

PART V:

Selling and Distribution

Overview

Federal law does not prohibit the private sale of firearms, as long as (1) the seller does not know or have reasonable cause to believe that the buyer is prohibited from receiving or possessing firearms under federal law, (2) the seller does not sell a handgun to a person the seller has reasonable cause to believe is less than 18 years of age, (3) both parties reside in the same state, (4) the firearm is not regulated by the NFA, and (5) such a transaction does not violate any state laws. Prior to transferring a firearm, an individual should contact his or her state Attorney General's Office to inquire about any applicable state or local laws or ordinances.

Generally, to lawfully transfer a firearm to an unlicensed person who resides out-of-state, whether through online sources or otherwise, the firearm must be shipped to an FFL within the buyer's state of residence. The buyer may then receive the firearm from the FFL upon completion of an ATF Form 4473 and a NICS background check. An unlicensed individual may transfer a firearm, that is not regulated by the NFA, to an FFL in any state.

Some states have laws prohibiting private party sales, unless the transaction is processed through a FFL. ATF encourages unlicensed individuals transferring firearms to other unlicensed individuals to utilize an FFL to facilitate a private party transfer. ATF provided guidance to FFLs on private party transfers through [ATF Procedure 2020-2](#), which provides that the firearm transferee is required to pass a background check and the FFL must maintain a record of the transfer. Finally, even though private sales of firearms are not prohibited under federal law, the GCA, makes it unlawful for any person "except a ... licensed dealer, to engage in the business of ... dealing in firearms, or in the course of such business to ship, transport, or receive any firearm in interstate or foreign commerce." 18 U.S.C. § 922(a)(1)(A). Furthermore, the GCA states, "[n]o person shall engage in the business of ... dealing in firearms ... until he has filed an application with and received a license to do so from the Attorney General." 18 U.S.C. § 923(a). Anyone who is unclear as to whether he or she is engaged in the business as defined in 18 U.S.C. § 921(a)(21), should review [ATF Publication 5310.2](#), called "Do I Need a License to Buy and Sell Firearms".

Flea Markets

Flea markets are not considered to be a gun show or another qualifying event as defined in [27 CFR § 478.100](#). FFLs generally cannot conduct business at flea markets unless they have a permanent business premises at the flea market which has been approved as their licensed business premises. Flea markets continue to be a significant source of private party sales of secondary market firearms⁴⁸. These transactions generally do not involve a background check, residency verification, or recordkeeping on the part of the individual sellers.

Auctions

Generally, there are two types of auctions: [estate-type auctions and consignment auctions](#). In the case of estate-type auctions, the auctioneer acts as an agent of the executor and assists the executor in finding buyers for the estate's firearms. The firearms are possessed by the estate, and the sales of firearms are made by the estate. In these cases, the auctioneer does not meet the definition of "engaged in the business" as a dealer and would not require a license. An auctioneer engaged in estate-type auctions, whether licensed or not, may perform this function, including delivery of the firearms in compliance with federal and state law. In the case of consignment-type auctions held on a regular basis in which persons consign their firearms to the auctioneer for sale pursuant to a consignment agreement, the auctioneer would be "engaged in the business" and would require a FFL. The auctioneer would be disposing of firearms as a regular course of trade or business within the definition of a "dealer" under 18 U.S.C. § 921(a)(1)(A) and must comply with the licensing requirements of the law.

Licensed auctioneers in consignment-type auctions generally must engage in the firearms business from their licensed premises. However, auctioneers may conduct an auction at a location other than their licensed premises by displaying firearms at the auction site, agreeing to the terms of sale of the firearms, then returning the firearms to the licensed premises to finalize the purchase. The simultaneous sale and delivery of auctioned firearms away from the licensed premises would be a violation of law.

Printed Classifieds

Federal law does not prohibit or regulate the advertising of firearms for sale through printed classifieds, however, there are laws that regulate the mailing or shipping of firearms between persons who do not hold an FFL. An unlicensed person may mail a shotgun or rifle to a resident of his or her own state or to a licensee in any state. Pistols, revolvers, and other firearms capable of being concealed on the person may not be sent through the U.S. mail and must be shipped using common or contract carriers. (See [18 U.S.C. § 1715](#)). Moreover, handguns may only be transferred to a resident of the seller's state or otherwise transferred through FFLs.

Gun Rentals

ATF has long held that the rental of firearms, by an FFL for use on the FFL's premises does not constitute a sale, transfer, or delivery. For this reason, an ATF Form 4473 is not required to be completed and no NICS background check is required. The firearm does not leave the FFL's premises and no transfer has occurred.

Online Auctions and Marketplaces

Online firearm websites facilitate the buying and selling of firearms, parts, and shooting accessories. Generally, online auctions and marketplaces provide an advertising service system and do not have an FFL, hold inventory, or take possession of firearms. These websites are venues to list firearms and related accessories for sale, often in an auction-like format, and act as a broker facilitating introduction between purchaser and third-party sellers to engage in firearms transactions (to include non-licensees and FFLs). Online auctions and marketplaces are open to non-licensed individuals and FFLs to initiate firearms transactions (post, buy and sell firearms) and the payment and shipping is handled between purchaser and seller.

Determining Sales Volume

Although AFMER reporting provides a gauge of annual firearm production in the U.S., that data, which is required to be submitted only by Type 07 (manufacturer of firearms) and Type 10 (manufacturer of destructive devices) FFLs, is not designed to track annual firearm sales to individual purchasers. With the limited exception of reporting of certain multiple firearm sales (discussed in more detail below), federal law does not require any FFL to report annual sales volume. The only other aggregate data directly accessible to ATF regarding firearm sales volume is through the license renewal process, during which ATF requests FFLs to provide the number of firearm dispositions (transfers) that occurred during the three-year duration of the license. FFL disclosure of this information, however, is voluntary and not required by the GCA or regulation. Moreover, ATF use of this data is generally limited to the license renewal process.

Because the GCA does not require FFLs to report information regarding firearm sales, the proxy most often used to estimate annual U.S. firearm sales has been the volume of background checks conducted annually by the FBI's [National Instant Criminal Background Check System](#) (NICS). Although NICS is not designed or intended to track annual U.S. firearm sales, the data that NICS publishes annually contains the best available data on the number of transactions conducted by FFLs that involve the actual transfer of a firearm to a non-licensed individual or entity. Since not all NICS background checks involve the transfer of a firearm, it is necessary to distill those types of transactions from the published NICS data by NICS purpose code to provide an estimate of aggregate firearm sales conducted by FFLs. As explained in the next section, this report uses this methodology to provide an Estimated Minimum Sales Volume (EMSV) of firearm transactions conducted by FFLs annually for the period 2017 through 2020.⁴⁹

Estimated Minimum Sales Volume

EMSV is calculated by multiplying the number of NICS checks conducted in the relevant period by the number of distinct NICS purpose codes associated with a NICS transaction that involved the actual transfer of a firearm to a new possessor.⁵⁰ These NICS purpose codes are: 01 - *Sale of a Handgun*, 02 - *Sale of a Long Gun*, 03 - *Sale of an Other Weapon*, 27 - *Private Sale of a Handgun*, 28 - *Private Sale of a Long Gun*, and 29 - *Private Sale of an Other Weapon*. NICS transactions involving more than one of these purpose codes reflect at a minimum the transfer of two firearms and may involve more. For example, a NICS transaction with purpose codes 01, 02, 28, and 29 associated to it would equate to an estimated minimum of four firearms being sold. The NICS data used to calculate EMSV does not include any personally identifiable information about the purchaser or possessor of a firearm; it is limited to aggregate numerical and code data.

As the term itself indicates, EMSV does not capture all firearm sales, but instead provides an estimate of the lowest number of firearms involved in a NICS transaction in which a transfer occurs. For example, EMSV will not account for the number of firearms transferred in a multiple firearm sales transaction because the number of firearms transferred in a multiple sale of the same type of firearm is not separately tallied by purpose code. EMSV also does not account for firearms transferred from FFLs to customers utilizing a NICS alternate permit. In such states in which a NICS alternate permit exempts a purchaser from a background check, this transaction does not involve a NICS check. Lastly, the EMSV does not include sales between private individuals that are not facilitated by an FFL. Consequently, calculations using purpose codes provides a minimum baseline of firearms transferred. See *Description of EMSV Data Limitations* in Appendix SD – Sales and Distribution for the explanation on NICS data limitations.

Table SD-01 reflects the total number of NICS transactions and the EMSV for the period 2017 to 2020. The EMSV of firearms is 1.016% per NICS transactions for 2017 to 2020, based on this method. Since there is a very small difference between NICS transactions and EMSV of firearms, this section will report EMSV statistics.

Table SD-01: Total Number of NICS Transactions and EMSV of Firearms, 2017 – 2020

# of NICS Transactions	EMSV	Average # of Firearms Sold per NICS Transaction
		1.016
57,003,594	57,941,145	

National EMSV Trends

Table SD-02a reflects the EMSV by FFL type and year-over-year (YOY) percentage change. FFL Types 01, 02, and 07 accounted for more than 99% of the total EMSV between 2017 and 2020.

The largest increase of EMSV across all FFL types occurred between 2019 and 2020. EMSV totals increased by more than 63% for Type 01 FFLs and by 94% for Type 07 FFLs between 2019 and 2020. From 2017 to 2020, Type 01 and Type 02 FFLs accounted for almost 90% of all EMSV, while Type 07 FFLs accounted for nearly 10% of EMSV.

Table SD-02a: Total EMSV and YOY Percentage Change by FFL Type, 2017 – 2020⁵¹

FFL Type	2017 EMSV	% Change 2017 - 2018	2018 EMSV	% Change 2018 - 2019	2019 EMSV	% Change 2019 - 2020	2020 EMSV	Total EMSV	Total % EMSV
Type 01	9,291,630	-3.9%	8,926,551	-1.0%	8,834,651	63.4%	14,437,165	41,489,997	74.6%
Type 02	1,767,463	3.5%	1,828,779	2.5%	1,874,422	52.6%	2,859,453	8,330,117	15.0%
Type 07	968,581	7.8%	1,044,099	8.5%	1,132,651	94.3%	2,200,844	5,346,175	9.6%
Type 08	62,275	2.4%	63,754	-7.2%	59,168	65.9%	98,168	283,365	0.5%
Type 09	4,512	-3.0%	4,377	45.8%	6,382	84.0%	11,741	27,012	0.0%
Type 10	10,800	-17.0%	8,963	-1.4%	8,840	125.4%	19,924	48,527	0.1%
Type 11	9,506	7.1%	10,180	40.8%	14,335	70.6%	24,461	58,482	0.1%
Total	12,114,767	-1.9%	11,886,703	0.4%	11,930,449	64.7%	19,651,756	55,583,675	100.0%

Type 01 FFLs

As shown in Table SD-03, between 2017 and 2020, approximately 85% of Type 01 FFLs had less than 500 EMSV. This 85% represents approximately 8% of total EMSV for all Type 01 FFLs. Moreover, approximately 27% of Type 01 FFLs conducted no NICS transactions. Conversely, less than 3% (2,022) of Type 01 FFLs (73,023) conducted nearly 58% (23,948,617) of all firearms sales (41,489,997) associated with a NICS transaction within this period.

Table SD-03: Total Type 01 FFLs and EMSV by EMSV Range, 2017 – 2020

EMSV Range	# FFLs	% Total FFLs	Cumulative % of FFLs	EMSV	% Total EMSV	Cumulative % of EMSV
0	19,967	27.3%	27.3%	0	0.0%	0.0%
1-100	31,390	43.0%	70.3%	763,141	1.8%	1.8%
101-500	10,603	14.5%	84.8%	2,633,443	6.3%	8.2%
501-1,000	4,033	5.5%	90.4%	2,837,049	6.8%	15.0%
1,001-2,000	2,557	3.5%	93.9%	3,626,781	8.7%	23.8%
2,001-3,000	1,272	1.7%	95.6%	3,123,361	7.5%	31.3%
3,001-4,000	713	1.0%	96.6%	2,471,687	6.0%	37.3%
4,001-5,000	466	0.6%	97.2%	2,085,918	5.0%	42.3%
5,000-10,000	1,168	1.6%	98.8%	8,214,878	19.8%	62.1%
10,001-15,000	433	0.6%	99.4%	5,236,179	12.6%	74.7%
15,001-20,000	184	0.3%	99.7%	3,132,087	7.5%	82.2%
20,000+	237	0.3%	100.0%	7,365,473	17.8%	100.0%
Total	73,023	100.0%		41,489,997	100.0%	

Type 02 FFLs

Table SD-04 indicates that approximately 62% of Type 02 FFLs had less than 500 EMSV between 2017 and 2020. This 62% represents approximately 9% of total EMSV for all Type 02 FFLs. Moreover, approximately 17% of Type 02 FFLs did not conduct any NICS transactions.

Table SD-04: Type 02 FFLs and EMSV Range, 2017 – 2020

EMSV Range	# FFLs	% Total FFLs	Cumulative % of FFLs	EMSV	% Total EMSV	Cumulative % of EMSV
0	1,721	17.1%	17.1%	0	0.0%	0.0%
1 - 100	2,003	19.9%	36.9%	74,441	0.9%	0.9%
101 - 500	2,568	25.5%	62.4%	708,400	8.5%	9.4%
501 - 1,000	1,473	14.6%	77.0%	1,052,324	12.6%	22.0%
1,001 - 2,000	1,281	12.7%	89.7%	1,813,282	21.8%	43.8%
2,001 - 3,000	442	4.4%	94.1%	1,072,464	12.9%	56.7%
3,001 - 4,000	216	2.1%	96.2%	744,018	8.9%	65.6%
4,001 - 5,000	126	1.2%	97.5%	559,940	6.7%	72.3%
5,000 - 10,000	186	1.8%	99.3%	1,268,930	15.2%	87.6%
10,001 - 15,000	44	0.4%	99.8%	524,377	6.3%	93.9%
15,001 - 20,000	15	0.1%	99.9%	250,604	3.0%	96.9%
20,000+	8	0.1%	100.0%	261,337	3.1%	100.00%
Total	10,083	100.0%		8,330,117	100.0%	

Type 07 FFLs

As reflected in Table SD-05, approximately 62% of Type 07 FFLs conducted at least one NICS transaction between 2017 and 2020. However, only 8% of Type 07 FFLs conducted more than 500 EMSV which accounted for nearly 88% of all EMSV.

Table SD-05: Type 07 FFLs and EMSV Range, 2017 – 2020

EMSV Range	# FFLs	% Total FFLs	Cumulative % of FFLs	EMSV	% Total EMSV	Cumulative % of EMSV
0	7,533	37.9%	37.9%	0	0.0%	0.0%
1 - 100	8,884	44.7%	82.7%	206,365	3.9%	3.9%
101 - 500	1,937	9.8%	92.4%	445,104	8.3%	12.2%
501 - 1,000	503	2.5%	95.0%	354,629	6.6%	18.8%
1,001 - 2,000	363	1.8%	96.8%	518,974	9.7%	28.5%
2,001 - 3,000	197	1.0%	97.8%	483,817	9.0%	37.6%
3,001 - 4,000	117	0.6%	98.4%	409,285	7.7%	45.2%
4,001 - 5,000	69	0.3%	98.7%	307,185	5.7%	51.0%
5,000 - 10,000	159	0.8%	99.5%	1,110,532	20.8%	71.8%
10,001 - 15,000	57	0.3%	99.8%	681,901	12.8%	84.5%
15,001 - 20,000	13	0.1%	99.9%	214,750	4.0%	88.5%
20,000+	22	0.1%	100.0%	613,633	11.5%	100.0%
Total	19,854	100.0%		5,346,175	100.0%	

Monthly EMSV Trends

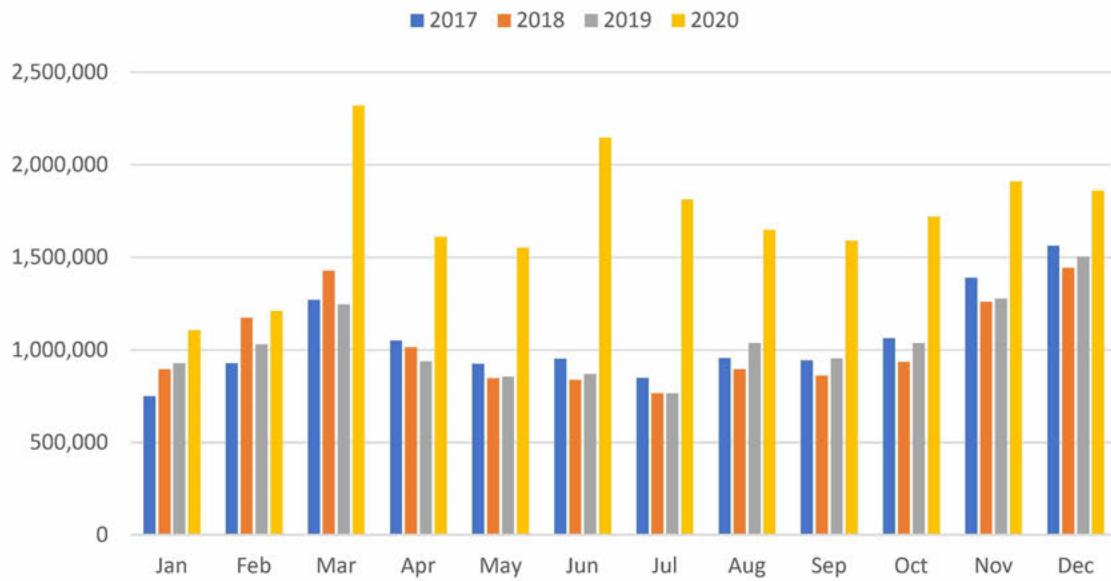
Table SD-06 reflects the EMSV by month and year-over-year change. December (6,365,567) and March (6,267,869) each account for approximately 11% and November (5,840,146) accounts for slightly more than 10% of the total EMSV for the period 2017 through 2020. The largest increases of EMSV among all months occurs between 2019 and 2020, except for January (19%) and February (27%) which had its largest year-over-year change occur between 2017 and 2018. Between 2019 and 2020, June had the highest percentage change increase (147%) followed by July (137%), March (86%), and May (81%).

Table SD-06: EMSV by Month and YOY Percentage Change, 2017 – 2020

Month	2017 EMSV	% Change 2017 - 2018	2018 EMSV	% Change 2018 - 2019	2019 EMSV	% Change 2019 - 2020	2020 EMSV	Total EMSV	% Total EMSV
January	751,153	19.3%	896,127	3.7%	929,235	19.2%	1,107,510	3,684,025	6.4%
February	928,296	26.5%	1,174,096	-12.2%	1,030,439	17.5%	1,210,936	4,343,767	7.5%
March	1,270,977	12.4%	1,428,817	-12.7%	1,247,334	86.1%	2,320,741	6,267,869	10.8%
April	1,050,888	-3.4%	1,014,862	-7.4%	939,371	71.5%	1,610,843	4,615,964	8.0%
May	924,332	-8.3%	847,697	0.9%	855,223	81.4%	1,551,712	4,178,964	7.2%
June	952,011	-12.0%	837,825	3.8%	870,043	146.8%	2,147,324	4,807,203	8.3%
July	849,412	-9.9%	765,696	0.0%	765,766	136.7%	1,812,446	4,193,320	7.2%
August	956,439	-6.3%	896,063	15.8%	1,037,948	58.9%	1,649,297	4,539,747	7.8%
September	944,932	-8.9%	860,455	10.8%	953,747	66.6%	1,589,330	4,348,464	7.5%
October	1,063,002	-11.9%	936,182	10.8%	1,037,347	65.8%	1,719,578	4,756,109	8.2%
November	1,390,107	-9.3%	1,261,191	1.3%	1,278,177	49.5%	1,910,671	5,840,146	10.1%
December	1,561,281	-7.6%	1,442,212	4.2%	1,502,554	23.8%	1,859,520	6,365,567	11.0%
Total	12,642,830	-2.2%	12,361,223	0.7%	12,447,184	64.6%	20,489,908	57,941,145	100.0%

As reflected in Figure SD-01, December usually had the highest EMSV followed by either November or March when comparing the highest months for each year between 2017 and 2020.

Figure SD-01: Total EMSV by Month and Year, 2017 – 2020



As reflected in Table SD-07a, June 2020 represented a deviation from this pattern and was the second highest month-year combination of EMSV for this period. Ultimately, June 2020 had the highest spike in year-over-year change as well as increasing its rank among all month-year EMSV totals.

Table SD-07a: Top Ten EMSV Totals by Month/Year, 2017 - 2020

Rank	Year	Month	Total EMSV	% Total EMSV
1	2020	March	2,320,741	4.0%
2	2020	June	2,147,324	3.7%
3	2020	November	1,910,671	3.3%
4	2020	December	1,859,520	3.2%
5	2020	July	1,812,446	3.1%
6	2020	October	1,719,578	3.0%
7	2020	August	1,649,297	2.8%
8	2020	April	1,610,843	2.8%
9	2020	September	1,589,330	2.7%
10	2017	December	1,561,281	2.7%
Total			18,181,031	31.4%

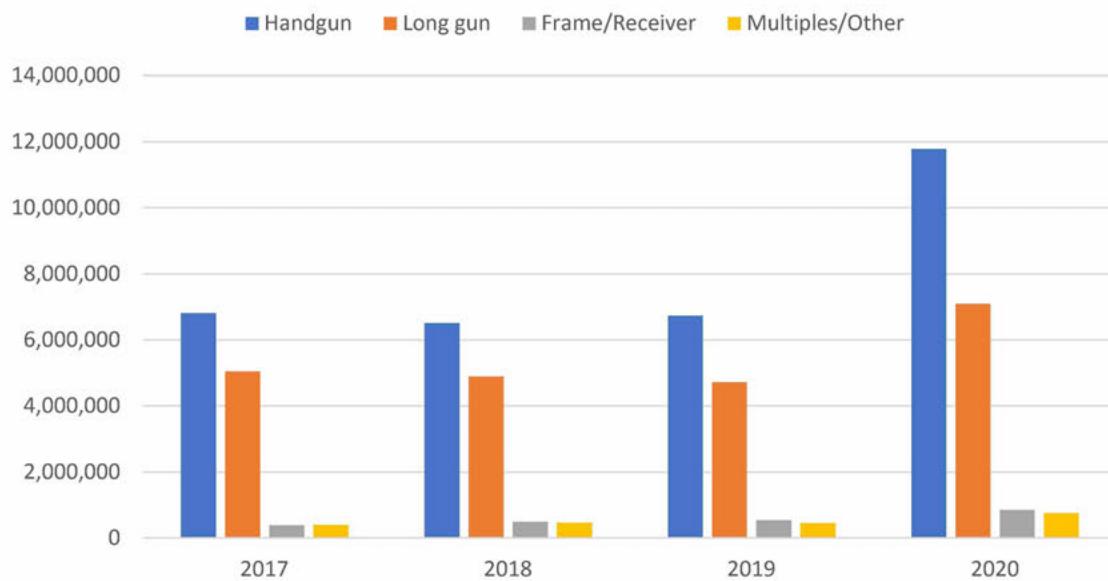
See Table SD-07 in Appendix SD – Selling and Distribution for a full list and ranking of month-year EMSV totals for each month between 2017 and 2020.

EMSV by Firearm Type

Figure SD-02 reflects the EMSV by NICS purpose code and year-over-year change. Between 2017 and 2019, purpose codes 1, 2, 3, and all others/multiples combined remained relatively constant. However, purpose code 3 increased year-over-year, but this change was modest and only captured approximately 4% of market share. During the surge in the EMSV in 2020, handguns increased by 75%, long guns increased by 50%, frames/receives increased by 57%, and all other/multiples combined increased by 68%

from 2019 totals. Overall, in 2020, it appears that individuals were purchasing more handguns (57%) than any other type of firearm combined using the EMSV parameters (See *Description of EMSV Data Limitations* in Appendix SD – Selling and Distribution).

Figure SD-02: Total EMSV by Purpose Code, 2017 – 2020



See Table SD-08 in Appendix SD – Selling and Distribution for a breakdown of annual EMSV totals by purpose code category between 2017 and 2020.

EMSV State Trends

Table SD-09 in Appendix SD – Sells and Distribution reflects the aggregate increase of approximately 65% in total EMSV across all states and territories between 2019 and 2020. As reflected in Table SD-09a, the top ten states showed increases in EMSV ranging from approximately 185% in Michigan to nearly 90% in Nevada. Only one state or territory, the Virgin Islands (VI), showed a decrease in EMSV between 2019 and 2020.

Table SD-09a: Top Ten States/Territories with the Highest Percentage Change in EMSV between 2019 and 2020

State or Territory	2019 EMSV	2020 EMSV	% Change 2019 - 2020
MI	256,589	729,405	184.3%
DC	1,374	3,407	148.0%
AL	292,401	611,122	109.0%
AZ	282,818	581,322	105.5%
GA	283,930	583,290	105.4%
UT	89,051	179,224	101.3%
RI	25,843	50,852	96.8%
NJ	91,206	177,853	95.0%
MD	104,334	201,837	93.5%
NV	99,260	188,161	89.6%
All States and Territories	12,447,184	20,489,908	64.6%

See Table SD-09 in Appendix SD – Sales and Distribution for EMSV data with year-over-year percentage change across all states and territories between 2017 and 2020.

As reflected in Table SD-09b, FFLs in ten states represent approximately 49% of the total EMSV for the period 2017 – 2020. They range from Texas at approximately 8% in EMSV to Washington at approximately 3%. Overall, the top ten states’ share of EMSV for all FFLs is slightly greater than their share of the national population.

Table SD-09b: Top Ten States/Territories with the Highest Percentage of EMSV and its Percentage of U.S. Population, 2017 -2020

State or Territory	Total EMSV	% Total EMSV 2017 - 2020	Population	% Population
TX	4,887,691	8.4%	29,145,505	8.7%
FL	3,855,232	6.7%	21,538,187	6.4%
CA	3,660,692	6.3%	39,538,223	11.8%
PA	3,224,960	5.6%	13,002,700	3.9%
OH	2,377,420	4.1%	11,799,448	3.5%
VA	2,274,009	3.9%	8,631,393	2.6%
TN	2,134,068	3.7%	6,910,840	2.1%
MO	2,028,369	3.5%	6,154,913	1.8%
IN	1,888,675	3.3%	6,785,528	2.0%
WA	1,777,367	3.1%	7,705,281	2.3%
Top Ten Subtotal	28,108,483	48.5%	151,212,018	45.1%
All Other States or Territories	29,832,662	51.5%	183,861,158	54.9%
All States/Territories	57,941,145	100.0%	335,073,176	100.0%

See Table SD-09 in Appendix SD – Sales and Distribution for total EMSV for all states and territories between 2017 and 2020.

Type 01 FFLs

Table SD-10a provides a breakdown of the top ten states or territories among Type 01 FFLs with the highest percentage increases in total EMSV from 2019 to 2020. The top ten states range from Michigan with an increase of approximately 177% to Nevada, approximately 84%. All states showed an aggregate increase of approximately 63%. Only the Virgin Islands showed a decrease (approximately 9%) in EMSV between 2019 and 2020.

Table SD-10a: Top Ten States/Territories with Highest Percentage Change in EMSV among Type 01 FFLs between 2019 and 2020

State or Territory	2019 EMSV	2020 EMSV	% Change 2019 - 2020
MI	227,307	630,461	177.4%
DC	1,374	3,407	148.0%
UT	62,336	128,069	105.4%
GA	150,288	306,603	104.0%
AL	177,635	356,922	100.9%
AZ	181,032	361,449	99.7%
NJ	89,909	175,560	95.3%
RI	23,721	45,114	90.2%
KY	153,133	285,528	86.5%
NV	66,358	122,310	84.3%
All States/Territories	8,834,651	14,437,165	63.4%

See Table SD-10 in Appendix SD – Sales and Distribution for EMSV data with year-over-year percentage change across all states and territories among Type 01 FFLs between 2017 and 2020.

As reflected in Table SD-10b, Type 01 FFLs in ten states represent approximately 51% of the EMSV for the period 2017 through 2020. They range from Texas at approximately 8% in EMSV to Colorado at approximately 3% in EMSV. All other states represent nearly 49%. Overall, for Type 01 FFLs, the top ten states' share among Type 01 EMSV is somewhat (51%) greater than its share (46%) of the national population.

Table SD-10b: Top Ten States/Territories with the Highest Percentage of EMSV among Type 01 FFLs and its Percentage of U.S. Population, 2017 – 2020

State or Territory	Total EMSV	% Total EMSV 2017 - 2020	Population	% Population
TX	3,424,998	8.3%	29,145,505	8.7%
PA	2,965,275	7.1%	13,002,700	3.9%
CA	2,675,335	6.4%	39,538,223	11.8%
FL	2,643,680	6.4%	21,538,187	6.4%
OH	2,092,354	5.0%	11,799,448	3.5%
IN	1,660,179	4.0%	6,785,528	2.0%
IL	1,578,900	3.8%	12,812,508	3.8%
TN	1,468,977	3.5%	6,910,840	2.1%
MO	1,418,294	3.4%	6,154,913	1.8%
CO	1,339,584	3.2%	5,773,714	1.7%
Top Ten Subtotal	21,267,576	51.3%	153,461,566	45.8%
All Other States or Territories	20,222,421	48.7%	181,611,610	54.2%
All States/Territories	41,489,997	100.0%	335,073,176	100.0%

See Table SD-10 in Appendix SD – Sales and Distribution for total EMSV among Type 01 FFLs in all states and territories between 2017 and 2020.

Type 02 FFLs

Table SD-11a provides a breakdown of the top ten states among Type 02 FFLs with the highest percentage increases in total EMSV from 2019 to 2020. The top ten states range from Rhode Island with an increase of approximately 232% to North Carolina with approximately 71%. Overall, Type 02 FFLs in all states and territories showed an aggregate EMSV increase of approximately 53%. Only Alaska and Pennsylvania showed a decrease in EMSV between 2019 and 2020.

Table SD-11a: Top Ten States/Territories with the Highest Percentage Change in EMSV among Type 02 FFLs between 2019 and 2020

State or Territory	2019 EMSV	2020 EMSV	% Change 2019 - 2020
RI	357	1,184	231.7%
MI	7,910	26,194	231.2%
AL	96,771	203,664	110.5%
GA	118,031	233,312	97.7%
VT	136	260	91.2%
MD	9,952	18,778	88.7%
DE	1,592	2,907	82.6%
AZ	51,798	92,051	77.7%
MS	87,461	150,050	71.6%
NC	53,586	91,705	71.1%
All States/Territories	1,874,422	2,859,453	52.6%

See Table SD-11 in Appendix SD – Sales and Distribution for EMSV data with year-over-year percentage change across all states and territories among Type 02 FFLs between 2017 and 2020.

As reflected in Table SD-11b, the top ten states with the highest EMSV represent 60% of the national EMSV for the period 2017 through 2020. These states range from Texas at 12% in EMSV to Washington at approximately 4%. All remaining states comprise 40% of the national EMSV. Overall, among Type 02 FFLs, the top ten states' share (60%) of national Type 02 EMSV is significantly greater than its share (29%) of the national population.

Table SD-11b: Top Ten States/Territories with the Highest Percentage of EMSV among Type 02 FFLs and its Percentage of U.S. Population, 2017 – 2020

State or Territory	Total EMSV	% Total EMSV 2017 - 2020		% Population
		Population		
TX	1,002,587	12.0%	29,145,505	8.7%
GA	581,899	7.0%	10,711,908	3.2%
TN	547,990	6.6%	6,910,840	2.1%
FL	541,527	6.5%	21,538,187	6.4%
MO	504,227	6.1%	6,154,913	1.8%
AL	431,170	5.2%	5,024,279	1.5%
MS	408,660	4.9%	2,961,279	0.9%
OK	355,140	4.3%	3,959,353	1.2%
KY	304,189	3.7%	4,505,836	1.3%
WA	302,841	3.6%	7,705,281	2.3%
Top Ten Subtotal	4,980,230	59.8%	98,617,381	29.4%
All Other States or Territories	3,349,887	40.2%	236,455,795	70.6%
All States/Territories	8,330,117	100.0%	335,073,176	100.0%

See Table SD-11 in Appendix SD – Sales and Distribution for total EMSV among Type 02 FFLs in all states and territories between 2017 and 2020

Type 07 FFLs

Table SD-12a provides a breakdown of the top ten states and territories among Type 07 FFLs with the highest percentage increases in total EMSV from 2019 to 2020. The top ten states range from Delaware with an increase of 1,016% to Utah with approximately 121%. Overall, Type 07 FFLs showed an aggregate increase across all states and territories of approximately 94% between 2019 and 2020.

Table SD-12a: Top Ten States/Territories with the Highest Percentage Change in EMSV among Type 07 FFLs between 2019 and 2020

State or Territory	2019 EMSV	2020 EMSV	% Change 2019 - 2020
DE	100	1,116	1,016.0%
MI	19,501	60,315	209.3%
RI	509	1,528	200.2%
AL	17,757	50,379	183.7%
GA	14,916	39,232	163.0%
AZ	44,213	116,161	162.7%
MN	18,483	44,675	141.7%
AK	5,432	12,720	134.2%
NY	17,860	41,589	132.9%
UT	12,690	27,976	120.5%
All States/Territories	1,132,651	2,200,844	94.3%

See Table SD-12 in Appendix SD – Sales and Distribution for EMSV data with year-over-year percentage change across all states and territories among Type 07 FFLs between 2017 and 2020.

As reflected in Table SD-12b, the top ten states with the highest EMSV represent 58% of the national EMSV for the period 2017 – 2020. The top ten states range from California at approximately 15% in EMSV to Maryland at approximately 3%. All remaining states and territories comprise 42% of the national EMSV. Overall, among Type 07 FFLs, the top ten states’ share (58%) of national Type 07 EMSV is significantly greater than its share (43%) of national population.

Table SD-12b: Top Ten EMSV for Type 07 FFLs by State/Territory, 2017 – 2020

State or Territory	Total EMSV	% Total EMSV 2017 - 2020	Population	% Population
CA	795,900	14.9%	39,538,223	11.8%
FL	565,869	10.6%	21,538,187	6.4%
TX	448,988	8.4%	29,145,505	8.7%
WA	260,664	4.9%	7,705,281	2.3%
AZ	222,803	4.2%	7,151,502	2.1%
PA	218,572	4.1%	13,002,700	3.9%
OH	160,226	3.0%	11,799,448	3.5%
CO	157,629	2.9%	5,773,714	1.7%
NH	151,335	2.8%	1,377,529	0.4%
MD	133,145	2.5%	6,177,224	1.8%
Top Ten Subtotal	3,115,131	58.3%	143,209,313	42.7%
All Other States or Territories	2,231,044	41.7%	191,863,863	57.3%
All States/Territories	5,346,175	100.0%	335,073,176	100.0%

See Table SD-12 in Appendix SD – Sales and Distribution for total EMSV among Type 07 FFLs in all states and territories between 2017 and 2020.

EMSV Firearm Sales and Manufacturing

The Type 07 FFL permits the manufacture and retail sale of firearms. Table SD-13 examines seven different manufacturing and sales business profiles found among Type 07 FFLs. The manufacturing data is derived from AFMER reports and the EMSV data is derived from the available NICS data, see “*Description of EMSV Data Limitations*” in Appendix SD - Selling & Distribution. The business profiles were examined to determine whether Type 07 FFLs were primarily manufacturing firearms or were primarily selling firearms to non-licensees (direct sales). According to AFMER data, approximately 71% of Type 07 FFLs did not manufacture any firearms (see Table SD-13 rows 1, 2, 3, 4 - column % of Licensees). This set of Type 07 FFLs, however, accounted for approximately 55% of all EMSV (see rows 2, 4 – column % of EMSV) among Type 07 FFLs. Conversely, approximately 34% of all Type 07 FFLs neither manufactured a firearm nor conducted a firearm sale involving a NICS transaction (See rows 1 and 3 – column % of FFLs). Nearly 14% of Type 07 FFLs manufactured 99% of firearms distributed into commerce during this period (see rows 5 and 6 – column % of Mfg). Moreover, 6% of these Type 07 FFLs conducted no NICS transactions, while accounting for nearly 76% of all firearms manufactured and distributed into commerce during this period (see row 5).

Table SD-13, Type 07 FFLs by Market Profile, 2017 – 2020⁵²

Manufacturing and Firearms Sales Business Profile of Type 07 FFLs	# of FFLs	% of FFLs	Total Mfg	% of Mfg	EMSV⁵³	% of EMSV
No AFMER Report Filed - No Manufacturing - No Sale Conducted	2,571	12.6%	0	0.0%	0	0.0%
No AFMER Report Filed - No Manufacturing - Sales Conducted	1,651	8.1%	0	0.0%	301,508	5.6%
AFMER Report Filed - No Manufacturing Reported - No Sales Conducted	4,272	20.9%	0	0.0%	0	0.0%
AFMER Report Filed - No Manufacturing Reported - Sales Conducted	6,157	30.2%	0	0.0%	2,634,839	49.3%
AFMER Report Filed - Manufacturing Reported - No Sales Conducted	1,229	6.0%	25,686,841	75.7%	0	0.0%
AFMER Report Filed - Manufacturing Reported - Sales Conducted - Not Sales Oriented (Less than 50% of firearms are direct sales)	1,522	7.5%	8,137,190	24.0%	113,291	2.1%
AFMER Report Filed - Manufacturing Reported - Sales Conducted - Sales Oriented (50% or more of firearms are direct sales)	2,991	14.7%	130,215	0.4%	2,296,537	43.0%
Total	20,393	100.0%	33,954,246	100.0%	5,346,175	100.0%

EMSV Summary

Over this period, by far the largest increase of EMSV across all FFL types occurred between 2019 and 2020. Overall, total EMSV for all FFLs increased by approximately 65% between 2019 and 2020 with EMSV increasing by 64% for Type 01 FFLs and by 94% for Type 07 FFLs. In 2020, approximately 99% of all EMSV sales were transacted by Type 01 (74%), Type 02 (15%) and Type 07 (11%) FFLs.

EMSV also showed a fairly consistent increase between 2019 and 2020 for most states and territories. However, over the 2017 to 2020 period, EMSV transactions show variation in the degree to which EMSV is concentrated by state across different types of FFLs with Types 02 and 07 EMSV showing more concentration in the top ten states than Type 01 FFLs.

Analysis of EMSV data reveals that many FFLs do not engage in firearm sales that involve conducting NICS checks, and thus had no EMSV, or engage in low levels of EMSV. During the period 2017 to 2020, 27% of Type 01, 17% of Type 02, and 38% of Type 07 FFLs had no EMSV. In the same period, 58% of Type 01, 45% of Type 02, and 55% of Type 07 FFLs were determined to have low EMSV levels (1 to 500 EMSV). In total, from 2017 to 2020, 85% of Type 01 FFLs, 62% of Type 02 FFLs, and 92% of Type 07 FFLs had an EMSV less than 500.

The EMSV for the period 2017 to 2020 was developed from NICS transaction data that included no personally identifiable information about firearm purchasers or possessors. This is a preliminary analysis of EMSV data relating to states and U.S. territories from 2017 to 2020. This period involved several unique factors including the COVID pandemic, civil unrest, and an unusually contentious election. Consequently, a more in-depth analysis of this data is necessary.

Multiple Sale Reports

The GCA requires FFLs to complete and submit ATF Form 3310.4, *Multiple Sale or Other Disposition of Pistols and Revolvers* whenever an FFL sells or otherwise disposes of, at one time or during any five consecutive business days, two or more pistols, or revolvers, or any combination of pistols and revolvers totaling two or more, to an unlicensed person. This report is commonly referred to as a Multiple Sales Report (MSR). All FFLs are required to submit the MSR report to both ATF and their Chief Law Enforcement Officer (CLEO) by the close of the business day in which the multiple sale occurred. The MSR requirements do not apply when the firearms involved are returned to the same person from whom the FFL received the firearms, such as a pawn redemption.

As with other ATF forms, FFLs are instructed to record the descriptive information of the firearms (e. g. make, model, serial number, etc.) directly from the firearm itself.

ATF uses the reported multiple sale information to investigate possible firearms trafficking, as firearms recovered during law enforcement operations and traced to recent multiple sale transactions, could be an indicator of possible unlawful activity.

ATF purges purchaser names from MSRs 24 months after the purchase date unless the multiple sale transaction matches an associated trace transaction.

In June of 2011, ATF, under its current authority⁵⁴, issued Demand Letter 3 (DL3). DL3 was issued to assist ATF in its efforts to investigate and combat the illegal movement of firearms along and across the Southwest Border (SWB). DL3 requires Type 01 FFLs and Type 02 FFLs operating in the SWB States of Arizona, California, New Mexico, and Texas, to submit an *ATF Form 3310.12, Report of Multiple Sale or Other Disposition of Certain Rifles* on the multiple sales of certain specified rifles: semi-automatic rifles capable of accepting a detachable magazine and with a caliber greater than .22 (including .223/5.56 caliber).

Total MSRs and Associated Firearms, 2016 – 2020

For the period 2016 – 2020, FFLs reported a total of 2,538,875 multiple sale transactions representing 5,840,068 firearms.

Table SD-14 reflects the number of multiple sales transactions and the total number of firearms involved in those transactions as reported by the FFLs for the five-year period 2016 – 2020. It also shows the average number of firearms per MSR was approximately 2.3 firearms.

Table SD-14: Total Number of MSRs and Associated Firearms, 2016 – 2020

# of MSRs	# Firearms Involved	Average # of Firearms Involved per MSR
2,538,875	5,840,068	2.3

MSR Trends

As shown in Table SD-15, from 2016 to 2019 multiple sales transactions decreased by approximately 3% and the numbers of firearms associated with them decreased by less than 1%. Conversely, between

2019 and 2020 multiple sales transactions increased by approximately 29% and the numbers of firearms involved increased by approximately 24%.

Table SD-15: Total MSRs and Associated Firearms with YOY Percentage Change, 2016 – 2020

	2016	% Chg 2016-17	2017	% Chg 2017-18	2018	% Chg 2018-19	2019	% Chg 2019-20	2020	Total
# MSRs	499,365	-7.3%	462,816	0.4%	464,626	4.7%	486,657	28.5%	625,411	2,538,875
# Firearms Involved	1,142,020	-6.6%	1,066,525	1.5%	1,082,497	5.0%	1,136,130	24.4%	1,412,896	5,840,068

States and Territories

As Table SD-16b reflects, FFLs in ten states accounted for 51% of the MSRs and 51% of the firearms associated with those transactions for the period 2016 to 2020.

Table SD-16b: Top Ten States with Highest Percentage of MSRs and Associated Firearms, 2016 – 2020

State or Territory	# of MSRs	% Total MSRs	# of Firearms Involved	% Total of Firearms Involved
TX	307,636	12.1%	705,312	12.1%
FL	203,087	8.0%	465,315	8.0%
GA	125,645	4.9%	284,266	4.9%
OH	114,943	4.5%	260,270	4.5%
PA	105,612	4.2%	243,413	4.2%
NC	99,949	3.9%	223,953	3.8%
TN	99,241	3.9%	226,409	3.9%
AZ	90,879	3.6%	214,154	3.7%
AL	82,706	3.3%	184,986	3.2%
VA	74,327	2.9%	171,985	2.9%
Total	1,304,025	51.4%	2,980,063	51.0%

See Table SD-16 and Table SD-16a in Appendix SD – Sales and Distribution for total MSR data and associated firearms for all states and territories between 2016 and 2020.

MSR Firearm Type

Table SD-17a reflects the type of firearm reported in MSRs from 2016-2020. Pistols (4,543,212) and revolvers (1,150,953) account for 98% of all firearms reported in MSRs during this period.

Table SD-17a: Total MSR Associated Firearms by Weapon Type, 2016 – 2020

Weapon Type	# of Firearms Involved	% Total of Firearms Involved
Pistol	4,543,212	77.8%
Revolver	1,150,953	19.7%
Rifle	95,314	1.6%
Derringer	50,558	0.9%
Other	31	0.0%
Total	5,840,068	100.0%

See Table SD-17 in Appendix SD – Sales and Distribution for a breakdown of MSR associated firearms by weapon type and caliber between 2016 and 2020.

MSR Firearm Caliber

The types of firearms reported in MSRs by FFLs for the period 2016 to 2020 represent more than 180 calibers.

As reflected in Table SD-17b, ten calibers account for 94% of all calibers on MSRs for the period 2016 – 2020. Moreover, 9mm accounts for 41% (2,389,332) of the total number of MSRs.

Table SD-17b. Top Ten Calibers for MSRs, 2016-2020

Caliber	Derringer	Pistol	Revolver	Rifle	Other	Total # Firearms Involved	% Total of Firearms Involved
9	7,335	2,369,464	7,647	4,882	2	2,389,330	40.9%
22	14,553	433,354	428,797	2	5	876,711	15.0%
380	1,967	607,092	1,061	51	2	610,173	10.4%
45	3,356	504,149	60,815	1,238	2	569,560	9.8%
40	31	333,661	674	675		335,041	5.7%
38	9,311	12,930	259,083	8		281,332	4.8%
357	2,453	15,819	215,636	117		234,025	4.0%
556		47,031		40,840	2	87,873	1.5%
44	47	3,594	65,979	107		69,727	1.2%
32	905	38,292	22,312	30	2	61,541	1.1%
Total	39,958	4,365,386	1,062,004	47,950	15	5,515,313	94.4%

See Table SD-17 in Appendix SD – Sales and Distribution for a breakdown of MSR associated firearms by weapon type and caliber between 2016 and 2020.

MSR Manufacturers/Weapon Type/Calibers

Table SD-18 reflects the top ten manufacturer/weapon type/caliber combinations of firearms reported in MSRs between 2016 and 2020. These ten firearms account for nearly 39% (2,256,368) of the 5,840,068 firearms reported on MSRs during this period. Moreover, 9mm pistols account for five of the top ten firearms and approximately 25% (1,478,895) of the total number of firearms reported on MSRs between 2016 and 2020.

Table SD-18: Top Ten MSR Associated Firearms by Manufacturer/Weapon Type/Caliber Combination, 2016 – 2020

Manufacturer	Weapon Type	Caliber	Total # of Firearms Involved	% of Total Firearms Involved
Glock	Pistol	9mm	432,337	7.4%
Taurus	Pistol	9mm	338,864	5.8%
S&W	Pistol	9mm	306,993	5.3%
Sig Sauer	Pistol	9mm	249,479	4.3%
Heritage Mfg. Inc.	Revolver	.22	245,136	4.2%
Ruger	Pistol	.380	161,677	2.8%
Ruger	Pistol	9mm	151,222	2.6%
S&W	Revolver	.38	127,002	2.2%
Ruger	Pistol	.22	126,255	2.2%
S&W	Pistol	.380	117,403	2.0%
Total			2,256,368	38.6%

Southwest Border Demand Letter 3 MSR

As reflected in Table SD-19, from 2016 – 2020, ATF received 40,642 MSRs from FFLs in SWB states under the DL3. These MSRs involved the transfer of 95,175 rifles, representing approximately 2.3 rifles per MSR.

Table SD-19: Total DL3 MSRs and Associated Firearms by State, 2016 – 2020⁵⁵

State	2016		2017		2018		2019		2020		2016 - 2020	
	# MSRs	# Rifles Involved	# MSRs	# Rifles Involved	# MSRs	# Rifles Involved	# MSRs	# Rifles Involved	# MSRs	# Rifles Involved	Total # MSRs	Total # Rifles Involved
AZ	1,629	4,030	1,223	2,912	1,022	2,367	1,028	2,413	1,128	2,554	6,030	14,276
CA	6,889	15,689	1,760	4,321	949	2,129	989	2,238	888	2,045	11,475	26,422
NM	414	999	268	662	330	768	291	672	267	579	1,570	3,680
TX	6,435	15,121	3,623	8,553	3,921	9,463	3,672	8,595	3,916	9,065	21,567	50,797
Total	15,367	35,839	6,874	16,448	6,222	14,727	5,980	13,918	6,199	14,243	40,642	95,175

As reflected in Table SD-19a, FFLs in Texas reported more than 53% (21,567) of the DL3 MSRs and accounted for more than 53% (50,797) of the rifles associated with MSRs in the SWB between 2016 and 2020.

Table SD-19a: Total Percentage of DL3 MSRs and Associated Rifles by State, 2016 – 2020

State	# of MSRs	% Total of MSRs	# of Rifles	% Total of Rifles
TX	21,567	53.1%	50,797	53.4%
CA	11,475	28.2%	26,422	27.8%
AZ	6,030	14.8%	14,276	15.0%
NM	1,570	3.9%	3,680	3.9%
Total	40,642	100.0%	95,175	100.0%

DL3 MSR SWB Trends

From 2016-2018, DL3 MSRs decreased and then between 2019 and 2020 reporting increased. As reflected in Table SD-19b, the largest decrease in DL3 MSRs occurred between 2016 and 2017 when MSRs decreased by over 55% and the numbers of rifles associated with the MSRs decreased by 54%. Conversely, from 2019 to 2020 MSRs increased by 4% and the numbers of firearms increased by over 2%.

Table SD-19b: DL3 MSRs and Associated Rifles with YOY Percentage Change, 2016 – 2020

Years	# of MSRs & Rifles with YOY % Change	AZ	CA	NM	TX	Total
2016	# of MSRs	1,629	6,889	414	6,435	15,367
2016	# of Rifles	4,030	15,689	999	15,121	35,839
2016 to 2017	% Change MSRs	-24.9%	-74.5%	-35.3%	-43.7%	-55.3%
2016 to 2017	% Change Rifles	-27.7%	-72.5%	-33.7%	-43.4%	-54.1%
2017	# of MSRs	1,223	1,760	268	3,623	6,874
2017	# of Rifles	2,912	4,321	662	8,553	16,448
2017 to 2018	% Change MSRs	-16.4%	-46.1%	23.1%	8.2%	-9.5%
2017 to 2018	% Change Rifles	-18.7%	-50.7%	16.0%	10.6%	-10.5%
2018	# of MSRs	1,022	949	330	3,921	6,222
2018	# of Rifles	2,367	2,129	768	9,463	14,727
2018 to 2019	% Change MSRs	0.6%	4.2%	-11.8%	-6.4%	-3.9%

2018 to 2019	% Change Rifles	1.9%	5.1%	-12.5%	-9.2%	-5.5%
2019	# of MSRs	1,028	989	291	3,672	5,980
2019	# of Rifles	2,413	2,238	672	8,595	13,918
2019 to 2020	% Change MSRs	9.7%	-10.2%	-8.2%	6.6%	3.7%
2019 to 2020	% Change Rifles	5.8%	-8.6%	-13.8%	5.5%	2.3%
2020	# of MSRs	1,128	888	267	3,916	6,199
2020	# of Rifles	2,554	2,045	579	9,065	14,243
Total MSRs		6,030	11,475	1,570	21,567	40,642
Total Rifles		14,276	26,422	3,680	50,797	95,175

DL3 MSR Firearm Calibers

For the period 2016 through 2020, ten rifle calibers represent over 93% of the 95,175 rifles reported in DL3 MSRs. As reflected in Table SD-20a, 5.56mm rifles represented almost 43% (40,785) of the rifles reported by FFLs in the SWB states. Three calibers, 5.56mm, 7.62, and .223 accounted for over 68% (65,060) of the total 95,175 rifles reported.

Table SD-20a: Top Ten Calibers for DL3 MSR Associated Rifles, 2016 – 2020

Caliber	AZ # of Rifles Involved	CA # of Rifles Involved	NM # of Rifles Involved	TX # of Rifles Involved	Total Rifles Involved	% Total Rifles Involved
5.56	6,281	11,200	1,448	21,856	40,785	42.9%
7.62	2,342	5,111	412	6,812	14,677	15.4%
.223	1,558	1,872	474	5,694	9,598	10.1%
.308	972	2,422	250	3,599	7,243	7.6%
MULTI	802	1,424	370	3,650	6,246	6.6%
.9	670	2,099	162	1,947	4,878	5.1%
.300	197	189	69	1,289	1,744	1.8%
6.5	147	114	72	1,072	1,405	1.5%
.45	167	502	42	525	1,236	1.3%
30-06	157	275	50	559	1,041	1.1%
Top Ten Subtotal	13,293	25,208	3,349	47,003	88,853	93.4%
% of SWB Rifles	93.1%	95.4%	91.0%	92.5%	93.4%	
All Other Calibers	6.9%	4.6%	9.0%	7.5%	6.6%	6.6%
Total	14,276	26,422	3,680	50,797	95,175	100.0%

See Table SD-20 in Appendix SD – Sales and Distribution for a breakdown of MSRs and associated rifles by SWB state and caliber between 2016 and 2020.

DL3 MSR Firearm Manufacturers/Calibers

Table SD-21 reflects the top ten DL3 MSR associated rifles by manufacturer/caliber combination. These ten rifles account for nearly 32% (30,365) of the 95,175 rifles reported in DL3 MSRs between 2016 and 2020.

Among the top ten manufacturers, the 5.56mm caliber rifles represented the dominant caliber encompassing 75% (22,792) of the 30,365 rifles, with Smith & Wesson and Sturm Ruger representing almost 42% (12,724) of that total.

Table SD-21: Top Ten DL3 MSR Associated Rifles by Manufacturer/Caliber Combination, 2016 – 2020

Manufacturer	Caliber	# of Rifles	% of Total DL3 Rifles
Smith & Wesson	5.56	7,435	7.8%
Sturm, Ruger & Company, Inc.	5.56	5,289	5.6%
Century Arms International	7.62	3,723	3.9%
Colt	5.56	3,414	3.6%
DPMS Inc.	.223	2,408	2.5%
DPMS Inc.	5.56	1,796	1.9%
Diamondback Arms, Inc.	5.56	1,751	1.8%
Anderson Manufacturing	5.56	1,580	1.7%
Bushmaster Firearms	5.56	1,527	1.6%
Anderson Manufacturing	MULTI	1,442	1.5%
Total		30,365	31.9%

As reflected in Table SD-22, from 2016 to 2020, the top ten manufacturers of 5.56mm rifles reported on DL3 MSRs account for nearly 66% (26,873) of the total 40,785 5.56mm caliber rifles reported in DL3 MSRs.

Table SD-22: Top Ten DL3 MSR Associated Rifles with a 5.56 Caliber by Manufacturer, 2016 – 2020

Manufacturer	# of Rifles	% of Total DL3 Rifles
Smith & Wesson	7,435	18.2%
Sturm, Ruger & Company, Inc.	5,289	13.0%
Colt	3,414	8.4%
DPMS Inc.	1,796	4.4%
Diamondback Arms, Inc.	1,751	4.3%
Anderson Manufacturing	1,580	3.9%
Bushmaster Firearms	1,527	3.7%
American Tactical Imports - ATI	1,403	3.4%
Del-Ton, Inc.	1,358	3.3%
Sig Sauer (Sig-Arms)	1,320	3.2%
Top Ten Subtotal	26,873	65.9%
All Other Manufacturers	13,912	34.1%
Total	40,785	100.0%

MSR Summary

From 2016 to 2020, FFLs reported 2,538,875 MSRs involving 5,840,068 firearms. The average number of firearms per MSR transaction was approximately 2.3 firearms. Overall, during this five-year period, MSRs decreased by 3% and the number of firearms associated with them decreased by less than 1%. However, between 2019 and 2020, MSRs drastically increased by nearly 29% and the number of firearms associated increased by more than 24%.

Further analysis showed that FFLs in ten states accounted for 51% of the MSRs and 51% of the firearms associated with those transactions for the period. Texas and Florida accounted for approximately 20% of all reported MSRs. Pistols and revolvers accounted for 98% of the total firearms reported in MSRs during the period. The most dominant caliber associated with MSRs was 9mm, accounting for just over 41% of the total. Ten firearm manufacturer/type/caliber combinations, accounted for 39% of the total firearms that were reported by FFLs across the states and territories for the period.

From 2016 to 2020, ATF received 40,642 DL3 MSRs from FFLs in SWB states. These MSRs involved 95,175 firearms, representing approximately 2.3 rifles per MSR. Further analysis of the DL3 MSRs indicated the DL3 MSRs decreased significantly from 2016 to 2018 (-55%) and then increased modestly (4%) between 2019 and 2020. Ten rifle calibers represented over 93% of the rifles reported in DL3 MSRs. Three of the ten calibers, 5.56, 7.62 and .223 accounted for over 68% of the total rifles associated with DL3 MSRs. Ten manufacturer/caliber combinations (5.56mm, 7.62mm and .223 cal.) represented over 32% (30,365) of the 95,175 rifles reported in DL3 MSRs.