

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

_____)	
PUBLIC CITIZEN,)	
1600 20th Street NW)	
Washington, DC 20009,)	
Plaintiff,)	Civil Action No. 26-1137
)	
v.)	
)	
UNITED STATES DEPARTMENT OF)	
STATE,)	
2201 C Street NW)	
Washington, DC 20520,)	
Defendant.)	
_____)	

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) to produce records responsive to six FOIA requests that seek health funding agreements between State and foreign nations.

JURISDICTION AND VENUE

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

PARTIES

4. Plaintiff Public Citizen is a nonprofit organization headquartered in Washington, DC. Public Citizen submitted the FOIA requests at issue in this action.

5. Defendant State is an agency of the United States. State has possession or control of the records responsive to each of the FOIA requests at issue in this matter.

BACKGROUND

State's Health Funding Agreements

6. From December 2025 through February 2026, State entered into dozens of agreements with foreign nations regarding health funding. These agreements typically consisted of a memorandum of understanding (“MOU”) that outlined a framework for health funding and at least one additional agreement regarding data-sharing or other issues (“related agreements”).

7. In March 2026, State briefly published a subset of the MOUs on its website, but it subsequently removed public access to those documents. State has not published the remaining MOUs or any of the related agreements.

Plaintiff's FOIA Requests

8. On December 20, 2025, Public Citizen submitted a FOIA request to State for records regarding State's agreements with Kenya, Rwanda, Liberia, Uganda, Lesotho, Eswatini, Mozambique, and Cameroon (“Kenya Request”). For each agreement, Public Citizen sought the “health framework of cooperation” or “bilateral health cooperation memorandum of understanding,” and “its appendices, all related understandings and agreements (including, but not limited to, data sharing agreement, specimen agreement, and financing agreement(s)), related budget tables, and agreement implementation plans.”

9. Public Citizen limited the Kenya Request to records from December 1, 2025, through the date of the search.

10. In the Kenya Request, Public Citizen sought a full waiver of fees because disclosure of the requested records would be in the public interest and not for commercial use.

11. State assigned the Kenya Request tracking number F-2026-07013.

12. On December 30, 2025, State responded to the Kenya Request, denying Public Citizen's request for a fee waiver and stating that it could not provide a final determination or final production of records within twenty working days of the request due to "unusual circumstances."

13. On February 13, 2026, Public Citizen filed an administrative appeal of State's denial of a fee waiver for the Kenya Request.

14. State assigned Public Citizen's appeal of the fee waiver denial for the Kenya Request tracking number A-2026-00165.

15. On March 30, 2026, Public Citizen requested an estimated date of completion for the response to the Kenya Request. State acknowledged the request but did not provide an estimated date of completion.

16. More than thirty working days have passed since Public Citizen submitted the Kenya Request, and State has not made a final determination or a final production of records in response to the request.

17. More than twenty working days have passed since State received Public Citizen's appeal of the fee waiver denial for the Kenya Request, and State has not made a determination on the appeal.

18. On December 22, 2025, Public Citizen submitted a FOIA request to State for records regarding State's agreement with Nigeria ("Nigeria Request"). For that agreement, Public Citizen sought the "bilateral health memorandum of understanding, its appendices, all related understandings and agreements (including, but not limited to, data sharing agreement, specimen agreement, and financing agreement(s)), related budget tables, and agreement implementation plans."

19. Public Citizen limited the Nigeria Request to records from December 1, 2025, through the date of the search.

20. In the Nigeria Request, Public Citizen sought a full waiver of fees because disclosure of the requested records would be in the public interest and not for commercial use.

21. State assigned the Nigeria Request tracking number F-2026-09275.

22. On January 23, 2026, State responded to the Nigeria Request, denying Public Citizen's request for a fee waiver and stating that it could not provide a final determination or final production of records within twenty working days of the request due to "unusual circumstances."

23. On February 20, 2026, Public Citizen filed an administrative appeal of State's denial of a fee waiver for the Nigeria Request.

24. State assigned Public Citizen's appeal of the fee waiver denial for the Nigeria Request tracking number A-2026-00184.

25. On March 30, 2026, Public Citizen requested an estimated date of completion for the response to the Nigeria Request. State acknowledged the request but did not provide an estimated date of completion.

26. More than thirty working days have passed since Public Citizen submitted the Nigeria Request, and State has not made a final determination or a final production of records in response to the request.

27. More than twenty working days have passed since State received Public Citizen's appeal of the fee waiver denial for the Nigeria Request, and State has not made a determination on the appeal.

28. On December 24, 2025, Public Citizen submitted a FOIA request to State for records regarding State's agreements with Botswana, Madagascar, Sierra Leone, and Ethiopia

(“Botswana Request”). For each agreement, Public Citizen sought the “bilateral health memorandum of understanding, its appendices, all related understandings and agreements (including, but not limited to, data sharing agreement, specimen agreement, and financing agreement(s)), related budget tables, and agreement implementation plans.”

29. Public Citizen limited the Botswana Request to records from December 1, 2025, through the date of the search.

30. In the Botswana Request, Public Citizen sought a full waiver of fees because disclosure of the requested records would be in the public interest and not for commercial use.

31. State assigned the Botswana Request tracking number F-2026-09274.

32. On January 23, 2026, State responded to the Botswana Request, denying Public Citizen’s request for a fee waiver and stating that it could not provide a final determination or final production of records within twenty working days of the request due to “unusual circumstances.”

33. On February 20, 2026, Public Citizen filed an administrative appeal of State’s denial of a fee waiver for the Botswana Request.

34. State assigned Public Citizen’s appeal of the fee waiver denial for the Botswana Request tracking number A-2026-00185.

35. On March 30, 2026, Public Citizen requested an estimated date of completion for the response to the Botswana Request. State acknowledged the request but did not provide an estimated date of completion.

36. More than thirty working days have passed since Public Citizen submitted the Botswana Request, and State has not made a final determination or a final production of records in response to the request.

37. More than twenty working days have passed since State received Public Citizen's appeal of the fee waiver denial for the Botswana Request, and State has not made a determination on the appeal.

38. On December 31, 2025, Public Citizen submitted a FOIA request to State for records regarding State's agreement with Côte d'Ivoire ("Côte d'Ivoire Request"). For that agreement, Public Citizen sought the "bilateral health memorandum of understanding, its appendices, all related understandings and agreements (including, but not limited to, data sharing agreement, specimen agreement, and financing agreement(s)), related budget tables, and agreement implementation plans."

39. Public Citizen limited the Côte d'Ivoire Request to records from December 1, 2025, through the date of the search.

40. In the Côte d'Ivoire Request, Public Citizen sought a full waiver of fees because disclosure of the requested records would be in the public interest and not for commercial use.

41. State assigned the Côte d'Ivoire Request tracking number F-2026-09276.

42. On January 23, 2026, State responded to the Côte d'Ivoire Request, denying Public Citizen's request for a fee waiver and stating that it could not provide a final determination or final production of records within twenty working days of the request due to "unusual circumstances."

43. On March 30, 2026, Public Citizen requested an estimated date of completion for the response to the Côte d'Ivoire Request. State acknowledged the request but did not provide an estimated date of completion.

44. On February 20, 2026, Public Citizen filed an administrative appeal of State's denial of a fee waiver for the Côte d'Ivoire Request.

45. State assigned Public Citizen's appeal of the fee waiver denial for the Côte d'Ivoire Request tracking number A-2026-00186.

46. More than thirty working days have passed since Public Citizen submitted the Côte d'Ivoire Request, and State has not made a final determination or a final production of records in response to the request.

47. More than twenty working days have passed since State received Public Citizen's appeal of the fee waiver denial for the Côte d'Ivoire Request, and State has not made a determination on the appeal.

48. On January 15, 2026, Public Citizen submitted a FOIA request to State for records regarding State's agreement with Malawi ("Malawi Request"). For that agreement, Public Citizen sought the "bilateral health memorandum of understanding, its appendices, all related understandings and agreements (including, but not limited to, data sharing agreement, specimen agreement, and financing agreement(s)), related budget tables, and agreement implementation plans."

49. Public Citizen limited the Malawi Request to records from December 1, 2025, through the date of the search.

50. In the Malawi Request, Public Citizen sought a full waiver of fees because disclosure of the requested records would be in the public interest and not for commercial use.

51. State assigned the Malawi Request tracking number F-2026-08763.

52. On January 29, 2026, State responded to the Malawi Request, denying Public Citizen's request for a fee waiver and stating that it could not provide a final determination or final production of records within twenty working days of the request due to "unusual circumstances."

53. On February 20, 2026, Public Citizen filed an administrative appeal of State's denial of a fee waiver for the Malawi Request.

54. On March 30, 2026, Public Citizen requested an estimated date of completion for the response to the Malawi Request. State acknowledged the request but did not provide an estimated date of completion.

55. More than thirty working days have passed since Public Citizen submitted the Malawi Request, and State has not made a final determination or a final production of records in response to the request.

56. More than twenty working days have passed since State received Public Citizen's appeal of the fee waiver denial for the Malawi Request, and State has not made a determination on the appeal.

57. On February 12, 2026, Public Citizen submitted a FOIA request to State for records regarding State's agreement with Burundi ("Burundi Request"). For that agreement, Public Citizen sought the "bilateral health memorandum of understanding, its appendices, all related understandings and agreements (including, but not limited to, data sharing agreement, specimen agreement, and financing agreement(s)), related budget tables, and agreement implementation plans."

58. Public Citizen limited the Burundi Request to records from December 1, 2025, through the date of the search.

59. In the Burundi Request, Public Citizen sought a full waiver of fees because disclosure of the requested records would be in the public interest and not for commercial use.

60. State assigned the Burundi Request tracking number F-2026-11181.

61. On February 19, 2026, State responded to the Burundi Request, denying Public Citizen's request for a fee waiver and stating that it could not provide a final determination or final production of records within twenty working days of the request due to "unusual circumstances."

62. On February 20, 2026, Public Citizen filed an administrative appeal of State's denial of a fee waiver for the Burundi Request.

63. On March 30, 2026, Public Citizen requested an estimated date of completion for the response to the Burundi Request. State acknowledged the request but did not provide an estimated date of completion.

64. More than thirty working days have passed since Public Citizen submitted the Burundi Request, and State has not made a final determination or a final production of records in response to the request.

65. More than twenty working days have passed since State received Public Citizen's appeal of the fee waiver denial for the Burundi Request, and State has not made a determination on the appeal.

CLAIM FOR RELIEF

66. Public Citizen has a right under FOIA, 5 U.S.C. § 552, to the records responsive to each of its six FOIA requests and to a public-interest fee waiver for each request.

67. State's failure to disclose the requested records and grant the fee waivers has no legal basis.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff requests that this Court:

A. Declare that State's failure to provide the records responsive to Public Citizen's FOIA requests is unlawful;

B. Order State 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 under 5 U.S.C. § 552(a)(4)(E); and

D. Grant such other relief as this Court may deem just and proper.

Dated: April 2, 2026

Respectfully submitted,

/s/ Lauren E. Bateman
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