

Summary

Federal Propaganda Prohibition Act of 2005

Recent investigations have found that the Bush Administration used covert propaganda campaigns to promote administration priorities. Although these secret campaigns violate a provision included in annual appropriation acts since 1951, there has been little effective enforcement of these appropriations riders.

The Federal Propaganda Prohibition Act would improve congressional oversight by establishing requirements that agencies notify Congress about public relations, advertising, and polling contracts and provide additional information upon request. It would strengthen public disclosure by requiring that all federally funded public relations materials identify the funding source. And it would make the prohibition on propaganda a permanent part of the U.S. Code.

INCREASED OVERSIGHT

The bill would require federal agencies to notify the oversight and appropriations committees and the relevant committees of jurisdiction within 30 days of entering into a contract for public relations, media relations, advertising, or public opinion research services. It would also require reporting of subcontracts for such services.

In addition, the bill would require federal agencies to make the details of each contract and subcontract available upon request of the chair or ranking member of these committees or the Comptroller General.

PUBLIC DISCLOSURE

The bill would require all advertisements and other public relations communications that are paid for with federally appropriated funds to include a prominent notice of the source of funding. The communications subject to these disclosure requirements would include video news releases produced by federal contractors, statements by commentators who are under contract with the federal government to state a particular opinion, and all advertising, brochures, and similar materials.

PROHIBITION ON PUBLICITY AND PROPAGANDA

The bill would codify the prohibition against publicity and propaganda. This provision, which is regularly included in appropriations bills, has been interpreted to prohibit (1) covert propaganda that does not identify the government as the source, (2) information intended for “self-aggrandizement” or “puffery,” and (3) materials that serve a solely partisan purpose.

The penalties for violation would be the same as those included in the Anti-Deficiency Act (31 U.S.C. sec. 1341). Officers and employees of the federal government who violate the prohibition would be subject to administrative penalties including suspension from duty without pay and removal from office. There would be criminal penalties for knowing and willful violations of the prohibition, including fines of not more than \$5,000 and imprisonment of up to two years.