



U.S. Department of Justice

Bureau of Alcohol, Tobacco,
Firearms and Explosives

www.atf.gov

November 25, 2024

REFER TO: 2020-0280 & 2020-0847
24-cv-02291

Mr. William J. Olson
Gun Owners of America and
Gun Owners Foundation
370 Maple Avenue West, Suite 4
Vienna, Virginia 22180-5615

Dear Mr. Olson:

This responds to your Freedom of Information Act (FOIA) requests dated January 8 and June 11, 2020, in which you requested records concerning ATF's investigatory use of the internet. Your requests were assigned ATF tracking numbers 2020-0280 and 2020-0847. Please refer to these numbers in any future correspondence.

In response to 2020-0280, we processed a total of 103 pages of responsive material. Individual redactions identify the exemption pursuant to which the redacted material was withheld. Please be advised that we considered the foreseeable harm standard when reviewing records and applying FOIA exemptions.


Please be advised that a search was conducted for records responsive to 2020-0847 and, based on the information you provided to us, we were not able to locate any responsive records subject to FOIA.

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. *See* 5 U.S.C. § 552(c). This response is limited to those records that are subject to the requirements of the FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist.

If you have any questions or concerns about this production, please contact the attorney handling this FOIA litigation, Assistant United States Attorney Kimberly Stratton at kimberly.stratton@usdoj.gov.

Sincerely,

Hirsh D. Kravitz
Acting Chief
Information and Privacy Governance Division

| BUREAU OF ALCOHOL, TOBACCO, FIREARMS, AND EXPLOSIVES | | |
|---|--|---------------------|
|  | SUBJECT: Internet Investigations Center Threat Process | Document SOP |
| | APPROVED BY: | |
| | (b) (6) Chief, Internet Investigations Center | |
| | FORMS REQUIRED: NONE ESTABLISHED DATE: 3/11/2019 LAST DATE MODIFIED: 3/11/2019 | |

PURPOSE:

The purpose of this Standard Operating Procedure (SOP) is to standardize how the Internet Investigations Center (IIC) addresses threats originating from social media platforms directed towards the public at large. Using this standard operating procedure will enable IIC to effectively identify and mitigate threats to the public and/or “soft target” locations.

I. Preface:

The IIC mandate is to monitor, capture, and analyze social media websites for information that indicates a significant public safety threat to the public at large. The IIC utilizes open source and commercially available datasets to monitor, capture, and analyze social media information across multiple social media platforms.

II. Social Media Threats:

The following standardized procedure provides guidance in addressing social media threats in an effective manner:

IIC Chief shall designate IIC staff or designee(s) to monitor social media for threat indicators.

IIC staff or designee(s) shall consistently record, update, and maintain a list of threat indicators to reflect the current and past trends.

IIC staff or designee(s) will utilize open source commercially available database(s) and tools to track and/or capture threat indicators which may indicate a significant public safety threat. The IIC staff or designee(s) will operate both in a live real-time environment and in a historically captured environment.

Once IIC staff or designee(s) have identified a threat that has been determined to be ‘objectively reasonable’ in light of the facts and totality of the circumstances, the IIC staff or designee(s) will advise the IIC Chief of the identified threat.

The IIC staff or designee(s) will conduct a screen capture/download of the most threatening post(s) for preservation and future analysis.

The IIC Chief or designee shall review and determine if further action (credible) or no further action (non-credible) is warranted on the identified threat. The IIC Chief may decide to monitor a (non-credible) threat for a specified period of time to determine if a threat may become credible.

After the identified threat has been deemed credible by the IIC Chief, IIC staff or designee(s) will download/preserve the entirety of the social media profile for future analysis.

At the same time, IIC staff or designee(s) will create an Emergency Disclosure Draft addressed to the relevant social media platform. The Emergency Disclosure Draft will include the threats made by the social media user and any additional context relevant to the postings.

At the same time, IIC staff or designee(s) will attempt to analyze the social media profile to de-anonymize the subject utilizing all available datasets and information publicly available.

The IIC Chief or designee will then submit the Emergency Disclosure to the relevant social media platform with the IIC Chief's signature on the bottom of the document.

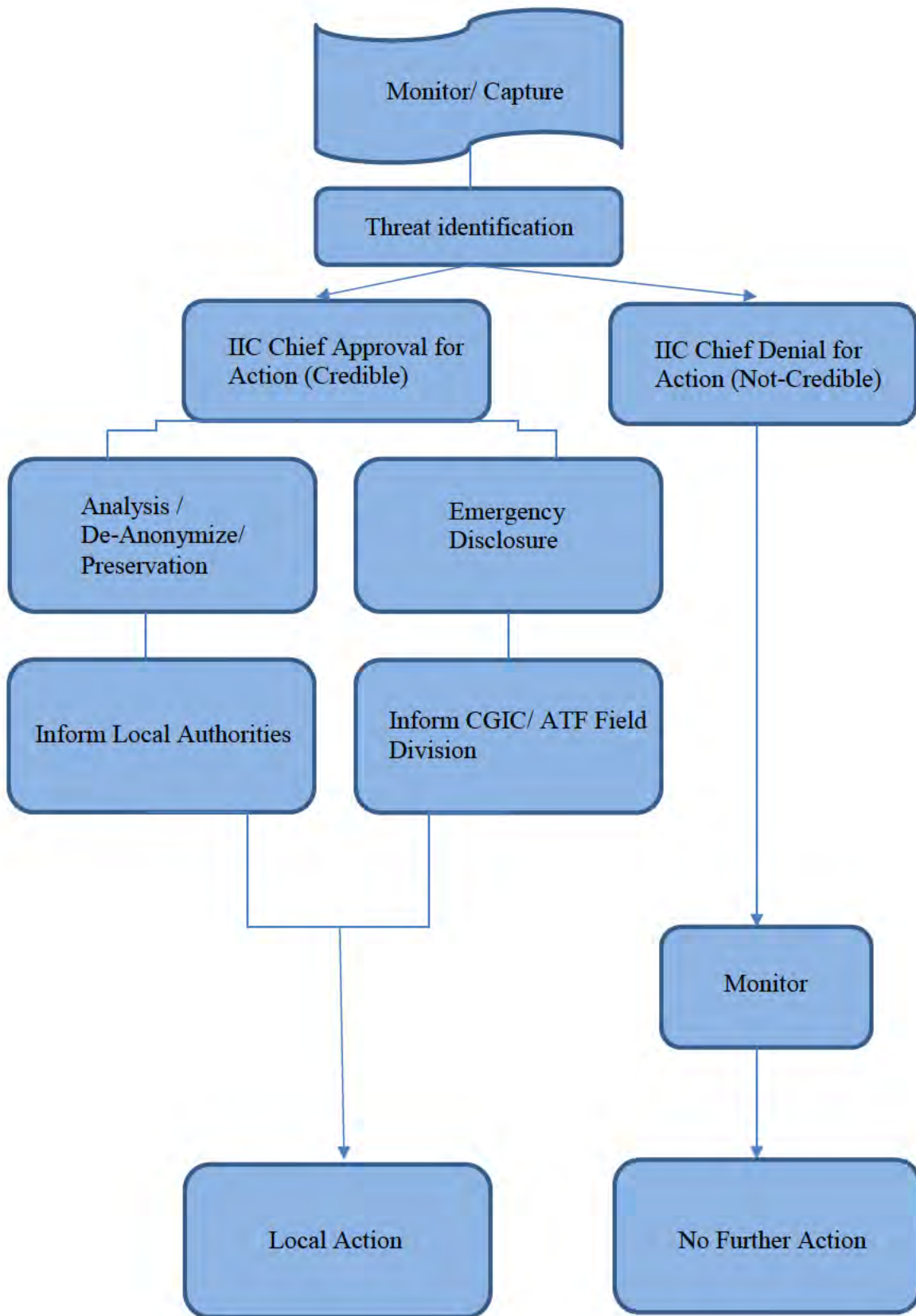
Once the subject has been de-anonymized, via Emergency Disclosure or Open Source Intelligence (OSINT), and the identity of the poster is known, the IIC Chief or designee will contact the relevant local authorities and apprise them of the threatening post(s) and relay any officer safety concerns.

After local authorities have been informed, the IIC Chief or designee will contact the ATF Crime Gun Intelligence Center (CGIC) on duty supervisor and/or the relevant field division and apprise them of the threats.

IIC staff or designee(s) will continue to monitor the suspected social media profile and gather intelligence until the local authorities have decided on a course of action in accordance with their local laws and departments standard operating procedures.

IIC Chief or his/her designee will make the determination if an ATF case will be created following and in accordance with SOP- General Case Creation in N-Force.

IIC staff or designee(s) will record the relevant threat information in the *Emergency Disclosure Report- Voluntary Disclosures Pursuant to 18 U.S.C. § 2702(b)(8)* document and additionally in the *Soft Target Threat- Summary Sheet*.



(b) (7) (E)

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U.S. Department of Justice
Bureau of Alcohol, Tobacco, Firearms and Explosives
Office of Strategic Intelligence and Information



(U) Firearms and Internet Transactions

ATF Intelligence Assessment



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SCOPE

(U) The Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), Office of Strategic Intelligence and Information (OSII), Violent Crime Intelligence Division, Internet Investigations Center, has prepared the following intelligence assessment to provide information and analysis in the area of online firearmsⁱ sales, including both legal and illegal transactions.

DISCLAIMER

(U) While the focus of this Assessment is the sale of firearms on the Internet, it must be noted that due to the dynamic nature of the Internet, information is only current as of the date of publication.

KEY FINDINGS

- (U) Currently, there are no Federal statutes, rules or regulations addressing specifically the sale of firearms on the Internet.
- (U) The more anonymity employed by a firearms purchaser, the greater the likelihood that the transaction violates Federal law.
- (U) Approximately 22 percent of all Federal firearms licensees (FFLs) (excluding collector's licenses) are believed to conduct some business over the Internet.
- (U) Since 2011, the starting point for this Assessment, there has been a steady increase in Internet-based criminal enforcement cases within ATF.
- (U) All major retailers with an online presence and smaller retailers selling online are federally licensed. There do not appear to be any FFLs selling firearms on the Dark Net. However, there are individuals who appear to be “engaged in the business of selling firearms”¹ on the Deep Web and Dark Net, and those persons should be federally licensed.
- (U) There are a number of different types of online marketplaces and they differ in the ability to search for firearms. If a marketplace allows the user to search within a narrow geographic scope, it is more likely that the firearms transaction will occur in person.
- (U) Firearms transactions that occur in the Deep Web or Dark Net are more likely to be conducted in person or via the mail or common carrier, versus through an FFL.
- (U) It appears that the price of a firearm increases as the transaction becomes more

ⁱ “Firearm” is defined under the Gun Control Act of 1968, 18 U.S.C. § 921(a)(3), and the National Firearms Act, 26 U.S.C. § 5845(a). These definitions govern for purposes of this Assessment. Thus a “firearm” includes, but is certainly not limited to, specific items such as handguns, suppressors, destructive devices, machineguns and short-barrel rifles.

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covert or when parties attempt to subvert laws and regulations.

- (U) More used (secondary market) firearms are sold via online auctions, online marketplaces, the Deep Web and the Dark Net as compared to the Surface Web. As a result, these unregulated marketplaces impede law enforcement's ability to accurately trace firearms.

BACKGROUND

(U) Opportunities abound online to transferⁱⁱ firearms. However, the current legal framework of statutes and regulations governing the possession and transfer of firearms does not address specifically the use of the Internet to facilitate these transactions. While it is often best to keep statutory language technology neutral, an analysis of the online marketplaces for firearms demonstrates the ease with which individuals can choose to circumvent the law in this arena. The remainder of this section summarizes the provisions of law pertinent to this Assessment.

(U) An unlicensed individual may transfer a firearm legally through an FFL or through private means. Depending on the type of firearm involved in a transaction, certain Federal firearms regulations must be followed. Additional State regulations may also apply.

(U) An unlicensed individual may transfer a firearm directly to an FFL in any State.

(U) An unlicensed individual may transfer a firearm to another unlicensed individual residing in the same State, provided that the transferor has no reason to believe that the transferee is prohibited by law from possessing a firearm.

(U) An unlicensed individual is prohibited from directly transferring a firearm to a person residing in another State. This restriction applies to all types of firearms, regardless of the purpose of the transfer.

(U) An unlicensed individual may complete a transfer to an out-of-State recipient by transferring the firearm to an FFL in the State of the person receiving the firearm. The FFL then transfers the firearm to the unlicensed out-of-State buyer. The FFL is responsible for the lawful transfer of the firearm.

(U) A "straw purchase" occurs when an individual buys or receives a firearm on behalf of another, often a "prohibited person." Title 18, United States Code, section 922(g) identifies the categories of persons who are prohibited from possessing a firearm, and section 922(x) addresses the limitations of transferring a handgun or its ammunition to a juvenile.

(U) FFLs may advertise and conduct business on the Internet. Many FFLs create their own web

ⁱⁱ For purposes of this Assessment, "transfer" is used to indicate the movement of a firearm from one person to another. The purpose of the transfer (*e.g.*, sale, gift, loan, trade) is not pertinent to this analysis.

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sites, often listing their business inventory. Some FFLs use Facebook, social media and forums such as AR15.com to advertise firearms for sale/trade.

(U) Legitimate online firearms transactions include:

- FFLs facilitating transfers between private parties;
- FFLs advertising and selling online as an extension of their licensed business premises;
- FFL to FFL transfers (online classified ads, forum discussions and auction sites); and
- FFLs purchasing firearms from private parties to offer for sale in their business inventory.

(U) In order to conduct firearms transfers online, the transferor must possess a reasonable belief that the prospective recipient is not prohibited. The transaction may be private in nature (meaning no FFL involvement) should both the transferor and transferee reside in the same State. Additional State rules may allow for the transfer across State lines regarding long guns. Handguns are not to be transferred across State lines without the use of an FFL.

(U) For an unlicensed individual transferring firearms online, if the recipient does not reside in the same State as the transferor, the transferor must send the firearm to an FFL in the recipient's State for the transaction to be legal.

(U) ATF Form 7 (Application for Federal Firearms License) does not address the method of business conduct.

ANALYSIS

The Internet and Types of Online Marketplaces for Firearms

(U) The Internet has become ever-present in the lives of most Americans. As this tool for information-sharing, commerce and communication has grown, it is important to recognize that it is not a "one-size-fits-all" entity and its breadth and depth affect each area.

(U) There are four sectors of the Internet and online transfers of firearms occur on each:

- Surface/Commercial Web – comprised of sites indexed by commercial search engines such as Google, Yahoo and Bing; this sector represents approximately four percent of the Internet;²
- Private Web – used by businesses and government for their employees to access internal networks;
- Deep Web – part of the Web not indexed by commercial search engines, such as Reddit, classified listings, forums and invite-only groups;
- Dark Net/Web – anonymous Internet activity that can be used for illicit purposes, usually accessed through an anonymizing browser such as The Onion Router (Tor).³

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(U) Online transfers of firearms are not inherently illegal. Indeed, many retailers and individuals successfully and lawfully engage in online transactions. However, information about online transfers of firearms becomes increasingly opaque as the transactions move from the Surface Web to the Dark Net. This opacity results in a greater likelihood of illegal transfers, especially among private parties. Online transactions also affect the price of firearms, especially in the secondary market, and the opportunity for fraud increases. As well, firearms discussion groups and forums on the Internet provide information about how to skirt the firearms laws. This Assessment provides an overview of these topics and identifies the challenges posed by online firearms sales.

- (U) Firearms are transferred online through one of six types of marketplaces. They are:
1. Major Retailers;
 2. Online Retailers;
 3. Online Auctions/Marketplaces;
 4. Online Classifieds;
 5. Online Forums/Social Media Networks; and
 6. Dark Net Marketplaces.

(U) The type of online marketplace dictates the method of transfer of a firearm as well as an individual's ability to locate an item in a particular geographic area. Each marketplace is discussed in turn, but Table 1, below, summarizes how and where firearms can be transferred/purchased via the six different types of marketplaces.

Table 1 - Internet Marketplaces

| Type of Marketplace | Web Site | Method of Purchase | Lowest Level of Search |
|---------------------|--|--------------------|------------------------|
| Major Retailers | www.walmart.com | In-store only | Specific store |
| | www.dickssportinggoods.com | In-store only | Specific store |
| | www.cabelas.com | In-store only | Specific store |
| | www.basspro.com | In-store only | Specific store |

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|-------------------------------------|--|---|-------------------------------|
| | www.academy.com | In-store only | Specific store |
| Online Retailers | www.galleryofguns.com | Transfer to FFL of one's choosing | National |
| | www.budsgunshop.com | Transfer to FFL of one's choosing | National |
| | www.cheaperthandirt.com | Transfer to FFL of one's choosing | National |
| Online Auctions and/or Marketplaces | www.gunbroker.com | Less potential for in-person transfer than FFL transfer | State level |
| | www.armslist.com | Greater potential for in-person transfer than FFL transfer | Major City level |
| | www.gunsamerica.com | Greater potential for in-person transfer than FFL transfer | ZIP Code level |
| Online Classifieds | www.craigslist.org | Greatest potential for in-person transfer than FFL transfer | Major cities/regions of State |
| | www.backpage.com | Greatest potential for in-person transfer than FFL transfer | Major cities/regions of State |
| | www.americanlisted.com | Greatest potential for in-person transfer than FFL transfer | Within 5 miles |
| Online Forums/Social Media Networks | Facebook Forums | Door to door and in person | Varies |
| | www.AR15.com | Door to door and in person | Varies |
| | www.thetruthaboutguns.com | Door to door and in person | Varies |
| | www.calguns.com | Door to door and in person | Varies |
| Dark Net Marketplaces | Agora | Door to door, to include international shipments | Country |
| | Nucleus | Door to door, to include international shipments | Country |
| | AlphaBay | Door to door, to include international shipments | Country |

(U) As of July 31, 2015, the firearms business FFL population was 76,448.⁴ The raw population data was extracted from the Federal Licensing System to a Microsoft Excel workbook using Discoverer Plus. An online sample size calculator (www.surveysystem.com/sscalc.htm), with a desired margin of error of plus or minus five percent, identified a sample size of 382. Of the 382 sampled, 84, or 22 percent, had an online presence. Extrapolating to the larger population, the analysis indicates there are approximately 16,818 firearms business FFLs with an online presence. As noted within, these FFLs are usually operating online in the Major Retailer, Online Retailer, and Online Auctions/Marketplaces arenas.

Major Retailers

(U) The top five commercial firearms sites⁵ are:

1. Walmart.com;
2. Dickssportinggoods.com;
3. Cabelas.com;



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4. Basspro.com; and
5. Academy.com.

(U) These top five sites are national sporting goods/commercial retailers with storefront locations in multiple States. All five companies engage in the retail sale of firearms at their ATF-licensed locations across the country, yet firearms are not the primary item for sale. Notably, on all of the top five Major Retailer web sites, firearms are only advertised. An individual must visit one of their licensed locations to purchase/receive a firearm.

(U//LES) Online transfers through Major Retailers provide little anonymity for the recipient, and as these transactions are conducted through an FFL, all sales are regulated by ATF. Prices are competitive and stable within this marketplace, and the consumer does not have the opportunity to negotiate. Compared to other marketplaces, transfers through a Major Retailer are much less likely to involve prohibited persons and fraudulent sales.

Online Retailers

(U) Separate from the Major Retailers is another segment of Online Retailers that are also FFLs. The Online Retailers advertise and conduct business through the Surface Web in addition to brick and mortar stores.

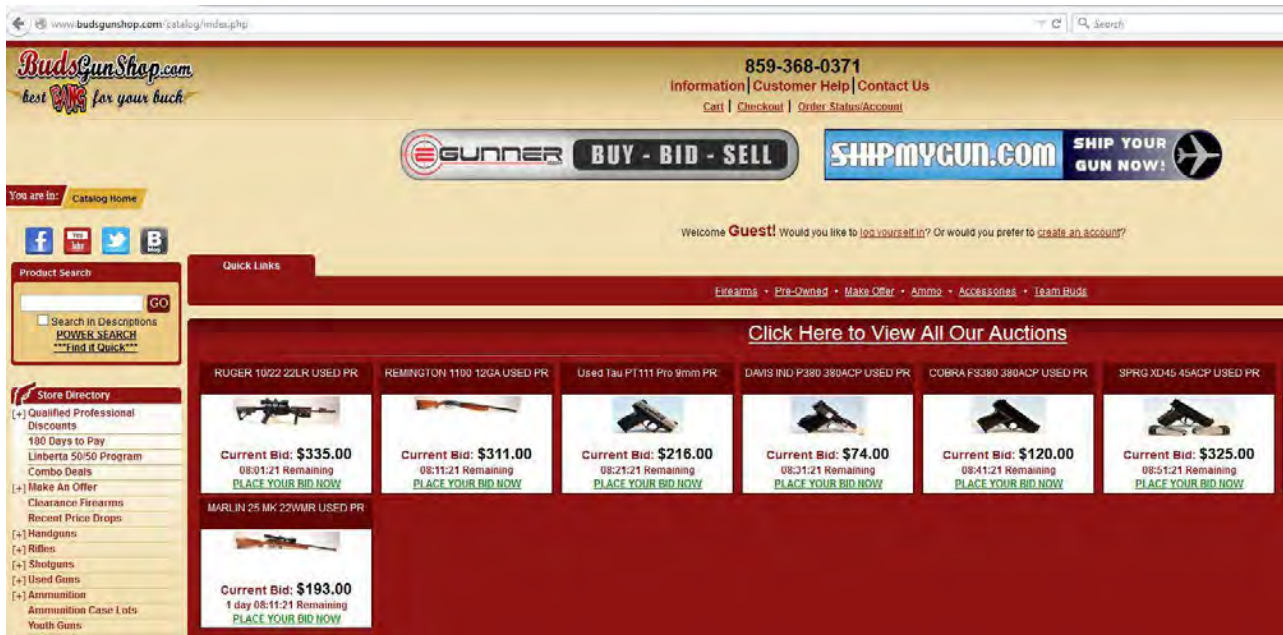
(U) The top three sites of this type are:

1. Budsgunshop.com;
2. Cheaperthandirt.com; and
3. GalleryofGuns.com – web site for Davidson’s, Inc.

(U) These Online Retailers will transfer purchased firearms to a buyer’s local FFL, where the purchaser can pick up the firearm and complete the required transfer paperwork. Budsgunshop.com and Cheaperthandirt.com have storefronts in regional locations.

BudsGunShop.com

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(U) This Online Retailer has a more than one type of presence online. BudsGunShop.com is an online firearms auction site that automatically updates every 20 minutes to reflect current inventory and prices. Firearms are listed by item; there is no option to search by location because this site is operated by an FFL. This site has a retail store in Kentucky where three ATF firearms licenses are held: (1) a dealer of firearms; (2) a manufacturer of firearms; and (3) an importer of firearms. The retail storefront location operates the web site BudsGunShopKY.com. Its military/law enforcement discount site is BudsPoliceSupply.com. This business also operates BudsBuysGuns.com where individuals can sell their firearms directly to the FFL. For the areas of the web site accessible to the general public, there were 13,998 firearms listed as of July 21, 2015.⁶ There are additional firearms available for view through an “FFL Wholesale” area that requires an FFL number for viewing. As of October 19, 2015, the web site lists 1,832,894 “satisfied customers.”⁷

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Cheaperthandirt.com

The screenshot shows the homepage of CheaperThanDirt.com. The header includes the site logo, navigation links (Home, Email Sign Up, Gift Cards, Track Order, Help), and social media icons. A search bar is located at the top right. The main content area features a 'Welcome to CheaperThanDirt.com' banner with a value of '\$433,108,600.12 Now In Inventory'. Below the banner is a grid of product listings, each with an image, a brief description, and a price. The products include Ammosr USA .45 ACP Full Metal Jacket, Silver Bear .223 Rem Hollow Point, POB3EDIA Technology MAXXtech, DP-12 Double Barrel Pump Repeater, RWS Umarex Steel Force Air Rifle, FIOCCHI .45 ACP Pistol, Allegiance Ammunition, and Boy's Black Tactical Pistol Case.

| Product Name | Price |
|--|------------|
| Ammosr USA .45 ACP Full Metal Jacket, 230 Grain, 820 fps, 92 Round Box, F AC 45A-12N | \$15.59 |
| Silver Bear .223 Rem Hollow Point, Zinc Plated Steel Case, 55 Grain, 2193 fps, 300 Round Case, 422359... | \$131.94 |
| POB3EDIA Technology MAXXtech Brim Steel Cased Full Metal Jacket, 115 Grain, 1150 fps, 1000 Round Case... | \$184.29 |
| DP-12 Double Barrel Pump Repeater, 12 Gauge Shotgun, 15 Round Capacity, Manufactured by Standard Manufa... | \$1,395.00 |
| RWS Umarex Steel Force Air Rifle, .177 Caliber, Black Collapsible Stock, 2284855 | \$99.97 |
| FIOCCHI .45 ACP Pistol Shooting Dynamics Full Metal Jacket, 230 Grain, 860 fps, .50 Round Box, 45A | \$17.59 |
| Allegiance Ammunition, .45 ACP PowerStrike High Energy Transfer Frangible Bullet, 130 Grain, 1150 fps... | \$19.29 |
| Boy's Black Tactical Pistol Case 13x7.5" Military Grade | \$15.97 |

(U) Cheaperthandirt.com is an Online Retailer, with a web site offering firearms along with sporting goods and accessories. This business also has a retail store in McKinney, Texas, where firearms, ammunition and accessories are sold. The retail store and web site operate under an FFL, and online listings are by item, with the price noted. The web site states all firearms must be shipped to an FFL in the buyer's State of residence.⁸ The site sells firearms nationally through its FFL and states that it currently sells more than 200,000 products.⁹

GalleryofGuns.com

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(U) Launched in November 1998, GalleryofGuns.com is the retail web site of Davidson's, Inc.¹⁰ Davidson's is one of the largest firearms wholesalers in the United States. Using the "Gun Genie" search function, potential buyers enter a ZIP Code and GalleryofGuns.com will locate a local FFL to meet their needs. Customers are able to see the price and availability of a firearm from the convenience of their computer. After selecting the item, the customer then travels to the local FFL, which received the item, to complete the firearms transaction. Davidson's only sells to other FFLs. Per the site, more than 5,000 FFLs use Davidson's as their supplier. The amount of customers and listings are not available to the public.¹¹

(U) As with the Major Retailers, web sites operated by Online Retailers provide little anonymity for the recipient, and, as these transactions are conducted through an FFL, all sales are regulated by ATF. Prices are competitive and stable within this marketplace. The consumer does not have the opportunity to negotiate but can choose among dealers based on price and location. Transfers through an Online Retailer are less likely to involve prohibited persons and fraudulent sales.

Online Auctions and/or Marketplaces

(U) Online Auctions and/or Marketplaces are web sites hosted for the purpose of buying and selling firearms and shooting accessories. None of these sites possesses a Federal firearms license or is run by an entity with a license. These web sites act as a broker and they never take possession of the firearm.

(U) FFLs are able to post ads and offer firearms for sale on Online Auctions/Marketplaces under their own licenses as an approved business practice. Non-licensed individuals can also post/buy/sell firearms on these web sites.

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(U) The top three Online Auctions/Marketplaces are:

1. GunBroker.com;
2. ARMSLIST.com; and
3. GunsAmerica.com.

GunBroker.com

(U) Launched in March 1999, GunBroker.com “is an online gun auction that promotes responsible gun ownership.”¹² The web site states it is the largest online auction site for firearms and hunting/shooting accessories. Users are able to view pricing at the time of bidding. GunBroker.com does not sell any of the items listed; third-party sellers list items on the site. Listings are broken down by item regardless of location. Individuals or FFLs can then search for firearms at the State level, but not locally. Individuals may communicate during or upon completing a transaction to arrange for local payment and/or transfer. However, since the web site has only State-specific searches, the likelihood of such local transfers is less as compared to those web sites that allow searches of a smaller geographic area (city/ZIP Code). The web site reports that between 1999 and 2014 it has exceeded \$3 billion in cumulative merchandise sales.¹³ GunBroker.com reports that it averages 750,000 active listings on any given day and 6.5 million unique monthly visitors.¹⁴ The site has more than 3.25 million registered users with 80 percent of traffic from regular users.¹⁵ GunBroker.com uses a dual verification system for users—this is the only site featured in this Assessment that has this type of verification system. This process requires the registered user to answer questions administered by a third party to confirm the identity of the person registering for an account on GunBroker.com. This verification process helps to decrease the number of scams and eliminate international transactions that may violate import and export laws. More secondary market firearms are transferred on this site than those of

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Major or Online Retailers, which focus more on transferring new firearms.

ARMSLIST.com

The screenshot shows the ARMSLIST.com website interface. At the top, the logo reads "ARMSLIST FIREARMS MARKETPLACE" and there is a "CREATE A LISTING" button. Below the logo, navigation links include "Home", "United States", and "All Categories". The main heading is "UNITED STATES ALL CATEGORIES CLASSIFIEDS" with links for "Choose City/Region", "Search Alert", and "RSS Feed". A search bar is labeled "EXPAND SEARCH" and "Search within...". On the left, there are filters for "REFINE SEARCH" including "Category" (Firearms, Firearm Accessories, Outdoors Gear, Other Items, Events, Services) and "For Sale By" (Private Party, Premium Vendor). The main content area displays four listings for Thursday, July 30, 2015:

| Image | Listing Title | Price | Location |
|-------|---|--------|-----------------------|
| | FS: Camouflage Remington Model 700 7 Mm Rem Mag Wi... I HAVE A CAMOUFLAGE REMINGTON MODEL 700 7 MM REM M... | \$ 500 | JACKSONVILLE |
| | FS: SIG P224 9mm DAK Two-Tone Nickel NIB W/9 New M... THIS LISTING IS FOR A NEW SIG P224 IN 9MM, DAK, WL... | \$ 729 | INDIANAPOLIS |
| | FS: NEW Sig P938 SAS Edition Night Sights, Wood Grips,... BNIB SIG P938 SAS - \$575 CASH ONLY, PLEASE DO NOT ... | \$ 575 | RALEIGH / DURHAM / CH |
| | FS: Springfield XDS 3.3" 9mm Black Brand New In Box THIS IS A BLACK XDS IN 9MM. BNIB ESSENTIALS PACKAG... | \$ 430 | RALEIGH / DURHAM / CH |

(U) ARMSLIST.com is an Online Marketplace where the general public is able to buy or offer firearms and accessories for sale. The web site allows visitors to choose the geographic area, down to the city level, that they wish to use to browse for firearms postings. “City level” searches increase the potential for local transfers and/or payments. Firearms purchasing options include “for sale” and “for trade.” Prices are listed at the time of posting by the seller. As of July 22, 2015, there were 69,883 firearms listed for sale, including suppressors.¹⁶ Approximately half of the web site’s listings are from FFLs; the remainder are by private parties.¹⁷

(U) One study, sponsored by Mayors Against Illegal Guns, found that only five percent of postings on ARMSLIST.com are want-to-buy ads, meaning the overwhelming majority of postings are for-sale ads.¹⁸ This same study found that at least 1 in 30 potential firearms purchasers on ARMSLIST.com were prohibited from possessing firearms.¹⁹

GunsAmerica.com

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The screenshot displays the GunsAmerica.com website interface. At the top, there is a navigation bar with links for 'BUYING & SELLING', 'NEWS & REVIEWS', 'DEALER SERVICES', 'SUPPORT', 'LOGIN', 'REGISTER', 'MY GUNSAMERICA', 'RECENTLY VIEWED', and 'LIVE STOREFRONT'. The main header features the 'GUNSAMERICA' logo and a search bar with a 'SEARCH' button and an 'ADVANCED' option. Below the header, there are links for 'BROWSE ALL CATEGORIES' and 'START SELLING', along with 'LOGIN | QUICK REGISTER FREE'. The main content area is dominated by a '2015 SUMMER COLLECTION' banner. On the left, a vertical menu lists categories: RIFLES, PISTOLS, REVOLVERS, SHOTGUNS, TACTICAL, AMMO, OPTICS, ACCESSORIES, PARTS, and AUCTIONS ONLY. The banner itself is divided into sections. The top section shows two handguns: a Ruger Limited Run 'TALO' five-inch GP-100 in .357 Magnum for \$699.95, and a CSC Arms 1911 'Diamond Mini' Commander 45ACP for \$1,500.00. A 'CLICK HERE' button is located on the right side of the banner. The bottom section of the banner features a large image of a handgun with the text '2015 SUMMER COLLECTION STAINLESS II (CLASSIC ENGRAVED EDITION) .45 ACP' and another 'CLICK HERE' button.

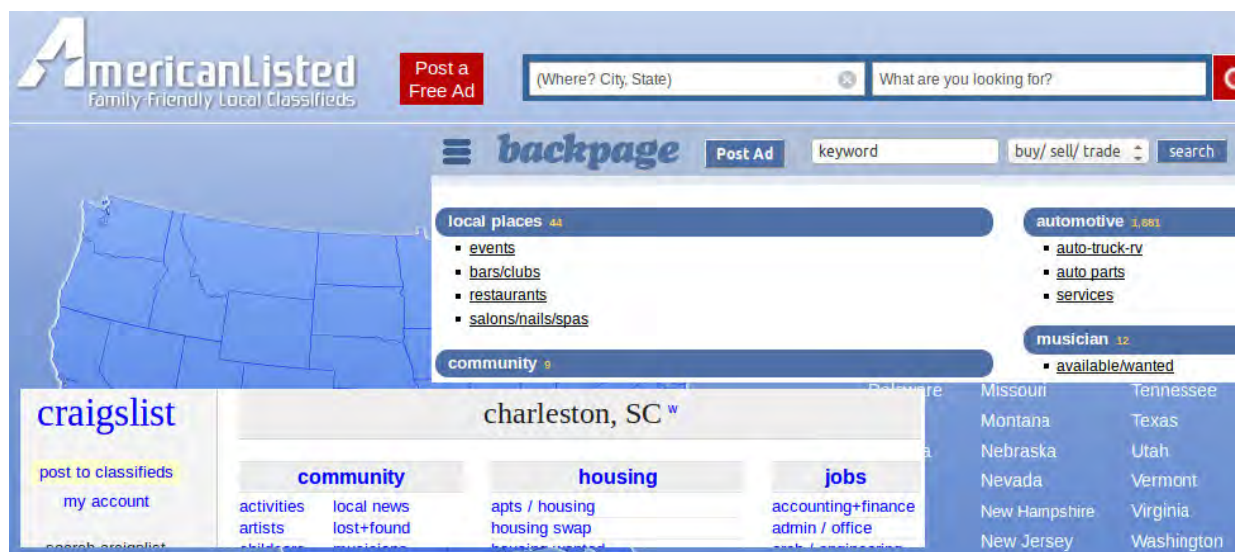
(U) GunsAmerica.com is a web site dedicated to the sale of firearms and accessories. It uses both a classified ad-based format as well as online auctions. However, less than five percent of all listings are auctions.²⁰ A search function is available to identify listings based on ZIP Code, which increases the potential for transfers and/or payments between individuals rather than transferring firearms through an FFL. Pricing information is available to the customer in an item listing. The site also offers a “drop-off” service by which transactions between private individuals can be facilitated through an FFL of the seller’s choosing. As of July 27, 2015, there were 43,700 firearms listed for sale including suppressors. Of these, 39,750 firearms are for sale by FFLs.²¹ Approximately 90 percent of the web site’s listings are from FFLs, the remainder are from private parties.²²

(U) The Online Auctions/Marketplaces identified here operate over the Deep Web, so while there is the potential for increased anonymity through the use of screen names, user names, user-generated email addresses and telephone numbers, the anonymity is not as pronounced as with Dark Web Marketplace sites.

Online Classifieds

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(U) The next two types of online marketplaces – Online Classifieds and Online Forums/Social Media Networks – exist on the Deep Web. As noted earlier, the Deep Web can include online classified ads, forums, and private groups that are not necessarily indexed by traditional search engines such as Google, Yahoo and Bing. Also included in the Deep Web are private sites requiring a password login, database query results, pages not linked to other pages and sites that are not under *http://* or *https://* protocols.

(U) Some of the most visited online classified ad sites include:

- Craigslist.org;
- Backpage.com; and
- Americanlisted.com.

(U) Craigslist.org is a worldwide online classified web site that allows individuals to search for items and services by major cities and/or regions of a state or country. Craigslist.org has prohibited the sale of firearms on its site. However, the site is self-governed and members are asked to “flag” inappropriate or illegal ads.²³ When posted, and prior to being flagged, firearms are typically under the General or Hunting/Sporting Goods sections. Accordingly, if not flagged, some sales may go undetected.

(U) Backpage.com is a worldwide online classified web site that allows individuals to search according to major cities and/or regions of a state or country. Firearms are listed for sale on this site, but Backpage.com has particularly stern legal language concerning the transfer of firearms.²⁴

(U) Americanlisted.com is an online classified web site that provides U.S. residents with a way to sell and buy products and services within their own residential area/city within five miles of their current location. Due to this localized searching ability, the potential for person-to-person transfers of firearms increases dramatically. The site does not require users to register or sign in.

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(U) These sites often deal with local, person-to-person transactions and generally do not involve the use of an FFL; therefore, these transactions bypass ATF oversight. Online classified sites through the Deep Web are more anonymous, but they are not completely opaque. Individuals do not need a user name to sell on these sites – only an e-mail address – and the web sites’ e-mail services can hide these addresses. As seen with the Online Auctions and Marketplaces and for the reasons discussed above, the prices of firearms are generally higher on these sites. As well, in-person transactions may be conducted in cash or in trade for another item, increasing the potential for violations of law.

Online Forums/Social Media Networks

(U) An Online Forum or bulletin board is an arena in which individuals discuss certain items identified under a specific topic or thread. Well known forums where firearms can be listed for sale include:

- AR15.com;
- Calguns.net; and
- Thetruthaboutguns.com.

(U) On some forums such as thetruthaboutguns.com, private messaging services are available. These private messaging services are self-regulated; therefore, it is difficult to determine to what extent they are monitored. Consequently, one may question the amount of oversight that occurs in these areas.

(U) Social Media Networks, such as Facebook, Instagram and Twitter, have become increasingly popular over the years and are used in a variety of ways, including the advertising and selling of firearms, an unintended use by the creators of these sites. Furthermore, these sites all have privacy settings that allow users to have public or private profiles. The private profiles require permission, “friending” or an invitation to join in order to view the profile and information.

(U) Private groups, including those on Facebook and Reddit, provide another area where firearms are bought/sold/traded within the Deep Web. Facebook, an online social networking service, was launched on February 4, 2004, and is headquartered in Menlo Park, California. Reddit, launched on June 23, 2005, in Medford, Massachusetts, is an entertainment, social networking, and news web site where registered community members can submit content, such as text posts or direct links, making it essentially an online bulletin board system.

(U) There are three types of groups on Facebook: Open, Closed and Secret.²⁵

Table 2 -- Types of Facebook Groups

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Types of Facebook Groups

| | Open | Closed | Secret |
|--|--------------------------|---|---|
| How do people join? | By request or invitation | Requires approval after request or invitation | Requires approval after request or invitation |
| Who can see the group? | Anyone | Anyone | Current & former members only |
| Who can see the members of the group? | Anyone | Anyone | Current members only |
| Who can see what is posted in the group? | Anyone | Members only | Members only |

(U) Access to these groups is by request/invitation only and typically serves a local geographic area; therefore, it is not possible to calculate the amount of transfers occurring within these closed groups. Secret groups can only be seen by current and former members and are not viewable in any search function on Facebook. Due to the exclusive nature of these groups, it is difficult for law enforcement to regulate and track transfers via the Deep Web.

(U) Similar to firearms posted in Online Classified Ads, firearms sold through Online Forums, Social Media Networks or bulletin boards may be priced higher than those sold through a commercial firearms dealer. Often, individuals are willing to pay more in order to bypass the transfer of a firearm through an FFL. This may be due to the fact that the person is prohibited or does not want the “Government” to know that he has a firearm. As these transactions are less likely to occur through a licensed dealer, the potential for an improper transfer increases.

(U) One can conclude there is a higher rate of improper firearms transactions on the Deep Web as these occur outside of a regulated marketplace. In this arena, firearms are generally believed to be transferred in person or through direct mailing/receipt. Individuals using an online forum are thought to be less likely to use an FFL to transfer a firearm. Examples of possible improper transactions on the Deep Web include individual to individual transfers across State lines and transfers involving prohibited persons or straw purchasers.

Dark Net Marketplaces

(U) Dark Net Marketplaces are accessible through The Onion Router (Tor) network and browser

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bundle.ⁱⁱⁱ Tor browser bundle is free for all users and easy to use. The average computer user familiar with browsing the Internet can begin using Tor and accessing Dark Net Marketplaces with very little or no instruction. Tor network traffic analysis indicates that approximately two percent of all Tor usage is related to marketplaces and other hidden services facilitating illegal activity.²⁶ The vast majority of Tor usage consists of users browsing the Surface Internet that may otherwise be blocked in their country or those users who may have additional privacy concerns.^{27,}
iv

(U) As of late summer 2015, there were 26 Dark Net Marketplaces accessible through Tor. Based on ATF and other law enforcement investigation, the majority of these marketplaces offer only narcotics and explicitly ban the sale of firearms and explosives. Many marketplaces ban firearms and explosives due to the view that those goods inherently cause violence in the world.²⁸ This is a fairly common sentiment of many Dark Net Marketplace users, and is frequently expressed in forum message boards.²⁹

Agora

(U) The largest Dark Net Marketplace by number of listings and total Bitcoin transactions is/was Agora. As of the date of this Assessment, Agora has discontinued service “indefinitely” to fix a vulnerability in its system.³⁰ However, in July 2015, the Agora marketplace contained more than 18,000 independent listings/advertisements for illegal drugs. Separately, in an announcement made July 7, 2015, the anonymous marketplace administrators stated that as of “July 15th 2015 Agora will no longer list lethal weapons.”³¹ The public statement commented that it would remove those categories in part because of increased law enforcement scrutiny: “Shipping weapons is hard, they are expensive and stimulate both scamming by dishonest vendors and honeypot listings by agencies looking to find buyers who might wish to obtain such weapons illegally from us. This has been reflected for a long time in both the volume

Analyst Note: Dark Net Marketplaces use digital cryptocurrency such as Bitcoin as the form of conducting transactions for goods and services. Attaining digital currency and transferring between wallet addresses are often challenging for prospective buyers. New users rely on guides and user forum discussions to learn how to conduct cryptocurrency transactions, and other similarly less-intuitive processes. Based on prior ATF investigations, buyers seeking to purchase firearms on Dark Net Marketplaces often gain experience purchasing narcotics prior to attempting to obtain a firearm. Marketplace vendors trafficking firearms similarly gain experience as a narcotics buyer and/or vendor.

ⁱⁱⁱ (U) The Tor browser bundle consists of a free anonymization software package allowing the end user to connect to the Internet through a free, worldwide, volunteer network. Tor’s use is intended to protect the personal privacy of users, as well as their freedom and ability to conduct confidential communication by keeping their Internet activities from being monitored.

^{iv} (U//FOUO) Additional anonymity resources, similar to those of Tor, are also available, including Freenet (<https://freenetproject.org>) and I2P (<https://geti2pnet.org>). These Dark Net/Deep Web resources are not actively used to facilitate firearms trafficking because at this time they do not have the same notoriety as Tor.

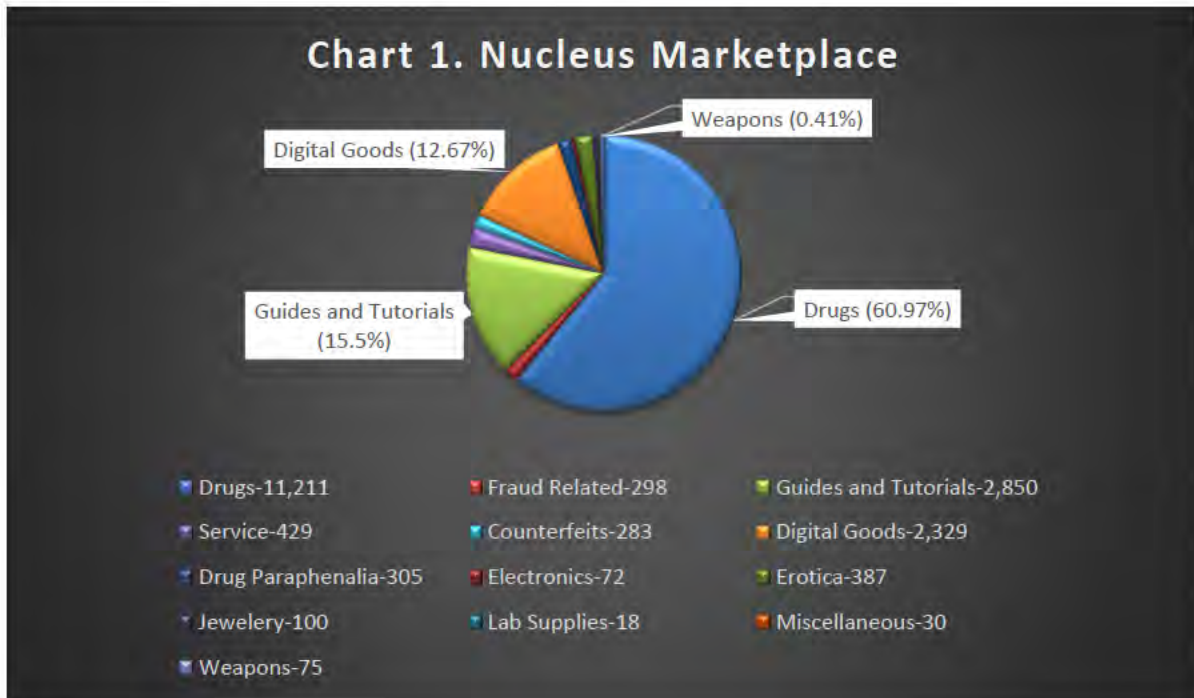
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and the success rates of our listings in the weapons section. At this point continuing to list weapons would do more harm than good to our users.”³² The removal of firearms and explosives listings coincided with increased partnered law enforcement activity involving ATF, the Federal Bureau of Investigation (FBI) and U.S. Immigration and Customs Enforcement, Homeland Security Investigations (ICE/HSI).

Nucleus and AlphaBay

(U) Two of the largest Dark Net Marketplaces, Nucleus and AlphaBay, offer a firearms section that enables vendors to advertise and sell firearms anonymously.³³ The total volume of firearms listed on Dark Net Marketplaces makes up only a small percentage of the overall marketplace activity. The majority of Dark Net Marketplace firearm listings are scams in which the vendor attempts to trick prospective buyers into purchasing a nonexistent weapon.³⁴ This type of fraud is common because the cost of creating a vendor account is outweighed by the benefit of scamming and profiting from one or two buyers before the account is banned. Charts 1 and 2 provide the categories and number of listings on both the Nucleus and AlphaBay marketplaces.

(U) As of August 17, 2015, the weapons listed on Nucleus accounted for 0.41 percent of all listings within the overall marketplace.³⁵ Of those 75 total weapons listings, they were further refined into five categories: *guns*, *ammunition*, *melee*, *explosives*, and *other*. In the *guns* subcategory there were seven completed firearms listed for sale with the other four listings being either duplicative advertisements or firearms parts.



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(U) Below is a screenshot from the Nucleus marketplace.

The screenshot shows a marketplace interface with a sidebar on the left containing various categories and their item counts. The main content area features a listing for 'FAST Darkweb 3d printing' with a price of 1 USD. The listing includes a photo of a 3D printed part, a seller name 'dankmeme', and a description of the service.

| Category | Count |
|--------------------|-------|
| Drugs | 11174 |
| Fraud Related | 253 |
| Guides & Tutorials | 2666 |
| Service | 473 |
| Counterfeits | 296 |
| Digital Goods | 2323 |
| Drug Paraphernalia | 293 |
| Electronics | 80 |
| Erotica | 376 |
| Jewellery | 187 |
| Lab Supplies | 17 |
| Miscellaneous | 24 |
| Weapons | 32 |

FAST Darkweb 3d printing

Seller: dankmeme (n/a - 0)

Price: 1 USD

FE: No

Shipping from: US

Shipping to: US

Currency: Bitcoin

Quantity: 1

1 USD - Free - 9 days

[Buy It Now](#)

Description

PM and I will make a custom listing.

Can print in PLA Or NYLON(warping occurs but doesn't effect part much)

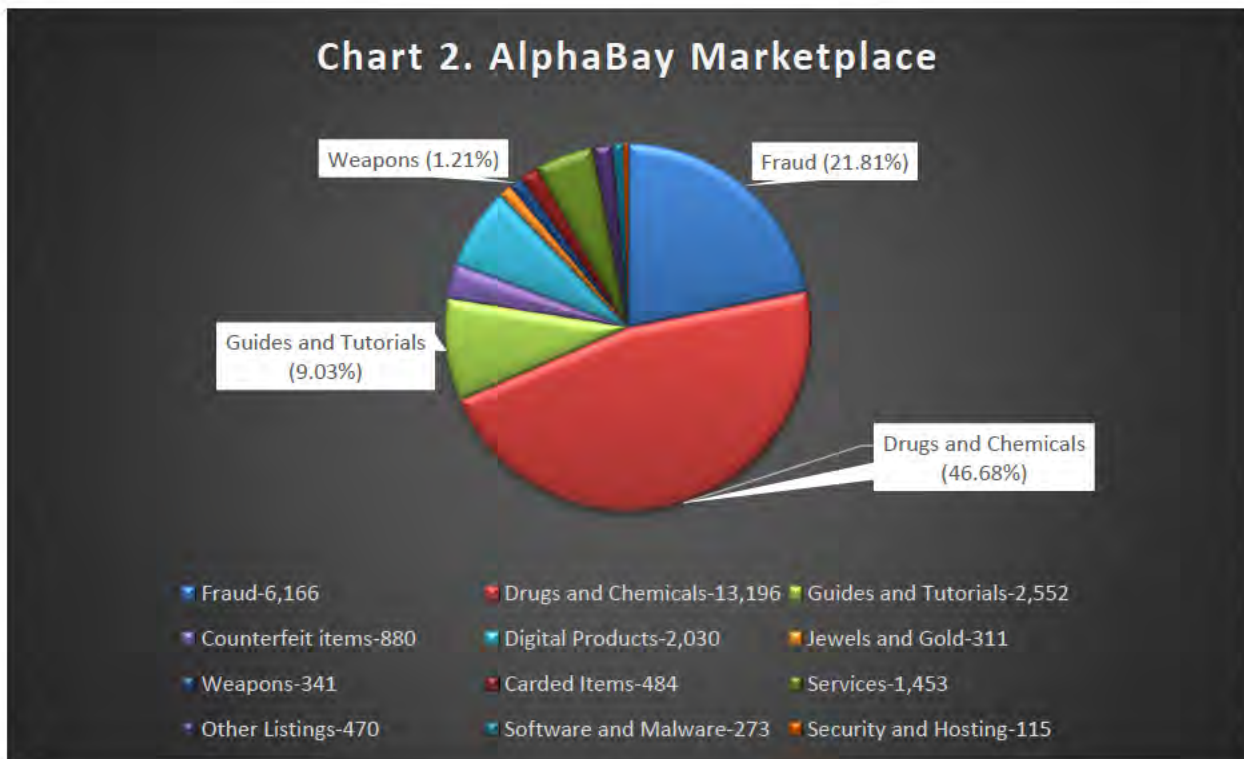
Print in 8 x 8in build platform

Anything from guns to skimmers

Most require cleaning up, will clean up for extra, prints are made to be FAST

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(U) As of August 17, 2015, the weapons listed on AlphaBay accounted for 1.21 percent of all listings within the overall marketplace.³⁶ Of those 341 total weapons listings, they were further refined into six categories: *ammunition*, *pistols*, *long-range guns*, *explosives*, *hand weapons*, and *other*. The listing structure on AlphaBay lends itself to misinformation as compared to similar Dark Net Marketplaces as they list the total number of firearms available versus the number of sellers on the site. The *pistols* subcategory had a total of 100 advertised items, and the *long-range guns* subcategory had 26 advertised items. In the *pistols* subcategory there were 22 completed firearms listed for sale, and the *long-range guns* subcategory had three actual firearms. All other listings in those categories were either firearms parts or the seller indicated additional quantity of item availability.



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(U) Below is a screenshot of a firearm for sale on AlphaBay.

Home / Weapons / Pistols / Norinco T54 Pistol 9MM

Listing Options

- Contact Seller
- Favorite Listing
- Favorite Seller
- Alert when restock
- Report Listing

Browser Categories

- Fraud: 2443
- Drugs & Chemicals: 3550
- Guides & Tutorials: 872
- Counterfeit Items: 157
- Digital Products: 583
- Jewels & Gold: 35
- Weapons: 146
- Carded Items: 182
- Services: 511
- Other Listings: 224
- Software & Malware: 62
- Security & Hosting: 14

Norinco T54 Pistol 9MM

(I DO SEND WORLDWIDE) I do my deals strictly trough alphabay. With tracking number and 100% STEALTH. Contact me. Only serious inquiries please.

Sold by **Bartemit** - 0 sold since May 4, 2015 **Level 1**

| Product class | Feature | Origin country | Feature |
|---------------|------------------|----------------|-----------|
| Quantity left | Physical package | Ships to | Worldwide |
| Ends in | 1 items | Payment | Worldwide |
| | Never | Escrow | |

Postage - 10 days - USD +12.50

Purchase price: USD 445.99

Qty: 1 **Buy Now**

1 9184 BTC

Description **Bids** Feedback Refund Policy

Product Description

(I DO SEND WORLDWIDE)

I do my deals strictly trough alphabay
With tracking number and 100% STEALTH.

Contact me.

Only serious inquiries please.

norinco

(U) Dark Net Marketplaces offer almost complete anonymity and firearms transfers are almost always done privately. Because these transfers are not regulated by ATF and because these marketplaces have a history of eliciting criminal activity, including prostitution and narcotics trafficking, it is highly likely that illegal firearms transfers occur regularly. Prices for firearms are what the market will bear. If a prohibited person seeks a firearm, there is generally a willing seller – for a premium price. Moreover, Dark Net Marketplaces often use cryptocurrency, such as Bitcoin, as a method of payment and encrypted electronic communications to further ensure anonymity. ATF has noted both domestic and international sellers and purchasers on these sites.

Online Instruction Regarding Illegal and Potentially Illegal Acts

(U) The Internet contains a trove of information regarding firearms, including information about illegal or potentially illegal acts. For instance, there are YouTube and other information-sharing sites that explain how to: make 3D-printed firearms and homemade suppressors; convert 80 percent receivers into assault rifles; create trusts to circumvent the Chief Law Enforcement Officer requirement for a National Firearms Act (NFA) transfer; and most recently, mount a firearm on a drone. These videos and informational sites guide the general public on the “how

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to” of firearms creation and the exploitation of gaps in the firearms laws.

(U) One particular area of concern to law enforcement is the emergence of “build parties” for AR-style rifles. An unfinished lower receiver for AR-style rifles is not a firearm under Gun Control Act definitions.³⁷ As such, it is not subject to marking requirements. Below is a photograph of an unfinished AR-15 lower receiver.



(U) Individuals are allowed to manufacture firearms for their own use under current Federal regulation.³⁸ If someone is providing a machine to alter or make these unfinished receivers into ATF-regulated receivers/firearms, they are required to have a Federal firearms license that allows for manufacturing of firearms.³⁹ Firearms manufactured for personal use are not subject to marking requirements unlike firearms manufactured for commercial sale.⁴⁰

(U) Completed firearms manufactured at a build party may not be subject to Federal marking requirements as they are manufactured under the principle that the individual is completing/building/making a firearm for his own personal use. AR-type rifles manufactured at build parties for commercial sales must be marked with the new manufacturer’s information to comply with Federal regulations.

(U) Firearms that were manufactured by individuals but entered into commerce must be marked with the additional manufacturer’s information (name, city, State).⁴¹ Firearms not properly marked with manufacturer’s information impede law enforcement’s ability to accurately trace firearms associated with criminal activity or found at a crime scene.

Examples of Criminal Enforcement

(U) ATF has steadily increased its Internet-based investigations.

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(U) The following are some examples of ATF criminal enforcement cases in which the Internet was used as the means of communication and/or transfer:

- (U) In May 2014, ATF was involved in a joint case with ICE/HSI and the Drug Enforcement Administration after firearms, firearms parts and accessories, and ammunition were seized after being sent from El Paso, Texas, to Mexico. After securing the e-mail address of the purchaser, ATF determined that the e-mail address had been created by a device with an Internet Protocol address in Mexico. Further investigation determined that the e-mail address was tied to a Facebook (FB) account under another name. The owner of the FB account had at least one felony drug conviction. This individual has also been linked to purchasers who appear to be providing firearms to a gang in Mexico.
- (U) Using Backpage.com, an individual from Canada advertised AK-style lower receivers and suppressors in a small city in Alabama. Further investigation revealed that the individual also advertised in different cities across the United States. Based on an ATF field office referral, in September 2014, ATF's Office of Strategic Intelligence and Information (OSII) identified the seller, which enabled the local office to obtain the necessary subpoenas to successfully track the seller. This led to the arrest of the individual by Canadian authorities. Ultimately, Canadian authorities seized 900 receivers, 200 suppressors and other items.
- (U) (b) (7)(E)
(b) (7)(E)
(b) (7)(E) Arrest and search warrants were served on multiple suspects nationwide that resulted in the seizure of firearms, ammunition, and large quantities of narcotics.

(U) Based on anecdotal information, firearms trafficked illegally via the Internet likely exceeds the combined amount of illegally-trafficked firearms sold at flea markets and gun shows.⁴²

How Firearms Enter Commerce and the Expansion of the Secondary Market

(U) "New" firearms enter commerce via manufacturing and importation. Charts 3 and 4, below, show the importation statistics from 2010 through 2014 and the manufacturing statistics from 2009 through 2013.⁴³

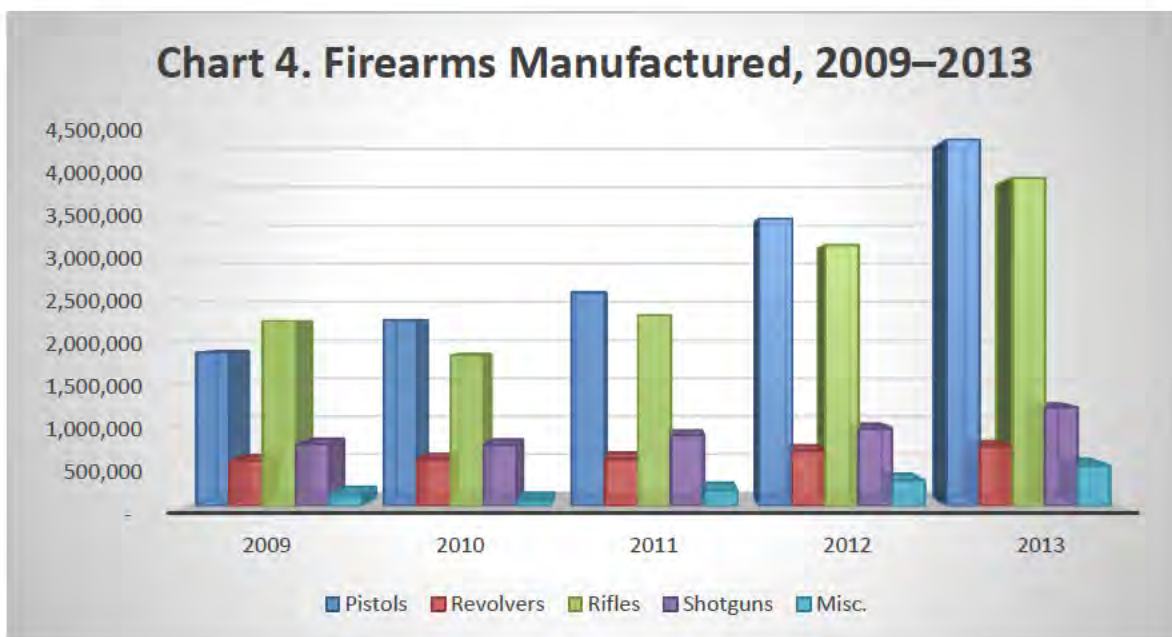
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(b)(3) (112 Pub. L. 55)



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| | 2009 | 2010 | 2011 | 2012 | 2013 |
|------------------|-----------|-----------|-----------|-----------|------------|
| Pistols | 1,868,258 | 2,258,450 | 2,598,133 | 3,487,883 | 4,441,726 |
| Revolvers | 547,195 | 558,927 | 572,857 | 667,357 | 725,282 |
| Rifles | 2,248,851 | 1,830,556 | 2,318,088 | 3,168,206 | 3,979,570 |
| Shotguns | 752,699 | 743,378 | 862,401 | 949,010 | 1,203,072 |
| Misc. | 138,815 | 67,929 | 190,407 | 306,154 | 495,142 |
| Total | 5,555,818 | 5,459,240 | 6,541,886 | 8,578,610 | 10,844,792 |

(U) There was a 95 percent increase in the number of firearms manufactured from 2009 to 2013, the largest of which was pistols (238%).

(U) Firearms manufactured and entering commerce have continued to increase over time.

(U) Firearms imported and entering commerce have steadily increased over time.

(U) A previously owned firearm is a secondary market firearm. For purposes of this Assessment, a firearm enters the secondary market once it is transferred following the original purchase from an FFL. The amount of firearms that make up the secondary market continues to grow as more new firearms are produced and then sold, traded or transferred by the purchaser through secondary market channels.

(U) Firearms enter the secondary market through a variety of methods. Some of the more common methods include:

- the Internet;
- pawn shops/secondhand dealers;

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- purchases from ads in newspapers and trade publications (private sales);
- residential burglaries;
- gun store burglaries; and
- theft from interstate shipments (United Parcel Service, Yellow Freight, FedEx, etc.).

(U) Typically, a used firearm does not decrease in value unless it is damaged. Due to its composition, degradation of a firearm is minimal at best. Consequently, a secondary market firearm can be just as durable and valuable as a newly manufactured firearm. Further, a used firearm may increase in value due to scarcity and/or its status as a collectible item. Because firearms maintain or increase their worth, they are a valuable commodity and rarely destroyed.

(U) The popularity of the online secondary market is increasing. The expediency, profit, expansion of customer base and inventories, and opportunities in both local and national geographic markets encourage sellers and purchasers to conduct firearms transactions over the Internet. However, the expansion of the secondary market – both online and otherwise – ultimately impedes law enforcement’s ability to accurately trace firearms. Because private sales are not regulated by ATF, there is little to no accountability for the private transfer of firearms unless State law is implicated. Further, unless specified by State law or local ordinance, private sales often do not require background checks. Consequently, traffickers and prohibited persons may wish to exploit these disparities by purchasing and trafficking firearms privately in the secondary market.

TRENDS AND ANALYSIS

(U) In review, the six different types of marketplaces can be broken down further to explain the way firearms are transferred via an FFL or non-FFL, the level of anonymity, the localization of transactions, pricing levels, and the increases in the potential for illegal transactions to occur through the Internet.

1. (U) Commercial retailers with an FFL and a larger online presence with multiple locations across the United States (Walmart, Dick’s Sporting Goods, Cabela’s, Bass Pro Shop, Academy Sports)
 - No anonymity
 - All transactions conducted through/by an FFL
 - No individual sales on their web sites
 - All sales are regulated by ATF
 - Lowest level of potential for illegal transactions to occur
 - Face-to-face transactions by consumer and FFL
 - Regional audience of consumers
 - Most difficult for prohibited persons to obtain firearms
 - All transactions are conducted within the store and not online
 - Most competitive pricing

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2. (U) Large online retailers with an FFL and few stores (Buds Gun Shop, Cheaper Than Dirt, Galleryofguns.com)
 - Little to no anonymity with introduction through e-mail/online communication
 - All transactions conducted through/by an FFL
 - No individual sales on their web sites
 - All sales are regulated by ATF
 - Lowest level of potential for illegal transactions to occur
 - Nearly 100 percent legal sales
 - Firearms are sold online, but they are transferred to a local FFL in the buyer's State of residence
 - Competitive pricing

3. (U) Online Auctions/Marketplaces (brokers/sellers that do not hold an FFL: GunBroker.com, ARMSLIST.com, GunsAmerica.com)
 - Anonymity increases
 - Sites are a mix of FFLs and private individuals selling firearms
 - Auctions and buy-it-now options
 - Becomes more "local" by allowing searches at the State, local region, city or ZIP Code level
 - Increase in the potential for illegal sales
 - Firearms are sold online and are transferred to a local FFL in the buyer's State of residence
 - Competitive pricing

4. (U) Online Classifieds (Craigslist.org, backpage.com and americanlisted.com)
 - Anonymity continues to increase
 - Likely more private sales than FFL sales
 - Majority of transactions are local sales
 - Searches and forums geared toward the locality of the seller and purchaser
 - Greater potential for illegal sales
 - Firearms are sold online and are transferred directly to the purchaser
 - Somewhat competitive pricing

5. (U) Online Forums/Social Media Networks (Facebook forums, AR15.com, etc.)
 - Anonymity continues to increase
 - Likely more private sales than FFL sales
 - Majority of transactions are local sales
 - Greater potential for illegal sales
 - Searches and forums geared toward the locality of the seller and

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- purchaser
- Firearms are sold online and are transferred directly to the purchaser
- Somewhat competitive pricing

6. (U) Dark Net Marketplaces

- Approximately 100 percent anonymity
- Almost all sales are conducted without a FFL
- Sales are not regulated by the ATF
- Domestic and international sales – no borders, barriers or boundaries
- Firearms are sold online and are transferred directly to the purchaser
- Sales are geared toward whomever is willing to pay the price
- Least competitive pricing
- Use of pseudo screennames, Pretty Good Privacy (PGP) encryption, bouncing IP addresses
- Covert techniques used to ship the firearms
- Payment for purchase done via Bitcoin as an additional measure of anonymity

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(U) Table 3 includes analysis of three areas of interest that have been previously mentioned: level of anonymity, potential for illegality and the potential for involving only non-FFL transfers. The data is not based on any market surveys or research, but rather historical observations and prior criminal enforcement investigations.

Table 3

| Type of Marketplace | Level of Anonymity | Potential for Illegality | Potential for Involving ONLY Non-FFL Transfers |
|-------------------------------------|--------------------|--------------------------|--|
| Major Retailers | Lowest | Lowest | None |
| Online Retailers | Somewhat Less | Somewhat Less | None |
| Online Auctions and/or Marketplaces | Moderate | Moderate | Some |
| Online Classifieds | Somewhat More | Somewhat More | Somewhat More |
| Online Forums/Social Media Networks | Somewhat More | Somewhat More | Somewhat More |
| Dark Net Marketplaces | Highest | Highest | Highest |

(U) The legality of commercial FFLs conducting business on the Internet is near 100 percent. As business activity further moves onto the Internet, the percentages of sellers being non-FFLs begin to rise. When looking at transactions on the Dark Net, transactions are nearly 100 percent non-FFL sellers.

CONCLUSIONS AND RECOMMENDATIONS

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(U) Firearms transactions are occurring across the Surface Web, the Deep Web and Dark Net Marketplaces.

(U) As the anonymity of a firearms transaction increases, so does the potential for an illegal transaction to occur.

(U) As the popularity of the Internet as a venue to buy and sell firearms increases, so does the potential for illegal transactions. These illegal transactions include firearm transfers to felons and juveniles.

(U) Due to the anonymity of some portions of the Internet, it is difficult to determine the actual number of firearms transactions that occur.

(U) There are numerous closed or private groups involving firearms transactions on social media networks and online forums. However, due to their nature, law enforcement cannot track their numbers or gain access to them easily. Receiving an invitation to participate and maintaining active participation in these groups will remain a substantial challenge.

(U) A recent positive trend among online classified sites has emerged wherein they are strictly prohibiting the sale of firearms.

(U) The popularity of information-sharing sites and forums, social media sites and networks, and online videos has increased the ability of individuals to learn how to exploit and skirt firearms laws and regulations.

(U) Due to the steady increase in firearms manufacturing and imports as well as the inherent indestructible nature of firearms, the secondary market has steadily increased in volume. With the increase in the rise of available firearms in the secondary market, firearms tracing is becoming more difficult and less accurate as these transactions often take place between private individuals, often facilitated by the Internet.

(U) The dynamic nature of the Internet and online commerce will remain a great challenge to law enforcement's attempts to combat illegal firearms transfers.

Notes

¹ See 18 U.S.C. § 921(a)(21).

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² <http://bitshare.cm/post/71211566221/the-deep-web-is-estimated-to-be-500x-the-size-of> (last visited October 20, 2015).

³ http://bigdata.brightplanet.com/Portals/179268/docs/deep%20web%20whitepaper%20v3_for%20approval.pdf (last visited October 20, 2015).

⁴ This number does not include the Type 03 – Collector of Curios and Relics license.

⁵ The lists identifying “the top” marketplace web sites are derived from Alexa.com, an Internet-based business analytic tool that ranks web sites, www.alexa.com (last visited October 19, 2015).

⁶ This Assessment’s authors reviewed the web site on the date identified and counted the number of firearms listed.

⁷ BudsGunShop.com, <http://www.budsgunshop.com/catalog/index.php> (last visited October 19, 2015).

⁸ Cheaperthandirt.com, <http://www.cheaperthandirt.com/FireArmsHome.aspx> (last visited October 23, 2015).

⁹ Cheaperthandirt.com, <http://articles.cheaperthandirt.com/frequently-asked-questions-faq/> (last visited October 23, 2015).

¹⁰ Galleryofguns.com, <http://www.galleryofguns.com/about/CommonQuestions.aspx> (last visited October 23, 2015).

¹¹ See generally Galleryofguns.com, <http://www.galleryofguns.com/about/aboutus.aspx> (last visited October 23, 2015).

¹² Gunbroker.com, www.gunbroker.com (last visited October 19, 2015).

¹³ Gunbroker.com, <http://gunbrokernews.blogspot.com/2014/01/3-billion-cumulative-sales-for.html> (last visited October 23, 2015).

¹⁴ Gunbroker.com, <http://www.gunbroker.com/Content/Investor/Assets/GB-FactSheet.pdf> (last visited October 23, 2015).

¹⁵ *Ibid.*

¹⁶ This Assessment’s authors reviewed the web site on the date identified and counted the number of firearms listed.

¹⁷ *Ibid.*

¹⁸ “Mayors Against Illegal Guns, Felon Seeks Firearm, No Strings Attached,” September 2013, at 10-11, <http://everytownresearch.org/reports/felon-seeks-firearm-no-strings-attached/> (last accessed October 16, 2015).

¹⁹ *Ibid.*

²⁰ This Assessment’s authors reviewed the web site on or about July 27, 2015, and determined the approximate percentage of auctions.

²¹ This Assessment’s authors reviewed the web site on the date identified and counted the number of firearms listed.

²² *Ibid.*

²³ Craigslist.org, <http://www.craigslist.org/about/prohibited> (last visited October 16, 2015) (“Here is a partial list of goods, services, and content prohibited on craigslist: •weapons; firearms/guns and components; BB/pellet, stun, and spear guns; etc •ammunition, clips, cartridges, reloading materials, gunpowder, fireworks, explosives ... Please don’t use CL for these purposes, and flag anyone else you see doing so.”).

²⁴ Backpage.com, <http://www.backpage.com/classifieds/TermsOfUse> (last visited October 16, 2015)

(18. Posting any material advertising weapons the use, carrying, or advertising of which is prohibited by applicable federal, state, or local law. You are solely responsible for complying with any and all laws and/or regulations applicable to the transfer of firearms under both applicable local, state and federal laws. The transfer of firearms is heavily regulated and restricted, and failure to strictly comply with all such laws is a serious crime and may result in criminal prosecution. All transfers of firearms, whether by sale, lease or loan, including private transactions, must go through a licensed firearms dealer. Any exception to these laws, such as air guns, knives, accessories, certain antiques, and some gun parts that may not require transfer by a licensed dealer, should be first confirmed by you prior to purchase. It is your responsibility to comply with all such laws, including any and all city, county, state and Federal laws when accessing or using this site. It is also your responsibility to locate one or more licensed firearm dealers in your area and/or the area of any buyer or seller listing here who are able and willing to assist you with any such transfer. We do not

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offer any assistance with respect to locating a licensed dealer for your transaction or otherwise with respect to your transaction. By listing any firearm, you represent and warrant to us that you legally own and possess the item you wish to list here and have fully complied with and will continue to fully comply with all laws and regulations applicable to your listing, transfer and/or sale. By agreeing to purchase any firearm, you represent and warrant to us that you are of legal age, and are not otherwise prohibited by law from purchasing, transferring, owning, or possessing the firearm listed, and that you have fully complied with and will continue to fully comply with all laws and regulations applicable to your transfer or purchase;

...

Please report any violations of these Terms to: abuse@backpage.com).

²⁵ Types of Facebook Groups, <https://socialmediacub.org/wp-content/uploads/2014/07/Facebook-Groups.png>

²⁶ Wired.com, <http://www.wired.com/2014/12/80-percent-dark-web-visits-relate-pedophilia-study-finds/> (last visited October 20, 2015) and Digging into Anonymous Traffic: a deep analysis of the Tor anonymizing network” Abdelberi Chaabane, Pere Manils, Mohamed Ali Keefar. <http://planete.inrialpes.fr/papers/TorTraffic-NSS10.pdf> (last visited October 20, 2015).

²⁷ *Ibid.*

²⁸ NationalSecurityPolicy.blogspot.com, <http://nationalecuritypolicy.blogspot.com/2012/10/bits-and-pieces-bitcoin-silk-road-and.html>, last visited October 20, 2015. Discussing the terms of service on the former Silk Road, banning the sale of “anything whose purpose is to harm or defraud, such as stolen credit cards, assassinations, and weapons of mass destruction.”

²⁹ Reddit.com, https://www.reddit.com/r/DarkNetMarkets/comments/2gzbyw/why_are_guns_frowned_on/ (last visited October 20, 2015).

³⁰ Deepdotweb.com, <https://www.deepdotweb.com/2015/08/26/agora-market-to-pause-operations-finish-your-orders-and-withdraw-money/> (last accessed October 19, 2015).

³¹ Deepdotweb.com, <https://www.deepdotweb.com/2015/07/07/agora-market-to-stop-listing-lethal-weapons> (last visited October 16, 2015).

³² *Ibid.*

³³ AlphaBay Market, pwoah7foa6au2pul.onion (last visited October 20, 2015), and Nucleus Market, nucleuspf3izq7o6.onion (last visited October 20, 2015).

³⁴ Reddit.com, https://www.reddit.com/r/DarkNetMarkets/comments/34kkfj/interest_checkreliable_gun_dealer_on_d_nms_what_do/ (last visited October 20, 2015).

³⁵ Upon opening the Nucleus Marketplace site, it automatically lists the category and number of items for sale. See Nucleus Market, nucleuspf3izq7o6.onion.

³⁶ Upon opening the AlphaBay Marketplace site, it automatically lists the category and number of items for sale. See AlphaBay Market, pwoah7foa6au2pul.onion.

³⁷ 18 U.S.C. § 921(a)(3).

³⁸ ATF Publication, P. 5300.4 at 126.

³⁹ ATF Ruling 2015-1.

⁴⁰ 27 CFR Part 478, 478.92(a)(1).

⁴¹ 27 CFR Part 478, 478.92(a)(1)(ii)(D).

⁴² ATF Firearms Trafficking Investigation Guide, at 130.

⁴³ ATF 2015 Firearms Commerce in the United States Annual Statistical Update.

U.S. Department of Justice
Bureau of Alcohol, Tobacco, Firearms and Explosives
Office of Strategic Intelligence and Information



(U) Firearms and Internet Transactions

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SCOPE

(U//LES) The Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), Office of Strategic Intelligence and Information (OSII), Violent Crime Intelligence Division, Internet Investigations Center, has prepared the following intelligence assessment to provide information and analysis in the area of online firearmsⁱ sales, including both legal and illegal transactions.

DISCLAIMER

(U) While the focus of this Assessment is the sale of firearms on the Internet, it must be noted that due to the dynamic nature of the Internet, information is only current as of the date of publication.

KEY FINDINGS

- (U) Currently, there are no Federal statutes, rules or regulations addressing specifically the sale of firearms on the Internet.
- (U) The more anonymity employed by a firearms purchaser, the greater the likelihood that the transaction violates Federal law.
- (U//LES) Approximately 22 percent of all Federal firearms licensees (FFLs) (excluding collector's licenses) are believed to conduct some business over the Internet.
- (U//LES) Since 2011, the starting point for this Assessment, there has been a steady increase in Internet-based criminal enforcement cases within ATF.
- (U) All major retailers with an online presence and smaller retailers selling online are federally licensed. There do not appear to be any FFLs selling firearms on the Dark Net. However, there are individuals who appear to be "engaged in the business of selling firearms"¹ on the Deep Web and Dark Net, and those persons should be federally licensed.
- (U) There are a number of different types of online marketplaces and they differ in the ability to search for firearms. If a marketplace allows the user to search within a narrow geographic scope, it is more likely that the firearms transaction will occur in person.
- (U) Firearms transactions that occur in the Deep Web or Dark Net are more likely to be conducted in person or via the mail or common carrier, versus through an FFL.

ⁱ "Firearm" is defined under the Gun Control Act of 1968, 18 U.S.C. § 921(a)(3), and the National Firearms Act, 26 U.S.C. § 5845(a). These definitions govern for purposes of this Assessment. Thus a "firearm" includes, but is certainly not limited to, specific items such as handguns, suppressors, destructive devices, machineguns and short-barrel rifles.

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- (U) It appears that the price of a firearm increases as the transaction becomes more covert or when parties attempt to subvert laws and regulations.
- (U//LES) More used (secondary market) firearms are sold via online auctions, online marketplaces, the Deep Web and the Dark Net as compared to the Surface Web. As a result, these unregulated marketplaces impede law enforcement's ability to accurately trace firearms.

BACKGROUND

(U) Opportunities abound online to transferⁱⁱ firearms. However, the current legal framework of statutes and regulations governing the possession and transfer of firearms does not address specifically the use of the Internet to facilitate these transactions. While it is often best to keep statutory language technology neutral, an analysis of the online marketplaces for firearms demonstrates the ease with which individuals can choose to circumvent the law in this arena. The remainder of this section summarizes the provisions of law pertinent to this Assessment.

(U) An unlicensed individual may transfer a firearm legally through an FFL or through private means. Depending on the type of firearm involved in a transaction, certain Federal firearms regulations must be followed. Additional State regulations may also apply.

(U) An unlicensed individual may transfer a firearm directly to an FFL in any State.

(U) An unlicensed individual may transfer a firearm to another unlicensed individual residing in the same State, provided that the transferor has no reason to believe that the transferee is prohibited by law from possessing a firearm.

(U) An unlicensed individual is prohibited from directly transferring a firearm to a person residing in another State. This restriction applies to all types of firearms, regardless of the purpose of the transfer.

(U) An unlicensed individual may complete a transfer to an out-of-State recipient by transferring the firearm to an FFL in the State of the person receiving the firearm. The FFL then transfers the firearm to the unlicensed out-of-State buyer. The FFL is responsible for the lawful transfer of the firearm.

(U) A "straw purchase" occurs when an individual buys or receives a firearm on behalf of another, often a "prohibited person." Title 18, United States Code, section 922(g) identifies the

ⁱⁱ For purposes of this Assessment, "transfer" is used to indicate the movement of a firearm from one person to another. The purpose of the transfer (*e.g.*, sale, gift, loan, trade) is not pertinent to this analysis.

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categories of persons who are prohibited from possessing a firearm, and section 922(x) addresses the limitations of transferring a handgun or its ammunition to a juvenile.

(U) FFLs may advertise and conduct business on the Internet. Many FFLs create their own web sites, often listing their business inventory. Some FFLs use Facebook, social media and forums such as AR15.com to advertise firearms for sale/trade.

(U) Legitimate online firearms transactions include:

- FFLs facilitating transfers between private parties;
- FFLs advertising and selling online as an extension of their licensed business premises;
- FFL to FFL transfers (online classified ads, forum discussions and auction sites); and
- FFLs purchasing firearms from private parties to offer for sale in their business inventory.

(U) In order to conduct firearms transfers online, the transferor must possess a reasonable belief that the prospective recipient is not prohibited. The transaction may be private in nature (meaning no FFL involvement) should both the transferor and transferee reside in the same State. Additional State rules may allow for the transfer across State lines regarding long guns. Handguns are not to be transferred across State lines without the use of an FFL.

(U) For an unlicensed individual transferring firearms online, if the recipient does not reside in the same State as the transferor, the transferor must send the firearm to an FFL in the recipient's State for the transaction to be legal.

(U) ATF Form 7 (Application for Federal Firearms License) does not address the method of business conduct.

(U//LES) Under current ATF guidelines, Industry Operations Investigators are advised to inquire about Internet activity during application and compliance inspections. Additionally, the ATF Case Management System does have a field to indicate Internet activity. However, it is not a required field.

ANALYSIS

The Internet and Types of Online Marketplaces for Firearms

(U) The Internet has become ever-present in the lives of most Americans. As this tool for information-sharing, commerce and communication has grown, it is important to recognize that it is not a "one-size-fits-all" entity and its breadth and depth affect each area.

(U) There are four sectors of the Internet and online transfers of firearms occur on each:

- Surface/Commercial Web – comprised of sites indexed by commercial search engines

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such as Google, Yahoo and Bing; this sector represents approximately four percent of the Internet;²

- Private Web – used by businesses and government for their employees to access internal networks;
- Deep Web – part of the Web not indexed by commercial search engines, such as Reddit, classified listings, forums and invite-only groups;
- Dark Net/Web – anonymous Internet activity that can be used for illicit purposes, usually accessed through an anonymizing browser such as The Onion Router (Tor).³

(U) Online transfers of firearms are not inherently illegal. Indeed, many retailers and individuals successfully and lawfully engage in online transactions. However, information about online transfers of firearms becomes increasingly opaque as the transactions move from the Surface Web to the Dark Net. This opacity results in a greater likelihood of illegal transfers, especially among private parties. Online transactions also affect the price of firearms, especially in the secondary market, and the opportunity for fraud increases. As well, firearms discussion groups and forums on the Internet provide information about how to skirt the firearms laws. This Assessment provides an overview of these topics and identifies the challenges posed by online firearms sales.

(U) Firearms are transferred online through one of six types of marketplaces. They are:

1. Major Retailers;
2. Online Retailers;
3. Online Auctions/Marketplaces;
4. Online Classifieds;
5. Online Forums/Social Media Networks; and
6. Dark Net Marketplaces.

(U) The type of online marketplace dictates the method of transfer of a firearm as well as an individual's ability to locate an item in a particular geographic area. Each marketplace is discussed in turn, but Table 1, below, summarizes how and where firearms can be transferred/purchased via the six different types of marketplaces.

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Table 1 - Internet Marketplaces

| Type of Marketplace | Web Site | Method of Purchase | Lowest Level of Search |
|-------------------------------------|--|---|-------------------------------|
| Major Retailers | www.walmart.com | In-store only | Specific store |
| | www.dickssportinggoods.com | In-store only | Specific store |
| | www.cabelas.com | In-store only | Specific store |
| | www.basspro.com | In-store only | Specific store |
| | www.academy.com | In-store only | Specific store |
| Online Retailers | www.galleryofguns.com | Transfer to FFL of one's choosing | National |
| | www.budsgunshop.com | Transfer to FFL of one's choosing | National |
| | www.cheaperthandirt.com | Transfer to FFL of one's choosing | National |
| Online Auctions and/or Marketplaces | www.gunbroker.com | Less potential for in-person transfer than FFL transfer | State level |
| | www.armslist.com | Greater potential for in-person transfer than FFL transfer | Major City level |
| | www.gunsamerica.com | Greater potential for in-person transfer than FFL transfer | ZIP Code level |
| Online Classifieds | www.craigslist.org | Greatest potential for in-person transfer than FFL transfer | Major cities/regions of State |
| | www.backpage.com | Greatest potential for in-person transfer than FFL transfer | Major cities/regions of State |
| | www.americanlisted.com | Greatest potential for in-person transfer than FFL transfer | Within 5 miles |
| Online Forums/Social Media Networks | Facebook Forums | Door to door and in person | Varies |
| | www.AR15.com | Door to door and in person | Varies |
| | www.thetruthaboutguns.com | Door to door and in person | Varies |
| | www.calguns.com | Door to door and in person | Varies |
| Dark Net Marketplaces | Agora | Door to door, to include international shipments | Country |
| | Nucleus | Door to door, to include international shipments | Country |
| | AlphaBay | Door to door, to include international shipments | Country |

(U//LES) As of July 31, 2015, the firearms business FFL population was 76,448.⁴ The raw population data was extracted from the Federal Licensing System to a Microsoft Excel workbook

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using Discoverer Plus. An online sample size calculator (www.surveysystem.com/sscalc.htm), with a desired margin of error of plus or minus five percent, identified a sample size of 382. Of the 382 sampled, 84, or 22 percent, had an online presence. Extrapolating to the larger population, the analysis indicates there are approximately 16,818 firearms business FFLs with an online presence.

As noted within, these FFLs are usually operating online in the Major Retailer, Online Retailer, and Online Auctions/Marketplaces arenas.

Major Retailers

(U) The top five commercial firearms sites⁵ are:

1. Walmart.com;
2. Dickssportinggoods.com;
3. Cabelas.com;
4. Basspro.com; and
5. Academy.com.



(U) These top five sites are national sporting goods/commercial retailers with storefront locations in multiple States. All five companies engage in the retail sale of firearms at their ATF-licensed locations across the country, yet firearms are not the primary item for sale. Notably, on all of the top five Major Retailer web sites, firearms are only advertised. An individual must visit one of their licensed locations to purchase/receive a firearm.

(U//LES) Online transfers through Major Retailers provide little anonymity for the recipient, and as these transactions are conducted through an FFL, all sales are regulated by ATF. Prices are competitive and stable within this marketplace, and the consumer does not have the opportunity to negotiate. Compared to other marketplaces, transfers through a Major Retailer are much less likely to involve prohibited persons and fraudulent sales.

Online Retailers

(U) Separate from the Major Retailers is another segment of Online Retailers that are also FFLs. The Online Retailers advertise and conduct business through the Surface Web in addition to brick and mortar stores.

(U) The top three sites of this type are:

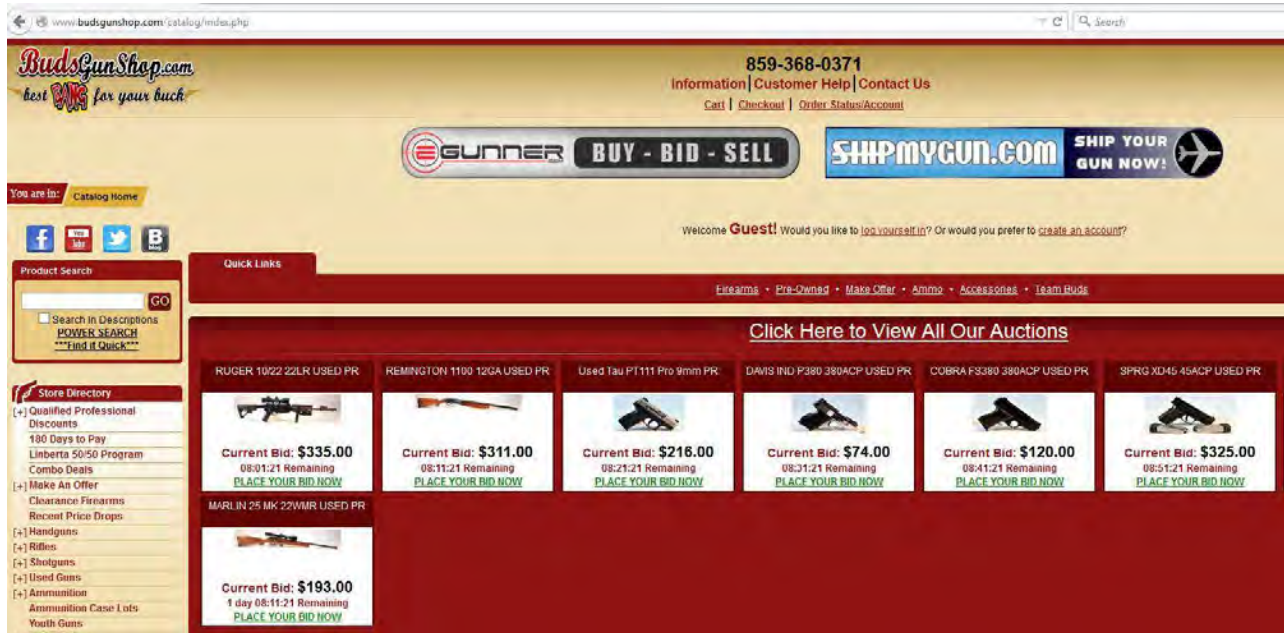
1. Budsgunshop.com;
2. Cheaperthandirt.com; and
3. GalleryofGuns.com – web site for Davidson's, Inc.

(U) These Online Retailers will transfer purchased firearms to a buyer's local FFL, where the purchaser can pick up the firearm and complete the required transfer paperwork.

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Budsgunshop.com and Cheaperthandirt.com have storefronts in regional locations.

BudsGunShop.com



(U) This Online Retailer has a more than one type of presence online. BudsGunShop.com is an online firearms auction site that automatically updates every 20 minutes to reflect current inventory and prices. Firearms are listed by item; there is no option to search by location because this site is operated by an FFL. This site has a retail store in Kentucky where three ATF firearms licenses are held: (1) a dealer of firearms; (2) a manufacturer of firearms; and (3) an importer of firearms. The retail storefront location operates the web site BudsGunShopKY.com. Its military/law enforcement discount site is BudsPoliceSupply.com. This business also operates BudsBuysGuns.com where individuals can sell their firearms directly to the FFL. For the areas of the web site accessible to the general public, there were 13,998 firearms listed as of July 21, 2015.⁶ There are additional firearms available for view through an “FFL Wholesale” area that requires an FFL number for viewing. As of October 19, 2015, the web site lists 1,832,894 “satisfied customers.”⁷

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Cheaperthandirt.com

The screenshot shows the homepage of CheaperThanDirt.com. The header includes the site logo, navigation links (Home, Email Sign Up, Gift Cards, Track Order, Help), and social media icons. A search bar is present with the text "Keyword or Product #". Below the header, a banner reads "Welcome to CheaperThanDirt.com" with a sub-header "\$433,108,600 12 Now In Inventory · Shop Competing Warehouses · Bulk Ammunition". The main content area displays a grid of product listings, each with an image, title, and price. The products include:

| Product Name | Price |
|---|------------|
| Amsoor USA .45 ACP Full Metal Jacket, 230 Grain, 830 fps, 50 Round Box, F AC-45A-12H | \$15.59 |
| Silver Bear .223 Rem Hollow Point Zinc Plated Steel Case, 55 Grain, 3193 fps, 500 Round Case, A223SM... | \$131.94 |
| POBJEDA Technology MAXTech 9mm Steel Cased Full Metal Jacket, 115 Grain, 1150 fps, 1000 Round Case... | \$184.29 |
| DP-12 Double Barrel Pump Repeater 12 Gauge Shotgun 16 Round Capacity Manufactured by Standard Manufa... | \$1,395.00 |
| RWS Umarex Steel Force Air Rifle .177 Caliber Black Collapsible Stock 2254855 | \$99.97 |
| FIocchi .45 ACP Pistol Shooting Dynamics Full Metal Jacket, 230 Grain, 860 fps, 50 Round Box, 45A | \$17.59 |
| Allegiance Ammunition .45 ACP PowerStrike High Energy Transfer Frangible Bullet, 150 Grain, 1190 fps... | \$10.29 |
| Boyt Black Tactical Pistol Case 13x7.5" Military Grade | \$15.97 |

(U) Cheaperthandirt.com is an Online Retailer, with a web site offering firearms along with sporting goods and accessories. This business also has a retail store in McKinney, Texas, where firearms, ammunition and accessories are sold. The retail store and web site operate under an FFL, and online listings are by item, with the price noted. The web site states all firearms must be shipped to an FFL in the buyer's State of residence.⁸ The site sells firearms nationally through its FFL and states that it currently sells more than 200,000 products.⁹

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GalleryofGuns.com

(U) Launched in November 1998, GalleryofGuns.com is the retail web site of Davidson's, Inc.¹⁰ Davidson's is one of the largest firearms wholesalers in the United States. Using the "Gun Genie" search function, potential buyers enter a ZIP Code and GalleryofGuns.com will locate a local FFL to meet their needs. Customers are able to see the price and availability of a firearm from the convenience of their computer. After selecting the item, the customer then travels to the local FFL, which received the item, to complete the firearms transaction. Davidson's only sells to other FFLs. Per the site, more than 5,000 FFLs use Davidson's as their supplier. The amount of customers and listings are not available to the public.¹¹

(U//LES) As with the Major Retailers, web sites operated by Online Retailers provide little anonymity for the recipient, and, as these transactions are conducted through an FFL, all sales are regulated by ATF. Prices are competitive and stable within this marketplace. The consumer does not have the opportunity to negotiate but can choose among dealers based on price and location. Transfers through an Online Retailer are less likely to involve prohibited persons and fraudulent sales.

Online Auctions and/or Marketplaces

(U) Online Auctions and/or Marketplaces are web sites hosted for the purpose of buying and selling firearms and shooting accessories. None of these sites possesses a Federal firearms license or is run by an entity with a license. These web sites act as a broker and they never take possession of the firearm.

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(U) FFLs are able to post ads and offer firearms for sale on Online Auctions/Marketplaces under their own licenses as an approved business practice. Non-licensed individuals can also post/buy/sell firearms on these web sites.

(U) The top three Online Auctions/Marketplaces are:

1. GunBroker.com;
2. ARMSLIST.com; and
3. GunsAmerica.com.

GunBroker.com



(U) Launched in March 1999, GunBroker.com “is an online gun auction that promotes responsible gun ownership.”¹² The web site states it is the largest online auction site for firearms and hunting/shooting accessories. Users are able to view pricing at the time of bidding. GunBroker.com does not sell any of the items listed; third-party sellers list items on the site. Listings are broken down by item regardless of location. Individuals or FFLs can then search for firearms at the State level, but not locally. Individuals may communicate during or upon completing a transaction to arrange for local payment and/or transfer. However, since the web site has only State-specific searches, the likelihood of such local transfers is less as compared to those web sites that allow searches of a smaller geographic area (city/ZIP Code). The web site reports that between 1999 and 2014 it has exceeded \$3 billion in cumulative merchandise sales.¹³ GunBroker.com reports that it averages 750,000 active listings on any given day and 6.5 million unique monthly visitors.¹⁴ The site has more than 3.25 million registered users with 80 percent

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of traffic from regular users.¹⁵ GunBroker.com uses a dual verification system for users—this is the only site featured in this Assessment that has this type of verification system. This process requires the registered user to answer questions administered by a third party to confirm the identity of the person registering for an account on GunBroker.com. This verification process helps to decrease the number of scams and eliminate international transactions that may violate import and export laws. More secondary market firearms are transferred on this site than those of Major or Online Retailers, which focus more on transferring new firearms.

ARMSLIST.com

The screenshot shows the ARMSLIST.com website interface. At the top, the logo reads "ARMSLIST FIREARMS MARKETPLACE" and there is a "CREATE A LISTING" button. Below the logo, navigation links include "Home", "United States", and "All Categories". The main heading is "UNITED STATES ALL CATEGORIES CLASSIFIEDS" with sub-links for "Choose City/Region", "Search Alert", and "RSS Feed".

On the left side, there is an "EXPAND SEARCH" section with a "Search within..." input field and a "Vendors that Ship" checkbox. Below that is a "REFINE SEARCH" section with a "Category" list: Firearms, Firearm Accessories, Outdoors Gear, Other Items, Events, and Services. There is also a "For Sale By" section with "Private Party" and "Premium Vendor" options.

The main content area displays a date "THURSDAY, JULY 30, 2015" and a list of four firearm listings:

| Image | Description | Price | Location |
|---|---|--------|-----------------------|
|  | FS: Camouflage Remington Model 700 7 Mm Rem Mag Wi... I HAVE A CAMOUFLAGE REMINGTON MODEL 700 7 MM REM M... | \$ 500 | JACKSONVILLE |
|  | FS: SIG P224 9mm DAK Two-Tone Nickel NIB W/9 New M... THIS LISTING IS FOR A NEW SIG P224 IN 9MM, DAK, WI... | \$ 729 | INDIANAPOLIS |
|  | FS: NEW Sig P938 SAS Edition Night Sights, Wood Grips,... BNIB SIG P938 SAS - \$575 CASH ONLY, PLEASE DO NOT ... | \$ 575 | RALEIGH / DURHAM / CH |
|  | FS: Springfield XDS 3.3" 9mm Black Brand New In Box THIS IS A BLACK XDS IN 9MM. BNIB ESSENTIALS PACKAG... | \$ 430 | RALEIGH / DURHAM / CH |

(U) ARMSLIST.com is an Online Marketplace where the general public is able to buy or offer firearms and accessories for sale. The web site allows visitors to choose the geographic area, down to the city level, that they wish to use to browse for firearms postings. “City level” searches increase the potential for local transfers and/or payments. Firearms purchasing options include “for sale” and “for trade.” Prices are listed at the time of posting by the seller. As of July 22, 2015, there were 69,883 firearms listed for sale, including suppressors.¹⁶ Approximately half of the web site’s listings are from FFLs; the remainder are by private parties.¹⁷

(U) One study, sponsored by Mayors Against Illegal Guns, found that only five percent of postings on ARMSLIST.com are want-to-buy ads, meaning the overwhelming majority of postings are for-sale ads.¹⁸ This same study found that at least 1 in 30 potential firearms purchasers on ARMSLIST.com were prohibited from possessing firearms.¹⁹

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GunsAmerica.com

BUYING & SELLING NEWS & REVIEWS DEALER SERVICES SUPPORT LOGIN REGISTER MY GUNSAMERICA RECENTLY VIEWED LIVE STOREFRONT

GUNSAMERICA enter your search here SEARCH ADVANCED

BROWSE ALL CATEGORIES START SELLING LOGIN QUICK REGISTER FREE

2015 SUMMER COLLECTION CLICK HERE

MICRO BEL AIR® & MICRO DIAMOND® .380 ACP

CATEGORIES (SEE ALL)

- RIFLES
- PISTOLS
- REVOLVERS
- SHOTGUNS
- TACTICAL
- AMMO
- OPTICS
- ACCESSORIES
- PARTS
- AUCTIONS ONLY

New Guns For Sale New Today New This Week

RUGER LIMITED RUN "TALO" FIVE-INCH GP-100 IN .357 MAGNUM
Here's a new, LIMITED AVAILABILITY, "TALO" RUGER GP-100 STAINLESS .357 MAGNUM WITH FIVE-INCH BARREL! This baby is being ...[read more](#)
GUN #: 951587364 SELLER: Southern Yankee Guns (FFL Dealer)
\$699.95 FULL DETAILS

CSC ARMS 1911 "DIAMOND MINI" COMMANDER 45ACP
Finally Here Commander size. CSC ARMS,LLC. Hand Fitted 1911 in all Stainless. 45ACP. Commander slide with Office Frame b...[read more](#)
GUN #: 996686633 SELLER: CSC ARMS LLC (FFL Dealer) GA SALES: 116
\$1,500.00 FULL DETAILS

2015 SUMMER COLLECTION CLICK HERE

STAINLESS II (CLASSIC ENGRAVED EDITION) .45 ACP

(U) GunsAmerica.com is a web site dedicated to the sale of firearms and accessories. It uses both a classified ad-based format as well as online auctions. However, less than five percent of all listings are auctions.²⁰ A search function is available to identify listings based on ZIP Code, which increases the potential for transfers and/or payments between individuals rather than transferring firearms through an FFL. Pricing information is available to the customer in an item listing. The site also offers a “drop-off” service by which transactions between private individuals can be facilitated through an FFL of the seller’s choosing. As of July 27, 2015, there were 43,700 firearms listed for sale including suppressors. Of these, 39,750 firearms are for sale by FFLs.²¹ Approximately 90 percent of the web site’s listings are from FFLs, the remainder are from private parties.²²

(U//LES) The Online Auctions/Marketplaces identified here operate over the Deep Web, so while there is the potential for increased anonymity through the use of screen names, user names, user-generated email addresses and telephone numbers, the anonymity is not as pronounced as with Dark Web Marketplace sites.

(U//LES) Prices for firearms sold through Online Auctions/Marketplaces also have the potential

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to be higher than those sold online through a Major or Online Retailer. If the item is coveted, the price will naturally increase through the use of an auction. Additionally, because transactions in this type of online arena may occur between private parties, prices may increase because purchasers are willing to pay a premium for a transaction which may occur locally, without a background check and with minimal, if any, paperwork. While many private transactions are lawful, the temptation exists to sell to prohibited persons and ship firearms across State lines because there is no ATF oversight. Similarly, the lack of oversight and increased profit may encourage individuals to engage in dealing in firearms without a license.

Online Classifieds



(U) The next two types of online marketplaces – Online Classifieds and Online Forums/Social Media Networks – exist on the Deep Web. As noted earlier, the Deep Web can include online classified ads, forums, and private groups that are not necessarily indexed by traditional search engines such as Google, Yahoo and Bing. Also included in the Deep Web are private sites requiring a password login, database query results, pages not linked to other pages and sites that are not under *http://* or *https://* protocols.

(U) Some of the most visited online classified ad sites include:

- Craigslist.org;
- Backpage.com; and
- Americanlisted.com.

(U) Craigslist.org is a worldwide online classified web site that allows individuals to search for items and services by major cities and/or regions of a state or country. Craigslist.org has prohibited the sale of firearms on its site. However, the site is self-governed and members are

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asked to “flag” inappropriate or illegal ads.²³ When posted, and prior to being flagged, firearms are typically under the General or Hunting/Sporting Goods sections. Accordingly, if not flagged, some sales may go undetected.

(U) Backpage.com is a worldwide online classified web site that allows individuals to search according to major cities and/or regions of a state or country. Firearms are listed for sale on this site, but Backpage.com has particularly stern legal language concerning the transfer of firearms.²⁴

(U) Americanlisted.com is an online classified web site that provides U.S. residents with a way to sell and buy products and services within their own residential area/city within five miles of their current location. Due to this localized searching ability, the potential for person-to-person transfers of firearms increases dramatically. The site does not require users to register or sign in.

(U//LES) These sites often deal with local, person-to-person transactions and generally do not involve the use of an FFL; therefore, these transactions bypass ATF oversight. Online classified sites through the Deep Web are more anonymous, but they are not completely opaque. Individuals do not need a user name to sell on these sites – only an e-mail address – and the web sites’ e-mail services can hide these addresses. As seen with the Online Auctions and Marketplaces and for the reasons discussed above, the prices of firearms are generally higher on these sites. As well, in-person transactions may be conducted in cash or in trade for another item, increasing the potential for violations of law.

(U//LES) There is a greater incidence of fraud in online markets where individuals can mask their identities. In addition to straightforward scams where an item that does not exist is sold or a single item is sold to multiple purchasers, more sophisticated frauds involving counterfeit FFL and National Firearms Act (NFA) documents can occur. For example, falsified licenses and NFA documents can be used to acquire firearms and NFA weapons illegally when an individual claims to be an FFL. This bypasses the Federal requirement of a background check and the firearm/weapon may end up in the hands of a prohibited person.

Online Forums/Social Media Networks

(U) An Online Forum or bulletin board is an arena in which individuals discuss certain items identified under a specific topic or thread. Well known forums where firearms can be listed for sale include:

- AR15.com;
- Calguns.net; and
- Thetruthaboutguns.com.

(U) On some forums such as thetruthaboutguns.com, private messaging services are available. These private messaging services are self-regulated; therefore, it is difficult to determine to what

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extent they are monitored. Consequently, one may question the amount of oversight that occurs in these areas.

(U) Social Media Networks, such as Facebook, Instagram and Twitter, have become increasingly popular over the years and are used in a variety of ways, including the advertising and selling of firearms, an unintended use by the creators of these sites. Furthermore, these sites all have privacy settings that allow users to have public or private profiles. The private profiles require permission, “friending” or an invitation to join in order to view the profile and information.

(U) Private groups, including those on Facebook and Reddit, provide another area where firearms are bought/sold/traded within the Deep Web. Facebook, an online social networking service, was launched on February 4, 2004, and is headquartered in Menlo Park, California. Reddit, launched on June 23, 2005, in Medford, Massachusetts, is an entertainment, social networking, and news web site where registered community members can submit content, such as text posts or direct links, making it essentially an online bulletin board system.

(U) There are three types of groups on Facebook: Open, Closed and Secret.²⁵

Table 2 -- Types of Facebook Groups

| | Open | Closed | Secret |
|--|--------------------------|---|---|
| How do people join? | By request or invitation | Requires approval after request or invitation | Requires approval after request or invitation |
| Who can see the group? | Anyone | Anyone | Current & former members only |
| Who can see the members of the group? | Anyone | Anyone | Current members only |
| Who can see what is posted in the group? | Anyone | Members only | Members only |

(U//LES) Access to these groups is by request/invitation only and typically serves a local geographic area; therefore, it is not possible to calculate the amount of transfers occurring within

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these closed groups. Secret groups can only be seen by current and former members and are not viewable in any search function on Facebook. Due to the exclusive nature of these groups, it is difficult for law enforcement to regulate and track transfers via the Deep Web.

(U//LES) Common purposes for these closed groups on sites include discussions concerning “build parties” and the possible milling or completing of an industry-termed item, such as an unfinished lower receiver for AR-15 style rifles, which is further discussed within.

(U//LES) Similar to firearms posted in Online Classified Ads, firearms sold through Online Forums, Social Media Networks or bulletin boards may be priced higher than those sold through a commercial firearms dealer. Often, individuals are willing to pay more in order to bypass the transfer of a firearm through an FFL. This may be due to the fact that the person is prohibited or does not want the “Government” to know that he has a firearm. As these transactions are less likely to occur through a licensed dealer, the potential for an improper transfer increases.

(U//LES) One can conclude there is a higher rate of improper firearms transactions on the Deep Web as these occur outside of a regulated marketplace. In this arena, firearms are generally believed to be transferred in person or through direct mailing/receipt. Individuals using an online forum are thought to be less likely to use an FFL to transfer a firearm. Examples of possible improper transactions on the Deep Web include individual to individual transfers across State lines and transfers involving prohibited persons or straw purchasers.

Dark Net Marketplaces

(U) Dark Net Marketplaces are accessible through The Onion Router (Tor) network and browser bundle.ⁱⁱⁱ Tor browser bundle is free for all users and easy to use. The average computer user familiar with browsing the Internet can begin using Tor and accessing Dark Net Marketplaces with very little or no instruction. Tor network traffic analysis indicates that approximately two percent of all Tor usage is related to marketplaces and other hidden services facilitating illegal activity.²⁶ The vast majority of Tor usage consists of users browsing the Surface Internet that may otherwise be blocked in their country or those users who may have additional privacy concerns.^{27,}
iv

(U//LES) As of late summer 2015, there were 26 Dark Net Marketplaces accessible through Tor.

ⁱⁱⁱ (U) The Tor browser bundle consists of a free anonymization software package allowing the end user to connect to the Internet through a free, worldwide, volunteer network. Tor’s use is intended to protect the personal privacy of users, as well as their freedom and ability to conduct confidential communication by keeping their Internet activities from being monitored.

^{iv} (U//FOUO) Additional anonymity resources, similar to those of Tor, are also available, including Freenet (<https://freenetproject.org>) and I2P (<https://geti2pnet.org>). These Dark Net/Deep Web resources are not actively used to facilitate firearms trafficking because at this time they do not have the same notoriety as Tor.

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Based on ATF and other law enforcement investigation, the majority of these marketplaces offer only narcotics and explicitly ban the sale of firearms and explosives. Many marketplaces ban firearms and explosives due to the view that those goods inherently cause violence in the world.²⁸ This is a fairly common sentiment of many Dark Net Marketplace users, and is frequently expressed in forum message boards.²⁹

Agora

(U//LES) The largest Dark Net Marketplace by number of listings and total Bitcoin transactions is/was Agora. As of the date of this Assessment, Agora has discontinued service “indefinitely” to fix a vulnerability in its system.³⁰ However, in July 2015, the Agora marketplace contained more than 18,000 independent listings/advertisements for illegal drugs. Separately, in an announcement made July 7, 2015, the anonymous marketplace administrators stated that as of “July 15th 2015 Agora will no longer list lethal weapons.”³¹ The public statement commented that it would remove those categories in part because of increased law enforcement scrutiny: “Shipping weapons is hard, they are expensive and stimulate both scamming by dishonest vendors and honeypot listings by agencies looking to find buyers who might wish to obtain such weapons illegally from us. This has been reflected for a long time in both the volume and the success rates of our listings in the weapons section. At this point continuing to list weapons would do more harm than good to our users.”³² The removal of firearms and explosives listings coincided with increased partnered law enforcement activity involving ATF, the Federal Bureau of Investigation (FBI) and U.S. Immigration and Customs Enforcement, Homeland Security Investigations (ICE/HSI).

Analyst Note: *Dark Net Marketplaces use digital cryptocurrency such as Bitcoin as the form of conducting transactions for goods and services. Attaining digital currency and transferring between wallet addresses are often challenging for prospective buyers. New users rely on guides and user forum discussions to learn how to conduct cryptocurrency transactions, and other similarly less-intuitive processes. Based on prior ATF investigations, buyers seeking to purchase firearms on Dark Net Marketplaces often gain experience purchasing narcotics prior to attempting to obtain a firearm. Marketplace vendors trafficking firearms similarly gain experience as a narcotics buyer and/or vendor.*

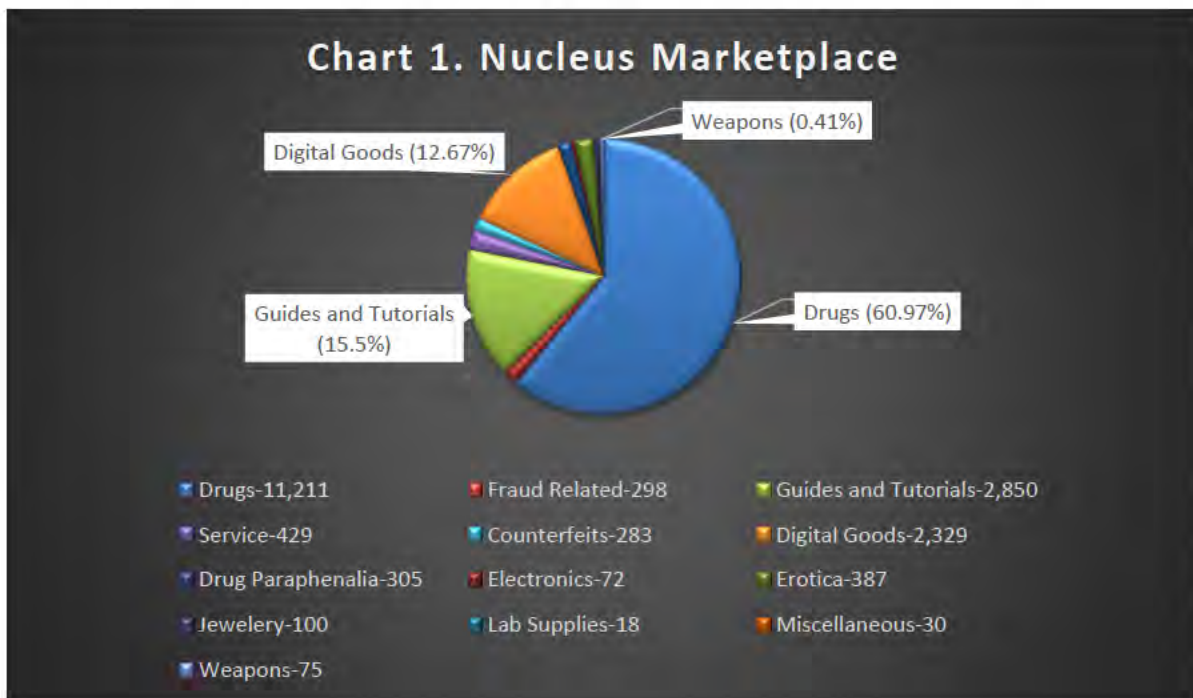
Nucleus and AlphaBay

(U//LES) Two of the largest Dark Net Marketplaces, Nucleus and AlphaBay, offer a firearms section that enables vendors to advertise and sell firearms anonymously.³³ The total volume of firearms listed on Dark Net Marketplaces makes up only a small percentage of the overall marketplace activity. The majority of Dark Net Marketplace firearm listings are scams in which the vendor attempts to trick prospective buyers into purchasing a nonexistent weapon.³⁴ This type of fraud is common because the cost of creating a vendor account is outweighed by the benefit of scamming and profiting from one or two buyers before the account is banned. Charts 1

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and 2 provide the categories and number of listings on both the Nucleus and AlphaBay marketplaces.

(U//LES) As of August 17, 2015, the weapons listed on Nucleus accounted for 0.41 percent of all listings within the overall marketplace.³⁵ Of those 75 total weapons listings, they were further refined into five categories: *guns*, *ammunition*, *melee*, *explosives*, and *other*. In the *guns* subcategory there were seven completed firearms listed for sale with the other four listings being either duplicative advertisements or firearms parts.



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(U) Below is a screenshot from the Nucleus marketplace.

The screenshot shows a marketplace interface with a sidebar on the left containing various categories and their item counts. The main content area features a listing for 'FAST Darkweb 3d printing' with a photo of a 3D printed part, a seller name 'dankmeme', a price of '1 USD', and a 'Buy It Now' button. Below the image is a 'Description' section with text detailing the printing process and materials.

| Category | Count |
|--------------------|-------|
| Drugs | 11174 |
| Fraud Related | 263 |
| Guides & Tutorials | 2666 |
| Service | 473 |
| Counterfeits | 236 |
| Digital Goods | 2323 |
| Drug Paraphernalia | 233 |
| Electronics | 60 |
| Erotica | 376 |
| Jewellery | 107 |
| Lab Supplies | 17 |
| Miscellaneous | 24 |
| Weapons | 92 |

FAST Darkweb 3d printing

Seller: dankmeme (n/a - 0)

Price: 1 USD

FE: No

Shipping from: US

Shipping to: US

Currency: Bitcoin

Quantity: 1

1 USD - Free - 9 days

Buy It Now

Description

PM and I will make a custom listing.

Can print in PLA Or NYLON(warping occurs but doesn't effect part much)

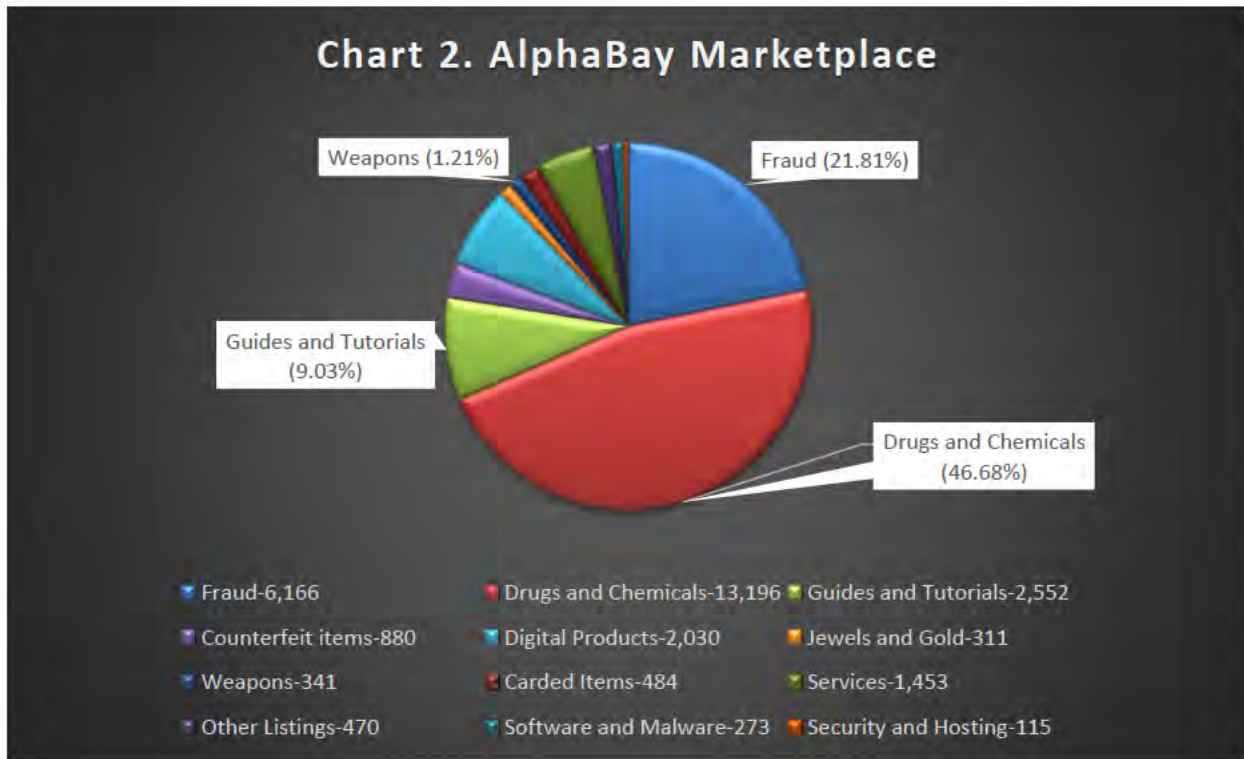
Print in 8 x 8in build platform

Anything from guns to skimmers

Most require cleaning up, will clean up for extra, prints are made to be FAST

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(U//LES) As of August 17, 2015, the weapons listed on AlphaBay accounted for 1.21 percent of all listings within the overall marketplace.³⁶ Of those 341 total weapons listings, they were further refined into six categories: *ammunition, pistols, long-range guns, explosives, hand weapons, and other*. The listing structure on AlphaBay lends itself to misinformation as compared to similar Dark Net Marketplaces as they list the total number of firearms available versus the number of sellers on the site. The *pistols* subcategory had a total of 100 advertised items, and the *long-range guns* subcategory had 26 advertised items. In the *pistols* subcategory there were 22 completed firearms listed for sale, and the *long-range guns* subcategory had three actual firearms. All other listings in those categories were either firearms parts or the seller indicated additional quantity of item availability.



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(U) Below is a screenshot of a firearm for sale on AlphaBay.

Home / Weapons / Pistols / Norinco T54 Pistol 9MM

Listing Options

- Contact Seller
- Favorite Listing
- Favorite Seller
- Alert when restock
- Report Listing

Browse Categories

- Fraud 2443
- Drugs & Chemicals 3550
- Guides & Tutorials 872
- Counterfeit Items 157
- Digital Products 583
- Jewels & Gold 35
- Weapons 146
- Carded Items 182
- Services 511
- Other Listings 224
- Software & Malware 62
- Security & Hosting 14

Norinco T54 Pistol 9MM

(I DO SEND WORLDWIDE) I do my deals strictly trough alphabay. With tracking number and 100% STEALTH. Contact me. Only serious inquiries please.

Sold by **Bartsmil** - 0 sold since May 4, 2015 **Level 1**

| | Features | | Features |
|---------------|------------------|----------------|-----------|
| Product class | Physical package | Origin country | Worldwide |
| Quantity left | 1 items | Ships to | Worldwide |
| Ends in | Never | Payment | Escrow |

Postage - 10 days - USD +12.50

Purchase price: USD 445.99

Qty: 1 **Buy Now**

1 3184 BTC

Description Bids Feedback Refund Policy

Product Description

(I DO SEND WORLDWIDE)

I do my deals strictly trough alphabay
With tracking number and 100% STEALTH.

Contact me.

Only serious inquiries please.

norinco

(U//LES) Dark Net Marketplaces offer almost complete anonymity and firearms transfers are almost always done privately. Because these transfers are not regulated by ATF and because these marketplaces have a history of eliciting criminal activity, including prostitution and narcotics trafficking, it is highly likely that illegal firearms transfers occur regularly. Prices for firearms are what the market will bear. If a prohibited person seeks a firearm, there is generally a willing seller – for a premium price. Moreover, Dark Net Marketplaces often use cryptocurrency, such as Bitcoin, as a method of payment and encrypted electronic communications to further ensure anonymity. ATF has noted both domestic and international sellers and purchasers on these sites.

Online Instruction Regarding Illegal and Potentially Illegal Acts

(U//LES) The Internet contains a trove of information regarding firearms, including information about illegal or potentially illegal acts. For instance, there are YouTube and other information-sharing sites that explain how to: make 3D-printed firearms and homemade suppressors; convert 80 percent receivers into assault rifles; create trusts to circumvent the Chief Law Enforcement

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Officer requirement for a National Firearms Act (NFA) transfer; and most recently, mount a firearm on a drone. These videos and informational sites guide the general public on the “how to” of firearms creation and the exploitation of gaps in the firearms laws.

(U) One particular area of concern to law enforcement is the emergence of “build parties” for AR-style rifles. An unfinished lower receiver for AR-style rifles is not a firearm under Gun Control Act definitions.³⁷ As such, it is not subject to marking requirements. Below is a photograph of an unfinished AR-15 lower receiver.



(U//LES) A “build party” typically consists of firearms purchasers and machinists (possibly an FFL) coming together to finish an unfinished AR-style lower receiver by drilling or machining the lower receiver to accept an upper receiver. There are “how to build” videos available on the Internet and those interested in unfinished receivers and build parties can communicate through online forums.

(U) Individuals are allowed to manufacture firearms for their own use under current Federal regulation.³⁸ If someone is providing a machine to alter or make these unfinished receivers into ATF-regulated receivers/firearms, they are required to have a Federal firearms license that allows for manufacturing of firearms.³⁹ Firearms manufactured for personal use are not subject to marking requirements unlike firearms manufactured for commercial sale.⁴⁰

(U) Completed firearms manufactured at a build party may not be subject to Federal marking requirements as they are manufactured under the principle that the individual is completing/building/making a firearm for his own personal use. AR-type rifles manufactured at build parties for commercial sales must be marked with the new manufacturer’s information to comply with Federal regulations.

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(U) Firearms that were manufactured by individuals but entered into commerce must be marked with the additional manufacturer's information (name, city, State).⁴¹ Firearms not properly marked with manufacturer's information impede law enforcement's ability to accurately trace firearms associated with criminal activity or found at a crime scene.

Examples of Criminal Enforcement

(U//LES) ATF has steadily increased its Internet-based investigations. As of July 13, 2015, ATF's case management system shows the total for each year, beginning in 2011:

- 2011: 15
- 2012: 18
- 2013: 28
- 2014: 39
- 2015: 115^v

(U//LES) The following are some examples of ATF criminal enforcement cases in which the Internet was used as the means of communication and/or transfer:

- (U//LES) In May 2014, ATF was involved in a joint case with ICE/HSI and the Drug Enforcement Administration after firearms, firearms parts and accessories, and ammunition were seized after being sent from El Paso, Texas, to Mexico. After securing the e-mail address of the purchaser, ATF determined that the e-mail address had been created by a device with an Internet Protocol address in Mexico. Further investigation determined that the e-mail address was tied to a Facebook (FB) account under another name. The owner of the FB account had at least one felony drug conviction. This individual has also been linked to purchasers who appear to be providing firearms to a gang in Mexico.
- (U//LES) Using Backpage.com, an individual from Canada advertised AK-style lower receivers and suppressors in a small city in Alabama. Further investigation revealed that the individual also advertised in different cities across the United States. Based on an ATF field office referral, in September 2014, ATF's Office of Strategic Intelligence and Information (OSII) identified the seller, which enabled the local office to obtain the necessary subpoenas to successfully track the seller. This led to the arrest of the individual by Canadian authorities. Ultimately, Canadian authorities seized 900 receivers, 200 suppressors and other items.
- (U//LES) In September 2014, (b) (7)(E)

^v The majority of cases in 2015 stem from one Surface Web listing of suppressors.

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(b) (7) (E)

(U//LES) Based on anecdotal information, firearms trafficked illegally via the Internet likely exceeds the combined amount of illegally-trafficked firearms sold at flea markets and gun shows.⁴²

How Firearms Enter Commerce and the Expansion of the Secondary Market

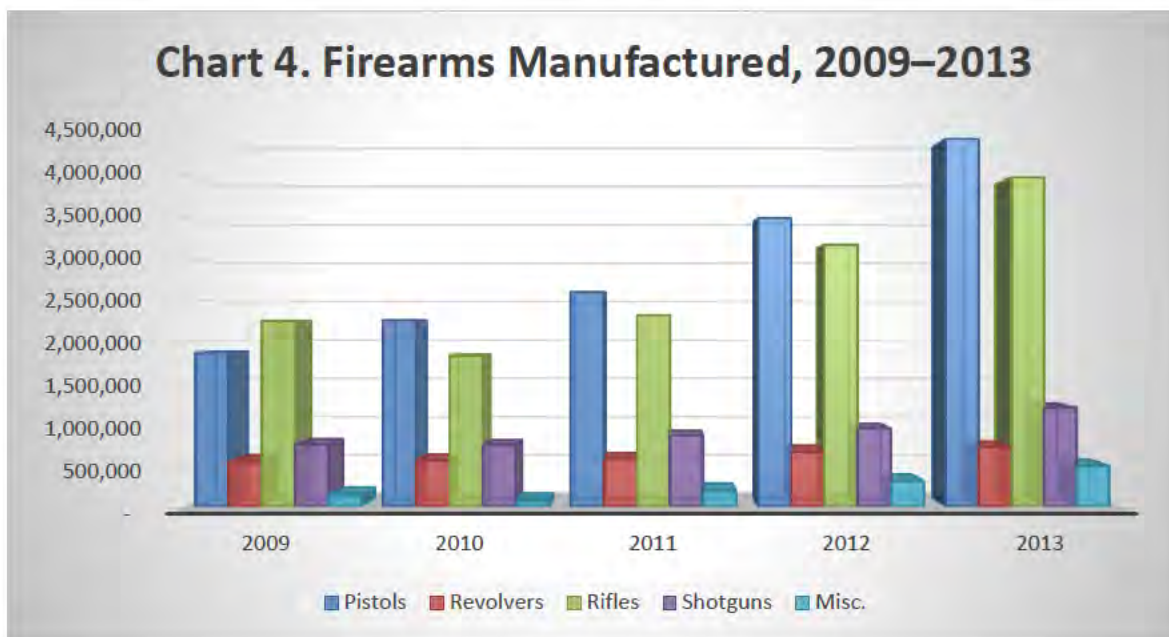
(U) “New” firearms enter commerce via manufacturing and importation. Charts 3 and 4, below, show the importation statistics from 2010 through 2014 and the manufacturing statistics from 2009 through 2013.⁴³

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(b)(3) (112 Pub. L. 55)



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| | 2009 | 2010 | 2011 | 2012 | 2013 |
|------------------|-----------|-----------|-----------|-----------|------------|
| Pistols | 1,868,258 | 2,258,450 | 2,598,133 | 3,487,883 | 4,441,726 |
| Revolvers | 547,195 | 558,927 | 572,857 | 667,357 | 725,282 |
| Rifles | 2,248,851 | 1,830,556 | 2,318,088 | 3,168,206 | 3,979,570 |
| Shotguns | 752,699 | 743,378 | 862,401 | 949,010 | 1,203,072 |
| Misc. | 138,815 | 67,929 | 190,407 | 306,154 | 495,142 |
| Total | 5,555,818 | 5,459,240 | 6,541,886 | 8,578,610 | 10,844,792 |

(U) There was a 95 percent increase in the number of firearms manufactured from 2009 to 2013, the largest of which was pistols (238%).

(U//LES) Firearms manufactured and entering commerce have continued to increase over time.

(U//LES) Firearms imported and entering commerce have steadily increased over time.

(U) A previously owned firearm is a secondary market firearm. For purposes of this Assessment, a firearm enters the secondary market once it is transferred following the original purchase from an FFL. The amount of firearms that make up the secondary market continues to grow as more new firearms are produced and then sold, traded or transferred by the purchaser through secondary market channels.

(U) Firearms enter the secondary market through a variety of methods. Some of the more common methods include:

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- the Internet;
- pawn shops/secondhand dealers;
- purchases from ads in newspapers and trade publications (private sales);
- residential burglaries;
- gun store burglaries; and
- theft from interstate shipments (United Parcel Service, Yellow Freight, FedEx, etc.).

(U) Typically, a used firearm does not decrease in value unless it is damaged. Due to its composition, degradation of a firearm is minimal at best. Consequently, a secondary market firearm can be just as durable and valuable as a newly manufactured firearm. Further, a used firearm may increase in value due to scarcity and/or its status as a collectible item. Because firearms maintain or increase their worth, they are a valuable commodity and rarely destroyed.

(U//LES) The popularity of the online secondary market is increasing. The expediency, profit, expansion of customer base and inventories, and opportunities in both local and national geographic markets encourage sellers and purchasers to conduct firearms transactions over the Internet. However, the expansion of the secondary market – both online and otherwise – ultimately impedes law enforcement’s ability to accurately trace firearms. Because private sales are not regulated by ATF, there is little to no accountability for the private transfer of firearms unless State law is implicated. Further, unless specified by State law or local ordinance, private sales often do not require background checks. Consequently, traffickers and prohibited persons may wish to exploit these disparities by purchasing and trafficking firearms privately in the secondary market.

TRENDS AND ANALYSIS

(U//LES) In review, the six different types of marketplaces can be broken down further to explain the way firearms are transferred via an FFL or non-FFL, the level of anonymity, the localization of transactions, pricing levels, and the increases in the potential for illegal transactions to occur through the Internet.

1. (U//LES) Commercial retailers with an FFL and a larger online presence with multiple locations across the United States (Walmart, Dick’s Sporting Goods, Cabela’s, Bass Pro Shop, Academy Sports)
 - No anonymity
 - All transactions conducted through/by an FFL
 - No individual sales on their web sites
 - All sales are regulated by ATF
 - Lowest level of potential for illegal transactions to occur
 - Face-to-face transactions by consumer and FFL
 - Regional audience of consumers

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- Most difficult for prohibited persons to obtain firearms
 - All transactions are conducted within the store and not online
 - Most competitive pricing
2. (U//LES) Large online retailers with an FFL and few stores (Buds Gun Shop, Cheaper Than Dirt, Galleryofguns.com)
- Little to no anonymity with introduction through e-mail/online communication
 - All transactions conducted through/by an FFL
 - No individual sales on their web sites
 - All sales are regulated by ATF
 - Lowest level of potential for illegal transactions to occur
 - Nearly 100 percent legal sales
 - Firearms are sold online, but they are transferred to a local FFL in the buyer's State of residence
 - Competitive pricing
3. (U//LES) Online Auctions/Marketplaces (brokers/sellers that do not hold an FFL: GunBroker.com, ARMSLIST.com, GunsAmerica.com)
- Anonymity increases
 - Sites are a mix of FFLs and private individuals selling firearms
 - Auctions and buy-it-now options
 - Becomes more "local" by allowing searches at the State, local region, city or ZIP Code level
 - Increase in the potential for illegal sales
 - Firearms are sold online and are transferred to a local FFL in the buyer's State of residence
 - Competitive pricing
4. (U//LES) Online Classifieds (Craigslist.org, backpage.com and americanlisted.com)
- Anonymity continues to increase
 - Likely more private sales than FFL sales
 - Majority of transactions are local sales
 - Searches and forums geared toward the locality of the seller and purchaser
 - Greater potential for illegal sales
 - Firearms are sold online and are transferred directly to the purchaser
 - Somewhat competitive pricing

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5. (U//LES) Online Forums/Social Media Networks (Facebook forums, AR15.com, etc.)
 - Anonymity continues to increase
 - Likely more private sales than FFL sales
 - Majority of transactions are local sales
 - Greater potential for illegal sales
 - Searches and forums geared toward the locality of the seller and purchaser
 - Firearms are sold online and are transferred directly to the purchaser
 - Somewhat competitive pricing

6. (U//LES) Dark Net Marketplaces
 - Approximately 100 percent anonymity
 - Almost all sales are conducted without a FFL
 - Sales are not regulated by the ATF
 - Domestic and international sales – no borders, barriers or boundaries
 - Firearms are sold online and are transferred directly to the purchaser
 - Sales are geared toward whomever is willing to pay the price
 - Least competitive pricing
 - Use of pseudo screennames, Pretty Good Privacy (PGP) encryption, bouncing IP addresses
 - Covert techniques used to ship the firearms
 - Payment for purchase done via Bitcoin as an additional measure of anonymity

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(U//LES) Table 3 includes analysis of three areas of interest that have been previously mentioned: level of anonymity, potential for illegality and the potential for involving only non-FFL transfers. The data is not based on any market surveys or research, but rather historical observations and prior criminal enforcement investigations.

Table 3

| Type of Marketplace | Level of Anonymity | Potential for Illegality | Potential for Involving ONLY Non-FFL Transfers |
|-------------------------------------|--------------------|--------------------------|--|
| Major Retailers | Lowest | Lowest | None |
| Online Retailers | Somewhat Less | Somewhat Less | None |
| Online Auctions and/or Marketplaces | Moderate | Moderate | Some |
| Online Classifieds | Somewhat More | Somewhat More | Somewhat More |
| Online Forums/Social Media Networks | Somewhat More | Somewhat More | Somewhat More |
| Dark Net Marketplaces | Highest | Highest | Highest |

(U//LES) The legality of commercial FFLs conducting business on the Internet is near 100 percent. As business activity further moves onto the Internet, the percentages of sellers being non-FFLs begin to rise. When looking at transactions on the Dark Net, transactions are nearly 100 percent non-FFL sellers.

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CONCLUSIONS AND RECOMMENDATIONS

(U//LES) With the ever-changing technology field, ATF needs to re-examine its current policies and procedures in order to ensure that the Federal Rules and Regulations are being enforced across all possible venues of transactions and transfers, including those online.

(U//LES) Firearms transactions are occurring across the Surface Web, the Deep Web and Dark Net Marketplaces.

(U//LES) Due to the increased number of venues through which firearms can be transferred online, many of which are not regulated by the ATF, additional resources, training and tools are needed to combat illegal firearms transfers.

(U//LES) As the anonymity of a firearms transaction increases, so does the potential for an illegal transaction to occur.

(U//LES) As the popularity of the Internet as a venue to buy and sell firearms increases, so does the potential for illegal transactions. These illegal transactions include firearm transfers to felons and juveniles.

(U//LES) Due to the anonymity of some portions of the Internet, it is difficult to determine the actual number of firearms transactions that occur.

(U//LES) There are numerous closed or private groups involving firearms transactions on social media networks and online forums. However, due to their nature, law enforcement cannot track their numbers or gain access to them easily. Receiving an invitation to participate and maintaining active participation in these groups will remain a substantial challenge.

(U//LES) A recent positive trend among online classified sites has emerged wherein they are strictly prohibiting the sale of firearms.

(U//LES) The popularity of information-sharing sites and forums, social media sites and networks, and online videos has increased the ability of individuals to learn how to exploit and skirt firearms laws and regulations.

(U//LES) Due to the steady increase in firearms manufacturing and imports as well as the inherent indestructible nature of firearms, the secondary market has steadily increased in volume. With the increase in the rise of available firearms in the secondary market, firearms tracing is becoming more difficult and less accurate as these transactions often take place between private individuals, often facilitated by the Internet.

(U//LES) The dynamic nature of the Internet and online commerce will remain a great challenge

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to law enforcement's attempts to combat illegal firearms transfers.

INTELLIGENCE GAPS

(U//LES) How many of the currently issued FFLs actually do business on the Internet other than FFL to FFL transfers?

(U//LES) FFL online firearm transactions continue to have the consequence of distorting trace data. Combined with the increase in secondary market transactions, this could continue to impede ATF's ability to accurately trace firearms. What steps can ATF take to remedy this?

POINT OF CONTACT

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Notes

¹ See 18 U.S.C. § 921(a)(21).

² <http://bitshare.cm/post/71211566221/the-deep-web-is-estimated-to-be-500x-the-size-of> (last visited October 20, 2015).

³ http://bigdata.brightplanet.com/Portals/179268/docs/deep%20web%20whitepaper%20v3_for%20approval.pdf (last visited October 20, 2015).

⁴ This number does not include the Type 03 – Collector of Curios and Relics license.

⁵ The lists identifying “the top” marketplace web sites are derived from Alexa.com, an Internet-based business analytic tool that ranks web sites, www.alexa.com (last visited October 19, 2015).

⁶ This Assessment's authors reviewed the web site on the date identified and counted the number of firearms listed.

⁷ BudsGunShop.com, <http://www.budsgunshop.com/catalog/index.php> (last visited October 19, 2015).

⁸ Cheaperthandirt.com, <http://www.cheaperthandirt.com/FireArmsHome.aspx> (last visited October 23, 2015).

⁹ Cheaperthandirt.com, <http://articles.cheaperthandirt.com/frequently-asked-questions-faq/> (last visited October 23, 2015).

¹⁰ Galleryofguns.com, <http://www.galleryofguns.com/about/CommonQuestions.aspx> (last visited October 23, 2015).

¹¹ See generally Galleryofguns.com, <http://www.galleryofguns.com/about/aboutus.aspx> (last visited October 23, 2015).

¹² Gunbroker.com, www.gunbroker.com (last visited October 19, 2015).

¹³ Gunbroker.com, <http://gunbrokernews.blogspot.com/2014/01/3-billion-cumulative-sales-for.html> (last visited October 23, 2015).

¹⁴ Gunbroker.com, <http://www.gunbroker.com/Content/Investor/Assets/GB-FactSheet.pdf> (last visited October 23, 2015).

¹⁵ *Ibid.*

¹⁶ This Assessment's authors reviewed the web site on the date identified and counted the number of firearms listed.

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¹⁷ *Ibid.*

¹⁸ “Mayors Against Illegal Guns, Felon Seeks Firearm, No Strings Attached,” September 2013, at 10-11, <http://everytownresearch.org/reports/felon-seeks-firearm-no-strings-attached/> (last accessed October 16, 2015).

¹⁹ *Ibid.*

²⁰ This Assessment’s authors reviewed the web site on or about July 27, 2015, and determined the approximate percentage of auctions.

²¹ This Assessment’s authors reviewed the web site on the date identified and counted the number of firearms listed.

²² *Ibid.*

²³ Craigslist.org, <http://www.craigslist.org/about/prohibited> (last visited October 16, 2015) (“Here is a partial list of goods, services, and content prohibited on craigslist: •weapons; firearms/guns and components; BB/pellet, stun, and spear guns; etc •ammunition, clips, cartridges, reloading materials, gunpowder, fireworks, explosives ... Please don’t use CL for these purposes, and flag anyone else you see doing so.”).

²⁴ Backpage.com, <http://www.backpage.com/classifieds/TermsOfUse> (last visited October 16, 2015)

(18. Posting any material advertising weapons the use, carrying, or advertising of which is prohibited by applicable federal, state, or local law. You are solely responsible for complying with any and all laws and/or regulations applicable to the transfer of firearms under both applicable local, state and federal laws. The transfer of firearms is heavily regulated and restricted, and failure to strictly comply with all such laws is a serious crime and may result in criminal prosecution. All transfers of firearms, whether by sale, lease or loan, including private transactions, must go through a licensed firearms dealer. Any exception to these laws, such as air guns, knives, accessories, certain antiques, and some gun parts that may not require transfer by a licensed dealer, should be first confirmed by you prior to purchase. It is your responsibility to comply with all such laws, including any and all city, county, state and Federal laws when accessing or using this site. It is also your responsibility to locate one or more licensed firearm dealers in your area and/or the area of any buyer or seller listing here who are able and willing to assist you with any such transfer. We do not offer any assistance with respect to locating a licensed dealer for your transaction or otherwise with respect to your transaction. By listing any firearm, you represent and warrant to us that you legally own and possess the item you wish to list here and have fully complied with and will continue to fully comply with all laws and regulations applicable to your listing, transfer and/or sale. By agreeing to purchase any firearm, you represent and warrant to us that you are of legal age, and are not otherwise prohibited by law from purchasing, transferring, owning, or possessing the firearm listed, and that you have fully complied with and will continue to fully comply with all laws and regulations applicable to your transfer or purchase;

...

Please report any violations of these Terms to: abuse@backpage.com).

²⁵ Types of Facebook Groups, <https://socialmediacub.org/wp-content/uploads/2014/07/Facebook-Groups.png>

²⁶ Wired.com, <http://www.wired.com/2014/12/80-percent-dark-web-visits-relate-pedophilia-study-finds/> (last visited October 20, 2015) and Digging into Anonymous Traffic: a deep analysis of the Tor anonymizing network” Abdelberi Chaabane, Pere Manils, Mohamed Ali Keefar. <http://planete.inrialpes.fr/papers/TorTraffic-NSS10.pdf> (last visited October 20, 2015).

²⁷ *Ibid.*

²⁸ NationalSecurityPolicy.blogspot.com, <http://nationalecuritypolicy.blogspot.com/2012/10/bits-and-pieces-bitcoin-silk-road-and.html>, last visited October 20, 2015. Discussing the terms of service on the former Silk Road, banning

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the sale of “anything whose purpose is to harm or defraud, such as stolen credit cards, assassinations, and weapons of mass destruction.”

²⁹ Reddit.com, https://www.reddit.com/r/DarkNetMarkets/comments/2gzbyw/why_are_guns_frowned_on/ (last visited October 20, 2015).

³⁰ Deepdotweb.com, <https://www.deepdotweb.com/2015/08/26/agora-market-to-pause-operations-finish-your-orders-and-withdraw-money/> (last accessed October 19, 2015).

³¹ Deepdotweb.com, <https://www.deepdotweb.com/2015/07/07/agora-market-to-stop-listing-lethal-weapons> (last visited October 16, 2015).

³² *Ibid.*

³³ AlphaBay Market, pwoah7foa6au2pul.onion (last visited October 20, 2015), and Nucleus Market, nucleuspf3izq7o6.onion (last visited October 20, 2015).

³⁴ Reddit.com, https://www.reddit.com/r/DarkNetMarkets/comments/34kkfj/interest_checkreliable_gun_dealer_on_darknet_marketplace/ (last visited October 20, 2015).

³⁵ Upon opening the Nucleus Marketplace site, it automatically lists the category and number of items for sale. *See* Nucleus Market, nucleuspf3izq7o6.onion.

³⁶ Upon opening the AlphaBay Marketplace site, it automatically lists the category and number of items for sale. *See* AlphaBay Market, pwoah7foa6au2pul.onion.

³⁷ 18 U.S.C. § 921(a)(3).

³⁸ ATF Publication, P. 5300.4 at 126.

³⁹ ATF Ruling 2015-1.

⁴⁰ 27 CFR Part 478, 478.92(a)(1).

⁴¹ 27 CFR Part 478, 478.92(a)(1)(ii)(D).

⁴² ATF Firearms Trafficking Investigation Guide, at 130.

⁴³ ATF 2015 *Firearms Commerce in the United States Annual Statistical Update*.



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SCOPE

The Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) has prepared the following intelligence assessment to provide information and analysis in the area of online firearmsⁱ sales, including both legal and illegal transactions.

DISCLAIMER

The focus of this Assessment is the sale of firearms on the Internet; due to the dynamic nature of the Internet, the information presented and analyzed is only current as of the date of publication.

KEY FINDINGS

- Currently, there are no Federal statutes, rules or regulations addressing specifically the sale of firearms on the Internet. That said, all Federal, State and local laws that generally apply to firearm sales also apply to sales facilitated by the Internet.
- The more anonymity employed by a firearms purchaser, the greater the likelihood that the transaction violates Federal law.
- Based on analysis of a statistical survey, ATF approximates that 22 percent of all Federal firearms licensees (FFLs) (excluding collector's licenses) conduct some business over the Internet.
- Since 2011, the starting point for this Assessment, there has been a steady increase in Internet-based criminal enforcement cases within ATF.
- All major retailers with an online presence and smaller retailers selling online are federally licensed. There do not appear to be any FFLs selling firearms on the Dark Net. However, there are individuals who appear to be "engaged in the business of dealing in firearms"¹ on the Deep Web and Dark Net, and those persons should be federally licensed.
- There are a number of different types of online marketplaces and they differ in the ability to search for firearms. If a marketplace allows the user to search within a narrow geographic scope, it is more likely that the firearms transaction will occur in person.
- Firearms transactions that occur in the Deep Web or Dark Net are more likely to be conducted in person or via the mail or common carrier, versus through an FFL.

ⁱ "Online firearms sales" or "sale of firearms on the Internet" includes transactions or proposed transactions where buyer and seller are connected through Internet websites, regardless of whether or how the transfer is accomplished (e.g., in person, through a licensed dealer, by mailing, etc.). A "firearm" is defined under the Gun Control Act of 1968, 18 U.S.C. § 921(a)(3), and the National Firearms Act, 26 U.S.C. § 5845(a). These definitions govern for purposes of this Assessment. Thus a "firearm" includes, but is certainly not limited to, specific items such as handguns, suppressors, destructive devices, machineguns and short-barrel rifles.

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- It appears that the price of a firearm increases as the transaction becomes more covert or when parties attempt to subvert laws and regulations.
- More used (secondary market) firearms are sold via online auctions, online marketplaces, the Deep Web and the Dark Net as compared to the Surface Web.

BACKGROUND

Opportunities abound online to connect buyers and sellers looking to transferⁱⁱ firearms. However, the current legal framework of statutes and regulations governing the possession and transfer of firearms does not address specifically the use of the Internet to facilitate these transactions. While it is often best to keep statutory language technology neutral, an analysis of the online marketplaces for firearms demonstrates the ease with which individuals can choose to circumvent the generally applicable law in this arena. The remainder of this section summarizes the provisions of law pertinent to this Assessment.

An unlicensed individual may transfer a firearm legally through an FFL or through private means. Depending on the type of firearm involved in a transaction, certain Federal firearms regulations must be followed. Additional State regulations may also apply.

An unlicensed individual may transfer a firearm directly to an FFL in any State.

An unlicensed individual may transfer a firearm to another unlicensed individual residing in the same State, provided that the transferor has no reason to believe that the transferee is prohibited by law from possessing a firearm.

An unlicensed individual is prohibited from directly transferring a firearm to a person residing in another State. This restriction applies to all types of firearms, regardless of the purpose of the transfer.

An unlicensed individual may complete a transfer to an out-of-State recipient by transferring the firearm to an FFL in the State of the person receiving the firearm. The FFL then transfers the firearm to the unlicensed out-of-State buyer. The FFL is responsible for the lawful transfer of the firearm.

A “straw purchase” occurs when an individual buys or receives a firearm on behalf of another, often a “prohibited person.” Title 18, United States Code, section 922(g) identifies the categories of persons who are prohibited from possessing a firearm, section 922(n) identifies one category of persons prohibited from receiving firearms, and section 922(x) addresses the limitations of transferring a handgun or its ammunition to a juvenile.

FFLs may advertise and conduct business on the Internet. Many FFLs create their own web sites, often listing their business inventory. Some FFLs use Facebook, social media and forums such as

ⁱⁱ For purposes of this Assessment, “transfer” is used to indicate the movement of a firearm from one person to another. The purpose of the transfer (*e.g.*, sale, gift, loan, trade) is not pertinent to this analysis.

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AR15.com to advertise firearms for sale/trade.

Legitimate online firearms transactions include:

- FFLs facilitating transfers between private parties;
- FFLs advertising and selling online as an extension of their licensed business premises;
- FFL to FFL transfers (online classified ads, forum discussions and auction sites); and
- FFLs purchasing firearms from private parties to offer for sale in their business inventory.

If both the transferor and transferee reside in the same State, transfers between private parties facilitated by the Internet without the involvement of an FFL may also be lawful. Such “private” transactions, however, lack the safeguards that FFL involvement provides (*e.g.*, background checks and recordkeeping). Regardless of whether an FFL is involved in an Internet-facilitated firearm transfer, all transferors who use the Internet for firearm transfers must not possess a reasonable belief that the prospective recipient is prohibited. Handguns are not to be transferred across State lines without the use of an FFL.

For an unlicensed individual transferring firearms online, if the recipient does not reside in the same State as the transferor, the transferor must send the firearm to an FFL in the recipient’s State for the transaction to be legal.

ATF Form 7 (Application for Federal Firearms License) does not distinguish between sellers from brick-and-mortar locations, online, or elsewhere.

ANALYSIS

The Internet and Types of Online Marketplaces for Firearms

The Internet has become ever-present in the lives of most Americans. As this tool for information-sharing, commerce and communication has grown, it is important to recognize that it is not a “one-size-fits-all” entity and its breadth and depth affect each area.

The Internet consists of four sectors and online transfers of firearms occur on each:

- Surface/Commercial Web – comprised of sites indexed by commercial search engines such as Google, Yahoo and Bing; this sector represents approximately four percent of the Internet;²
- Private Web – used by businesses and government for their employees to access internal networks;
- Deep Web – part of the Web not indexed by commercial search engines, such as Reddit, classified listings, forums and invite-only groups;
- Dark Net/Web – anonymous Internet activity that can be used for illicit purposes, usually accessed through an anonymizing browser such as The Onion Router (Tor).³

Online transfers of firearms are not inherently illegal. Indeed, many retailers and individuals

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successfully and lawfully engage in online transactions. However, information about online transfers of firearms becomes increasingly opaque as the transactions move from the Surface Web to the Dark Net. This opacity results in a greater likelihood of illegal transfers, especially among private parties. Online transactions also affect the price of firearms, especially in the secondary market, and the opportunity for fraud increases. As well, firearms discussion groups and forums on the Internet provide information about how to skirt the firearms laws. This Assessment provides an overview of these topics and identifies the challenges posed by online firearms sales.

Firearms are transferred online through one of six types of marketplaces. They are:

1. Major Retailers;
2. Online Retailers;
3. Online Auctions/Marketplaces;
4. Online Classifieds;
5. Online Forums/Social Media Networks; and
6. Dark Net Marketplaces.

The type of online marketplace dictates the method of transfer of a firearm as well as an individual's ability to locate an item in a particular geographic area. Table 1, below, summarizes how and where firearms can be transferred/purchased via the six different types of marketplaces.

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Table 1 - Internet Marketplaces

| Type of Marketplace | Web Site | Method of Purchase | Lowest Level of Search |
|-------------------------------------|--|---|-------------------------------|
| Major Retailers | www.walmart.com | In-store only | Specific store |
| | www.dickssportinggoods.com | In-store only | Specific store |
| | www.cabelas.com | In-store only | Specific store |
| | www.basspro.com | In-store only | Specific store |
| | www.academy.com | In-store only | Specific store |
| Online Retailers | www.galleryofguns.com | Transfer to FFL of one's choosing | National |
| | www.budsgunshop.com | Transfer to FFL of one's choosing | National |
| | www.cheaperthandirt.com | Transfer to FFL of one's choosing | National |
| Online Auctions and/or Marketplaces | www.gunbroker.com | Less potential for in-person transfer than FFL transfer | State level |
| | www.armslist.com | Greater potential for in-person transfer than FFL transfer | Major City level |
| | www.gunsamerica.com | Greater potential for in-person transfer than FFL transfer | ZIP Code level |
| Online Classifieds | www.craigslist.org | Greatest potential for in-person transfer than FFL transfer | Major cities/regions of State |
| | www.backpage.com | Greatest potential for in-person transfer than FFL transfer | Major cities/regions of State |
| | www.americanlisted.com | Greatest potential for in-person transfer than FFL transfer | Within 5 miles |
| Online Forums/Social Media Networks | Facebook Forums | Door to door and in person | Varies |
| | www.AR15.com | Door to door and in person | Varies |
| | www.thetruthaboutguns.com | Door to door and in person | Varies |
| | www.calguns.com | Door to door and in person | Varies |
| Dark Net Marketplaces | Agora | Door to door, to include international shipments | Country |
| | Nucleus | Door to door, to include international shipments | Country |
| | AlphaBay | Door to door, to include international shipments | Country |

As of July 31, 2015, the firearms business FFL population was 76,448.⁴ An online sample size calculator (www.surveysystem.com/sscalc.htm), with a desired margin of error of plus or minus five percent, identified a sample size of 382. Of the 382 FFLs sampled, 84, or 22 percent, had an online presence. Extrapolating to the larger population, the analysis indicates there are approximately 16,818 firearms business FFLs with an online presence. As noted within, these FFLs are usually operating online in the Major Retailer, Online Retailer, and Online Auctions/Marketplaces arenas.

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Major Retailers

(U) The top five commercial sites⁵ that offer firearms for sale are:

1. Walmart.com;
2. Dickssportinggoods.com;
3. Cabelas.com;
4. Basspro.com; and
5. Academy.com.



These top five sites are national sporting goods/commercial retailers with storefront locations in multiple States. All five companies engage in the retail sale of firearms at their ATF-licensed locations across the country, yet firearms are not the primary item for sale. Notably, on all of the top five Major Retailer web sites, firearms are only advertised. An individual must visit one of their licensed locations to purchase/receive a firearm.

Online transfers through Major Retailers provide little anonymity for the recipient, and as these transactions are conducted through an FFL, all sales are regulated by ATF. Prices are competitive and stable within this marketplace, and the consumer does not have the opportunity to negotiate. Compared to other marketplaces, transfers through a Major Retailer are much less likely to involve prohibited persons and fraudulent sales.

Online Retailers

Separate from the Major Retailers is another segment of Online Retailers that are also FFLs. The Online Retailers advertise and conduct business through the Surface Web in addition to brick and mortar stores.

The top three sites of this type are:

1. Budsgunshop.com;
2. Cheaperthandirt.com; and
3. GalleryofGuns.com – web site for Davidson's, Inc.

These Online Retailers will transfer purchased firearms to a buyer's local FFL, where the purchaser can pick up the firearm and complete the required transfer paperwork. Budsgunshop.com and Cheaperthandirt.com have storefronts in regional locations.

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BudsGunShop.com

The screenshot shows the BudsGunShop.com website interface. At the top, there is a navigation bar with the phone number 859-368-0371 and links for Information, Customer Help, and Contact Us. Below this is a banner for 'GUNNER BUY - BID - SELL' and 'SHIP MY GUN.COM SHIP YOUR GUN NOW!'. A 'Welcome Guest!' message is displayed, along with links to log in or create an account. The main content area is titled 'Click Here to View All Our Auctions' and features a grid of auction items. Each item includes a small image of the firearm, its name, and its current bid price. The items listed are:

| Item Name | Current Bid | Remaining Time |
|-------------------------------|-------------|--------------------------|
| RUGER 10/22 22LR USED PR | \$335.00 | 08:01:21 Remaining |
| REMINGTON 1100 12GA USED PR | \$311.00 | 08:11:21 Remaining |
| Used Tau PT111 Pro 9mm PR | \$216.00 | 08:21:21 Remaining |
| DAVIS IND P380 380ACP USED PR | \$74.00 | 08:31:21 Remaining |
| COBRA F3380 380ACP USED PR | \$120.00 | 08:41:21 Remaining |
| SPRG XD45 45ACP USED PR | \$325.00 | 08:51:21 Remaining |
| MARLIN 25 MK 22WMR USED PR | \$193.00 | 1 day 08:11:21 Remaining |

This Online Retailer has a more than one type of presence online. BudsGunShop.com is an online firearms auction site that automatically updates every 20 minutes to reflect current inventory and prices. Firearms are listed by item; there is no option to search by location because this site is operated by an FFL. This site has a retail store in Kentucky where three ATF firearms licenses are held: (1) a dealer of firearms; (2) a manufacturer of firearms; and (3) an importer of firearms. The retail storefront location operates the web site BudsGunShopKY.com. Its military/law enforcement discount site is BudsPoliceSupply.com. This business also operates BudsBuysGuns.com where individuals can sell their firearms directly to the FFL. For the areas of the web site accessible to the general public, there were 13,998 firearms listed as of July 21, 2015.⁶ There are additional firearms available for view through an “FFL Wholesale” area that requires an FFL number for viewing. As of October 19, 2015, the web site lists 1,832,894 “satisfied customers.”⁷

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Cheaperthandirt.com

The screenshot shows the homepage of CheaperThanDirt.com. The header includes the site logo, navigation links (Home, Email Sign Up, Gift Cards, Track Order, Help), and social media icons. A search bar is located at the top right. The main content area features a large banner reading "Welcome to CheaperThanDirt.com" with a sub-header "\$433,108,600 Now In Inventory Shop Competing Warehouses Bulk Ammunition". Below the banner is a grid of product listings, each with an image, a brief description, and a price. The products include various types of ammunition and firearms.

| Product | Price |
|---|------------|
| Ammol USA .45 ACP Full Metal Jacket, 230 Grain, 830 fps, 50 Round Box, F AC 45A-129 | \$15.59 |
| Silver Bear .223 Rem Hollow Point Zinc Plated Steel Case, 55 Grain, 3193 fps, 500 Round Case, A223P... | \$131.94 |
| HOERDA Technology MAXTECH 9mm Steel Cased Full Metal Jacket, 115 Grain, 1150 fps, 1000 Round Case... | \$184.29 |
| DP-12 Double Barrel Pump Repeater 12 Gauge Shotgun 16 Round Capacity Manufactured by Standard Manufa... | \$1,395.00 |
| RWS Unbreak Steel Home Air Rifle .177 Caliber Black Collapsible Stock 2254855 | \$99.97 |
| FIocchi .45 ACP Pistol Shooting Dynamics Full Metal Jacket, 230 Grain, 900 fps, 20 Round Box, 45A | \$17.59 |
| Alegiance Ammunition .45 ACP PowerStrike High Energy Transfer Frangible Bullet, 150 Grain, 1150 fps... | \$19.29 |
| Boyt Black Tactical Pistol Case 13x7.5 Military Grade | \$15.97 |

Cheaperthandirt.com is an Online Retailer, with a web site offering firearms along with sporting goods and accessories. This business also has a retail store in McKinney, Texas, where firearms, ammunition and accessories are sold. The retail store and web site operate under an FFL, and online listings are by item, with the price noted. The web site states all firearms must be shipped to an FFL in the buyer's State of residence.⁸ The site sells firearms nationally through its FFL and states that it currently sells more than 200,000 products.⁹

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GalleryofGuns.com

The screenshot shows the Gallery of Guns website interface. At the top, there's a navigation menu with options like HOME, VIDEO, TV SHOW, RETAILER SEARCH, FIREARM SEARCH, SHOOTERS CONNECTION, MY ACCOUNT, ABOUT US, and HELP. Below the navigation, there are several promotional banners. On the left, there's a 'GUN GENIE' search tool with the tagline 'SEARCH. FIND. BUY.' and a list of features: 'How it works', 'GUN GENIE WEEKLY SPECIALS', 'DAVIDSON'S EXCLUSIVES', 'NEW ARRIVALS', 'GUARANTEED WARRANTY', and 'RUGER STORE'. In the center, there's a 'GALLERY OF GUNS TELEVISION' banner for an 'All New Episode Monday at 9:30pm Eastern'. To the right, there's a 'SUBSCRIBE' form with a 'Submit' button. Below the television banner, there's a 'PRODUCT SPOTLIGHT' for a 'WALTHER PPX M1 Made in Germany' handgun. On the far right, there's a 'CURRENT PROMOTIONS' section listing various offers like 'ALL SALE ITEMS', 'GREAT GUN GIVEAWAY', and 'PRODUCT SPOTLIGHT COMPARE ITEMS'.

Launched in November 1998, GalleryofGuns.com is the retail web site of Davidson's, Inc.¹⁰ Davidson's is one of the largest firearms wholesalers in the United States. Using the "Gun Genie" search function, potential buyers enter a ZIP Code and GalleryofGuns.com will locate a local FFL to meet their needs. Customers are able to see the price and availability of a firearm from the convenience of their computer. After selecting the item, the customer then travels to the local FFL, which received the item, to complete the firearms transaction. Davidson's only sells to other FFLs. Per the site, more than 5,000 FFLs use Davidson's as their supplier. The amount of customers and listings are not available to the public.¹¹

As with the Major Retailers, web sites operated by Online Retailers provide little anonymity for the recipient, and, as these transactions are conducted through an FFL, all sales are regulated by ATF. Prices are competitive and stable within this marketplace. The consumer does not have the opportunity to negotiate but can choose among dealers based on price and location. Transfers through an Online Retailer are less likely to involve prohibited persons and fraudulent sales.

Online Auctions and/or Marketplaces

Online Auctions and/or Marketplaces are web sites hosted for the purpose of buying and selling firearms and shooting accessories. None of these sites possesses a Federal firearms license or is run by an entity with a license. These web sites act as a broker and they never take possession of the firearm.

FFLs are able to post ads and offer firearms for sale on Online Auctions/Marketplaces under their own licenses as an approved business practice. Non-licensed individuals can also post/buy/sell firearms on these web sites.

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The top three Online Auctions/Marketplaces are:

1. GunBroker.com;
2. ARMSLIST.com; and
3. GunsAmerica.com.

GunBroker.com



Launched in March 1999, GunBroker.com “is an online gun auction that promotes responsible gun ownership.”¹² The web site states it is the largest online auction site for firearms and hunting/shooting accessories. Users are able to view pricing at the time of bidding. GunBroker.com does not sell any of the items listed; third-party sellers list items on the site. Listings are broken down by item regardless of location. Individuals or FFLs can then search for firearms at the State level, but not locally. Individuals may communicate during or upon completing a transaction to arrange for local payment and/or transfer. However, since the web site has only State-specific searches, the likelihood of such local transfers is less as compared to those web sites that allow searches of a smaller geographic area (city/ZIP Code). The web site reports that between 1999 and 2014 it has exceeded \$3 billion in cumulative merchandise sales.¹³ GunBroker.com reports that it averages 750,000 active listings on any given day and 6.5 million unique monthly visitors.¹⁴ The site has more than 3.25 million registered users with 80 percent of traffic from regular users.¹⁵ GunBroker.com uses a dual verification system for users—this is the only site featured in this Assessment that has this type of verification system. This process requires the registered user to answer questions administered by a third party to confirm the identity of the person registering for an account on GunBroker.com. This verification process helps to decrease the number of scams and eliminate international transactions that may violate import and export laws. More secondary market firearms are transferred on this site than those of Major or Online Retailers, which focus more on transferring new firearms.

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ARMSLIST.com



The screenshot shows the ARMSLIST.com website interface. At the top, there is a navigation bar with the ARMSLIST logo and a 'CREATE A LISTING' button. Below the logo, there are links for 'Home', 'United States', and 'All Categories'. The main heading reads 'UNITED STATES ALL CATEGORIES CLASSIFIEDS'. A search bar is present with the text 'EXPAND SEARCH' and 'Search Within...'. On the left side, there are filters for 'REFINE SEARCH' including 'Category' (Firearms, Firearm Accessories, Outdoors Gear, Other Items, Events, Services) and 'For Sale By' (Private Party, Premium Vendor). The date 'THURSDAY, JULY 30, 2015' is displayed. Four firearm listings are shown:

| Image | Description | Price | Location |
|---|---|--------|-----------------------|
|  | FS: Camouflage Remington Model 700 7 Mm Rem Mag Wi... I HAVE A CAMOUFLAGE REMINGTON MODEL 700 7 MM REM M... | \$ 500 | JACKSONVILLE |
|  | FS: SIG P224 9mm DAK Two-Tone Nickel NIB W/9 New M... THIS LISTING IS FOR A NEW SIG P224 IN 9MM, DAK, WI... | \$ 729 | INDIANAPOLIS |
|  | FS: NEW Sig P938 SAS Edition Night Sights, Wood Grips,... BNIB SIG P938 SAS - \$575 CASH ONLY. PLEASE DO NOT ... | \$ 575 | RALEIGH / DURHAM / CH |
|  | FS: Springfield XDS 3.3" 9mm Black Brand New In Box THIS IS A BLACK XDS IN 9MM, BNIB ESSENTIALS PACKAG... | \$ 430 | RALEIGH / DURHAM / CH |

ARMSLIST.com is an Online Marketplace where the general public is able to buy or offer firearms and accessories for sale. The web site allows visitors to choose the geographic area, down to the city level, that they wish to use to browse for firearms postings. “City level” searches increase the potential for local transfers and/or payments. Firearms purchasing options include “for sale” and “for trade.” Prices are listed at the time of posting by the seller. As of July 22, 2015, there were 69,883 firearms listed for sale, including suppressors.¹⁶ Approximately half of the web site’s listings are from FFLs; the remainder are by private parties.¹⁷

One study, sponsored by Mayors Against Illegal Guns, found that only five percent of postings on ARMSLIST.com are want-to-buy ads, meaning the overwhelming majority of postings are for-sale ads.¹⁸ This same study found that at least 1 in 30 potential firearms purchasers on ARMSLIST.com were prohibited from possessing firearms.¹⁹

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GunsAmerica.com

BUYING & SELLING NEWS & REVIEWS DEALER SERVICES SUPPORT LOGIN REGISTER MY GUNSAMERICA RECENTLY VIEWED LIVE STOREFRONT

GUNSAMERICA

enter your search here SEARCH ADVANCED

BROWSE ALL CATEGORIES START SELLING LOGIN QUICK REGISTER FREE

2015 SUMMER COLLECTION

CLICK HERE

MICRO BEL AIR® & MICRO DIAMOND® .380 ACP

CATEGORIES (SEE ALL)

- RIFLES
- PISTOLS
- REVOLVERS
- SHOTGUNS
- TACTICAL
- AMMO
- OPTICS
- ACCESSORIES
- PARTS
- AUCTIONS ONLY

New Guns For Sale New Today New This Week

RUGER LIMITED RUN "TALO" FIVE-INCH GP-100 IN .357 MAGNUM
Here's a new, LIMITED AVAILABILITY, "TALO" RUGER GP-100 STAINLESS .357 MAGNUM WITH FIVE-INCH BARREL! This baby is being ...[read more](#)
GUN #: 951587364 SELLER: Southern Yankee Guns (FFL Dealer)
\$699.95 [FULL DETAILS](#)

CSC ARMS 1911 "DIAMOND MINI" COMMANDER 45ACP
Finally Here Commander size. CSC ARMS,LLC. Hand Fitted 1911 in all Stainless. 45acp. Commander slide with Office Frame b ...[read more](#)
GUN #: 996686653 SELLER: CSC ARMS LLC (FFL Dealer) GA SALES: 116
\$1,500.00 [FULL DETAILS](#)

CLICK HERE

2015 SUMMER COLLECTION

STAINLESS® II (CLASSIC ENGRAVED EDITION) .45 ACP

CLICK HERE

GunsAmerica.com is a web site dedicated to the sale of firearms and accessories. It uses both a classified ad-based format as well as online auctions. However, less than five percent of all listings are auctions.²⁰ A search function is available to identify listings based on ZIP Code, which increases the potential for transfers and/or payments between individuals rather than transferring firearms through an FFL. Pricing information is available to the customer in an item listing. The site also offers a “drop-off” service by which transactions between private individuals can be facilitated through an FFL of the seller’s choosing. As of July 27, 2015, there were 43,700 firearms listed for sale including suppressors. Of these, 39,750 firearms are for sale by FFLs.²¹ Approximately 90 percent of the web site’s listings are from FFLs, the remainder are from private parties.²²

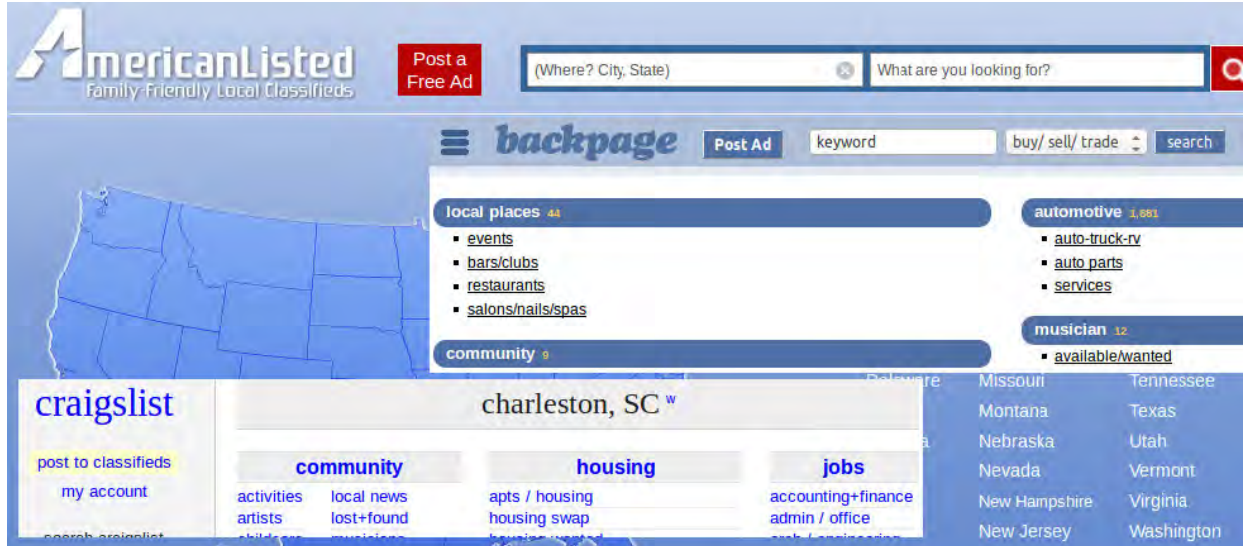
The Online Auctions/Marketplaces identified here operate over the Deep Web, so while there is the potential for increased anonymity through the use of screen names, user names, user-generated email addresses and telephone numbers, the anonymity is not as pronounced as with Dark Web Marketplace sites.

Prices for firearms sold through Online Auctions/Marketplaces also have the potential to be higher than those sold online through a Major or Online Retailer. If the item is coveted, the price will naturally increase through the use of an auction. Additionally, because transactions in this type of online arena may occur between private parties, prices may increase because purchasers are willing to pay a premium for a transaction which may occur locally, without a background check and with minimal, if any, paperwork. While many private transactions are lawful, the use

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of the Internet can facilitate illegal transfers and illegal shipping of firearms across State lines.

Online Classifieds



The next two types of online marketplaces – Online Classifieds and Online Forums/Social Media Networks – exist on the Deep Web. As noted earlier, the Deep Web can include online classified ads, forums, and private groups that are not necessarily indexed by traditional search engines such as Google, Yahoo and Bing. Also included in the Deep Web are private sites requiring a password login, database query results, pages not linked to other pages and sites that are not under *http://* or *https://* protocols.

Some of the most visited online classified ad sites include:

- Craigslist.org;
- Backpage.com; and
- Americanlisted.com.

Craigslist.org is a worldwide online classified web site that allows individuals to search for items and services by major cities and/or regions of a state or country. Craigslist.org has prohibited the sale of firearms on its site. However, the site is self-governed and members are asked to “flag” inappropriate or illegal ads.²³ When posted, and prior to being flagged, firearms are typically under the General or Hunting/Sporting Goods sections. Accordingly, if not flagged, some sales may go undetected.

Backpage.com is a worldwide online classified web site that allows individuals to search according to major cities and/or regions of a state or country. Firearms are listed for sale on this site, but Backpage.com has particularly stern legal language concerning the transfer of firearms.²⁴

Americanlisted.com is an online classified web site that provides U.S. residents with a way to sell and buy products and services within their own residential area/city within five miles of their current location. Due to this localized searching ability, the potential for person-to-person

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transfers of firearms increases dramatically. The site does not require users to register or sign in.

These sites often deal with local, person-to-person transactions and generally do not involve the use of an FFL; therefore, these transactions may bypass background checks and other recordkeeping measures required of FFLs. Online classified sites through the Deep Web are more anonymous, but they are not completely opaque. Individuals do not need a user name to sell on these sites – only an e-mail address – and the web sites' e-mail services can hide these addresses. As seen with the Online Auctions and Marketplaces and for the reasons discussed above, the prices of firearms are generally higher on these sites. As well, in-person transactions may be conducted in cash or in trade for another item, increasing the potential for violations of law.

There is a greater incidence of fraud in online markets where individuals can mask their identities. In addition to straightforward scams where an item that does not exist is sold or a single item is sold to multiple purchasers, more sophisticated frauds can occur.

Online Forums/Social Media Networks

An Online Forum or bulletin board is an arena in which individuals discuss certain items identified under a specific topic or thread. Well known forums where firearms can be listed for sale include:

- AR15.com;
- Calguns.net; and
- Thetruthaboutguns.com.

On some forums such as thetruthaboutguns.com, private messaging services are available. These private messaging services are self-regulated; therefore, it is difficult to determine to what extent they are monitored. Consequently, one may question the amount of oversight that occurs in these areas.

Social Media Networks, such as Facebook, Instagram and Twitter, have become increasingly popular over the years and are used in a variety of ways, including the advertising and selling of firearms, an unintended use by the creators of these sites. Furthermore, these sites all have privacy settings that allow users to have public or private profiles. The private profiles require permission, “friending” or an invitation to join in order to view the profile and information.

Private groups, including those on Facebook and Reddit, provide another area where firearms are bought/sold/traded within the Deep Web. Facebook, an online social networking service, was launched on February 4, 2004, and is headquartered in Menlo Park, California. Reddit, launched on June 23, 2005, in Medford, Massachusetts, is an entertainment, social networking, and news web site where registered community members can submit content, such as text posts or direct links, making it essentially an online bulletin board system.

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There are three types of groups on Facebook: Open, Closed and Secret.²⁵

Table 2 -- Types of Facebook Groups

| Types of Facebook Groups | | | |
|--|--------------------------|---|---|
| | Open | Closed | Secret |
| How do people join? | By request or invitation | Requires approval after request or invitation | Requires approval after request or invitation |
| Who can see the group? | Anyone | Anyone | Current & former members only |
| Who can see the members of the group? | Anyone | Anyone | Current members only |
| Who can see what is posted in the group? | Anyone | Members only | Members only |

Access to these groups is by request/invitation only and typically serves a local geographic area; therefore, it is not possible to calculate the amount of transfers occurring within these closed groups. Secret groups can only be seen by current and former members and are not viewable in any search function on Facebook. Due to the exclusive nature of these groups, it is difficult for law enforcement to regulate and track transfers via the Deep Web.

Similar to firearms posted in Online Classified Ads, firearms sold through Online Forums, Social Media Networks or bulletin boards may be priced higher than those sold through a commercial firearms dealer. Often, individuals are willing to pay more in order to bypass the transfer of a firearm through an FFL. This may be due to the fact that the person is prohibited or does not want to disclose his/her name on government forms. As these transactions are less likely to occur through a licensed dealer, the potential for an improper transfer increases.

One can conclude there is a higher rate of improper firearms transactions on the Deep Web as these occur outside of a regulated marketplace. In this arena, firearms are generally believed to be transferred in person or through direct mailing/receipt. Individuals using an online forum are thought to be less likely to use an FFL to transfer a firearm. Examples of possible improper transactions on the Deep Web include individual to individual transfers across State lines and transfers involving prohibited persons or straw purchasers.

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Dark Net Marketplaces

Dark Net Marketplaces are accessible through The Onion Router (Tor) network and browser bundle.ⁱⁱⁱ Tor browser bundle is free for all users and easy to use. The average computer user familiar with browsing the Internet can begin using Tor and accessing Dark Net Marketplaces with very little or no instruction. Tor network traffic analysis indicates that approximately two percent of all Tor usage is related to marketplaces and other hidden services facilitating illegal activity.²⁶ The vast majority of Tor usage consists of users browsing the Surface Internet that may otherwise be blocked in their country or those users who may have additional privacy concerns.²⁷

As of late summer 2015, there were 26 Dark Net Marketplaces accessible through Tor. Based on ATF and other law enforcement investigation, the majority of these marketplaces offer only narcotics and explicitly ban the sale of firearms and explosives. Many marketplaces ban firearms and explosives due to the view that those goods inherently cause violence in the world.²⁸ This is a fairly common sentiment of many Dark Net Marketplace users, and is frequently expressed in forum message boards.²⁹

Agora

One of the largest Dark Net Marketplaces by number of listings and total Bitcoin transactions was Agora. As of the date of this Assessment, Agora has discontinued service “indefinitely” to fix a vulnerability in its system.³⁰ However, in July 2015, the Agora marketplace contained more than 18,000 independent listings/advertisements for illegal drugs. Separately, in an announcement made July 7, 2015, the anonymous marketplace administrators stated that as of “July 15th 2015 Agora will no longer list lethal weapons.”³¹ The public statement commented that it would remove those categories in part because of increased law enforcement scrutiny: “Shipping weapons is hard, they are expensive and stimulate both scamming by dishonest vendors and honeypot listings by agencies looking to find buyers who might wish to obtain such weapons illegally from us. This has been reflected for a long time in both the volume and the success rates of our listings in the weapons section. At this point continuing to list weapons would do more harm than good to our users.”³² The removal of firearms and explosives

Analyst Note: Dark Net Marketplaces use digital cryptocurrency such as Bitcoin as the form of conducting transactions for goods and services. Attaining digital currency and transferring between wallet addresses are often challenging for prospective buyers. New users rely on guides and user forum discussions to learn how to conduct cryptocurrency transactions, and other similarly less-intuitive processes. Based on prior ATF investigations, buyers seeking to purchase firearms on Dark Net Marketplaces often gain experience purchasing narcotics prior to attempting to obtain a firearm. Marketplace vendors trafficking firearms similarly gain experience as a narcotics buyer and/or vendor.

ⁱⁱⁱ The Tor browser bundle consists of a free anonymization software package allowing the end user to connect to the Internet through a free, worldwide, volunteer network. Tor’s use is intended to protect the personal privacy of users, as well as their freedom and ability to conduct confidential communication by keeping their Internet activities from being monitored.

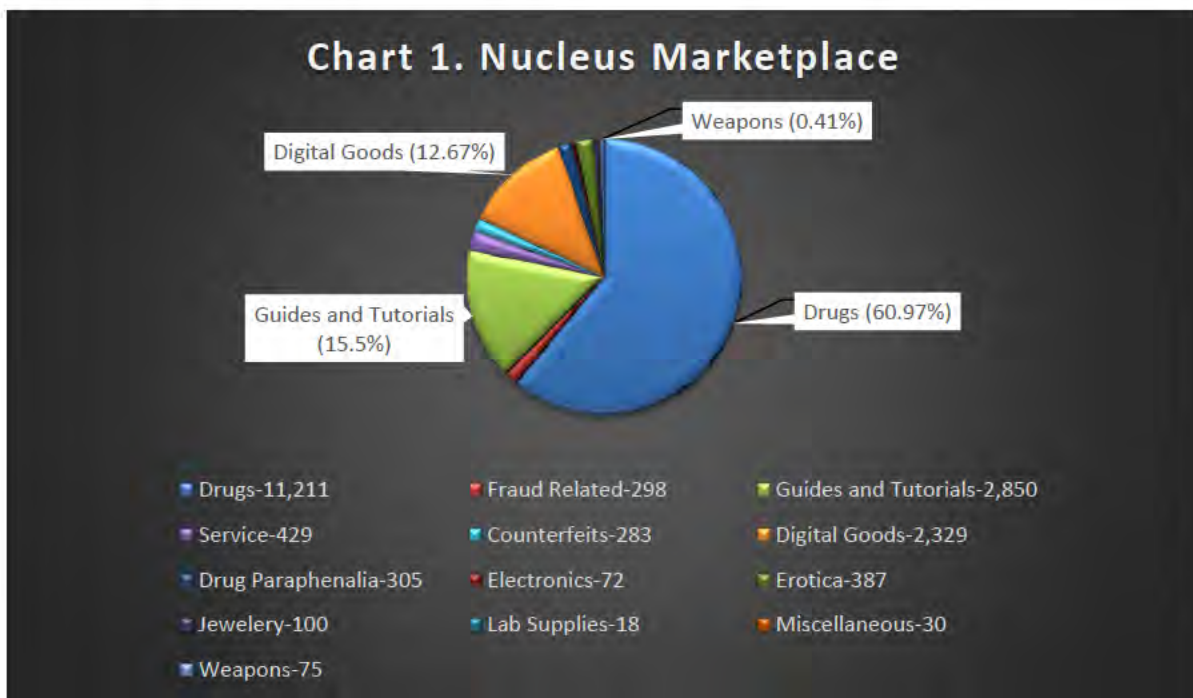
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listings coincided with increased partnered law enforcement activity involving ATF, the Federal Bureau of Investigation (FBI), U.S. Postal Inspection Service (USPIS), and U.S. Immigration and Customs Enforcement, Homeland Security Investigations (ICE/HSI).

Nucleus and AlphaBay

Two of the largest Dark Net Marketplaces, Nucleus and AlphaBay, offer a firearms section that enables vendors to advertise and sell firearms anonymously.³³ The total volume of firearms listed on Dark Net Marketplaces makes up only a small percentage of the overall marketplace activity. The majority of Dark Net Marketplace firearm listings are scams in which the vendor attempts to trick prospective buyers into purchasing a nonexistent weapon.³⁴ This type of fraud is common because the cost of creating a vendor account is outweighed by the benefit of scamming and profiting from one or two buyers before the account is banned. Charts 1 and 2 provide the categories and number of listings on both the Nucleus and AlphaBay marketplaces.

As of August 17, 2015, the weapons listed on Nucleus accounted for 0.41 percent of all listings within the overall marketplace.³⁵ Of those 75 total weapons listings, they were further refined into five categories: *guns*, *ammunition*, *melee*, *explosives*, and *other*. In the *guns* subcategory there were seven completed firearms listed for sale with the other four listings being either duplicative advertisements or firearms parts.



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Below is a screenshot from the Nucleus marketplace.

The screenshot shows a marketplace listing for 'FAST Darkweb 3d printing'. On the left is a vertical navigation menu with icons and category names: Drugs (11174), Fraud Related (253), Guides & Tutorials (2656), Service (473), Counterfeits (296), Digital Goods (2323), Drug Paraphernalia (293), Electronics (60), Erotica (376), Jewellery (107), Lab Supplies (17), Miscellaneous (24), and Weapons (92). The main content area features a product image of a white 3D printed part, a seller name 'dankmeme (n/a - 0)', a price of '1 USD', and shipping details for the US. A 'Buy It Now' button is visible. Below the image is a 'Description' section with the following text: 'PM and I will make a custom listing. Can print in PLA Or NYLON(warping occurs but doesn't effect part much) Print in 8 x 8in build platform Anything from guns to skimmers Most require cleaning up. will clean up for extra, prints are made to be FAST'.

| Category | Count |
|--------------------|-------|
| Drugs | 11174 |
| Fraud Related | 253 |
| Guides & Tutorials | 2656 |
| Service | 473 |
| Counterfeits | 296 |
| Digital Goods | 2323 |
| Drug Paraphernalia | 293 |
| Electronics | 60 |
| Erotica | 376 |
| Jewellery | 107 |
| Lab Supplies | 17 |
| Miscellaneous | 24 |
| Weapons | 92 |

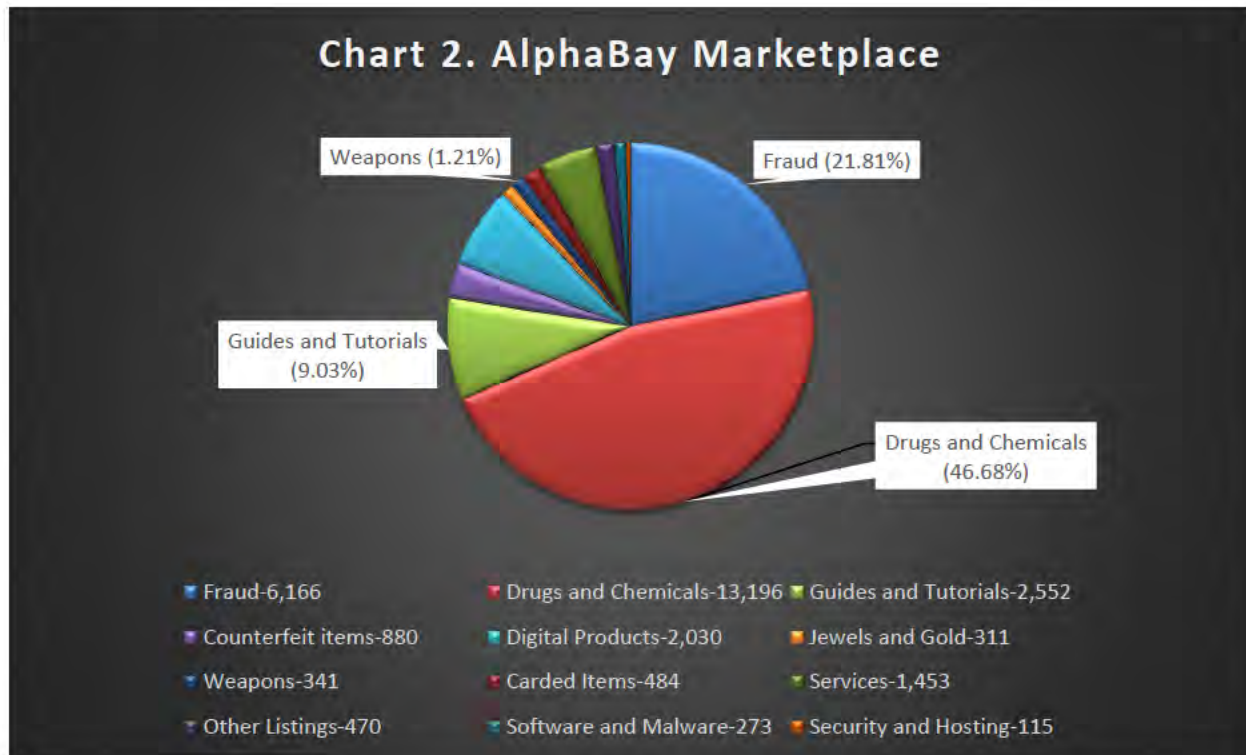
| | |
|----------------------------|--------------------|
| Seller | dankmeme (n/a - 0) |
| Price | 1 USD |
| FE | No |
| Shipping from | US |
| Shipping to | US |
| Currency | Bitcoin |
| Quantity | 1 |
| 1 USD - Free - 9 days | |
| Buy It Now | |

Description

PM and I will make a custom listing.
Can print in PLA Or NYLON(warping occurs but doesn't effect part much)
Print in 8 x 8in build platform
Anything from guns to skimmers
Most require cleaning up. will clean up for extra, prints are made to be FAST

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As of August 17, 2015, the weapons listed on AlphaBay accounted for 1.21 percent of all listings within the overall marketplace.³⁶ Of those 341 total weapons listings, they were further refined into six categories: *ammunition*, *pistols*, *long-range guns*, *explosives*, *hand weapons*, and *other*. The listing structure on AlphaBay lends itself to misinformation as compared to similar Dark Net Marketplaces as they list the total number of firearms available versus the number of sellers on the site. The *pistols* subcategory had a total of 100 advertised items, and the *long-range guns* subcategory had 26 advertised items. In the *pistols* subcategory there were 22 completed firearms listed for sale, and the *long-range guns* subcategory had three actual firearms. All other listings in those categories were either firearms parts or the seller indicated additional quantity of item availability.



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Below is a screenshot of a firearm for sale on AlphaBay.

The screenshot displays a product listing for a Norinco T54 Pistol 9MM on the AlphaBay marketplace. The page layout includes a breadcrumb trail at the top: Home / Weapons / Pistols / Norinco T54 Pistol 9MM. On the left side, there are two panels: 'Listing Options' with links for 'Contact Seller', 'Favorite Listing', 'Favorite Seller', 'Alert when restock', and 'Report Listing'; and 'Browse Categories' with a list of categories and their respective item counts, such as 'Fraud' (2443), 'Drugs & Chemicals' (3550), 'Weapons' (146), and 'Security & Hosting' (14). The main content area features a large image of the pistol being held by a hand. To the right of the image, the product title 'Norinco T54 Pistol 9MM' is displayed, followed by a description: '(I DO SEND WORLDWIDE) I do my deals strictly trough alphabay. With tracking number and 100% STEALTH. Contact me. Only serious inquiries please.' Below the description, it states 'Sold by Bartsmit - 0 sold since May 4, 2013' and shows a 'Level 1' badge. A table of features is provided, comparing 'Physical package' and 'Worldwide' shipping to 'Escrow' payment. The purchase price is listed as USD 445.59, with a quantity of 1 and a 'Buy Now' button. The seller's name 'norinco' is visible at the bottom of the listing.

Dark Net Marketplaces offer almost complete anonymity and firearms transfers are almost always done privately. Because these marketplaces have a history of eliciting criminal activity, including prostitution and narcotics trafficking, it is highly likely that illegal firearms transfers occur regularly. Prices for firearms are what the market will bear. If a prohibited person seeks a firearm, there is generally a willing seller – for a premium price. Moreover, Dark Net Marketplaces often use cryptocurrency, such as Bitcoin, as a method of payment and encrypted electronic communications to further ensure anonymity. ATF has noted both domestic and international sellers and purchasers on these sites.

Online Instruction Regarding Illegal and Potentially Illegal Acts

The Internet contains a trove of information regarding firearms, including information about illegal or potentially illegal acts. For instance, there are YouTube and other information-sharing sites that explain how to: make 3D-printed firearms and homemade suppressors; convert unfinished lower receivers into assault rifles; and most recently, mount a firearm on a drone. These videos and informational sites guide the general public on the “how to” of firearms creation and the exploitation of gaps in the firearms laws.

One particular area of concern to law enforcement is the emergence of “build parties” for AR-style rifles. An unfinished lower receiver for AR-style rifles is not a firearm under Gun Control

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Act definitions.³⁷ As such, it is not subject to marking requirements. Below is a photograph of an unfinished AR-15 lower receiver.



A “build party” typically consists of firearms purchasers and machinists (possibly an FFL) coming together to finish an unfinished AR-style lower receiver by drilling or machining the lower receiver to accept an upper receiver. There are “how to build” videos available on the Internet and those interested in unfinished receivers and build parties can communicate through online forums.

Individuals are allowed to manufacture firearms for their own use under current Federal regulation.³⁸ Generally, if someone is facilitating the process by which unfinished receivers are made into ATF-regulated receivers/firearms (e.g., by providing equipment, machinery, software, facilities, etc.) in return for money or other forms of compensation, they are required to have a Federal firearms license that allows for manufacturing of firearms.³⁹ Firearms manufactured by persons not requiring a license are not subject to marking requirements unlike firearms manufactured for commercial sale.⁴⁰

Completed firearms manufactured at a build party may not be subject to Federal marking requirements as they are manufactured under the principle that the individual is completing/building/making a firearm for his own personal use. AR-type rifles manufactured at build parties for commercial sales must be marked with the new manufacturer’s information to comply with Federal regulations.

Firearms that were manufactured by individuals but entered into commerce must be marked with the additional manufacturer’s information (name, city, State).⁴¹ Firearms not properly marked with manufacturer’s information impede law enforcement’s ability to accurately trace firearms associated with criminal activity or found at a crime scene.

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Examples of Criminal Enforcement

ATF has steadily increased its Internet-based investigations. As of July 13, 2015, ATF's case management system shows the total for each year, beginning in 2011:

- 2011: 15
- 2012: 18
- 2013: 28
- 2014: 39
- 2015: 115^{iv}

The following are examples of ATF criminal enforcement cases in which the Internet was used as the means of communication and/or transfer:

- Using Backpage.com, an individual from Canada advertised AK-style lower receivers and suppressors in a small city in Alabama. Further investigation revealed that the individual also advertised in different cities across the United States. Based on an ATF field office referral, in September 2014, ATF identified the seller, which enabled the local office to obtain the necessary subpoenas to successfully track the seller. This led to the arrest of the individual by Canadian authorities. Ultimately, Canadian authorities seized 900 receivers, 200 suppressors and other items.

- **(b) (7)(E)**

(b) (7)(E)

Arrest and search warrants were served on multiple suspects nationwide that resulted in the seizure of firearms, ammunition, and large quantities of narcotics.

How Firearms Enter Commerce and the Expansion of the Secondary Market

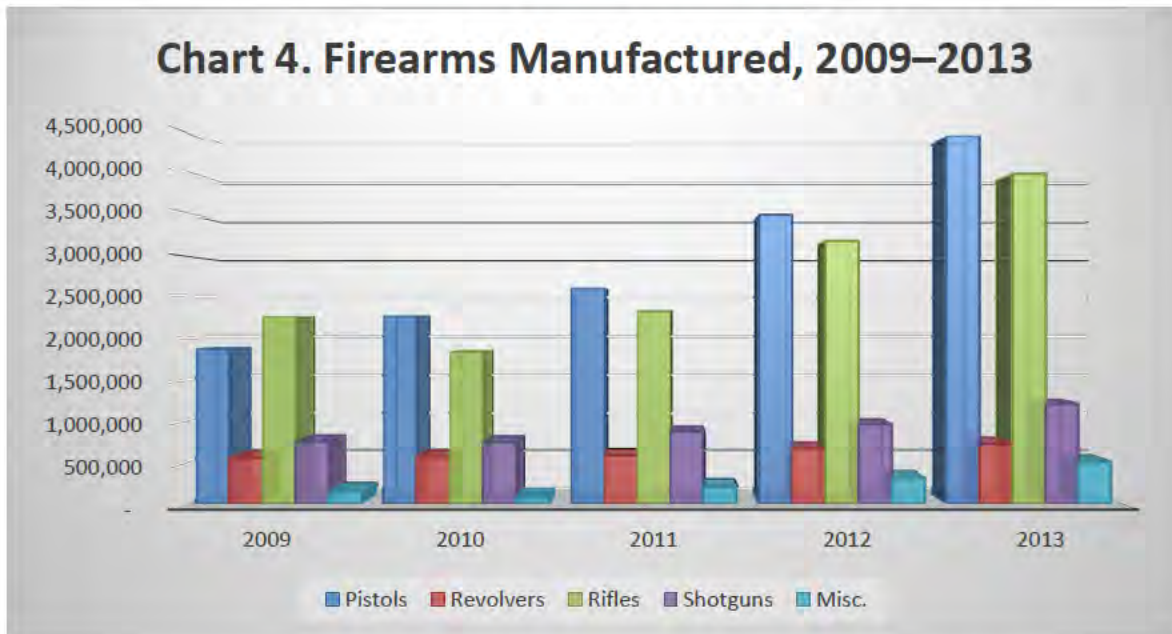
“New” firearms enter commerce via manufacturing and importation. Charts 3 and 4, below, show the importation statistics from 2010 through 2014 and the manufacturing statistics from 2009 through 2013.⁴²

^{iv} The majority of cases in 2015 stem from one Surface Web listing of suppressors.

(b)(3) (112 Pub. L. 55)



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| | 2009 | 2010 | 2011 | 2012 | 2013 |
|------------------|-----------|-----------|-----------|-----------|------------|
| Pistols | 1,868,258 | 2,258,450 | 2,598,133 | 3,487,883 | 4,441,726 |
| Revolvers | 547,195 | 558,927 | 572,857 | 667,357 | 725,282 |
| Rifles | 2,248,851 | 1,830,556 | 2,318,088 | 3,168,206 | 3,979,570 |
| Shotguns | 752,699 | 743,378 | 862,401 | 949,010 | 1,203,072 |
| Misc. | 138,815 | 67,929 | 190,407 | 306,154 | 495,142 |
| Total | 5,555,818 | 5,459,240 | 6,541,886 | 8,578,610 | 10,844,792 |

There was a 95 percent increase in the number of firearms manufactured from 2009 to 2013, the largest of which was pistols (238%).

Firearms manufactured and entering commerce have continued to increase over time.

Firearms imported and entering commerce have steadily increased over time.

A previously owned firearm is a secondary market firearm. For purposes of this Assessment, a firearm enters the secondary market once it is transferred following the original purchase from an FFL. The amount of firearms that make up the secondary market continues to grow as more new firearms are produced and then sold, traded or transferred by the purchaser through secondary market channels.

Firearms enter the secondary market through a variety of methods. Some of the more common methods include:

- the Internet;
- pawn shops/secondhand dealers;
- purchases from ads in newspapers and trade publications (private sales);
- residential burglaries;

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- gun store burglaries; and
- theft from interstate shipments (United Parcel Service, Yellow Freight, FedEx, etc.).

Typically, a used firearm does not decrease in value unless it is damaged. Due to its composition, degradation of a firearm is minimal at best. Consequently, a secondary market firearm can be just as durable and valuable as a newly manufactured firearm. Further, a used firearm may increase in value due to scarcity and/or its status as a collectible item. Because firearms maintain or increase their worth, they are a valuable commodity and rarely destroyed.

The popularity of the online secondary market is increasing. The expediency, profit, expansion of customer base and inventories, and opportunities in both local and national geographic markets encourage sellers and purchasers to conduct firearms transactions over the Internet. However, the expansion of the secondary market – both online and otherwise – ultimately impedes law enforcement’s ability to accurately trace firearms. Because private sales are not regulated by ATF, there is little to no accountability for the private transfer of firearms unless State law is implicated. Further, unless specified by State law or local ordinance, private sales often do not require background checks. Consequently, traffickers and prohibited persons may wish to exploit these disparities by purchasing and trafficking firearms privately in the secondary market.

TRENDS AND ANALYSIS

In review, the six different types of marketplaces can be broken down further to explain the way firearms are transferred via an FFL or non-FFL, the level of anonymity, the localization of transactions, pricing levels, and the increases in the potential for illegal transactions to occur through the Internet.

1. Commercial retailers with an FFL and a larger online presence with multiple locations across the United States (Walmart, Dick’s Sporting Goods, Cabela’s, Bass Pro Shop, Academy Sports)
 - No anonymity
 - All transactions conducted through/by an FFL
 - No individual sales on their web sites
 - All sales are regulated by ATF
 - Lowest level of potential for illegal transactions to occur
 - Face-to-face transactions by consumer and FFL
 - Regional audience of consumers
 - Most difficult for prohibited persons to obtain firearms
 - All transactions are conducted within the store and not online
 - Most competitive pricing
2. Large online retailers with an FFL and few stores (Buds Gun Shop, Cheaper Than Dirt, Galleryofguns.com)
 - Little to no anonymity with introduction through e-mail/online communication
 - All transactions conducted through/by an FFL

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- No individual sales on their web sites
 - All sales are regulated by ATF
 - Lowest level of potential for illegal transactions to occur
 - Nearly 100 percent legal sales
 - Firearms are sold online, but they are transferred to a local FFL in the buyer's State of residence
 - Competitive pricing
3. Online Auctions/Marketplaces (brokers/sellers that do not hold an FFL: GunBroker.com, ARMSLIST.com, GunsAmerica.com)
- Anonymity increases
 - Sites are a mix of FFLs and private individuals selling firearms
 - Auctions and buy-it-now options
 - Becomes more "local" by allowing searches at the State, local region, city or ZIP Code level
 - Increase in the potential for illegal sales
 - Firearms are sold online and are transferred to a local FFL in the buyer's State of residence
 - Competitive pricing
4. Online Classifieds (Craigslist.org, backpage.com and americanlisted.com)
- Anonymity continues to increase
 - Likely more private sales than FFL sales
 - Majority of transactions are local sales
 - Searches and forums geared toward the locality of the seller and purchaser
 - Greater potential for illegal sales
 - Firearms are sold online and are transferred directly to the purchaser
 - Somewhat competitive pricing
5. Online Forums/Social Media Networks (Facebook forums, AR15.com, etc.)
- Anonymity continues to increase
 - Likely more private sales than FFL sales
 - Majority of transactions are local sales
 - Greater potential for illegal sales
 - Searches and forums geared toward the locality of the seller and purchaser
 - Firearms are sold online and are transferred directly to the purchaser
 - Somewhat competitive pricing
6. Dark Net Marketplaces
- Approximately 100 percent anonymity
 - Almost all sales are conducted without a FFL

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- Domestic and international sales – no borders, barriers or boundaries
- Firearms are sold online and are transferred directly to the purchaser
- Sales are geared toward whomever is willing to pay the price
- Least competitive pricing
- Use of pseudo screennames, Pretty Good Privacy (PGP) encryption, bouncing IP addresses
- Covert techniques used to ship the firearms
- Payment for purchase done via Bitcoin as an additional measure of anonymity

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Table 3 includes analysis of three areas of interest that have been previously mentioned: level of anonymity, potential for illegality and the potential for involving only non-FFL transfers. The data is not based on any market surveys or research, but rather historical observations and prior criminal enforcement investigations.

Table 3

| Type of Marketplace | Level of Anonymity | Potential for Illegality | Potential for Involving ONLY Non-FFL Transfers |
|-------------------------------------|--------------------|--------------------------|--|
| Major Retailers | Lowest | Lowest | None |
| Online Retailers | Somewhat Less | Somewhat Less | None |
| Online Auctions and/or Marketplaces | Moderate | Moderate | Some |
| Online Classifieds | Somewhat More | Somewhat More | Somewhat More |
| Online Forums/Social Media Networks | Somewhat More | Somewhat More | Somewhat More |
| Dark Net Marketplaces | Highest | Highest | Highest |

The legality of commercial FFLs conducting business on the Internet is near 100 percent. As business activity further moves onto the Internet, the percentages of sellers being non-FFLs begin to rise. When looking at transactions on the Dark Net, transactions are nearly 100 percent non-FFL sellers.

CONCLUSIONS AND RECOMMENDATIONS

Firearms transactions are occurring across the Surface Web, the Deep Web and Dark Net Marketplaces.

As the anonymity of a firearms transaction increases, so does the potential for an illegal

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transaction to occur.

As the popularity of the Internet as a venue to buy and sell firearms increases, so does the potential for illegal transactions. These illegal transactions include firearm transfers to felons and juveniles.

Due to the anonymity of some portions of the Internet, it is difficult to determine the actual number of firearms transactions that occur.

There are numerous closed or private groups involving firearms transactions on social media networks and online forums.

A recent positive trend among online classified sites has emerged wherein they are strictly prohibiting the sale of firearms.

The popularity of information-sharing sites and forums, social media sites and networks, and online videos has increased the ability of individuals to learn how to exploit and skirt firearms laws and regulations.

Due to the steady increase in firearms manufacturing and imports as well as the inherent indestructible nature of firearms, the secondary market has steadily increased in volume. With the increase in the rise of available firearms in the secondary market, firearms tracing is becoming more difficult and less accurate as these transactions often take place between private individuals, often facilitated by the Internet.

The dynamic nature of the Internet and online commerce will remain a challenge to law enforcement's attempts to combat illegal firearms transfers.

Notes

¹ See 18 U.S.C. § 921(a)(21).

² <http://bitshare.cm/post/71211566221/the-deep-web-is-estimated-to-be-500x-the-size-of> (last visited October 20, 2015).

³ http://bigdata.brightplanet.com/Portals/179268/docs/deep%20web%20whitepaper%20v3_for%20approval.pdf (last visited October 20, 2015).

⁴ This number does not include the Type 03 – Collector of Curios and Relics license.

⁵ The lists identifying “the top” marketplace web sites are derived from Alexa.com, an Internet-based business analytic tool that ranks web sites, www.alexa.com (last visited October 19, 2015).

⁶ This Assessment's authors reviewed the web site on the date identified and counted the number of firearms listed.

⁷ BudsGunShop.com, <http://www.budsgunshop.com/catalog/index.php> (last visited October 19, 2015).

⁸ Cheaperthandirt.com, <http://www.cheaperthandirt.com/FireArmsHome.aspx> (last visited October 23, 2015).

⁹ Cheaperthandirt.com, <http://articles.cheaperthandirt.com/frequently-asked-questions-faq/> (last visited October 23, 2015).

¹⁰ Galleryofguns.com, <http://www.galleryofguns.com/about/CommonQuestions.aspx> (last visited October 23, 2015).

¹¹ See generally Galleryofguns.com, <http://www.galleryofguns.com/about/aboutus.aspx> (last visited October 23, 2015).

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¹² Gunbroker.com, www.gunbroker.com (last visited October 19, 2015).

¹³ Gunbroker.com, <http://gunbrokernews.blogspot.com/2014/01/3-billion-cumulative-sales-for.html> (last visited October 23, 2015).

¹⁴ Gunbroker.com, <http://www.gunbroker.com/Content/Investor/Assets/GB-FactSheet.pdf> (last visited October 23, 2015).

¹⁵ *Ibid.*

¹⁶ This Assessment's authors reviewed the web site on the date identified and counted the number of firearms listed.

¹⁷ *Ibid.*

¹⁸ "Mayors Against Illegal Guns, Felon Seeks Firearm, No Strings Attached," September 2013, at 10-11, <http://everytownresearch.org/reports/felon-seeks-firearm-no-strings-attached/> (last accessed October 16, 2015).

¹⁹ *Ibid.* ATF does not express an opinion on the validity of the methodology or results of the study.

²⁰ This Assessment's authors reviewed the web site on or about July 27, 2015, and determined the approximate percentage of auctions.

²¹ This Assessment's authors reviewed the web site on the date identified and counted the number of firearms listed.

²² *Ibid.*

²³ Craigslist.org, <http://www.craigslist.org/about/prohibited> (last visited October 16, 2015) ("Here is a partial list of goods, services, and content prohibited on craigslist: •weapons; firearms/guns and components; BB/pellet, stun, and spear guns; etc •ammunition, clips, cartridges, reloading materials, gunpowder, fireworks, explosives ... Please don't use CL for these purposes, and flag anyone else you see doing so.")

²⁴ Backpage.com, <http://www.backpage.com/classifieds/TermsOfUse> (last visited October 16, 2015)

(18. Posting any material advertising weapons the use, carrying, or advertising of which is prohibited by applicable federal, state, or local law. You are solely responsible for complying with any and all laws and/or regulations applicable to the transfer of firearms under both applicable local, state and federal laws. The transfer of firearms is heavily regulated and restricted, and failure to strictly comply with all such laws is a serious crime and may result in criminal prosecution. All transfers of firearms, whether by sale, lease or loan, including private transactions, must go through a licensed firearms dealer. Any exception to these laws, such as air guns, knives, accessories, certain antiques, and some gun parts that may not require transfer by a licensed dealer, should be first confirmed by you prior to purchase. It is your responsibility to comply with all such laws, including any and all city, county, state and Federal laws when accessing or using this site. It is also your responsibility to locate one or more licensed firearm dealers in your area and/or the area of any buyer or seller listing here who are able and willing to assist you with any such transfer. We do not offer any assistance with respect to locating a licensed dealer for your transaction or otherwise with respect to your transaction. By listing any firearm, you represent and warrant to us that you legally own and possess the item you wish to list here and have fully complied with and will continue to fully comply with all laws and regulations applicable to your listing, transfer and/or sale. By agreeing to purchase any firearm, you represent and warrant to us that you are of legal age, and are not otherwise prohibited by law from purchasing, transferring, owning, or possessing the firearm listed, and that you have fully complied with and will continue to fully comply with all laws and regulations applicable to your transfer or purchase;

...

Please report any violations of these Terms to: abuse@backpage.com).

²⁵ Types of Facebook Groups, <https://socialmediacub.org/wp-content/uploads/2014/07/Facebook-Groups.png>

²⁶ Wired.com, <http://www.wired.com/2014/12/80-percent-dark-web-visits-relate-pedophilia-study-finds/> (last visited October 20, 2015) and Digging into Anonymous Traffic: a deep analysis of the Tor anonymizing network"

Abdelberi Chaabane, Pere Manils, Mohamed Ali Keefar. <http://planete.inrialpes.fr/papers/TorTraffic-NSS10.pdf> (last visited October 20, 2015).

²⁷ *Ibid.*

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²⁸ NationalSecurityPolicy.blogspot.com, <http://nationalecuritypolicy.blogspot.com/2012/10/bits-and-pieces-bitcoin-silk-road-and.html>, last visited October 20, 2015. Discussing the terms of service on the former Silk Road, banning the sale of “anything whose purpose is to harm or defraud, such as stolen credit cards, assassinations, and weapons of mass destruction.”

²⁹ Reddit.com, https://www.reddit.com/r/DarkNetMarkets/comments/2gzbyw/why_are_guns_frowned_on/ (last visited October 20, 2015).

³⁰ Deepdotweb.com, <https://www.deepdotweb.com/2015/08/26/agora-market-to-pause-operations-finish-your-orders-and-withdraw-money/> (last accessed October 19, 2015).

³¹ Deepdotweb.com, <https://www.deepdotweb.com/2015/07/07/agora-market-to-stop-listing-lethal-weapons> (last visited October 16, 2015).

³² *Ibid.*

³³ AlphaBay Market, pwoah7foa6au2pul.onion (last visited October 20, 2015), and Nucleus Market, nucleusp3izq7o6.onion (last visited October 20, 2015).

³⁴ Reddit.com, https://www.reddit.com/r/DarkNetMarkets/comments/34kkfj/interest_checkreliable_gun_dealer_on_d_nms_what_do/ (last visited October 20, 2015).

³⁵ Upon opening the Nucleus Marketplace site, it automatically lists the category and number of items for sale. *See* Nucleus Market, nucleusp3izq7o6.onion.

³⁶ Upon opening the AlphaBay Marketplace site, it automatically lists the category and number of items for sale. *See* AlphaBay Market, pwoah7foa6au2pul.onion.

³⁷ 18 U.S.C. § 921(a)(3).

³⁸ ATF Publication, P. 5300.4 at 126.

³⁹ ATF Ruling 2015-1.

⁴⁰ 27 CFR Part 478, 478.92(a)(1).

⁴¹ 27 CFR Part 478, 478.92(a)(1)(ii)(D).

⁴² ATF 2015 *Firearms Commerce in the United States Annual Statistical Update*.