging for the civilian population. At the very moment courts began shifting from a 'personal choice' model toward institutional responsibility, Congress imposed a statutory barrier that denied veterans equal due process and compensation for government-sanctioned exposure. The statute treats all tobacco-related exposure as a matter of personal choice—overlooking the decades when tobacco distribution and use were institutionally promoted, subsidized, and normalized within the U.S. Armed Forces.

Core Legal Position

Veterans subjected to government-sanctioned tobacco exposure did not voluntarily assume that risk. Tobacco was included in rations, distributed by command authority, and deeply embedded in the culture of military life. These exposures were systemic and unavoidable—distinct from voluntary use.

VIEI asserts that such exposure constitutes an institutional hazard comparable to other environmental or occupational exposures for which the VA routinely grants compensation.

Key Facts and Evidence

- Cigarettes were issued in C-rations until 1975 and sold tax-free at commissaries.
- Smoking was permitted in barracks, aircraft, ships, and command facilities well into the 1990s.
- Service members were routinely exposed to secondhand smoke in enclosed operational environments.
- The Department of Defense and VA publicly acknowledged tobacco's harm only after decades of institutional promotion.

Policy Remedy

Congress should clarify that disabilities arising from institutional exposure to tobacco products are exempt from the restrictions of 38 U.S.C. §1103. This can be accomplished through targeted amendment or administrative rulemaking affirming that exposure

resulting from government policy or workplace conditions does not constitute ‘personal use.’

A narrowly crafted exemption would restore equity, align VA policy with other exposure-based precedents (e.g., Agent Orange, burn pits), and uphold the government’s duty of care to service members.

Call to Action

VIEI calls on Congress, the Department of Veterans Affairs, and national veterans’ service organizations to:

- Recognize institutional tobacco exposure as an environmental hazard.
- Direct VA to establish review and adjudication procedures for affected veterans.
- Support independent medical and legal research documenting the scope of exposure.
- Engage in bipartisan legislative reform to amend §1103.

Contact

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Advocating recognition, justice, and compensation for veterans harmed by institutional exposure.