

119TH CONGRESS
1ST SESSION

H. R. 1698

To provide accountability for unlawful disclosures of firearm trace data in the Firearms Trace System database, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 27, 2025

Mr. HIGGINS of Louisiana (for himself, Mr. WEBER of Texas, Mr. BABIN, Mr. SCHMIDT, Mr. FLEISCHMANN, Mr. COLLINS, Mr. GILL of Texas, Mr. RUTHERFORD, Mr. HARRIS of Maryland, and Mr. MESSMER) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To provide accountability for unlawful disclosures of firearm trace data in the Firearms Trace System database, 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 “Law Enforcement Pro-
5 tection and Privacy Act of 2025”.

1 **SEC. 2. AMENDMENT TO FOIA.**

2 Section 552(b) of title 5, United States Code, is
3 amended—

4 (1) in paragraph (8), by striking “or” at the
5 end;

6 (2) in paragraph (9), by striking the period and
7 inserting “; or”; and

8 (3) by inserting after paragraph (9) the fol-
9 lowing new paragraph:

10 “(10) contents of the Firearm Trace System
11 database maintained by the National Trace Center
12 of the Bureau of Alcohol, Tobacco, Firearms, and
13 Explosives, or any information required to be kept
14 by licensees pursuant to section 923(g) of title 18 or
15 reported pursuant to paragraph (3) or (7) of such
16 section.”.

17 **SEC. 3. UNAUTHORIZED DISCLOSURES BY AGENCIES NOT**
18 **PART OF THE FEDERAL GOVERNMENT.**

19 (a) **FINES FOR DISCLOSURES CONTRARY TO FED-**
20 **ERAL LAW.**—The Attorney General shall fine a State,
21 local, tribal, or foreign entity the following amount if the
22 Attorney General determines that the entity made a dis-
23 closure of protected information in violation of the covered
24 disclosure statute or any other applicable Federal law
25 after the date of the enactment of this Act:

1 (1) \$10,000, for the first violation by the entity
2 or a violation by the entity occurring more than 3
3 years after the most recent violation by the entity.

4 (2) \$25,000, for any other violation by the enti-
5 ty.

6 (b) LOSS OF ACCESS FOR 1 YEAR AFTER MULTIPLE
7 VIOLATIONS.—The Attorney General may not disclose
8 protected information to an entity fined under subsection
9 (a)(2), for 1 year after the date of the imposition of the
10 fine.

11 (c) ENFORCEMENT OF FINE BY CIVIL ACTION.—The
12 Attorney General may bring an action in a court of com-
13 petent jurisdiction to enforce or collect payment of a fine
14 imposed under subsection (a).

15 (d) ASSESSMENT OF FINES.—In assessing fines
16 under this section, the Attorney General shall impose a
17 fine for each disclosure of each individual piece of pro-
18 tected information in violation of the covered disclosure
19 statute.

20 **SEC. 4. PRIVATE RIGHT OF ACTION FOR UNAUTHORIZED**
21 **DISCLOSURES OF PROTECTED INFORMA-**
22 **TION.**

23 (a) IN GENERAL.—Any entity with a license under
24 section 923 of title 18, United States Code, adversely af-
25 fected or aggrieved by a disclosure of protected informa-

1 tion in violation of the covered disclosure statute or any
2 other applicable Federal law by a Federal agency or a
3 local, tribal, or foreign entity may bring an action in a
4 court of competent jurisdiction against the agency or enti-
5 ty for remedies available under this section.

6 (b) **WAIVER AND ABROGATION OF SOVEREIGN IMMUN-**
7 **NITY.**—Sovereign immunity shall not be a defense in an
8 action under this section.

9 (c) **REMEDIES.**—An entity that prevails on a violation
10 alleged in a claim under this section shall be entitled to—

11 (1) the greater of—

12 (A) triple the amount of damages suffered
13 by the entity, including damages resulting from
14 loss of business income or harm to the reputa-
15 tion of the entity; or

16 (B) \$25,000, for each disclosure of each
17 individual piece of protected information in vio-
18 lation of the covered disclosure statute;

19 (2) such punitive damages as the court may
20 allow; and

21 (3) a reasonable attorney’s fee and court costs.

22 **SEC. 5. OTHER REMEDIES; SEVERABILITY.**

23 (a) **OTHER REMEDIES.**—This Act shall not be inter-
24 preted to preclude any other remedy available under law.

1 (b) SEVERABILITY.—If any provision of this Act, an
2 amendment made by this Act, or the application of such
3 a provision or amendment to any person or circumstance
4 is held by a court to be invalid or unconstitutional, no
5 other such provision, amendment, or application shall be
6 affected thereby.

7 **SEC. 6. DEFINITIONS.**

8 In this Act:

9 (1) COVERED DISCLOSURE STATUTE.—The
10 term “covered disclosure statute” means the 6th
11 proviso under the heading “Bureau of Alcohol, To-
12 bacco, Firearms and Explosives—Salaries and Ex-
13 penses” in the Department of Justice Appropria-
14 tions Act, 2012 (title II of division B of the Consoli-
15 dated and Further Continuing Appropriations Act,
16 2012; 18 U.S.C. 923 note), or successor law.

17 (2) FEDERAL AGENCY.—The term “Federal
18 agency” has the meaning given the term in section
19 2671 of title 28, United States Code.

20 (3) LOCAL ENTITY.—The term “local entity”
21 means a city, county, municipal corporation, or other
22 unit of government that is a political subdivision,
23 and not an arm, of a State.

24 (4) PROTECTED INFORMATION.—The term
25 “protected information” means the following:

1 (A) The contents, or a portion thereof, of
2 the Firearms Trace System database main-
3 tained by the National Trace Center of the Bu-
4 reau of Alcohol, Tobacco, Firearms, and Explo-
5 sives.

6 (B) The information required to be kept by
7 licensees pursuant to section 923(g) or reported
8 pursuant to paragraph (3) or (7) of such sec-
9 tion.

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