

AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

Purpose: In the nature of a substitute.

**IN THE SENATE OF THE UNITED STATES—116th Cong., 2d Sess.**

**S. 2722**

To prohibit agencies from using excess Federal funds for public relations or advertising, and for other purposes.

Referred to the Committee on \_\_\_\_\_ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended to be proposed by Mr. JOHNSON

Viz:

1 Strike all after the enacting clause and insert the fol-  
2 lowing:

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-  
11 vision, radio, a magazine, a newspaper, digital

1 media, direct mail, a tangible product, an exhibit, or  
2 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 “mascot”—

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

11 (B) includes a costumed character;

12 (4) the term “public relations” means commu-  
13 nications by an agency that are directed to the pub-  
14 lic, including activities dedicated to maintaining the  
15 image of the governmental unit or maintaining or  
16 promoting understanding and favorable relations  
17 with the community or the public;

18 (5) the term “return on investment” means,  
19 with respect to the public relations and advertising  
20 spending by an agency, a positive return in achieving  
21 agency or program goals relative to the investment  
22 in advertising and marketing materials; and

23 (6) the term “swag”—

24 (A) means a tangible product or merchan-  
25 dise distributed at no cost with the sole purpose

1 of advertising or promoting an agency, organi-  
2 zation, or program;

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

10 (C) does not include—

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

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

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

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

3 (a) PROHIBITIONS.—Except as provided in sub-  
4 section (c), and unless otherwise expressly authorized by  
5 law—

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

9 (2) an agency or other entity of the Federal  
10 Government may not use Federal funds to manufac-  
11 ture or use a mascot to promote an agency, organi-  
12 zation, program, or agenda.

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

19 (c) EXCEPTIONS.—

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

22 (A) an agency program that supports the  
23 mission and objectives of the agency that is ini-  
24 tiating the public relations or advertising spend-  
25 ing, provided that the spending generates a  
26 positive return on investment for the agency;

1 (B) recruitment relating to—

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

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

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

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

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

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

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