



COMMITTEE ON HOMELAND SECURITY

H.R. 7778, the “Department of Homeland Security Seal Protection Act” As Introduced by Chairman Bennie G. Thompson (D-MS)

A Federal department or agency’s official logo and seal signifies the authoritativeness of the item or document to which it is affixed. Since June 2003, the Department of Homeland Security (DHS) has maintained a seal to symbolize its mission; it is incorporated in DHS uniforms and equipment as well as the branding of DHS components. Currently, there are provisions of law that generally prohibit the misappropriation or exploitation of [this DHS symbol](#) (pictured below).¹ However, the DHS seal lacks specific statutory protections like the seals of other Federal departments and agencies.²



DHS has identified substantial misuse of its seal undermining the Department’s core values of integrity, vigilance, and respect. Individuals have used the seal to impersonate DHS officers and agents to engage in crimes, and businesses have used it to convey the impression that the Department endorses their products or services to seek material gain.³ The risks stemming from impersonators were demonstrated in April 2022, when Federal prosecutors charged two individuals for impersonating undercover DHS agents to gain the trust of officers within the U.S. Secret Service. According to court records, “the men were not merely playing dress-up” but

¹ Unauthorized use is a violation of the Title 18, sections 506, 701, and 1017 of the United States Code.

² Examples of Federal departments and agencies whose seals are protected include: the Department of Treasury (31 U.S.C. § 333); Department of Defense (32 C.F.R. § 212.6); Department of Veterans Affairs (38 C.F.R. § 1.9); National Security Agency (50 U.S.C. § 3613); Central Intelligence Agency (50 U.S.C. § 3513); U.S. Marshalls Service (18 U.S.C. § 709); and U.S. Marine Corp. (10 U.S.C. § 8921).

“engaged in conduct that represented a serious threat to the community, compromised the operations of a federal law enforcement agency, and created a potential risk to national security.”⁴

Businesses misrepresenting endorsement or approval by DHS of products and services include a tornado shelter manufacturer using the seal to endorse its products, a third-party website using the seal to advertise medical examinations, and online retailers selling face masks displaying the seal during the COVID-19 pandemic.⁵

To bolster the legal protections for the DHS Seal against misappropriation and exploitation, Chairman Thompson introduced the ***Department of Homeland Security Seal Protection Act*** to grant the Secretary of Homeland Security the authority to prevent or pursue action against individuals, organizations, or businesses that fraudulently use the DHS seal or colorable imitations to misrepresent endorsement or approval by the Department and harm the public. On August 11, 2021, DHS submitted a legislative proposal to Congress to enhance the protection of DHS’ seal as a part of a larger trademark and licensing package in response to challenges it has encountered when relying upon the general seal protection statute.⁶

Specifically, the ***Department of Homeland Security Seal Protection Act*** would amend the Homeland Security Act to prohibit the knowing use of the DHS seal or colorable imitation of the seal in a way that gives the false impression that DHS has authorized such use unless authorized, in writing, to do so by the DHS Secretary. It clarifies that a DHS officer or employee engaged in official duties would not be affected and that current lawful users of designs in existence at the time of enactment would be grandfathered.

³ Briefing from DHS to Committee on Homeland Security Staff, *DHS Proposals for Seal Protections, Trademark Licensing Fees, and Media Reimbursement Authorities*, DEPT. OF HOMELAND SECURITY, Mar. 23, 2022.

⁴ Spencer S. Hsu, Peter Humm, and Matt Zaptosky, *Men posing as DHS employees created potential national security risk, prosecutors say*, THE WASHINGTON POST, Apr. 8, 2022, <https://www.washingtonpost.com/dc-md-va/2022/04/08/men-impersonating-federal-officers-detention/>.

⁵ Briefing from DHS to Committee on Homeland Security Staff, *DHS Proposals for Seal Protections, Trademark Licensing Fees, and Media Reimbursement Authorities*.

⁶ Letter to the Honorable Nancy Pelosi, Speaker, from DHS Acting Assistant Secretary for Legislative Affairs, DEPT. OF HOMELAND SECURITY, Aug. 11, 2021.