

119TH CONGRESS
1ST SESSION

S. _____

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

IN THE SENATE OF THE UNITED STATES

Ms. ERNST introduced the following bill; which was read twice and referred to the Committee on _____

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, a tangible product, an exhibit, or
3 a billboard;

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

7 (3) the term “mascot” means an individual,
8 animal, or object adopted by an agency as a sym-
9 bolic figure to represent the agency, the mission of
10 the agency, or a program within the agency, includ-
11 ing 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, graphic novels, cups,
5 fidget spinners, hats, holiday ornaments, jar
6 grip openers, keychains, koozies, magnets, neck-
7 ties, snuggies, stickers, stress balls, stuffed ani-
8 mals, thermoses, tote bags, trading cards, and
9 writing 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 used—

16 (i) for the purpose of recruitment of
17 individuals to enlist in the Armed Forces
18 of the United States; or

19 (ii) in support of a military academy
20 athletic team.

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