There Are No Federal Funds for Propaganda: the Anti-Publicity & Propaganda Rider explained

For 75 years, Congress has banned the use of federal funds for publicity or propaganda. When agencies spend taxpayer dollars on self-serving communications, they violate this law and may trigger legal consequences under the Antideficiency Act—from removal of officials to criminal penalties.

Appropriations laws bar the use of taxpayer dollars by agencies or contractors for "publicity or propaganda."

- Since 1951, Congress has included a provision in appropriations laws that prevents the use of federal funds for propaganda or publicity.
- The current restriction is Section 718 of the Financial Services and General Government Appropriations Act for Fiscal Year 2026. It states "[n]o part of any appropriation contained in this or any other Act shall be used directly or indirectly, including by private contractor, **for publicity or propaganda purposes** within the United States not heretofore authorized by Congress."
- Any agency or employee that uses funds for publicity or propaganda that has not been explicitly approved by Congress spends money that agency doesn't legally have. This constitutes a **violation of the Antideficiency Act**, which prohibits agencies from spending unappropriated federal funds. See B-302710, May 19, 2004.
- In enforcing similar restrictions Congress has imposed on the use of funds, the GAO has advised agencies there is no minimum dollar threshold for a violation. Any use of agency resources counts—even a single dollar or a social media like or retweet. See B-329368, December 13, 2017.

Taxpayer dollars cannot be used to pay for partisan materials, self-aggrandizing communications or covert communications.

While enforcement of the prohibition on the use of federal funds for publicity or propaganda has been balanced against agencies' legitimate need to disseminate information about their work, past decisions from the Government Accountability Office (GAO) have outlined three categories of publicity or propaganda for which using federal funds is illegal:

- **Purely partisan materials:** communications "that have no connection to an agency's official duties and are completely political in nature," or "that are designed to aid a political party or candidate." B-332531, Nov. 16, 2023; B–329373, Jul. 26, 2018.
    - **Example:** A Department of Education contract for a media analysis evaluating whether "the 'Bush Administration/the GOP [was] committed to education.'" B-304228, Sept. 30 2005.

- **Self-Aggrandizing:** communications "emphasize the importance of the agency or activity," are "designed to glorify an agency or official," or have an "obvious purpose. . . [of] puffery." B-212069, Oct. 6, 1983; GAO Red Book; B-302504, Mar. 10, 2004.
    - **Example:** A presidential advisory committee hiring a publicity expert when its sole legal function was to advise the President. B-222758, Jun. 25, 1986.

- **Covert communications:** materials prepared by an agency (or its contractors) that appear to be produced by an independent third party. This includes failure to disclose the agency's sponsorship or misleading the public as to the material's origin. B-302710, May 19, 2004; B-316443, Jul. 21, 2009.
    - **Example:** re-packaged news stories prepared by the Office of National Drug Control Policy and distributed by local TV stations as if they were independent journalism. B-303495, Jan. 4, 2005.
    - **Example:** An EPA social media campaign that enabled supporters to post an EPA-written message without identifying the agency's role in drafting the message. B-326944, Dec. 14, 2015.

Unlawfully spending federal funds on propaganda carries a range of administrative and criminal penalties

Violations of the Antideficiency Act carry serious consequences for responsible officials and employees:

- **Criminal penalties**: Federal employees who knowingly and willingly spend (or commit the government to spend) beyond available appropriations **face up to $5,000 in fines, up to 2 years in prison, or both**. 31 U.S.C. § 1341(a), 31 U.S.C. § 1350.
- **Administrative discipline**: Responsible officials must face appropriate discipline, including suspension without pay or removal from office. 31 U.S.C. § 1349(a).
- **Mandatory reporting**: Violators must immediately report all relevant facts and actions taken to the President, Congress, and the Comptroller General. 31 U.S.C. §§ 1351, 1517(b).
    - Note: The statute of limitations for these violations is five years. 18 U.S.C. § 3282.

ABOUT US

Protect Democracy is a nonpartisan, nonprofit group working to prevent American democracy from declining into a more authoritarian form of government.