

## Calendar No. 616

116TH CONGRESS  
2D SESSION**S. 2722****[Report No. 116–313]**

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

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## IN THE SENATE OF THE UNITED STATES

OCTOBER 29, 2019

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

DECEMBER 14, 2020

Reported by Mr. JOHNSON, with an amendment

[Strike out all after the enacting clause and insert the part printed in italic]

**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”.

1 **SEC. 2. DEFINITIONS.**

2 In this Act—

3 (1) the term “advertising” means the placement  
4 of messages in media that are intended to inform or  
5 persuade an audience, including placement in tele-  
6 vision, radio, a magazine, a newspaper, digital  
7 media, direct mail, an exhibit, and a billboard;

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

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

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

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

17 (4) the term “mascot”—

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

22 (B) includes a costumed character;

23 (5) the term “public relations” means commu-  
24 nications by an agency that are directed to the pub-  
25 lic, including activities dedicated to maintaining the  
26 image of the governmental unit or maintaining or

1 promoting understanding and favorable relations  
2 with the community or the public;

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

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

9 (8) the term “swag”—

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

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

21 (C) does not include—

22 (i) an item presented as honorary or  
23 informal recognition award, such as a chal-  
24 lenge coin or medal issued for sacrifice or  
25 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 ceeding 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.

22 **SECTION 1. SHORT TITLE.**

23           *This Act may be cited as the “Stop Wasteful Adver-*  
 24 *tising by the Government Act” or the “SWAG Act”.*

1 **SEC. 2. DEFINITIONS.**

2 *In this Act—*

3 (1) *the term “advertising” means the placement*  
 4 *of messages in media that are intended to inform or*  
 5 *persuade an audience, including placement in tele-*  
 6 *vision, radio, a magazine, a newspaper, digital*  
 7 *media, direct mail, a tangible product, an exhibit, or*  
 8 *a billboard;*

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

11 (3) *the term “mascot”—*

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

16 (B) *includes a costumed character;*

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

23 (5) *the term “return on investment” means, with*  
 24 *respect to the public relations and advertising spend-*  
 25 *ing by an agency, a positive return in achieving*

agency or program goals relative to the investment in  
advertising and marketing materials; and

(6) the term “swag”—

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

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

(C) does not include—

(i) an item presented as an honorary or informal recognition award related to the Armed Forces of the United States, such as a challenge coin or medal issued for sacrifice or meritorious service;

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

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

1 **SEC. 3. PROHIBITIONS; PUBLIC RELATIONS AND ADVER-**  
 2 **TISING SPENDING.**

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

5 (1) *an agency or other entity of the Federal Gov-*  
 6 *ernment may not use Federal funds to purchase or*  
 7 *otherwise acquire or distribute swag; and*

8 (2) *an agency or other entity of the Federal Gov-*  
 9 *ernment may not use Federal funds to manufacture*  
 10 *or use a mascot to promote an agency, organization,*  
 11 *program, or agenda.*

12 (b) *PUBLIC RELATIONS AND ADVERTISING SPEND-*  
 13 *ING.*—*Each agency shall, as part of the annual budget jus-*  
 14 *tification submitted to Congress, report on the public rela-*  
 15 *tions and advertising spending of the agency for the pre-*  
 16 *ceding fiscal year, which may include an estimate of the*  
 17 *return on investment for the agency.*

18 (c) *EXCEPTIONS.*—

19 (1) *SWAG.*—*Subsection (a)(1) shall not apply*  
 20 *with respect to—*

21 (A) *an agency program that supports the*  
 22 *mission and objectives of the agency that is initi-*  
 23 *ating the public relations or advertising spend-*  
 24 *ing, provided that the spending generates a posi-*  
 25 *tive return on investment for the agency;*

26 (B) *recruitment relating to—*



1                   (i) enlistment or employment with the  
2                   Armed Forces; or

3                   (ii) employment with the Federal Gov-  
4                   ernment; or

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

8                   (2) MASCOTS.—Subsection (a)(2) shall not apply  
9                   with respect to—

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

14                   (B) a mascot relating to the Armed Forces  
15                   of the United States.

16                   (d) REGULATIONS.—Not later than 180 days after the  
17                   date of enactment of this Act, the Director of the Office of  
18                   Management and Budget shall issue regulations to carry  
19                   out this Act.

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2<sup>D</sup> Session

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