

116TH CONGRESS
1ST SESSION

S. 2722

To prohibit agencies from using Federal funds for publicity or propaganda purposes, and for other purposes.

IN THE SENATE OF THE UNITED STATES

OCTOBER 29, 2019

Ms. ERNST (for herself and Mr. PAUL) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

A BILL

To prohibit agencies from using Federal funds for publicity or propaganda purposes, 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 “Stop Wasteful Adver-
5 tising by the Government Act” or the “SWAG Act”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act—

8 (1) the term “advertising” means the placement
9 of messages in media that are intended to inform or
10 persuade an audience, including placement in tele-

1 vision, radio, a magazine, a newspaper, digital
2 media, direct mail, an exhibit, and a billboard;

3 (2) the term “agency” has the meaning given
4 the term in section 551 of title 5, United States
5 Code;

6 (3) the term “covert propaganda” means propa-
7 ganda communications by an agency that—

8 (A) fail to disclose the role of the agency
9 as the source of information; or

10 (B) are misleading as to the origin of the
11 communications;

12 (4) the term “mascot”—

13 (A) means an individual, animal, or object
14 adopted by an agency as a symbolic figure to
15 represent the agency or the mission of the
16 agency; and

17 (B) includes a costumed character;

18 (5) the term “public relations” means commu-
19 nications by an agency that are directed to the pub-
20 lic, including activities dedicated to maintaining the
21 image of the governmental unit or maintaining or
22 promoting understanding and favorable relations
23 with the community or the public;

1 (6) the term “purely partisan materials” means
2 materials designed to aid a political party or can-
3 didate;

4 (7) the term “self-aggrandizement” means pub-
5 licity of a nature tending to emphasize the impor-
6 tance of the agency or activity in question; and

7 (8) the term “swag”—

8 (A) means a product or merchandise dis-
9 tributed at no cost with the sole purpose of ad-
10 vertising or promoting an agency, organization,
11 program, or agenda;

12 (B) includes blankets, buttons, candy,
13 clothing, coloring books, cups, fidget spinners,
14 hats, holiday ornaments, jar grip openers,
15 keychains, koozies, magnets, neckties, novelties,
16 snuggies, stickers, stress balls, stuffed animals,
17 tchotchkes, thermoses, tote bags, trading cards,
18 and writing utensils; and

19 (C) does not include—

20 (i) an item presented as honorary or
21 informal recognition award, such as a chal-
22 lenge coin or medal issued for sacrifice or
23 meritorious service;

- 1 (ii) a brochure or pamphlet purchased
2 or distributed for informational purchases;
3 or
4 (iii) an item distributed for diplomatic
5 purposes, including a gift for a foreign
6 leader.

7 **SEC. 3. PROHIBITIONS; PUBLIC RELATIONS AND ADVER-**
8 **TISING SPENDING.**

9 (a) PROHIBITIONS.—Except as provided in sub-
10 section (c), and unless otherwise expressly authorized by
11 law—

12 (1) an agency, a contractor of the Federal Gov-
13 ernment, or another entity of the Federal Govern-
14 ment may not, directly or indirectly, use Federal
15 funds for publicity or propaganda purposes within
16 the United States, including the use of Federal
17 funds for self-aggrandizement, covert propaganda, or
18 purely partisan materials;

19 (2) an agency or other entity of the Federal
20 Government may not use Federal funds to purchase
21 or otherwise acquire or distribute swag; and

22 (3) an agency or other entity of the Federal
23 Government may not use Federal funds to manufac-
24 ture or use a mascot to promote an agency, organi-
25 zation, program, or agenda.

1 (b) PUBLIC RELATIONS AND ADVERTISING SPEND-
2 ING.—Each agency shall, as part of the annual budget jus-
3 tification submitted to Congress, report on the public rela-
4 tions and advertising spending of the agency for the pre-
5 ceding fiscal year.

6 (c) EXCEPTIONS.—Subsection (a) shall not apply
7 with respect to—

8 (1) recruitment relating to—

9 (A) enlistment or employment with the
10 Armed Forces; or

11 (B) employment with the Federal Govern-
12 ment;

13 (2) a mascot that is declared the property of
14 the United States under a provision of law, including
15 under section 2 of Public Law 93–318 (16 U.S.C.
16 580p–1);

17 (3) a mascot relating to the Armed Forces of
18 the United States; or

19 (4) an item distributed by the Bureau of the
20 Census to assist the Bureau in conducting a census
21 of the population of the United States.

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