

# New Complaint Filed Charging a Dual U.S./ Russian Citizen with Unlawfully Acting as a Foreign Agent for the Russian Government

March 10, 2022

On March 8, 2022, the Department of Justice (DOJ) announced its filing of a Complaint charging dual Russian and U.S. citizen Elena Branson with several counts, including conspiracy to act as an agent of the Russian government without notifying the Attorney General in violation of 18 U.S.C § 951, conspiracy to act as an unregistered agent of a foreign principal (*i.e.*, the Russian Federation, the Government of Moscow, and officials of those governments in Russia) in violation of the Foreign Agents Registration Act (FARA), and failure to register as an agent of a foreign principal under FARA. According to the Complaint, which is provided here, beginning in at least 2011, Ms. Branson worked on behalf of the Russian government and Russian officials to advance Russian interests in the United States, including by coordinating meetings for Russian officials to lobby the U.S. government/U.S. business interests, and by operating organizations in the United States for the purpose of publicly promoting Russian government policies. For instance, the Complaint alleges that:

- “In or about 2012, after BRANSON received approval from the highest levels of the Russian Government, she incorporated an organization in the United States named the Russian Center New York (RCNY). RCNY’s ‘mission’ outlined on its website is “to celebrate and share Russian cultural heritage for the enrichment of [the Russian American] community, improve relations between the American and the Russian people, protect the rights of Russian Americans and encourage their participation in public and cultural affairs of the U.S.”

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## Practice Areas

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- “In addition to her position with the RCNY, BRANSON is the Chairperson of the Russian Community Council of the USA (KSORS), an organization formerly known as the Coordinating Council of Russian Compatriot Organizations in the United States and that is, at least in part, funded by various Russian Government-run entities. KSORS has, among other things, coordinated an ‘I Love Russia’ campaign in the United States and organized youth forums focused on the promotion of Russian history and culture to American youths.”

Notwithstanding her engagement in these and other political and quasi-political activities for the Russian government, Ms. Branson never notified the Attorney General of her activities under Section 951 nor did she register under FARA.

By way of background, Section 951 provides criminal penalties for certain agents of foreign governments who act in the United States without first notifying the Attorney General. Section 951 cases generally involve espionage-like or clandestine behavior, information gathering, or procurement of technology on behalf of foreign governments or officials. Section 951 is centered on criminal enforcement of violations and has no formal administrative registration system. Moreover, the definition of foreign principal under Section 951 is limited to foreign governments and officials. Registration under FARA serves as the requisite notice under Section 951.

FARA is a disclosure statute designed to make public foreign influence activities in the United States. FARA requires agents of foreign principals involved in political or quasi-political activities in the United States to register as foreign agents and disclose the relevant relationship and activities. The definition of foreign principal under FARA is broadly defined to include not only foreign governments and foreign political parties, but also foreign companies and foreign individuals, whether private or public individuals. Like Section 951, FARA does authorize criminal penalties for violations; however, FARA’s main purpose is transparency, not criminal prosecution.

In his statement regarding the Complaint, FBI Assistant Director-in-Charge Michael J. Driscoll said: “As alleged, Branson worked as an illegal agent of the Russian government in circumvention of FARA requirements. At the direction of the Russian government, she led a years-long campaign to identify the next generation of American leaders, cultivate information channels, and shape U.S. policy in favor of Russian objectives. This case highlights the breadth of Russia’s relentless intelligence and malign influence activities targeting the United States. The FBI will continue to be just as aggressive in uncovering and dismantling these Russian government networks who seek to harm our national security.” If convicted, Ms. Branson, who fled the United States in 2020 and remains at-large, faces a potentially lengthy prison sentence.

This new Complaint follows closely behind the heels of the broad U.S. sanctions recently imposed on Russia for its invasion of Ukraine, and highlights DOJ’s continued focus on aggressively enforcing not only FARA, but also Section 951. These and other recent enforcement actions involving foreign agents reinforce the importance of ensuring maximum compliance with U.S. foreign agent laws.

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