

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

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

Plaintiff,

Civil Action No. 26-2967

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 to produce records responsive to nine FOIA requests that seek health funding agreements between the State Department 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 Department is an agency of the United States. The State Department has possession and control of the records responsive to each of the FOIA requests at issue in this matter.

BACKGROUND

6. Since December 2025, the State Department has entered into a series of bilateral agreements with foreign nations regarding health funding. These agreements typically consist of a memorandum of understanding (MOU) that outlines a framework for health funding and at least one additional agreement regarding data-sharing or other issues (related agreements).

7. This matter concerns nine FOIA requests related to a subset of those agreements.

Burkina Faso Request

8. On February 25, 2026, the State Department issued a press statement announcing a “five-year bilateral health cooperation” MOU with Burkina Faso.¹

9. On February 26, 2026, Public Citizen submitted a FOIA request to the State Department for records regarding the State Department’s agreements with Burkina Faso (Burkina Faso Request). Specifically, the request sought the “bilateral health 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.”

10. The same day, the State Department assigned the Burkina Faso Request tracking number F-2026-12036.

11. On February 27, 2026, the State Department stated that it would not be able to respond within the twenty days provided by the FOIA statute due to “unusual circumstances.”

12. On May 20, 2026, Public Citizen requested an estimated date of completion for the response to the Burkina Faso Request. The State Department did not respond.

¹ <https://www.state.gov/releases/office-of-the-spokesperson/2026/02/fortifying-health-systems-and-counteracting-infectious-disease-threats-through-the-america-first-global-health-strategy-in-burkina-faso/>.

13. 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. The State Department denied a waiver, and Public Citizen appealed. After appeal, the State Department stated it would uphold the initial decision denying a waiver but determined that “no fees will be assessed.”

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

Democratic Republic of the Congo Request

15. On February 26, 2026, the State Department issued a press statement announcing a “five-year bilateral health cooperation” MOU with the Democratic Republic of the Congo (DRC).²

16. That same day, Public Citizen submitted a FOIA request to the State Department for records regarding the State Department’s agreements with the DRC (DRC Request). Specifically, the request sought the “bilateral health 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.”

17. On March 3, 2026, the State Department assigned the DRC Request tracking number F-2026-12084 and stated that it would not be able to respond within the twenty days provided by the FOIA statute due to “unusual circumstances.”

18. On May 20, 2026, Public Citizen requested an estimated date of completion for the response to the DRC Request. The State Department did not respond.

² <https://www.state.gov/releases/office-of-the-spokesperson/2026/02/fostering-health-sovereignty-in-the-democratic-republic-of-the-congo-through-the-america-first-global-health-strategy/>.

19. 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. The State Department denied a waiver, and Public Citizen appealed. After appeal, the State Department stated it would uphold the initial decision denying a waiver but determined that “no fees will be assessed.”

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

Dominican Republic Request

21. On February 27, 2026, the State Department issued a press statement announcing a “bilateral health cooperation” MOU with the Dominican Republic.³

22. On March 2, 2026, Public Citizen submitted a FOIA request to the State Department for records regarding the State Department’s agreements with the Dominican Republic (Dominican Republic Request). Specifically, the request sought the “bilateral health 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.”

23. That same day, the State Department assigned the Dominican Republic Request tracking number F-2026-12279.

24. On March 5, 2026, the State Department stated that it would not be able to respond within the twenty days provided by the FOIA statute due to “unusual circumstances.”

³ <https://www.state.gov/releases/office-of-the-spokesperson/2026/02/bolstering-infectious-disease-outbreak-prevention-and-response-in-niger-and-the-dominican-republic-through-the-america-first-global-health-strategy/>.

25. On March 5, 2026, the State Department sought clarification as to the search date for the request.

26. On March 17, 2026, Public Citizen requested that the State Department search for records from the date the MOU was signed through the date of the search.

27. On March 26, 2027, the State Department advised that the estimated date of completion was September 26, 2027.

28. On May 20, 2026, Public Citizen requested an updated estimated date of completion for the response to the Dominican Republic Request. The State Department did not respond.

29. 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. The State Department denied a waiver, and Public Citizen appealed. After appeal, the State Department stated it would uphold the initial decision denying a waiver but determined that “no fees will be assessed.”

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

Niger Request

31. On February 27, 2026, the State Department issued a press statement announcing a “bilateral health cooperation” MOU with Niger.⁴

32. On March 2, 2026, Public Citizen submitted a FOIA request to the State Department for records regarding the State Department’s agreements with Niger (Niger Request).

⁴ <https://www.state.gov/releases/office-of-the-spokesperson/2026/02/bolstering-infectious-disease-outbreak-prevention-and-response-in-niger-and-the-dominican-republic-through-the-america-first-global-health-strategy/>.

Specifically, the request sought the “bilateral health 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.”

33. That same day, the State Department assigned the Niger Request tracking number F-2026-12280.

34. On March 5, 2026, the State Department stated that it would not be able to respond within the twenty days provided by the FOIA statute due to “unusual circumstances.”

35. On May 20, 2026, Public Citizen requested an estimated date of completion for the response to the Niger Request. The State Department did not respond.

36. 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. The State Department denied a waiver, and Public Citizen appealed. After appeal, the State Department stated it would uphold the initial decision denying a waiver but determined that “no fees will be assessed.”

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

Panama Request

38. On February 25, 2026, the State Department issued a press statement announcing a “three-year bilateral health cooperation” MOU with Panama.⁵

⁵ <https://www.state.gov/releases/office-of-the-spokesperson/2026/02/strengthening-western-hemisphere-health-security-through-the-america-first-global-health-strategy-in-panama>.

39. On March 2, 2026, Public Citizen submitted a FOIA request for records regarding the State Department's agreements with Panama (Panama Request). Specifically, the request sought the "bilateral health 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."

40. That same day, the State Department assigned the Panama Request tracking number F-2026-12282.

41. On March 5, 2026, the State Department stated that it would not be able to respond within the twenty days provided by the FOIA statute due to "unusual circumstances."

42. On May 20, 2026, Public Citizen requested an estimated date of completion for the response to the Panama Request. The State Department did not respond.

43. 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. The State Department denied a waiver, and Public Citizen appealed. After appeal, the State Department stated it would uphold the initial decision denying a waiver but determined that "no fees will be assessed."

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

Guatemala Request

45. On February 27, 2026, the State Department issued a press statement announcing “bilateral health cooperation” MOUs with Guatemala, Guinea, and El Salvador.⁶

46. On March 3, 2026, Public Citizen submitted a FOIA request for records regarding the State Department’s agreements with Guatemala, Guinea, and El Salvador (Guatemala Request). Specifically, the request sought, for each country, the “bilateral health 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.”

47. The same day, the State Department assigned the Guatemala Request tracking number F-2026-12356.

48. On March 6, 2026, the State Department stated that it would not be able to respond within the twenty days provided by the FOIA statute due to “unusual circumstances.”

49. On May 20, 2026, Public Citizen requested an estimated date of completion for the response to the Guatemala Request. The State Department did not respond.

50. 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. The State Department denied a waiver, and Public Citizen appealed. After appeal, the State Department stated it would uphold the initial decision denying a waiver but determined that “no fees will be assessed.”

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

⁶ <https://www.state.gov/releases/office-of-the-spokesperson/2026/02/pursuing-sustainable-health-outcomes-under-the-trump-administrations-america-first-global-health-strategy-in-the-republic-of-guatemala-the-republic-of-guinea-and-the-republic-of-el-salvador>.

Honduras Request

52. On March 13, 2026, the State Department issued a press statement announcing a “bilateral health cooperation” MOU with Honduras and Senegal.⁷

53. On March 19, 2026, the State Department issued a press statement announcing a “five-year bilateral health cooperation” MOU with Angola.⁸

54. On March 20, 2026, Public Citizen submitted a FOIA request for records regarding the State Department’s agreements with Honduras, Senegal, and Angola (Honduras Request). Specifically, the request sought, for each country, the “bilateral health 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.”

55. The same day, the State Department assigned the Honduras Request tracking number F-2026-13693.

56. On March 30, 2026, the State Department stated that it would not be able to respond within the twenty days provided by the FOIA statute due to “unusual circumstances.”

57. On May 20, 2026, Public Citizen requested an estimated date of completion for the response to the Honduras Request. The State Department did not respond.

58. 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. The State Department denied

⁷ <https://www.state.gov/releases/office-of-the-spokesperson/2026/03/forging-health-partnerships-under-the-trump-administrations-america-first-global-health-strategy-in-honduras-and-senegal/>

⁸ <https://www.state.gov/releases/office-of-the-spokesperson/2026/03/implementing-the-trump-administrations-america-first-global-health-strategy-in-angola/>.

a waiver, and Public Citizen appealed. After appeal, the State Department stated it would uphold the initial decision denying a waiver but determined that “no fees will be assessed.”

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

Cambodia Request

60. On April 6, 2026, the State Department issued a press statement announcing a “bilateral health cooperation” MOU with Cambodia.⁹

61. On April 7, 2026, the State Department issued a press statement announcing a “bilateral health cooperation” MOU with Tajikistan.¹⁰

62. On April 9, 2026, the State Department issued a press statement announcing a “Declaration of Intent to establish a framework for health cooperation” with the Philippines.¹¹

63. On April 17, 2026, the State Department issued a press statement announcing a “three-year” MOU “through the Trump Administration’s America First Global Health Strategy” with Bolivia.¹²

⁹ <https://www.state.gov/releases/office-of-the-spokesperson/2026/04/charting-a-new-phase-of-trump-administrations-america-first-global-health-strategy-in-asia-beginning-with-cambodia/>.

¹⁰ <https://www.state.gov/releases/office-of-the-spokesperson/2026/04/broadening-the-trump-administrations-america-first-global-health-engagement-in-south-and-central-asia>.

¹¹ <https://www.state.gov/releases/office-of-the-spokesperson/2026/04/united-states-and-the-philippines-sign-joint-declaration-of-intent-to-strengthen-bilateral-health-cooperation>.

¹² <https://www.state.gov/releases/office-of-the-spokesperson/2026/04/trump-administrations-america-first-global-health-strategy-fights-infectious-diseases-through-bilateral-health-memorandum-of-understanding-with-bolivia/>.

64. On April 23, 2026, the State Department issued a press statement announcing a “five-year bilateral” MOU with Papua New Guinea.¹³

65. On May 1, 2026, Public Citizen submitted a FOIA request for records regarding the State Department’s agreements with Cambodia, Tajikistan, the Philippines, Bolivia, and Papua New Guinea (Cambodia Request). For Cambodia, Tajikistan, Bolivia, and Papua New Guinea, Public Citizen sought the “bilateral health 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.” For the Philippines, Public Citizen sought the “joint declaration of intent to establish a framework for health cooperation 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.”

66. On May 20, 2026, Public Citizen sought acknowledgement that the request was received by the State Department and a status update on the Cambodia Request.

67. On May 29, 2026, the State Department assigned the Cambodia Request tracking number F-2026-18895.

68. On June 23, 2026, Public Citizen requested a full acknowledgement letter and status update.

69. 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. The State Department has not responded to the fee waiver request.

¹³ <https://www.state.gov/releases/office-of-the-spokesperson/2026/04/united-states-forging-a-healthier-oceania-through-trump-administrations-america-first-global-health-strategy-through-bilateral-health-memorandum-of-understanding-with-papua-new-guinea/>.

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

South Sudan Request

71. On June 27, 2026, the State Department issued a press statement announcing a “three-year bilateral health cooperation” MOU with South Sudan.¹⁴

72. On July 1, 2026, the State Department issued a press statement announcing a “bilateral global health” MOU with Tanzania.¹⁵

73. On July 4, 2026, Public Citizen submitted a FOIA request for records regarding the State Department’s agreements with South Sudan and Tanzania (South Sudan Request). For each country, Public Citizen sought the “bilateral health memorandum of understanding” and “its appendices, 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.”

74. The South Sudan Request also sought “all finalized health memoranda of understanding between the United States and countries other than Tanzania signed between July 1, 2026, and the date of search,” along with “their appendices, 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.”

¹⁴ <https://www.state.gov/releases/office-of-the-spokesperson/2026/06/implementing-the-trump-administrations-america-first-global-health-strategy-in-south-sudan>.

¹⁵ <https://www.state.gov/releases/office-of-the-spokesperson/2026/07/united-states-and-tanzania-advance-global-fight-against-infectious-diseases-through-bilateral-health-memorandum-of-understanding>.

75. The same day, the State Department assigned the South Sudan Request tracking number F-2026-21393.

76. On July 13, 2026, the State Department stated that it would not be able to respond within the twenty days provided by the FOIA statute due to “unusual circumstances.”

77. On August 14, 2026, Public Citizen requested a status update and estimated date of completion for the response to the South Sudan Request. The State Department did not respond.

78. 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. The State Department has not responded to the fee waiver request.

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

CLAIM FOR RELIEF

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

81. The State Department’s failure to disclose the requested records has no legal basis.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff requests that this Court:

A. Declare that the State Department’s failure to provide the records responsive to Public Citizen’s FOIA requests 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 under 5 U.S.C. § 552(a)(4)(E); and

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

Dated: August 24, 2026

Respectfully submitted,

/s/ Lauren E. Bateman

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