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U.S. GOVERNMENT
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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

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A BILL

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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Stop Wasteful Advertising by the Government Act'' or the ''SWAG Act''.

SEC. 2. DEFINITIONS.

In this Act—

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

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

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

(3) the term ''covert propaganda'' means propaganda communications by an agency that—

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

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

(4) the term ''mascot''—

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

(B) includes a costumed character;

(5) the term ''public relations'' means communications by an agency that are directed to the public, including activities dedicated to maintaining the image of the governmental unit or maintaining or promoting understanding and favorable relations with the community or the public;

(6) the term ''purely partisan materials'' means materials designed to aid a political party or candidate;

(7) the term ''self-aggrandizement'' means publicity of a nature tending to emphasize the importance of the agency or activity in question; and

(8) the term ''swag''—

(A) means a product or merchandise distributed at no cost with the sole purpose of advertising or promoting an agency, organization, program, or agenda;

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

(C) does not include—

(i) an item presented as honorary or informal recognition award, such as a challenge coin or medal issued for sacrifice or meritorious service;

(ii) a brochure or pamphlet purchased or distributed for informational purchases; or

(iii) an item distributed for diplomatic purposes, including a gift for a foreign leader.

SEC. 3. PROHIBITIONS; PUBLIC RELATIONS AND ADVERTISING SPENDING.

(a) PROHIBITIONS.—Except as provided in subsection (c), and unless otherwise expressly authorized by law—

(1) an agency, a contractor of the Federal Government, or another entity of the Federal Government may not, directly or indirectly, use Federal funds for publicity or propaganda purposes within the United States, including the use of Federal funds for self-aggrandizement, covert propaganda, or purely partisan materials;

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

(3) an agency or other entity of the Federal Government may not use Federal funds to manufacture or use a mascot to promote an agency, organization, program, or agenda.

(b) PUBLIC RELATIONS AND ADVERTISING SPENDING.—Each agency shall, as part of the annual budget justification submitted to Congress, report on the public relations and advertising spending of the agency for the preceding fiscal year.

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

(1) recruitment relating to—

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

(B) employment with the Federal Government;

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

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

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

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