



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RQ-5

Patricia Ann Tilson, Treasurer
Burlington Northern Santa Fe Corporation
RAILPAC (BNSF RAILPAC)
Post Office Box 961039
Fort Worth, TX 76102

JAN 18 2002

Identification Number: C00235739

Reference: October Monthly Report (9/1/01-9/30/01)

Dear Ms. Tilson:

This letter is prompted by the Commission's preliminary review of the report(s) referenced above. The review raised questions concerning certain information contained in the report(s). An itemization follows:

-Schedule B of your report discloses an in-kind contribution(s) designated for the general election, but made before the primary election (pertinent portion(s) attached). In-kind contributions of equipment, such as computers, with a long-term useful life (e.g., an election cycle, or perhaps longer) are similar to contributions of money and may be designated for elections beyond the next election, provided the contributor designates the contribution as such in writing. A contribution of this type of equipment is distinguishable from in-kind contributions that are used only for one particular election, such as non-exempt contributions of food or beverages consumed by primary election day workers, or printing or mailing costs related to general election events or fundraisers. Please amend your report to include a description of the nature of the in-kind contribution(s) in question. If the in-kind contribution(s) on your report does not have a "long-term useful life", it may constitute an excessive contribution(s) for the primary election (see Advisory Opinion 1996-29).

If any apparently excessive contribution in question was incompletely or incorrectly disclosed, you should amend your original report with clarifying information.

If you have made an excessive contribution, you must request a refund or

provide a written authorization for a redesignation of the contribution pursuant to 11 CFR §110.2(b) within 60 days of the treasurer's receipt.

If the foregoing conditions for redesignations were not met within 60 days of the treasurer's receipt, your committee must obtain a refund.

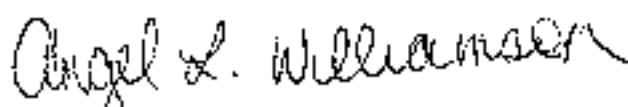
Please inform the Commission of your corrective action immediately in writing and provide a photocopy of the refund or redesignation request sent to the recipient committee(s). In addition, any refunds should be reported on Schedule A supporting Line 16 of the Detailed Summary Page of the report covering the period in which they are made. Redesignations should be reported as memo entries on Schedule B of the report covering the period in which the redesignation is made. 11 CFR §110.2(b)

Although the Commission may take further legal steps, prompt action by your committee to refund or seek redesignation of the excessive amount will be considered.

-Schedule B supporting Line 23 of your report discloses a contribution(s) to Illinois Senate 2000; however, you have disclosed "Richard J. Durbin (IL-D)" in the purpose of disbursement field(s). Please clarify whether this was an earmarked contribution(s) made by your committee through Illinois Senate 2000 committee to this candidate, or if you made the contribution to the political committee exercising no direction or control over how the funds were to be used. If the latter is the case, please do not include the candidate's name in the purpose of disbursement field. Please amend your report to clarify the ultimate recipient of this contribution(s).

Any amendment or clarification should be filed with the Federal Election Commission. Electronic filers must file amendments in an electronic format and must submit an amended report in its entirety, rather than just those portions of the report that are being amended. If you need assistance, please feel free to contact me on our toll-free number, (800) 424-9530 (at the prompt press 1, then press 2 to reach the Reports Analysis Division). My local number is (202) 694-1130.

Sincerely,



Angel L. Williamson
Senior Reports Analyst
Reports Analysis Division

SCHEDULE B (FEC Form 3X)
ITEMIZED DISBURSEMENTS

Use separate schedule(s)
for each category of the
Detailed Summary Page

FOR LINE NUMBER:
(check only one)

PAGE 200 / 204

☐ 21b ☐ 22 ☒ 23 ☐ 24 ☐ 25
☐ 26 ☐ 27 ☐ 28a ☐ 28b ☐ 28c ☐ 29

Any information copied from such Reports and Statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee

NAME OF COMMITTEE (In Full)

Burlington Northern Santa Fe Corporation RAILPAC

Full Name (Last, First, Middle Initial)

A. Upton for All of Us

Mailing Address

4451 Brookfield Corporate Dr., Sul

City

Chantilly

State

VA

Zip Code

20151-1652

Purpose of Disbursement

Contribution: Frederick S. Upton (MI-6-R)

Candidate Name

Frederick S. Upton (MI-6-R)

Category
Type

Office Sought:

☒ House

☐ Senate

☐ President

Disbursement For:

☒ Primary

☐ General

Other (specify) ▼

State: MI

District: 6

Date of Disbursement

09 / 20 / 2001

Amount of Each Disbursement this Period

1000.00

Contribution: Frederick S. Upton (MI-6-R)

Transaction ID: D29689

Full Name (Last, First, Middle Initial)

B. Burlington Northern Santa Fe

Mailing Address

2500 Lou Menk Drive

City

Fort Worth

State

TX

Zip Code

76131-2828

Purpose of Disbursement

Contribution: Max Baucus (MT-D); In-kind

Candidate Name

Max Baucus (MT-D)

Category
Type

Office Sought:

☐ House

☒ Senate

☐ President

Disbursement For:

☒ Primary

☐ General

Other (specify) ▼

State: MT

District: 0

Date of Disbursement

10 / 20 / 2001

Amount of Each Disbursement this Period

2000.00

Contribution: Max Baucus (MT-D); In-kind

Transaction ID: D29690

Full Name (Last, First, Middle Initial)

C. Burlington Northern Santa Fe

Mailing Address

2500 Lou Menk Drive

City

Fort Worth

State

TX

Zip Code

76131-2828

Purpose of Disbursement

Contribution: Max Baucus (MT-D); In-kind

Candidate Name

Max Baucus (MT-D)

Category
Type

Office Sought:

☐ House

☒ Senate

☐ President

Disbursement For:

☐ Primary

☒ General

Other (specify) ▼

State: MT

District: 0

Date of Disbursement

09 / 20 / 2001

Amount of Each Disbursement this Period

596.00

Contribution: Max Baucus (MT-D); In-kind

Transaction ID: D29681

SUBTOTAL of Disbursements This Page (optional)

TOTAL This Period (last page this line number only)

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