

United States Senate

WASHINGTON, DC 20510

June 16, 2015

Dan Schulman
President and CEO Designee
PayPal Inc.
2211 North First Street
San Jose, California 95131

Dear Mr. Schulman,

We are writing to you with concerns regarding recent changes to PayPal's User Agreement. According to the story in The Washington Post, ("A horrible new PayPal policy opts you into getting robocalls, June 3, 2015), PayPal "is rolling out an update to its user agreement that threatens to bombard you with 'autodialed or prerecorded calls and text messages' – and worse, by agreeing to the updated terms, you're immediately opted in." The User Agreement explains that consumers cannot opt out of these new terms without also forfeiting their ability to use PayPal services. This new policy could adversely affect consumers by exposing them to a barrage of unwanted calls that are unstoppable unless consumers choose to discontinue using PayPal.

For more than two decades, consumers have benefited from the privacy protections provided by Telephone Consumer Protection Act (TCPA). The law has prevented unsolicited and intrusive robocalls to consumers at home or on their mobile phones. While companies do have the option to robocall a consumer's phone number after they obtain consumer consent, consumers have the right, including when they sign-up for any service including PayPal, to decline to receiving unwanted calls.

We understand that PayPal has received a communication from the Enforcement Bureau of the Federal Communications Commission (FCC) outlining TCPA compliance requirements, including the requirement that the use of a service cannot be conditioned on consent to receive robocalls that fall under the TCPA. We share the FCC's perspective and believe consumers should not have to agree to submit themselves to intrusive robocalls in order to use a company's service.

Thank you for your attention to this important issue. Please respond in writing by July 7, 2015, about whether PayPal is reexamining its User Agreement, and if the company is undertaking this reexamination, the ways the agreement will be altered to address these concerns. Should you have any further questions please contact Joseph Wender or Grace Ogilby of Senator Markey's staff at (202) 224-2742.

Sincerely,



Edward J. Markey
United States Senator



Al Franken
United States Senator



Robert Menendez
United States Senator



Ron Wyden
United States Senator