



HONORABLE ALAN LOWENTHAL
MEMBER OF CONGRESS
2013-2023

Lisa Stevenson
Federal Election Commission
Office of the General Counsel
1050 First Street, NE
Washington, D.C. 20463
E-Mail: ao@fec.gov

RECEIVED

By Office of General Counsel at 9:08 am, Jul 01, 2024

RECEIVED

By Office of the Commission Secretary at 3:59 pm, Jul 23, 2024

RE: Request for Advisory Opinion on behalf of retired Congressman Alan Lowenthal and Alan Lowenthal for Congress

Dear Ms. Stevenson:

I write on behalf of myself and my campaign committee, Alan Lowenthal for Congress, to request an advisory opinion from the Federal Election Commission ("Commission"), pursuant to 52 U.S.C. § 30108, regarding the application of the Federal Election Campaign Act of 1971, as amended (the "Act"), to the question of using some of my retained campaign funds to pay a researcher and/or editor to assist in drafting a publication or series of publications related to my experiences in Congress.

1. Factual Background

My name is Alan Lowenthal and I am a retired Congressman who served from 2013 to 2023 in the United States House of Representatives (House) representing California's 47th Congressional district. I voluntarily retired in January 2023. My campaign fund, which I control and still retains funds, is "Alan Lowenthal for Congress" with an FEC identification number C00498212.

I have been asked repeatedly by my former constituents to relate publicly some of my experiences while serving in the House, as a way to provide greater insight to not only the history of the House during my tenure, but also the inner workings of the House itself.

I am considering three options to satisfy these requests.

The first option would be to publish a series of articles relating my Congressional experiences, to be published in a local newspaper, journal, or other form of print or online publication that does not pay for contributions and would generate no profit to me.

The second option under consideration would be to write a book, memoir, or manuscript relating the same information, that if published, would possibly generate profit in the form of advances, sales and/or royalties.

The third option under consideration would be to write a book, memoir, or manuscript relating the same information, that if published, would possibly generate profit in the form of advances, sales and/or royalties which I would donate to a charitable organization described in section 501(c)(3) of the Internal Revenue Code.

AOR001

In order to accomplish any of these options, I wish to hire a third-party researcher and/or editor to assist with the creation of this content. I wish to utilize some of the remaining funds from my campaign committee to do this.

The contract between the myself and the researcher and/or editor would be on a flat rate basis. In the first option, payment would be a flat rate per article. In the second and third options, the payment would be a flat rate for the entire product.

2. Questions Presented

May I use some of the remaining campaign committee funds which I control to pay a third-party researcher and/or editor to assist with the creation of content that will generate no profit (such as newspaper or journal articles) to myself?

May I use some of the remaining campaign committee funds which I control to pay a third-party researcher and/or editor to assist with the creation of content (such as a published book, memoir, or manuscript) that will likely generate profit to myself in the form of publishing advances, sales, and/or royalties?

May I use some of the remaining campaign committee funds which I control to pay a third-party researcher and/or editor to assist with the creation of content (such as a published book, memoir, or manuscript) that will likely generate profit to the myself in the form of publishing advances, sales, and/or royalties if I donate any generated profits to a charitable organization described in section 501(c)(3) of the Internal Revenue Code?

3. Conclusion

I appreciate the Commission's consideration of this request and my campaign committee and I respectfully request issuance of an advisory opinion confirming that the Act and Commission regulations do not restrict either entity from taking the actions described herein.

Respectfully,



Congressman Alan Lowenthal, retired

From: [Alan Lowenthal](#)
To: [Luis Lipchak](#)
Cc: [Robert Knop](#)
Subject: Re: Phone Call Follow-Up - Lowenthal PreAOR 597
Date: Tuesday, July 16, 2024 11:42:54 PM

Luis,
I confirm the accuracy of the four statements listed in your email.
Thank you,
Alan Lowenthal
Member of Congress
2013-2023

On Tue, Jul 16, 2024 at 1:28 PM Luis Lipchak <llipchak@fec.gov> wrote:

Good afternoon,

Thank you for speaking with us today regarding your request for an advisory opinion. We are following up to confirm the information that you provided to us on the call related to your request.

1. You confirmed that you do not plan to campaign for office.
2. You indicated that the work product of the proposed researcher/editor you plan to hire does not have any campaign purposes.
3. You confirmed that the person you plan to hire would not be a family member.
4. You confirmed that the researcher/editor would not have any duties other than researching and writing the material detailed in your request.

Please send me an email that either confirms the accuracy of these statements or corrects them.

Your response may be considered part of the advisory opinion request; if so, it will be posted on the Commission's website.

Thank you,

Luis Lipchak
Federal Election Commission

Office of General Counsel – Policy Division

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