



February 18, 2026

FOIA Request
U.S. Department of the Treasury
Washington, DC 20220
FOIA@treasury.gov

Re: Request Under Freedom of Information Act (Fee Waiver/Limitation Requested)

Dear Freedom of Information Officer:

Pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. § 552, Bank Climate Advocates (“BCA”) requests the following documents from the U.S. Department of the Treasury (Treasury):

All documents, from January 1, 2019 to February 18, 2026 that provide information, analysis, details, opinions, studies, or deliberations regarding: Asian Development Bank’s (ADB’s) 2021 Energy Policy; the 2025 amendments to ADB’s 2021 Energy Policy, the 2025 amendments to ADB’s prohibited investment activities list under ADB’s Environmental and Social Framework that were adopted along with the 2025 amendments to ADB’s 2021 Energy Policy; ADB’s 2025 Energy Policy Review; or a review of ADB’s Energy Policy in, by, or around 2030.

This request includes, but is not limited to, documents:

- 1.) Internally composed, received, sent, or kept by Treasury, U.S. Executive Directors, U.S. Alternate Executive Directors, and their staff and advisors at ADB;
- 2.) Exchanged between Treasury, and other U.S. government agencies; corporations; ADB’s president; ADB staff; and or personnel from or representing other countries, ADB executive directors, ADB alternate executive directors, or ADB director advisors; or
- 3.) Exchanged between U.S. Executive Directors, U.S. Alternate Executive Directors, and or their staff at ADB, and: ADB’s president; ADB staff; and or personnel from or representing other countries, ADB executive directors, ADB alternate executive directors, or ADB director advisors.

We trust that the government will reach a determination on this request within FOIA’s 20 working day deadline and will limit any possible withholding to those documents that the government can meet its burden to show are truly exempt from disclosure and the release of which would cause foreseeable harm.

For purposes of this request “documents” means “all written, typewritten, drawn or printed material or record of any type or description and all information kept or recorded on

magnetic or electronic media, including, without limitation, correspondence, letters, agreements, contracts, memoranda of agreement or understanding, electronic mail (including both messages sent and received from government personnel), telegrams, inter- and intra-office communications, forms, reports, studies, working papers, handwritten or other notes, phone records, logs, diaries, minutes, spreadsheets, computation sheets, data sheets, transcripts, drawings, sketches, plans, leases, invoices, index cards, checks, check registers, maps, charts, graphs, bulletins, circulars, pamphlets, notices, summaries, books, photographs, sound recordings, videotapes, rules, photocopied or computer-related materials, and every other means of recording upon any tangible thing, any form of communication or representation, including letters, words, pictures, sounds, or symbols, or combinations of them, and all forms of written or recorded matter to which [the government has] access or of which [the government has] any knowledge”). “Related to” means “comprising, constituting, containing, evidencing, setting forth, summarizing, alluding to, responding to, commenting upon, discussing, supporting, refuting, showing, disclosing, explaining, mentioning, analyzing, recording, reflecting upon, or characterizing, either directly or indirectly, in whole or in part.

For all of the above requests, please search for responsive records regardless of format, medium or physical characteristics. We seek records of any kind, including paper records, electronic records, audiotapes, videotapes, photographs, data and graphical material. This request includes, without limitation, all correspondence, letters, emails, text messages, facsimiles, telephone messages, voice mail messages, and transcripts, notes or minutes of any meetings, telephone conversations, or discussions. Our request also includes any attachments to emails and other records and any recipients that were bcc’ed or cc’ed on any responsive emails.

FOIA requires that an agency disclose documents to any person except where the document falls under a specifically enumerated exemption. 5 U.S.C. § 552 (2002). “[T]hese limited exemptions do not obscure the basic policy that disclosure, not secrecy, is the dominant objective of the Act”; “[c]onsistent with the Act’s goal of broad disclosure, these exemptions have been consistently given a narrow compass.” *Dep’t of Interior v. Klamath Water Users Protective Ass’n*, 532 U.S. 1, 7-8 (U.S. 2001) (internal citations omitted). The courts have emphasized the narrow scope of these exemptions and “the strong policy of the FOIA that the public is entitled to know what its government is doing and why.” *Coastal States Gas Corp. v. Dep’t of Energy*, 617 F.2d 854, 868 (D.C. Cir. 1980). Further, under the recent amendments, 5 U.S.C § 552(a)(8)(A) now provides that (1) an agency shall withhold information only if the agency reasonably foresees that disclosure would harm an interest protected by an exemption described in subsection (b) or disclosure is prohibited by law; (2) the agency shall consider whether partial disclosure of information is possible whenever the agency determines that a full disclosure of a requested record is not possible; and (3) the agency shall take reasonable steps necessary to segregate and release nonexempt information.

Thus, the government has a duty in preparing responses to BCAs’ FOIA request not to withhold documents unless foreseeable harm exists, to consider partial disclosure, and to take reasonable steps to segregate nonexempt information. Exemptions are read narrowly and the government bears the burden of proving exemptions apply. 5 U.S.C. § 552(a)(4)(b); *see Milner v. Dep’t of the Navy*, 562 U.S. 562, 563 (U.S. 2011). Agencies “should not withhold information simply because [they] may do so legally. . . For every request, for every record reviewed, agencies should be asking ‘Can this be released?’ rather than asking ‘How can this be withheld?’”¹ *See also*

¹ U.S. Department of Justice – Office of Information Policy, *Creating a New Era of Open Government*; [see also](#)

Mobil Oil Corp. v. U.S. E.P.A., 879 F.2d 698, 700 (9th Cir. 1989) (“The exemptions are permissive, and an agency may voluntarily release information that it would be permitted to withhold under the FOIA exemptions.”)

Denial of Requested Material

In the event that access to the requested record is denied, please note that FOIA provides that “[a]ny reasonably segregable portion of a record shall be provided to any person requesting such record after deletion of the portions which are exempt under [FOIA].” 5 U.S.C. § 552(b). BCA therefore requests that it be provided with all non-exempt portions of the requested record that are reasonably segregable. If your position is that any portion of the requested records is exempt from disclosure, we also request that you provide an index of those documents as required under *Vaughn v. Rosen*, 484 F.2d 820 (D.C. Cir 1973). If it is your position that a document contains non-exempt segments, but that those non-exempt segments are so dispersed throughout the document as to make segregation impossible, please state what portion of the document is non-exempt, and how the material is dispersed throughout the document. See *Mead Data Cent. v. U.S. Dep’t of the Air Force*, 566 F.2d 242, 261 (D.C. Cir. 1977). BCA further requests that you describe the deleted material in detail and specify the statutory basis for denial, as well as your reasons for believing that the alleged statutory justification applies in each instance. Please separately state your reasons for not invoking your discretionary powers to release the requested documents in the public interest. Such statements will be helpful in deciding whether to appeal an adverse determination and in formulating arguments in case an appeal is taken. The agency’s written justification might also help to avoid unnecessary litigation. Of course, BCA reserves its right to appeal the withholding or deletion of any information.

We request that the government provide electronic copies of its response to this request – as well as any responsive documents that may be transmitted via e-mail – to Jason Weiner at the following e-mail addresses:

Jason Weiner: jason@bankclimateadvocates

Please send any documents or correspondence that must be sent via regular mail to the following address:

Bank Climate Advocates
P.O. Box 49697
Los Angeles, CA 90049

As indicated in the attached fee waiver, BCA requests that Treasury waive any fees associated with responding to this request (See Fee Waiver Request in Attachment 1 at pages 5-7 below). If the Treasury declines this request, BCA further requests (1) an estimate of the charges to respond to this request in full and (2) that Treasury please explain the justification and notify us of the specific reasons. In the event Treasury denies our fee waiver request, BCA will provide Treasury with further instructions concerning how much it would then be willing to pay for a response to

Presidential Memorandum for Heads of Executive Departments and Agencies Concerning the Freedom of Information Act (74 Fed. Reg. 4683); *Attorney General Holder's Memorandum for Heads of Executive Departments and Agencies Concerning the Freedom of Information Act* [74 Fed. Reg. 51879 (Oct. 8, 2009)]

this request pending what would then be a likely appeal of the Treasury denial of our fee waiver. In the event Treasury denies our fee waiver request, to the extent this is required for Treasury to presently process our request, BCA indicates it would be willing to pay the fees associated with the processing of BCA's request up to \$100.00.

Your staff may contact me at jason@bankclimateadvocates.org or [310-439-8702](tel:310-439-8702) to further discuss your response to this request. Thank you for your prompt attention to this matter.

Sincerely,



Jason Weiner
Executive Director & Legal Director
Bank Climate Advocates
558 Capp Street
San Francisco, CA 94110
Phone: (310) 439-8702
www.bankclimateadvocates.org

Attachment 1

Fee Waiver Request

Attachment 1 to Freedom of Information Act (FOIA) Request Letter: Fee Waiver Request

Treasury allows requesters to request in writing a waiver of fees associated with a FOIA request if the disclosure of the requested information is in the public interest because it is likely to contribute significantly to public understanding of the operations and activities of the government and is not primarily in the commercial interest of the requester.

Bank Climate Advocates (BCA) hereby requests that any fee associated with this FOIA request be waived, as the subject matter of the requested records specifically concerns identifiable operations or activities of the government, namely, Asian Development Bank's (ADB's) energy policy that concerns climate change and greenhouse gas (GHG) emissions and that (a) will in significant part impact the climate change impacts of ADB investments that the US government will vote on for approval, and (b) that Treasury and or the U.S. Executive and Alternative Executive Directors at ADB have: considered; analyzed; received information and documents from ADB about; accepted; have provided input on; voted on at ADB to approve or not approve; and or voted at ADB to approve amendments to.

BCA is a non-profit public benefit organization with 501(c)(3) tax exempt status from the Internal Revenue Service that will disseminate the information received to the public free of charge. BCA will receive no, and does not intend to receive any, commercial or economic benefit from the information or dissemination of the information. BCA does not receive payment for its publications nor for its public dissemination of any other information, and will not be paid for the documents responsive to this request.

Disclosure of the requested information will significantly contribute to public understanding of government operations and activities. Specifically, the information will shed light on climate change policies, practices and protections that Treasury and the U.S. Executive and Alternative Executive Directors engage in, support, and enable at multilateral development banks, including at ADB, in their roles and capacities as the United States of America's shareholder and director representatives at ADB.

The documents BCA requests constitute the best available evidence regarding Treasury's and U.S. Executive and Alternative Executive Director practices in implementing and acting consistently with United States' policy, including: (a) the Pelosi Amendment's (Public Law 101-240; 22 U.S.C. 262m-7, [22 U.S.C. 262m-7](#), [31 U.S.C. 321](#); [57 FR 24545](#), June 10, 1992; 31 CFR Part 26) environmental impact and alternatives analysis requirements prior to Treasury and U.S. directors' decision making at ADB and Multilateral Development Banks (MDBs) in general; and (b) [Treasury's Fossil Fuel Energy Guidance for Multilateral Development Banks \(MDBs\)](#) in its decision and policy making at ADB and other MDBs.

Further, the documents BCA requests constitute important information regarding Treasury's and U.S. directors' practices in ensuring, before the U.S. votes to finance a project, ADB's adherence and likely future adherence to the aspects of ADB's Energy Policy applicable to climate change and greenhouse gas emissions, and disclosure of this information. Evidence of these practices is important because the United States voted to approve ADB's Energy Policy,

and is responsible for ensuring implementation of it in its capacity as a ADB shareholder.

And lastly, these documents will inform BCA and the public of Treasury's and U.S. directors' policies and practices that allowed, and continue to allow, ADB to finance high greenhouse gas emitting energy projects, such as natural gas plants, that have a severe impact on climate change impacts to United States citizens, people all over the world, and meeting the 1.5°C global warming limitation objective, and will inform BCA and the public about whether such practices and policies continue, and whether the results of the 2030 ADB Energy Policy review may allow them to continue.

There has been significant environmental group focus on nontransparent practices of Treasury and U.S. directors regarding non-disclosure of the factors that go into their decision making and guidance on climate change policies at ADB and MDBs, this information is in Treasury's and the U.S.'s possession, and disclosing this information to BCA will allow BCA to provide valuable data and information on the true reasons for ADBs and U.S. decisions on content for the Energy Policy relating to climate change and GHG emissions.

Further, disclosing the requested information to BCA is needed for the public to understand the role Treasury and the United States Government (USG) plays at ADB in regards to climate change and global warming impacts, and disclosing the requested information to BCA is needed for the public to understand USG's climate change policies, positions and strategies at ADB and MDBs.

BCA's staff possess unique and advanced scientific and analytical skills related to the policy, legal, environmental and social implications of MDB finance and development in regards to climate change impacts and policies, which allows for the assimilation and dissemination of complex environmental and social data and information contained in the records requested. Disclosure of the documents will promote the understanding of the general public in a significant way because BCA will analyze the information and make its conclusions known to our members, the Big Shift Global, networks of other environmental groups in the United States and in the Global North and South working on ADB and MDB climate change reform, and the public at large via press releases and by posting our analyses of the information on one or more internet web sites or citizen group email broadcast systems.

For all the foregoing reasons, BCA requests that any fees associated with this request be waived.