

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

PUBLIC CITIZEN,
1600 20th Street NW
Washington, DC 20009,

Plaintiff,

v.

UNITED STATES DEPARTMENT OF STATE,
2201 C Street NW
Washington, DC 20520,

Defendant.

Civil Action No. 26-2929

COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF

1. Plaintiff Public Citizen brings this action under the Freedom of Information Act (FOIA), 5 U.S.C. § 552, to compel Defendant United States Department of State (State Department) to produce records responsive to a FOIA request seeking records of negotiated frameworks, memoranda of understanding (MOUs), and other documents reflecting agreements between the United States and other nations relating to critical minerals.

JURISDICTION AND VENUE

2. This Court has jurisdiction under 5 U.S.C. § 552(a)(4)(B) and 28 U.S.C. § 1331. Venue is proper under 5 U.S.C. § 552(a)(4)(B) and 28 U.S.C. § 1391(e).

PARTIES

3. Plaintiff Public Citizen is a nonprofit organization headquartered in Washington, DC. Public Citizen, through its Global Trade Watch unit, submitted the FOIA request at issue in this action.

4. Defendant State Department is an agency of the United States headquartered in Washington, DC, and has possession and control of the records that Public Citizen seeks.

STATEMENT OF FACTS

5. On February 4, 2026, the State Department released a “2026 Critical Minerals Ministerial” fact sheet, which stated: “Today, the United States signed eleven new bilateral critical minerals frameworks or MOUs with countries, including Argentina, the Cook Islands, Ecuador, Guinea, Morocco, Paraguay, Peru, the Philippines, the United Arab Emirates, the United Kingdom, and Uzbekistan. The United States signed ten other critical mineral frameworks or MOUs in the past five months and reached completion of negotiations on such agreements with seventeen other countries.” U.S. Dep’t of State, *2026 Critical Minerals Ministerial, Fact Sheet* (Feb. 4, 2026), <https://www.state.gov/releases/office-of-the-spokesperson/2026/02/2026-critical-minerals-ministerial>.

6. On June 1, 2026, Public Citizen submitted a FOIA request to State, seeking records memorializing agreements between the United States and foreign countries relating to critical minerals. Specifically, the June 1 FOIA request sought:

- a. The texts of the eleven new bilateral critical minerals frameworks or MOUs with Argentina, the Cook Islands, Ecuador, Guinea, Morocco, Paraguay, Peru, the Philippines, the United Arab Emirates, the United Kingdom, and Uzbekistan;
- b. A list of the ten unnamed countries with which the United States has signed a critical mineral framework or MOU, and the texts of each of those agreements; and
- c. A list of the seventeen countries with which the United States has reached completion of negotiations on such agreements, and the latest text from each of those negotiations.

7. The request covered all records created from January 20, 2025, through the date of the agency’s search.

8. Public Citizen sought a full waiver of fees for its FOIA request because disclosure of the requested records is in the public interest and not for commercial use.

9. The State Department did not acknowledge Public Citizen's FOIA request and did not assign the request a FOIA tracking number.

10. On June 11, 2026, Public Citizen emailed the State Department's FOIA office to request an acknowledgement and status update on its FOIA request. State did not respond to Public Citizen's request.

11. On August 3 and August 4, 2026, Public Citizen called the State Department's FOIA office on six separate occasions. Public Citizen received a busy signal on each occasion.

12. On August 7, 2026, a Public Citizen employee was able to connect with the State Department's FOIA office by telephone. The FOIA office stated in that call that the State Department would issue an acknowledgement of the FOIA request the following week.

13. The State Department has not sent an acknowledgement of receipt of Public Citizen's FOIA request and has not assigned the request a tracking number.

14. The State Department has not made final determinations and has not released any records in response to Public Citizen's FOIA request.

15. More than twenty business days have passed since Public Citizen submitted its FOIA request.

CLAIMS FOR RELIEF

16. Public Citizen has a right under FOIA, 5 U.S.C. § 552, to the records responsive to its FOIA request and to a public-interest fee waiver.

17. The State Department's failure to disclose the requested records has no legal basis.

PRAYER FOR RELIEF

WHEREFORE, Public Citizen requests that this Court:

- A. Declare that the State Department's failure to provide the records responsive to Public Citizen's FOIA request is unlawful;
- B. Order the State Department to make the requested records available to Public Citizen at no cost and without delay;
- C. Award Public Citizen its costs and reasonable attorneys' fees pursuant to 5 U.S.C. § 552(a)(4)(E); and
- D. Grant such other relief as this Court may deem just and proper.

Dated: August 20, 2026

Respectfully submitted,

/s/ Nandan M. Joshi
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