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August 9, 2019

Devin Wenig
2025 Hamilton Avenue
San Jose, California, 95125

Dear Mr. Wenig:

We write to urge you to immediately implement stronger measures to keep guns and gun accessory sales off your platform. America is in the throes of a gun violence epidemic and it is incumbent upon corporate America to do its part to help end the carnage.

eBay prohibits the sale of complete firearms and certain firearm parts and types of ammunition from being sold on its website.¹ Unfortunately, it appears as though eBay's efforts to enforce its own policies are insufficient. For example, eBay purports to prohibit the sale of "[p]arts or accessories for assault weapons."² The policy states that it extends to "[l]istings or products that mention capability with an assault weapon, even if the part of accessory fits non-assault weapons."³ As the *Los Angeles Times* recently reported, "[t]hat language leaves plenty of gray area that sellers are happy to exploit."⁴ They are reported to use techniques as simple as putting spaces in the names of gun parts manufacturers or simply not mentioning that a part can be used to construct an assault rifle.⁵ As early as 2015, an investigative report identified hundreds of assault weapon parts available for sale in an extensive search of eBay listings.⁶ Sellers likewise circumvent eBay's policy by removing a single, easily-purchased part from otherwise-banned assault weapon, for example the lower receiver of a gun that can be easily purchased secondhand from a private seller through classified ads or private websites, completing the assembly of an assault weapon.⁷ Clearly, eBay must do more to keep these items off its platform.

We applaud eBay for prohibiting the sale of firearms and regularly conducting keyword searches to remove listings that include firearms.⁸ However, the unrestricted sale of firearms and firearm accessories, including those used to construct assault weapons, can provide dangerous individuals with access to guns. Effective monitoring and the suspension of accounts in violation of these policies is essential. As such, we have concerns that eBay's efforts are falling short of what is required in light of the current crisis.

To address these concerns, please provide answers to the following questions no later than September 9, 2019:

¹ <https://www.ebay.com/help/policies/prohibited-restricted-items/firearms-weapons-knives-policy?id=4277#section2>

² Id.

³ Id.

⁴ <https://www.latimes.com/business/story/2019-08-07/ebay-assault-rifle-parts>

⁵ <https://www.theverge.com/2015/3/11/8189517/ebay-selling-assault-weapon-parts>

⁶ <http://www.revealnews.org/article/ebay-sellers-easily-skirt-rules-banning-assault-weapon-parts/>

⁷ Id.

⁸ Id.

1. On average, how many listings for gun and/or gun accessory sales does eBay take down per month?
2. On average, how many accounts does eBay suspend for violating the gun sale policy per month?
3. What measures does eBay have in place to ensure that if an account is suspended for violating the gun sale policy, that seller cannot create another account under a different username?
4. What proactive measures does eBay take to ensure that users are not able to skirt eBay's ban on gun sales?
5. What policies does eBay have in place to alert law enforcement to instances of gun trafficking on its platforms?
6. How does eBay handle reports from users alerting it to listings for gun and/or gun accessory sales on eBay? On average how many instances of gun sales are flagged by users each month?
7. Given that eBay searches conducted mere weeks before the attacks in El Paso and Dayton yielded results for high-capacity magazines and bump stocks,⁹ please describe in detail what new measures eBay will implement to ensure these products are kept off its platform.

Sincerely,




Robert Menendez

United States Senator



Edward J. Markey

United States Senator



Amy Klobuchar

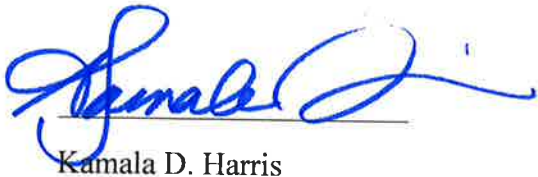
United States Senator



Mazie K. Hirono

United States Senator

⁹ <https://www.latimes.com/business/story/2019-08-07/ebay-assault-rifle-parts>



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