



BEFORE THE OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Washington, D.C.

In re: Section 301 Investigation of Brazil’s Acts, Policies, and Practices Related to Digital Trade and Electronic Payment Services; Unfair, Preferential Tariffs; Anti-Corruption Enforcement; Intellectual Property Protection; Ethanol Market Access; and Illegal Deforestation

Docket No. USTR-2026-0331

WRITTEN COMMENT ON THE PROPOSED ACTION

Submitted by Sen. Flávio Bolsonaro

Member, Federal Senate of Brazil

Submitted: July 1, 2026

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I. Interest of the Commenter and Summary of Position

The undersigned, Flávio Bolsonaro, is a sitting member of the Federal Senate of Brazil, a prominent figure in the parliamentary opposition, and a declared pre-candidate in Brazil’s October 2026 presidential election. He submits this comment in his personal and official capacity as a Brazilian legislator. He has met in person with President Trump, Vice President Vance, and Secretary Rubio, meetings that are a matter of public record, and on those occasions he conveyed directly that the imposition of tariffs on Brazil does not serve the best interests of the United States.

The commenter’s position is stated without ambiguity at the outset. He respectfully urges the Trade Representative to **suspend the proposed action and to open, immediately, a bilateral negotiating mechanism covering all six areas identified in the Notice**, on a defined agenda and calendar, with the enforcement architecture described in Part VI. He does not ask the Trade Representative to abandon the record of this investigation. He asks the Trade Representative to use a tool the statute already provides — the suspension or delay of an action’s implementation — because the proposed action, on the evidence already before the agency, will not *obtain the elimination*¹ of the practices it targets, and in several respects produces the opposite of its stated objective.

In a single sentence: **the proposed tariffs would reward the very offenders they are meant to punish.**

In other words, the proposed tariffs would reward the current Brazilian government for the very strategy it has pursued: stonewalling serious negotiations, provoking Washington into retaliation, and then converting that retaliation into a domestic political victory. Worse, the costs would fall on the American economy and on the Brazilians (and Americans investing in Brazil) most committed to a constructive, mutually beneficial relationship with the United States.

The commenter’s posture is one of restoration. For more than eighty years — since Brazil and the United States stood as allies in the Second World War — the two largest

¹ 19 U.S.C. § 2411(b); Notice § IV (action shall be taken “to obtain the elimination of that act, policy, or practice”).



economies of the Western Hemisphere sustained a partnership of genuine mutual benefit. That partnership has been deliberately strained by the incumbent government, which has turned Brazil away from the American partnership, promoted de-dollarization, and treated confrontation with the United States as a domestic political asset. The commenter does not come to plead for relief; he comes to propose the restoration of that historic partnership between sovereign equals, on fair and reciprocal terms.

That is not an argument for leniency. It is an argument from the statute’s own efficacy standard and from the needs of the U.S. economy, the two questions the Notice expressly puts to commenters². The sections that follow develop, in order: the record showing who actually benefits from the proposed action (Part II); the demonstrated failure of the 2025 tariffs to achieve any of their stated objectives (Part III); the costs the proposed action would impose on the United States (Part IV); a constructive, issue-by-issue response to each of the six findings (Part V); and the appropriate action, with a principal request and a subsidiary request (Part VI).

II. The Record of Provocation: The Proposed Action Rewards the Conduct It Targets

A threshold question disposes of much of this proceeding: *cui bono* — who benefits? The record supports a single, uncomfortable answer. The party that gains from the proposed action is the incumbent Government of Brazil, whose conduct the Notice describes and whose treatment of the political opposition the President of the United States himself identified as the reason for this measure³. The commenter advances this not as rhetoric but as an evidentiary proposition, sustained on three layers.

A. A documented chronology of provocation

The conduct that produced this confrontation is not the conduct of the Brazilian people, the Brazilian productive sector, or the Brazilian opposition. It is the conduct of the incumbent government and of an over-reaching judiciary. The chronology below — fully sourced in Annexes A through E — establishes a consistent pattern over the investigation’s eleven months.

Provocation	Description
De-dollarization advocacy	Public promotion, in domestic and international settings, of payment arrangements and reserve mechanisms designed to reduce reliance on the U.S.

² Notice § V (inviting comment on “the needs of the U.S. economy” and on whether tariffs “would be practical or effective in obtaining the elimination” of the practices).

³ Letter from President Donald J. Trump to President Luiz Inácio Lula da Silva, dated July 9, 2025, published publicly the same day. All quotations herein are from that public letter.



Provocation	Description
	dollar and the Western settlement system. (Annex A)
Public hostility to the United States	Repeated public attacks by senior officials on the United States and on the President personally, from 2023 through June 2026. (Annex B)
Judicial escalation after initiation	Rather than de-escalating after the investigation was initiated, Brazilian courts have continued — and in some cases intensified — orders targeting U.S. social-media companies and U.S. persons. The overreach has since expanded through a legal framework that places severe burdens on U.S. technology companies while turning them into instruments of censorship. (Annex C)
Refusal to negotiate	No good-faith engagement on any of the six areas across eleven months. The Notice records that Section 303 consultations were held on April 15 and 16, 2026; the public record of what Brazil offered in those consultations is, on information and belief, empty of concessions. (Annex D)
Electoral instrumentalization	Open use of the prospect of U.S. tariffs as a domestic campaign theme — framing prejudicial resistance to the United States as patriotism and willingness to engage in fruitful, mutually beneficial negotiations as subservience. (Annex E)

B. The motive: an incentive structure that rewards confrontation

The provocation is explained by an incentive structure. Brazilian public polling shows that the incumbent government’s electoral position has strengthened during precisely the periods when U.S. tariff pressure has been most salient. The most recent published nationwide survey places the incumbent at 39% against the commenter’s 29% in a first-round matchup, with the government’s approval rising since April 2026 and its second-round advantage widening⁴.

⁴ Quaest/Genial nationwide survey released June 10, 2026 (field 5–8 June 2026; 2,004 interviews; TSE registration BR-07661/2026; margin of error ± 2 pp).



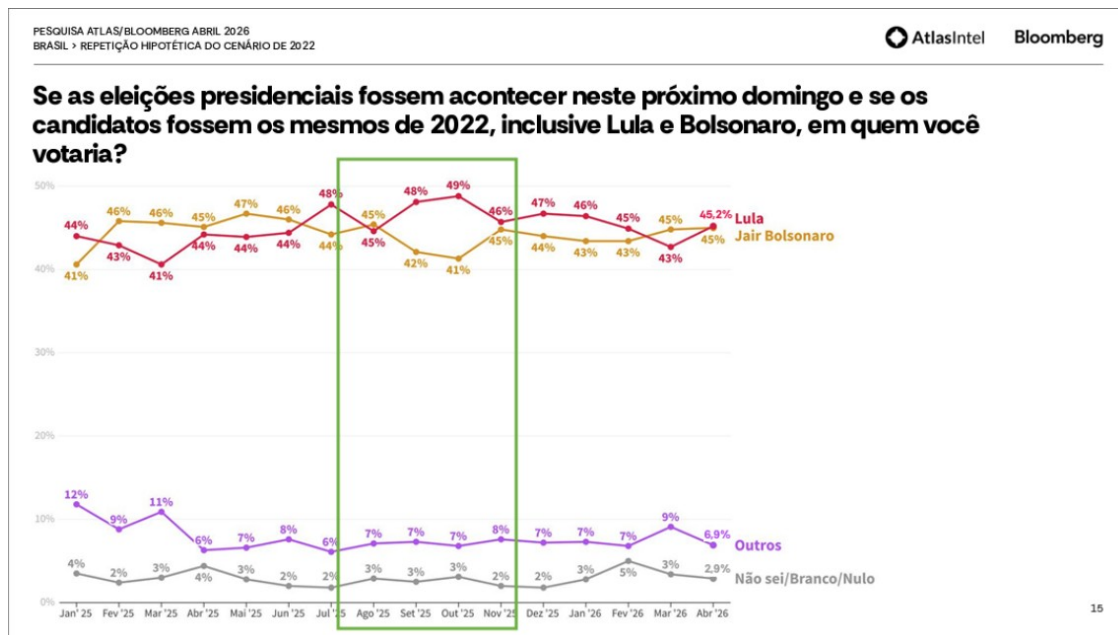
Read carelessly, that datum looks unfavorable to the commenter. Read correctly, it is the empirical core of this comment: an instrument intended to pressure the incumbent government is, measurably, *strengthening* it. A poll showing the targeted government gaining ground at the very moment the United States considers imposing tariffs on Brazil is not a weakness in the argument — it is the proof of it.

C. The repeated pattern: two natural experiments, one result

The effect is not a single data point. There are two natural experiments, separated cleanly so that each cause is isolated and the inference is defensible.

First experiment (2025). After the 50% tariff was announced, the incumbent’s standing rose. The instrument designed to pressure the target government instead benefited it.

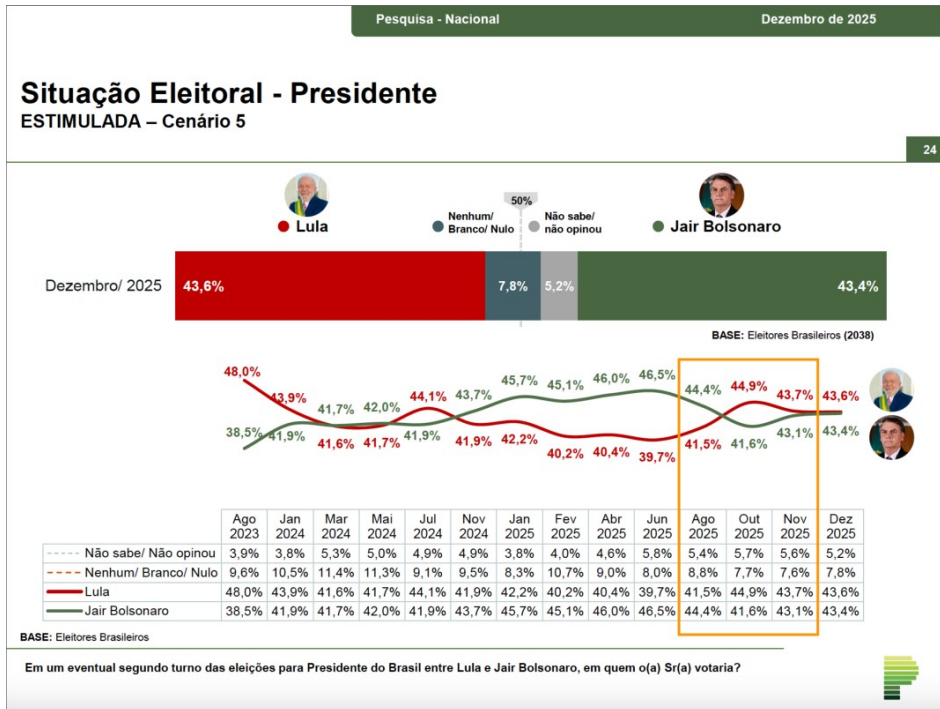
The three graphs below are evidence of electoral gain by the incumbent when tariffs were in force:



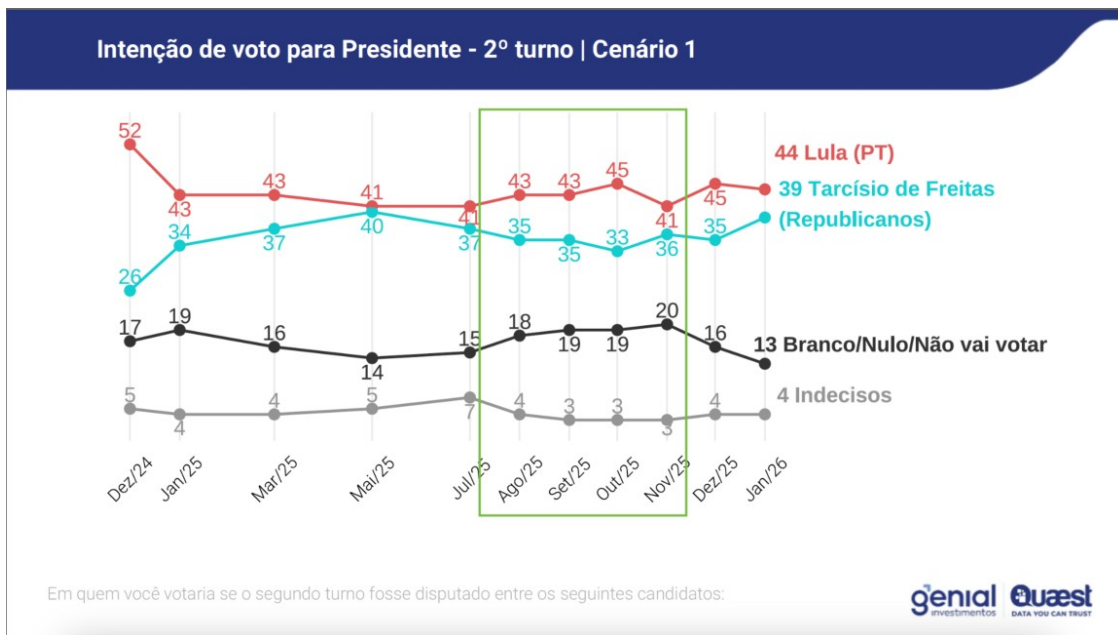
Lula recovered the lead over then-presidential hopeful Jair Bolsonaro — who was also convicted in September and began serving his sentence in November. (AtlasIntel/Bloomberg poll, April 2026, slide 15.)



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Lula led then-presidential contender Jair Bolsonaro, reversing a year-long downward trend. (Paraná Pesquisas poll, December 2025, slide 24.)



Lula expanded the lead over then-presidential contender Tarcísio de Freitas. (Genial/Quaest poll, January 2026, slide 54. Flávio was not tested as a pre-candidate in the period in question.)

The replication (2026). The commenter’s White House meeting was generating positive momentum at a moment when Brazil’s early presidential race remains tightly contested,



with narrow margins separating the leading candidates. The subsequent publication of the Notice was then repackaged by the incumbent’s allies and a sympathetic press⁵ as evidence that the opposition had “asked Washington to tariff Brazil,”⁶ turning the prospect of U.S. tariffs into electoral damage for the United States’ most plausible, rational negotiating counterpart and into a political gain for the very government targeted by the investigation.

The pattern repeats because the incentive is stable: confrontation with the United States is, for the incumbent, as much a domestic political asset as it is a natural ideological inclination. That is the answer to *cui bono*. The only party advantaged by the proposed action is the government responsible for the very conduct the action claims to combat.

III. The Proposed Action Fails Its Own Stated Objectives

Section 301(b) directs that action be taken “to obtain the elimination” of the act, policy, or practice at issue⁷. That is an efficacy standard, not a punitive one. Measured against it, the 2025 tariffs have already been tested — and have already failed.

- **They changed no judicial conduct.** The 50% tariffs did not alter a single decision of the Brazilian Supreme Court; the principal judicial proceedings against the opposition advanced, and a conviction was handed down, with the tariffs fully in force. Aided by the executive branch, the judiciary further encroached on speech rights enshrined in Brazil’s law of the land for the internet, the Marco Civil da Internet.
- **They eliminated none of the six practices — and the Notice proves it.** By the agency’s own evidence, platform content-restriction orders reached their highest level in years during July–December 2025, i.e., while the tariffs were in effect⁸. An instrument cannot be said to be obtaining the elimination of a practice that demonstrably intensified under it.
- **They produced the inverse of the intended effect.** The observable results were the electoral strengthening of the target government (Part II) and an acceleration of

⁵ Jornal de Brasília story: “New sweeping tariffs are a setback for Flávio and could erase gains from Trump visit, Centrão and allies say.”: <https://jornaldebrasil.com.br/noticias/politica-e-poder/novo-tarifaco-e-reves-para-flavio-e-pode-anular-ganhos-com-visita-a-trump-avaliam-centrao-e-aliados/>

⁶ G1 story: “Quaest: 47% agree that Flávio asked Trump to impose sweeping tariffs against Brazil.”: <https://g1.globo.com/politica/eleicoes/2026/noticia/2026/06/10/quaest-tarifaco-eua.shtml>

⁷ 19 U.S.C. § 2411(b); Notice § IV (action shall be taken “to obtain the elimination of that act, policy, or practice”).

⁸ Notice § II.A (citing platform transparency reporting for July–December 2025, the period during which the 2025 tariffs were in force).



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Brazil's realignment away from the U.S. partnership. Insisting on the same instrument is to repeat a failed experiment expecting a different outcome.

There is a further, dispositive point on targeting. In his July 9, 2025 letter, the President defined the target of this measure in his own words — the treatment of the former President, which he called “an international disgrace” and a “Witch Hunt,” and the “hundreds of secret and unlawful censorship orders” directed at U.S. platforms⁹. As the President himself framed it, the target is the conduct of the government and of the judiciary. A 25% tariff on substantially the entire Brazilian economy does not reach either. It reaches exporters, American importers, U.S. consumers, and the Brazilian populace that opposes the very conduct at issue. The instrument misses the target its own author named.

The corollary follows from the same efficacy standard. Where the concern is the conduct of identifiable actors, the United States retains instruments precisely tailored to reach those actors — visa measures such as Section 7031(c) and designations under the Global Magnitsky framework for individuals responsible for serious human-rights abuse or corruption, among other measures directed at the persons and entities actually responsible. Such tailored instruments reach the very conduct the President named — the suppression of constitutionally protected expression, the deliberate targeting of law-abiding U.S. companies, and corruption — without taxing an entire economy or the citizens who themselves oppose that conduct. On the statute's own “elimination” test, the instrument that reaches the offender is to be preferred over the instrument that does not.

IV. Costs to the United States

The Notice asks commenters to address “the needs of the U.S. economy.”¹⁰ Those needs counsel against the proposed action for five concrete reasons.

- **The United States runs a trade surplus with Brazil.** Brazil is one of the few large trading partners with which the United States enjoys a goods surplus. Brazilian retaliation under its Economic Reciprocity Law would expose an estimated US\$40–50 billion of U.S. exports. (See Annex F.)
- **The Annex is itself an admission of consumer-price harm.** The proposed Annex exempts categories on the express ground that tariffs would cause supply unavailability or economy-wide disruption, or would not contribute to eliminating the practice¹¹. Together with the November 2025 rollback of tariffs on foodstuffs, that is an acknowledgment that the prior round fed U.S. consumer inflation.¹²
- **Retaliation can strike the very interests the Notice protects.** Brazil's Reciprocity Law authorizes the suspension of intellectual-property rights as a countermeasure — reaching precisely the U.S. sectors the Notice says it aims to defend.

⁹ Letter from President Donald J. Trump to President Luiz Inácio Lula da Silva, dated July 9, 2025, published publicly the same day. All quotations herein are from that public letter.



- **The soybean precedent is a warning, not a model.** After the 2018 tariff dispute, the Chinese market replaced U.S. soybeans with Brazilian supply, and the loss proved durable — Brazil has since accounted for the large majority of China’s soybean imports, while the U.S. share fell sharply and has not fully recovered. That is how a tariff can boomerang: aimed at one rival, it handed a strategic export market to Brazil. A tariff now aimed at Brazil risks the same boomerang — pushing Brazil further away from the traditionally close trade partnership with the United States, at the expense of American exporters and American influence in the hemisphere.
- **U.S. investors are the first casualties.** The United States is the largest foreign direct investor in Brazil. Installed U.S. multinationals — not the Brazilian state — are the first to absorb the damage from a deteriorating bilateral relationship.

V. Issue-by-Issue Response to the Six Findings

The commenter does not contest that Brazil has longstanding practices that warrant correction; on several of the findings, the gap between the Trade Representative’s position and a reform-minded Brazilian government would be far narrower than it will ever be with the incumbent. For each finding he sets out, in the same structure, what he **acknowledges**, what he **contests**, and the **paths to remediation** he sees.

“Paths to remediation” is deliberately broader than any single concession: it comprises both the reforms a willing Brazilian government can deliver and, where pertinent, the instruments better suited than a blanket tariff to reach the actors actually responsible for the conduct at issue.

The commenter offers these paths under each of his capacities — as a sitting Senator, as a leader of the opposition, and as a pre-candidate for the Presidency — and many of them are precisely what the incumbent government cannot or will not put on the table.

A. Digital Trade and Electronic Payment Services

A.1. Content orders directed at U.S. platforms.

Acknowledge. The commenter accepts the factual core of the finding — secret take-down orders, profile suspensions, daily fines, asset freezes, and threats of market eviction against U.S. social-media companies — and does so with more authority than any other commenter, because the opposition has been the primary domestic victim of these orders. This is also exactly the conduct the President named in his July 9, 2025 letter. The word

¹⁰ Notice § V (inviting comment on “the needs of the U.S. economy” and on whether tariffs “would be practical or effective in obtaining the elimination” of the practices).

¹¹ Notice § IV (proposing a 25% tariff on substantially all goods of Brazil, with exemptions including “articles for which additional tariffs may not contribute substantially to the elimination” of the practices at issue).

¹² <https://www.bbc.com/portuguese/articles/c891jp93eqvo>



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“censorship” belongs in the mouths of the affected American companies and in the President’s citation; the commenter need not characterize the Court to make the point.

Contest. The remedy is mismatched to the offender.

These measures originate in a judiciary that the United States itself has repeatedly described as increasingly politicized, and, more recently, in the Executive: on May 20, 2026, on the eve of the electoral campaign, the President issued decrees tightening platform obligations — incorporating the Supreme Court’s 2025 ruling against Article 19 of the Marco Civil da Internet, vesting an organ of the Ministry of Justice with enforcement power, and authorizing the removal of content without prior judicial order in certain cases. They were issued by executive fiat, without a vote of Congress.

And that is the decisive point: Brazil’s own legal order protects freedom of expression — including the Constitution and, until recently, the very Article 19 of the Marco Civil that the Court struck down. These measures do not enforce Brazilian law; they advance against it. The new obligations came by decree, and the censorship orders by ruling, precisely because no such regime has ever cleared the National Congress, which has blocked it. Society has mobilized against these orders, and the Senate has received dozens of impeachment petitions against members of the Court tied to this very abuse of authority — petitions now stalled, but which could advance should the opposition gain strength in October. The institution capable of correcting this conduct is the legislature, working through Brazilian law.

A blanket tariff bypasses that channel entirely. The President named the government and the judiciary as the target; a 25% tariff on the whole economy reaches neither. It punishes Brazilian society and the American economy alike — the productive sector and the populace that oppose these orders, the U.S. importers and consumers who bear the cost — while leaving untouched, and indeed strengthening, the very actors who issue them. The Trade Representative’s own restraint, declining “at this time” to make a finding on the June 26, 2025 ruling on Article 19, points to the better instrument: targeted, prospective measures, not a blanket tariff.

Paths to remediation. The conduct can be corrected through Brazilian institutions, on a near horizon — and the tariff is, in any event, the wrong tool to reach it.

Begin with the standard, because it defines what correction means. Freedom of expression is not a grant of the State, to be conferred or withdrawn at the government’s convenience. It rests on three foundations at once: a natural right antecedent to any statute, which legitimate government exists to secure rather than ration; a constitutional command, since Brazil’s own Federal Constitution guarantees free expression and forbids censorship; and a treaty obligation, under the Universal Declaration of Human Rights and the American Convention on Human Rights (Pact of San José), to which Brazil is bound. The conduct at issue offends all three — and correcting it is therefore not a concession to Washington, but a return to Brazil’s own first principles and its own law.



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Brazil's October election opens a clear path to that correction. The President can and should reverse the recent decrees that tightened restrictions on expression; a newly elected Congress — both houses are renewed in this vote — can restore through law the protections that judicial reinterpretation hollowed out; and the responsible actors can be held to account through Brazil's own institutional channels. None of this is speculative or distant. It is on the calendar, three months away — which is precisely why acting now, on the eve of that renewal, is the wrong sequencing for any instrument of leverage.

What the commenter would respectfully recall is that the United States already holds instruments built to reach violations of this kind precisely, without taxing a society or its economy — financial sanctions and visa restrictions that fall on responsible officials and their families, several already in effect against Brazilian officials.** He does not ask that any be used — that is a sovereign judgment for the United States alone** — but each reaches the offender, while a 25% tariff on the whole of Brazil reaches everyone except the offender, punishing Brazilian society and the American economy alike and leaving the violators not merely untouched but politically strengthened.

A.2. Pix and electronic payments.

Acknowledge. None.

Contest. Pix is one of the hallmarks of Jair Bolsonaro's administration, a technological advancement that transforms instruments of corporate control over the economic lives of individuals into pure transformative entrepreneurial power — a vision and principle that the movement the commenter represents shares with President Trump.

On the technical merits: Pix is sovereign public payment infrastructure, not a competing commercial firm; the conflict-of-interest theory proves too much, since the U.S. Federal Reserve is likewise both regulator and operator of an instant-payment system (FedNow); U.S. card volumes in Brazil continued to grow alongside Pix; and the formalization of tens of millions of Brazilians expanded the consumer market for U.S. firms — in e-commerce, platforms, and fintech — in a country where the United States leads foreign direct investment.

A sanction or tariff is the wrong remedy: it does not touch the architecture of the payment system and it harms U.S. investment.

Paths to Remediation. The decisive signal — a legislative commitment that Pix will not be interconnected to non-Western cross-border settlement arrangements. Beyond that commitment, there is substantial room for the Brazilian government to act in adjacent areas that remain more heavily regulated and taxed than sound policy would warrant. Private payment instruments — credit and debit cards, acquirers, and other arrangements — provide functions that Pix does not replace, including consumer credit, installment financing, dispute protection, and chargeback mechanisms. These instruments today bear a regulatory and tax burden that suppresses competition rather than fostering it. Easing that burden would not privilege any firm; it would widen consumer choice, lower the cost of



voluntary exchange, and support economic growth — outcomes that serve the Brazilian consumer and the broader economy as directly as they serve the sector itself.

B. Unfair, Preferential Tariffs (Mexico and India)

Acknowledge. Brazil does maintain excessive tariffs in several sectors, and the commenter — like President Trump — believes in fair, reciprocal trade.

Contest. On causation, the Trade Representative concedes that the observed shifts in market share “cannot be attributed solely” to the preferential arrangements¹³. On symmetry, the United States grants Mexico, under the USMCA, the very kind of preferential access it faults Brazil for granting. And on remedy, Brazil cannot lawfully revoke these preferences unilaterally; they are embedded in ALADI/Mercosur instruments (e.g., ACE-53), whose flexibilization is a negotiated, not a unilateral, act.

Paths to Remediation. Aggressively pursue ways to establish bilateral agreements that foster trade and investment between both nations. Brazil seeks ways to free itself from Mercosur bindings that have prevented past administrations from having such negotiations with the United States. The path taken by Javier Milei’s Argentina offers a useful precedent that the commenter is committed to examining and pursuing.

C. Anti-Corruption Enforcement

Acknowledge. The commenter endorses the OECD and Transparency International diagnosis the Notice relies upon — the 2023 annulment of evidence in the leniency record and the opaque, conflict-laden renegotiation of leniency agreements¹⁴. Successive Workers’ Party administrations have produced more than isolated corruption schemes; they have entrenched a corruption *modus operandi* that predictably generates large-scale scandals. Brazil is currently uncovering two such cases.

Contest. Not the diagnosis, but the inference drawn from it — that Brazil is incorrigible, and that this conduct is a permanent national trait rather than the signature of a particular way of governing. The record shows a cycle, not a constant.

The two largest corruption scandals in Brazil’s modern history — the Mensalão and Lava Jato — both took shape under governments of the Workers’ Party, the party now returned to power. The two scandals unfolding under its current term are already being compared in the Brazilian press to those landmarks, and both reach directly into the President’s own circle. The first is the INSS scandal, a scheme of unauthorized fees skimmed from the pensions of millions of elderly and disabled Brazilians, in which the Federal Police is investigating the President’s eldest son, Fábio Luís Lula da Silva (“Lulinha”), while his

¹³ Notice § II.B (“these trends ... cannot be attributed solely to the preferential trade arrangements”).

¹⁴ Notice § II.C (citing the October 2023 OECD report; the September 2023 decision of the Brazilian Supreme Court; and Transparency International (2025)).



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brother, a director of one of the investigated pension associations, has likewise been named.

The second is the Banco Master scandal, described as the largest banking fraud in the country's history, whose investigation has exposed a web of proximity between the bank's controller and the governing apparatus: former Finance Minister Guido Mantega, retained as a consultant; former Justice Minister Ricardo Lewandowski, whose law firm was likewise engaged by the bank shortly after he left the Cabinet; Senator Jaques Wagner, the Government's own leader in the Senate, named in connection with undue benefits; and the President himself, documented to have received the financier off-calendar and advised him not to sell the failing bank. This scandal touches the American financial system, has harmed U.S. persons and may even connect to organized crime, with at least one of the recently designated FTO organizations.

That same scandal reached the very court that presides over the prosecution of the opposition: the law firm founded by Supreme Court Justice Alexandre de Moraes, now held by his wife and children, is reported to have been contracted by the bank's controller for roughly R\$129 million, with a second sitting Justice's relatives likewise tied to the scheme.

This exposes the central incoherence of the proposed action. The conduct of Justice de Moraes is what gave rise to this entire matter, and the United States already possessed — and used — an instrument calibrated to reach him: a Global Magnitsky designation against the individual, his spouse, and the family holding company. That instrument was lifted, in the course of a rapprochement with the incumbent government, while what is proposed in its place is a 25% tariff on the entire Brazilian economy, premised on the conduct of the very individual it had reached. The measure aimed at the responsible person is withdrawn; a measure that cannot touch him — falling instead on exporters, American importers, U.S. consumers, and the opposition that is his principal victim — is advanced in its place.

This is the deepest perversity of the proposed action. A tariff rebuilds no prosecutorial independence and returns nothing to a defrauded pensioner. Instead, it rewards the author of the conduct it claims to punish.

Paths to Remediation. Corruption is a scourge on the Brazilian people and their institutions, and it consistently appears in public-opinion surveys as one of the population's foremost concerns. The commenter's public commitment is to strengthen the fight against crime in all its forms and to restore the rule of law, which involves combatting money laundering and the infiltration of institutions — work he is already advancing through the relevant congressional inquiries in the Senate. That such governance is feasible is a matter of recent record: the administration of President Jair Bolsonaro, from 2019 to 2022, passed without a systemic corruption scheme of any comparable scale. The objective is to make it a stable feature of the State rather than the trait of any one administration.

The other part of the path belongs to the United States alone. The commenter does not presume to advise the U.S. government on the use of its own instruments, nor does he



request their application against any individual — those are sovereign determinations, made under criteria that belong exclusively to the United States. He observes only this: where the concern is the corruption or abuse of identifiable officials, the United States already holds instruments designed to reach exactly those individuals — visa restrictions under Section 7031(c), which expressly cover current and former foreign officials and their family members; inadmissibility findings under INA Section 212(a)(3)(C); and asset-blocking designations under the Global Magnitsky framework. By their nature, such instruments fall on the responsible person, his beneficiaries, and his holdings — not on Brazilian exporters, American importers, or U.S. consumers. Whether and how to use them is for the United States to decide; but measured against the statute’s own “elimination” standard, an instrument that reaches the offender is plainly better suited to the purpose than a 25% tariff that reaches everyone except the offender.

D. Intellectual Property Protection

Acknowledge. The substance of the finding is fair: excessive patent pendency, especially for biopharmaceuticals; insufficient deterrent penalties and customs capacity against counterfeiting; persistent piracy; and Brazil’s non-accession to the WIPO Internet Treaties¹⁵.

Contest. Only the remedy. Treaty accession, examiner capacity, and a patent-term-adjustment mechanism are legislative and administrative reforms; a 25% tariff on unrelated goods does nothing to “obtain the elimination” of these gaps and is therefore unsuited to the statutory test¹⁶.

Paths to Remediation. Two converging tracks. First, the technical reforms that map directly onto the finding: a patent-term-adjustment mechanism to compensate for unreasonable examination delay; accession to the WIPO Copyright Treaty and the WIPO Performances and Phonograms Treaty; stronger deterrent penalties and expanded customs enforcement against counterfeiting; and sustained anti-piracy cooperation. This is among the cleanest areas of convergence in the entire docket. Second, the enforcement dimension the commenter is uniquely placed to advance: counterfeiting and smuggling routes substantially overlap with those used for drug and arms trafficking, and therefore with the criminal organizations recently designated as Foreign Terrorist Organizations. That overlap makes anti-counterfeiting cooperation inseparable from the broader fight against narcoterrorism — a fight the current Brazilian government undercuts by advocating the relaxation of those FTO designations rather than engaging the U.S. resources arrayed against these organizations.

¹⁵ Notice § II.D (WIPO data published 2025: average examination of 38.4 months in Brazil; 54–63.6 months or longer for biopharmaceutical art units).

¹⁶ 19 U.S.C. § 2411(b); Notice § IV (action shall be taken “to obtain the elimination of that act, policy, or practice”).



E. Ethanol Market Access

Acknowledge. The tariff asymmetry is real — Brazil applies 18% while the United States applies 2.5% — and the commenter will not pretend otherwise¹⁷.

Contest. The Notice omits context that bears on remedy: U.S. demand for Brazilian cane ethanol under California’s Low Carbon Fuel Standard, and the U.S. tariff-rate quotas on Brazilian sugar that frame the broader reciprocity picture. The asymmetry is a negotiating problem, not a punitive one.

Paths to Remediation. A good-faith negotiation between the two nations should be able to allow both parties to work toward a reciprocal zero-for-zero deal on ethanol and sugar.

F. Illegal Deforestation

Acknowledge. The deficit is one of enforcement, not of legislation: Brazil’s Forest Code is among the most restrictive in the world. To that extent the diagnosis is shared, and the commenter does not relitigate the past.

Contest. Three technical points. First, the proposed action is internally inconsistent: the Annex exempts beef — bovine carcasses and cuts of HTSUS headings 0201 and 0202¹⁸ — while the deforestation finding identifies cattle ranching as the driver of 78% of commodity-attributed deforestation¹⁹. **The single largest forest-risk commodity is exempted from the very measure said to address forest risk.** Second, the Notice concedes recent enforcement improvements, then discounts them with speculation about what “future administrations” might do — a finding cannot rest on a forecast. Third, the causal chain leans on a narrow evidentiary base (e.g., a single 2024 study and speculative price ranges such as the 7%–16% timber-price estimate)²⁰. Finally, a blanket sanction would punish compliant, high-standard producers that are essential to supplying the U.S. market, thereby placing additional inflationary pressure on American consumers.

Paths to Remediation. A convergence program, not a confrontation: real-time satellite, drone, and AI monitoring; systematic auditing of the Rural Environmental Registry (CAR) against satellite data — the exact gap the Notice identifies; full traceability of the cattle

¹⁷ Notice § II.E (Brazil’s applied ethanol tariff set at 18% since February 2023; U.S. ethanol exports to Brazil of \$96 million in 2025, down from \$761 million in 2018).

¹⁸ Notice, Annex (excluding, inter alia, bovine carcasses, halves, and meat cuts of HTSUS headings 0201 and 0202 from the proposed action).

¹⁹ Notice § II.F (estimating cattle ranching drove 78% of commodity-attributed deforestation between 2018 and 2022; estimating illegally sourced timber reduces legal timber prices by 7%–16%).

²⁰ Notice § II.F (estimating cattle ranching drove 78% of commodity-attributed deforestation between 2018 and 2022; estimating illegally sourced timber reduces legal timber prices by 7%–16%).



supply chain; and economic alternatives for the Amazon. The commenter accepts Brazil's official PRODES/DETER monitoring as the public scoreboard going forward.

VI. The Appropriate Action

The request rests on the statute, not on any election. Based on the evidence already before the agency, the proposed action should be suspended because it:

- Will not obtain the elimination of the practices it targets
- Does not reach the target the President named.
- Benefits the very offenders and the administration which has consistently refused to negotiate in good faith.

That conclusion holds regardless of the outcome of Brazil's 2026 elections, including the re-election of the incumbent.

A. Principal request

The commenter requests:

- (i) suspension of the proposed action and
- (ii) the immediate establishment of a bilateral negotiating mechanism, with a defined agenda across all six areas and a fixed calendar.

Suspension is deliberately chosen over abandonment. The Trade Representative is not asked to withdraw the investigation; he is asked to exercise the statutory faculty to suspend or delay implementation of a determined action. The eleven-month record remains intact; the actionability determinations across all six areas remain in place; the leverage remains fully loaded. Only the trigger is held while the table works. For an agency that has already answered the legal test, this is the lowest-cost, highest-optionality disposition.

The statute already supplies the path, and it does so without any retreat on the merits. Section 304(a)(1) of the Trade Act (19 U.S.C. § 2414(a)(1)) directs the Trade Representative to determine what action, "if any," to take; a tariff is authorized but nowhere mandated, and a determination that no action is appropriate at this time is a recognized and previously exercised option, not a gap in the statute. The Trade Representative may therefore reaffirm the June 1, 2026 actionability finding in full — preserving the entire record and the legal predicate for future action — while determining that no tariff action will be implemented at this time.

This is not a novel disposition. In the 2013–2014 Section 301 investigation of Ukraine, after a hearing and consultations that did not resolve the matter, the Trade Representative found the practices at issue actionable under Section 301(b) and, in light of the political situation then prevailing, determined that no action under Section 301 was appropriate at that time, while expressly committing to continued engagement and reserving future action



(Notice of Determination in Section 301 Investigation of Ukraine, 79 Fed. Reg. 14,326 (Mar. 13, 2014), Docket No. USTR-2013-0023). That is the precise structure requested here: actionability affirmed, implementation deferred, every right reserved. Because Section 306 of the Trade Act preserves the Trade Representative’s continuing authority to monitor compliance and to modify, expand, or reinstate action as circumstances change, suspension forfeits no leverage — it holds the trigger while the table works rather than discharging it. And because determinations of this kind are reviewed with substantial deference, the disposition carries no meaningful litigation exposure for the agency.

A further, independent consideration counsels against fixing any remedy now. Material developments have continued to emerge since the June 1, 2026 determination — in the digital-trade domain, where new measures have appeared that were not before the agency when the record closed, and in the anti-corruption domain, where serious new matters bearing on enforcement at the highest levels of the Brazilian state have come to public attention. These developments do not weaken the actionability finding; they reinforce it. But they argue for completing the record before any responsive measure is calibrated, so that whatever the Trade Representative ultimately does is matched to the full and current scope of the conduct rather than to a record already overtaken by events.

B. A factual observation on timing

Separately, and as a matter of timing rather than of who benefits: Brazil holds general elections in October 2026, and the political landscape that determines the viability of any negotiated resolution will be redefined within roughly ninety days. Taking an irreversible action now — at the point of maximum mobilizing impact — is poor sequencing for any instrument of leverage, irrespective of which party it would help. Preserving optionality is the superior strategic choice. Additionally, the prospect of engaging good-faith negotiators across the table and restoring the historically mutually beneficial trade relationship between two great nations is an opportunity that should not be missed.

There is, in addition, an institutional reason of the United States’ own that points the same way. The United States has a well-established interest in not taking major economic action against a foreign democracy in the weeks before a contested national election, where the action risks being portrayed — whatever its legal merits — as an attempt to shape the result, inflaming sentiment against the United States to no diplomatic gain. Deferring implementation until after the vote forecloses that characterization. This interest is indifferent to which candidate prevails, including the re-election of the incumbent; it speaks only to the timing and perception of U.S. action, and it reinforces, on grounds entirely internal to U.S. policy, the disposition the statute already permits.

C. The automatic snap-back

Together with the suspension of the proposed actions, the commenter proposes a 180-day snapback mechanism, extendable for an additional 90 days where the negotiations demonstrate good faith and concrete progress.



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The current government would have that period to engage in good-faith negotiations, without the prospect of electoral dividends, or face the consequences of the reinstatement of those actions. That same period would give the opposition in Congress the time and standing to press the current government to intensify its own good-faith negotiating efforts.

In the event of an opposition victory, the president-elect would immediately appoint a negotiator to carry the negotiations forward in good faith.

This provision removes the volatility of the electoral factor, gives the current government an opportunity to act responsibly, and preserves the possibility that the United States may finally engage with good-faith negotiators interested in restoring the mutually beneficial trade relationship that has historically marked relations between the two nations.

The 180-day window just described also rests on the Trade Representative's own implementation authority. The statute permits the implementation of a determined action to be delayed by up to 180 days where delay is in the national economic interest and where substantial negotiations are under way — or, as here, in immediate prospect through the very mechanism this comment asks the Trade Representative to open — that offer promise of a satisfactory resolution. Both grounds are present. In any event, the 30-day implementation clock runs only from an affirmative decision to act; a determination to hold implementation does not start it, so deferral keeps the matter squarely within the statute's timing framework.

D. Personal record.

In his meetings with President Trump, Vice President Vance, and Secretary Rubio, and in formal correspondence addressed to Secretary Rubio on June 2, 2026, the commenter asked explicitly that the United States not impose tariffs on Brazil and not take a precipitous decision. That position has been reiterated in every public statement since, and in the same statements he has consistently pointed to the room for a broader bilateral agreement on fair trade and investment between the two nations. Separately, he commits that he will negotiate each of the six areas in good faith, defending Brazil's interests as vigorously as President Trump defends those of the United States.

E. Subsidiary request (in the alternative).

Should the Trade Representative nonetheless proceed, the commenter requests, in the alternative, an expansion of the Annex exclusions under the Notice's own criteria — inputs without an alternative source, goods whose tariffing would risk economy-wide disruption, and items for which a tariff would not contribute substantially to eliminating the practice. Requesting suspension and exclusions shows that the commenter operates within the logic of the Notice itself and presents the Trade Representative with a calibrated path that preserves leverage while allowing space for constructive engagement. (Annex G)

VII. Conclusion

At bottom, this is a request to restore, not a request for relief. For more than eighty years the United States and Brazil were partners of the first rank; only recently has Brazil's



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government turned the relationship away from the hemisphere to which Brazil belongs. The commenter's program is to reverse that turn — and the proposed action, by rewarding the government that engineered the rupture, would only entrench it.

The commenter seeks the same outcomes the President of the United States of America seeks: the betterment of his country's economy via fair trade with trusted partners, reduced dependence on countries which are not regional allies, a hemisphere closed to non-Western strategic penetration, the defense of free expression, and the integrity of the Western financial architecture. The proposed action delivers none of them. It reaches none of the targets the President named; it strengthens the government whose conduct prompted it; it taxes American consumers and exposes American exporters; and it punishes the Brazilians who most want a mutually beneficial relationship with the United States.

For these reasons, the Trade Representative should suspend the proposed action and open an immediate bilateral negotiating mechanism, with verifiable milestones and an automatic 180-day snap-back, across all six areas. The Trade Representative possesses every tool required to do this without retreating on the merits: the June 1, 2026 actionability finding can be reaffirmed in full even as implementation is suspended, exactly as the agency's own prior practice confirms, with all rights reserved under Sections 301, 302, and 306 of the Trade Act. Restated: ***the proposed tariffs would hand the current Brazilian government precisely the political victory it has been engineering, while punishing the American economy and the very Brazilians who seek a mutually beneficial relationship with the United States.***

Respectfully submitted,

Flávio Bolsonaro

Senator, Federal Senate of Brazil

Annexes

- Annex A — De-Dollarization
- Annex B — Public Hostility to the United States
- Annex C — Judicial Escalation After Initiation
- Annex D — Refusal To Negotiate
- Annex E — Electoral Instrumentalization
- Annex F — Bilateral Trade Balance and U.S. FDI Position in Brazil
- Annex G — Subsidiary Exclusion List: Priority HTSUS Subheadings (aircraft/Embraer; iron and steel; cellulose; coffee; orange juice).



Annex A — De-Dollarization

CHRONOLOGY OF ACTS AND STATEMENTS BY THE LULA GOVERNMENT AND COALITION

January 2023 – June 2026

Prefatory Note

This annex documents, in chronological order, the public acts and statements by the incumbent Brazilian government constituting advocacy for de-dollarization — defined as promotion of payment arrangements and reserve mechanisms designed to reduce reliance on the U.S. dollar and the Western settlement system. Each entry identifies the specific person, act, date, venue, and a direct link to a major press outlet or official government document.

Quick-Reference Index (21 entries)

#	Date	Actor	Type
1	Jan 21–23, 2023	Lula + Fernández (Argentina)	Bilateral initiative
2	Mar 29–30, 2023	Brazil-China Central Banks	Institutional act
3	Apr 13, 2023	Lula — Shanghai NDB	Presidential speech
4	Apr 14–15, 2023	Lula + Xi — Beijing	State visit / agreements
5	Aug 22–24, 2023	Lula — BRICS Johannesburg	Multilateral advocacy
6	Aug 30, 2024	Dilma — NDB official remarks	Institutional commitment
7	Oct 22–24, 2024	Lula + Vieira — Kazan	Multilateral speech
8	Nov 30, 2024	Trump — Truth Social	U.S. response / warning
9	Jan 1, 2025	Brazil govt — BRICS presidency	Policy agenda launch
10	Feb 2025	Galípolo — BIS Mexico City	CB Governor statement



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#	Date	Actor	Type
11	Apr 28, 2025	Vieira — BRICS FM Rio	Ministerial act
12	May 13, 2025	Galípolo + PBoC — R\$157bn	Institutional act
13	Jul 4, 2025	Lula — NDB Annual Conference	Presidential speech
14	Jul 6, 2025	BRICS Leaders’ Declaration	OFFICIAL primary source
15	Jul 6–7, 2025	Lula — BRICS Rio Summit	Presidential speech
16	Jul 7–9, 2025	Trump — tariff threats + letter	U.S. response
17	Jul 10–11, 2025	Lula — TV Globo + Record	National TV interviews
18	Jul 13, 2025	@ptbrasil — Desdolarizai-vos!	Party communication
19	Jul 6, 2025	Dilma — NDB/BRICS context	Institutional endorsement
20	Feb 20, 2026	Lula — New Delhi (India Today)	Presidential interview
21	Jun 9–25, 2026	Brazil-China Working Group + Treasury	Institutional acts

Detailed Entries

Entry 1 · January 21–23, 2023 — Buenos Aires, Argentina

Actor: President Lula + Argentine President Alberto Fernández

Act: In Buenos Aires for a bilateral summit, Lula and Fernández announced advancing discussions toward a common South American currency provisionally called the “sur,” explicitly framed as reducing external vulnerability and reliance on the dollar in bilateral and regional trade settlement. This is the earliest public act of the Lula government’s de-dollarization agenda, made within days of his inauguration.



Source: Exame

- Date: 23 Jan 2023
- Headline: **Brazil will ask that the agreement make clear that a common currency with Argentina will not replace either the real or the peso**
- Link: <https://exame.com/economia/brasil-vai-pedir-que-acordo-deixe-claro-que-moeda-comum-com-argentina-nao-substituira-real-ou-peso/>

Entry 2 · March 29 / April 14, 2023 — Beijing, China

Actor: Banco Central do Brasil + People's Bank of China

Act: Brazil and China sign a formal agreement to settle bilateral trade in local currencies (yuan and real), bypassing the U.S. dollar. ICBC's Brazil unit is designated yuan clearing bank; Banco BOCOM BBM becomes the first direct participant in China's CIPS — the Chinese interbank payment system positioned as an alternative to SWIFT — in all of South America.

Source: Fox Business

- Date: 29 Mar 2023
- Headline: **Brazil, China strike trade deal agreement to ditch US dollar**
- Link: <https://www.foxbusiness.com/markets/brazil-china-strike-trade-deal-agreement-ditch-us-dollar>

Entry 3 · April 13, 2023 — Shanghai, China (NDB Inauguration)

Actor: President Lula

Act: Speech at the inauguration of Dilma Rousseff as NDB President in Shanghai. Lula publicly questions why international trade must be backed by the dollar and who decided the dollar would be the standard currency after the gold standard ended; proposes a BRICS currency to finance intra-bloc trade. Most widely quoted de-dollarization statement by a sitting G20 leader in 2023; cited in President Trump's July 9, 2025 letter.

“Every night I ask myself why all countries are required to conduct their trade backed by the dollar. Why can't we conduct our trade backed by our own currency? Who decided that the dollar would be the currency after gold disappeared as the standard of parity?”

Source: Gazeta do Povo

- Date: 13 Apr 2023
- Headline: **Amid criticism of the U.S. dollar, Lula advocates for the use of BRICS currencies in global trade during a speech in Shanghai**
- Link: <https://www.gazetadopovo.com.br/economia/com-criticas-ao-dolar-lula-defende-moedas-do-brics-no-comercio-global-em-xangai/>



Source: Público (Portugal)

- Date: 13 Apr 2023
- **Headline: Lula wants to use the BRICS Bank to bypass the U.S. dollar in international trade**
- Link: <https://www.publico.pt/2023/04/13/mundo/noticia/lula-quer-usar-banco-brics-contornar-dolar-comercio-internacional-2045938>

Entry 4 · April 14–15, 2023 — Beijing, China (State Visit)

Actor: President Lula + President Xi Jinping

Act: State visit. Lula and Xi sign 15 bilateral agreements valued at approximately US\$10 billion, formally operationalizing the yuan/real trade settlement framework. Lula continues public advocacy for bilateral non-dollar trade throughout the visit.

Source: CSIS

- Date: 19 Apr 2023
- **Headline: The Great Balancing Act: Lula in China and the Future of U.S.-Brazil Relations**
- Link: <https://www.csis.org/analysis/great-balancing-act-lula-china-and-future-us-brazil-relations>

Source: Progressive International

- Date: 20 Apr 2023
- **Headline: Lula and Xi pave the way for trade de-dollarisation**
- Link: <https://progressive.international/wire/2023-07-20-lula-and-xi-jinping-pave-the-way-for-trade-de-dollarisation/en/>

Entry 5 · August 22–24, 2023 — Johannesburg, South Africa (15th BRICS Summit)

Actor: President Lula (in person)

Act: Lula advocates for a common BRICS currency and de-dollarization of trade. Together with Russia's Putin, he is the most vocal leader on this agenda. Russian FM Lavrov later attributed the BRICS alternative-payments track — recorded in the Johannesburg Declaration — specifically to Lula's initiative. South Africa declined to include de-dollarization as an official agenda item under U.S. pressure; India explicitly opposed it; Lula continued regardless.

Source: G1 (Globo)

- Date: 24 Aug 2023



- **Headline: Lula again advocates adopting a currency other than the dollar for trade among BRICS countries.**
- **Link:** <https://g1.globo.com/jornal-nacional/noticia/2023/08/22/lula-volta-a-defender-adocao-de-moeda-diferente-do-dolar-para-comercio-entre-paises-do-brics.ghtml>

Source: Poder360 (confirmation of Lula’s authorship)

- **Date:** 12 Jul 2025
- **Headline: The idea of a common BRICS currency came from Lula, says Russia (FM Lavrov attribution)**
- **Link:** <https://www.poder360.com.br/poder-internacional/ideia-de-moeda-comum-do-brics-foi-de-lula-diz-russia/>

Entry 6 · August 30, 2024 — NDB Strategic Remarks (Official)

Actor: Dilma Rousseff, President of the New Development Bank (former President of Brazil)

Act: In official NDB remarks published on the NDB’s own website, Rousseff formally commits the BRICS multilateral development bank to a 30 % local-currency financing target as a binding strategic objective for 2022–2026. A quantified institutional commitment, not merely rhetorical advocacy.

“That is the reason why expanding the use of local currencies is one of the New Development Bank’s (NDB) key strategic objectives for the 2022–2026 period. ... our goal is that 30 percent of the Bank’s project financing volume will be denominated in the national currencies of our members.”

Source: NDB.int (official)

- **Date:** 30 Aug 2024
- **Headline: Remarks by H.E. Mrs. Dilma Rousseff, President of the NDB**
- **Link:** <https://www.ndb.int/insights/remarks-by-h-e-mrs-dilma-rousseff-president-of-the-new-development-bank/>

Entry 7 · October 23, 2024 — Kazan, Russia (16th BRICS Summit)

Actor: President Lula (by videoconference); Foreign Minister Mauro Vieira (leads physical delegation)

Act: Lula delivers video address to BRICS Kazan Summit. Vieira announces that Brazil’s 2025 BRICS presidency will prioritize a payment system among members using national currencies rather than the dollar (BRICS Pay). Summit discusses BRICS Bridge — a digital settlement platform to reduce SWIFT dependency.



“The time has now come to advance the creation of alternative means of payment for transactions among our countries. This is not about replacing our currencies. But we must work so that the multipolar order we aspire to is reflected in the international financial system. This discussion must be addressed with seriousness, caution, and technical soundness, but it can no longer be postponed.”

Source: Planalto.gov.br (official)

- Date: 23 Oct 2024
- **Headline: By videoconference, Lula delivers remarks at the 16th BRICS Summit, held in Kazan, Russia.**
- Link: <https://www.gov.br/planalto/pt-br/acompanhe-o-planalto/noticias/2024/10/por-videoconferencia-lula-discursa-na-16a-cupula-do-brics-realizada-em-kazan-na-russia>

Entry 8 · November 30, 2024 — United States (Truth Social) [U.S. RESPONSE]

Actor: President-elect Donald Trump

Act: Trump threatens 100 % tariffs on BRICS member states if they move to create or support a non-dollar currency — directly naming BRICS de-dollarization, with Brazil implicitly included, as a *casus belli* for trade action.

“The idea that the BRICS Countries are trying to move away from the Dollar while we stand by and watch is OVER. ... We require a commitment from these Countries that they will neither create a new BRICS Currency, nor back any other Currency to replace the mighty U.S. Dollar.”

Source: NBC News

- Date: 30 Nov 2024
- **Headline: Trump threatens 100% tariff on BRICS countries**
- Link: <https://www.nbcnews.com/politics/white-house/trump-threatens-100-tariff-brics-countries-abandon-us-dollar-rcna182300>

Entry 9 · January 1, 2025 — Brazil assumes BRICS Presidency

Actor: Brazilian government (President Lula; Foreign Minister Mauro Vieira; Finance Ministry Secretary Tatiana Rosito)

Act: Brazil formally assumes the BRICS rotating presidency. Official agenda prioritizes: (a) local-currency payment systems; (b) interconnection of national platforms (Pix, CIPS, SPFS, UPI) to create multilateral settlement infrastructure bypassing the dollar/SWIFT; (c) integration of DREX (Brazil’s digital real CBDC) with BRICS payment architecture.

Source: Reuters



- Date: 13 Feb 2025
- Headline: **Brazil nixes BRICS currency, eyes less reliance on ‘mighty’ dollar**
- Link: <https://www.reuters.com/markets/currencies/brazil-nixes-brics-currency-eyes-less-reliance-mighty-dollar-2025-02-13/>

Source: GIS Reports

- Date: 02 Oct 2025
- Headline: **BRICS making incremental progress in dollar-free trade**
- Link: <https://www.gisreportsonline.com/r/brics-payment-system/>

Entry 10 · February 2025 — BIS Event, Mexico City

Actor: Gabriel Galipólo, President of Banco Central do Brasil

Act: In a statement at a Bank for International Settlements (BIS) event, Galipólo declared that Pix has the potential to integrate with international payment systems and that technology is no longer an obstacle to connecting national payment systems across borders — explicitly framing Pix as exportable cross-border infrastructure capable of reducing dollar intermediation.

Source: UOL

- Date: 6 Feb 2025
- Headline: **Pix can already be integrated into the international payment system, says Galipólo**
- Link: <https://economia.uol.com.br/noticias/redacao/2025/02/06/gabriel-galipolo-banco-central-mexico.htm>

Entry 11 · April 28, 2025 — Rio de Janeiro (BRICS Foreign Ministers Meeting)

Actor: Foreign Minister Mauro Vieira

Act: Under Brazil’s presidency of BRICS and at a Foreign Ministers meeting in Rio de Janeiro, the official declaration “underscored the importance of the enhanced use of local currencies in trade and financial settlements between BRICS countries and their trade partners”, with further references to the Kazan summit Declaration on the need to consider new payment instruments and platforms, “including by studying the feasibility of BRICS Cross-Border payments initiative, BRICS Clear and of reinforcing the BRICS reinsurance capacity”.

Source: BRICS + Analytics

- Date: 02 Oct 2025



- **Headline: BRICS Foreign Ministers' Meeting in Brazil: trade in focus**
- **Link:** <https://brics-plus-analytics.org/brics-foreign-ministers-meeting-in-brazil-trade-in-focus/>

Entry 12 · May 13, 2025 — Beijing (Lula State Visit to China)

Actor: Banco Central do Brasil (Gov. Galipólo) + People's Bank of China; President Lula

Act: The Central Bank of Brazil and the PBoC sign a bilateral currency swap of R\$157 billion (≈ US\$27.7 billion), valid for five years (CMN Resolution No. 5,211/2025), providing local-currency liquidity without dollar intermediation. By Q1 2025, 41 % of Brazil–China trade already settled in yuan. In Beijing, Lula again publicly questioned dollar primacy in trade.

Source: Valor International

- **Date:** 13 May 2025
- **Headline: Brazil and China to sign currency swap agreement**
- **Link:** <https://valorinternational.globo.com/markets/news/2025/05/13/brazil-and-china-to-sign-currency-swap-agreement.ghtml>

Entry 13 · July 4, 2025 — Rio de Janeiro (10th NDB Annual Conference)

Actor: President Lula

Act: At the NDB's annual conference — two days before the BRICS Leaders' Summit — Lula told the BRICS bank that the discussion of a new trade currency is essential and warned against ending the century as it began, praising the NDB's emphasis on local-currency financing.

Source: Planalto.gov.br (official website)

- **Date:** 4 Jul 2025
- **Headline: President Lula's speech at the opening of the 10th Annual Meeting of the BRICS New Development Bank**
- **Link:** <https://www.gov.br/planalto/en/follow-the-government/speeches-statements/2025/07/president-lulas-speech-at-the-opening-of-the-10th-annual-meeting-of-the-brics-new-development-bank>

Entry 14 · July 6, 2025 — Rio de Janeiro (BRICS Leaders' Declaration)

Actor: Government of Brazil — Ministério das Relações Exteriores (Itamaraty), signed under Brazil's BRICS presidency

Act: The official BRICS Leaders' Declaration — the only primary-source government document in this annex — instructs finance ministers and central-bank governors to continue the BRICS Cross-Border Payments Initiative; formally welcomes progress by the BRICS Payments Task Force (BPTF) toward greater interoperability of BRICS payment



systems; and endorses local-currency financing under the Interbank Cooperation Mechanism. This is not a speech or a press report: it is a binding multilateral directive issued under Brazil’s presidency and published by the Brazilian Ministry of Foreign Affairs.

Source: Ministério das Relações Exteriores (official)

- Date: 6 Jul 2025
- **Headline: BRICS Leaders’ Declaration — Rio de Janeiro**
- Link: https://www.gov.br/mre/pt-br/canais_atendimento/imprensa/notas-a-imprensa/declaracao-de-lideres-do-brics-2014-rio-de-janeiro-06-de-julho-de-2025#english

Entry 15 · July 6, 2025 — BRICS Brasil (official Brazilian government BRICS site)

Actor: Dilma Rousseff, President of the New Development Bank

Act: Responding to questions on de-dollarization during BRICS/NDB activities, Rousseff explicitly endorses local-currency expansion as a ‘positive development’ in her official institutional capacity. Published on brics.br — Brazil’s official BRICS presidency government website.

“I don’t see concrete evidence of an imminent decline in the dollar’s status as the world’s primary reserve currency. But the rise of initiatives to expand trade in local currencies is undeniable, and I see that as a positive development.”

Source: brics.br (Brazilian government official)

- Date: 6 Jul 2025
- **Headline: New Development Bank consolidates strategic expansion and reinforces commitment to sustainable development in the Global South**
- Link: <https://brics.br/en/news/new-development-bank-consolidates-strategic-expansion-and-reinforces-commitment-to-sustainable-development-in-the-global-south>

Entry 16 · July 6–7, 2025 — Rio de Janeiro (BRICS Leaders’ Summit)

Actor: President Lula

Act: Lula hosts and addresses the BRICS Leaders’ Summit in Rio. He calls the IMF and World Bank “a reversed Marshall Plan.” Celso Amorim signals support for alternatives to the dollar, framing diversification as a sovereignty imperative.

“No one determined that the dollar is the standard currency. In what forum was it determined? And obviously we have every responsibility to do this very carefully. Our



Central Banks need to discuss this with the Central Banks of other countries, but it is something there is no turning back from.”

Source: Agência Brasil

- Date: 7 Jul 2025
- **Headline: Lula says BRICS will continue discussing alternatives to the dollar - The president condemned Trump’s interference in Brazilian sovereignty**
- Link: <https://agenciabrasil.ebc.com.br/politica/noticia/2025-07/lula-diz-que-brics-seguira-discutindo-alternativas-ao-dolar>

Source: Brasil de Fato

- Date: 7 Jul 2025
- **Headline: BRICS leaders propose alternative payment system to SWIFT**
- Link: <https://www.brasildefato.com.br/2025/07/07/de-dollarization-brics-leaders-propose-creating-an-alternative-payment-system-to-swift/>

Entry 17 · July 7–9, 2025 — United States’ Response

Actor: President Donald Trump

Act: July 7: Trump posts on Truth Social threatening an additional 10 % tariff on any country aligning with ‘anti-American policies of BRICS,’ in direct response to the Rio Summit. July 9: Trump sends a formal letter to President Lula announcing a 50 % tariff on Brazilian imports effective August 1, citing BRICS de-dollarization among his concerns. The letter is published publicly on Truth Social the same day.

Source: NPR

- Date: 7 Jul 2025
- **Headline: Trump threatens BRICS bloc with extra tariffs**
- Link: <https://www.npr.org/2025/07/07/nx-s1-5459814/brics-summit-ends-with-trump-tariff-threat>

Source: NPR

- Date: 10 Jul 2025
- **Headline: Brazil’s Lula warns of 50 % tariffs after Trump trade threat**
- Link: <https://www.npr.org/2025/07/10/nx-s1-5463508/brazil-lula-trump-tariffs>

Entry 18 · July 10–11, 2025 — Brazil (TV Globo Jornal Nacional + Record)

Actor: President Lula



Act: In prime-time national television interviews on TV Globo's Jornal Nacional (Brazil's highest-rated newscast) and Record, carried by the official state news agency Agência Brasil, Lula stated that BRICS is discussing either its own currency or trading in national currencies without the dollar, and contrasted Brazil with the United States, which controls dollar issuance.

Source: Agência Brasil (EBC, official state agency)

- Date: 11 Jul 2025
- **Headline: Lula says BRICS will keep discussing alternatives to the dollar**
- Link: <https://agenciabrasil.ebc.com.br/politica/noticia/2025-07/lula-diz-que-brics-seguira-discutindo-alternativas-ao-dolar>

Entry 19 · July 13, 2025 — X / Twitter (@ptbrasil)

Actor: Partido dos Trabalhadores — official party account

Act: PT launches a social-media campaign promoting de-dollarization in the imperative voice, using the hashtags #BrasilSoberano #DefendaBrasil #RespeitaoBrasil — framing de-dollarization as national sovereignty and resistance, not technocratic policy.

“De-dollarize yourselves! ‘The world needs to find a way for our trade relations not to have to go through the dollar... obviously, we have to be responsible and do this carefully.’ — Lula ... ‘It is a new way for us to keep multilateralism alive in the world... we no longer want a tutelaged world... we no longer want disrespect for sovereignty.’ — @LulaOficial. A new era demands the courage to change. And Brazil is ready to lead this path. #BrasilSoberano #DefendaBrasil #RespeitaoBrasil”

Source: @ptbrasil on X

- Date: 13 Jul 2025
- **Headline: De-dollarize yourselves! (direct post)**
- Link: <https://x.com/ptbrasil/status/1944381302901559766>

➔ INITIATION OF THE USTR INVESTIGATION ON BRAZIL: 15 Jul 2025

Entry 20 · February 20, 2026 — New Delhi, India

Actor: President Lula

Act: In an interview with the Indian outlet India Today during a state visit to India, Lula reaffirmed gradual de-dollarization, stating that Brazil cannot be hostage to a single currency, and described expanding local-currency trade with partners including China and the European Union.

“It is not necessary that a trade agreement between India and Brazil has to be done with US dollars. We can use our own currencies. It is difficult, but we can try.”



Source: Exame

- Date: 20 Feb 2026
- **Headline: No debates within BRICS to create new currency: Brazil's Lula to India Today**
- Link: <https://www.indiatoday.in/business/story/no-debates-within-brics-to-create-new-currency-brazils-lula-to-india-today-2871784-2026-02-20>

Entry 21 · June 9–25, 2026 — Beijing, China

Actor: Brazil–China Strategic Financial Cooperation Working Group (co-chaired by BC Gov. Galipólo and PBoC Gov. Pan Gongsheng); National Treasury

Act: The working group reaches consensus on expanding the local-currency swap, direct renminbi–real trading, and a bilateral ‘Bond Connect’ pilot. The Treasury formalizes intent to issue sovereign ‘Panda Bonds’ in renminbi of up to 5 billion yuan (≈ US\$735 million) — the first Latin American sovereign to do so — explicitly advancing dollar-independent sovereign financing in the weeks immediately before the July 2026 USTR hearing.

Source: Brasil de Fato

- Date: 26 Jun 2026
- **Headline: Brazil takes first step toward issuing panda bonds**
- Link: <https://valorinternational.globo.com/markets/news/2026/06/26/brazil-takes-first-step-toward-issuing-panda-bonds.ghtml>

Supporting Structural Context

IPEA Study (Brazilian government research institute): The Instituto de Pesquisa Econômica Aplicada (IPEA) — Brazil’s official government economic research arm — published, in its journal *Revista Tempo do Mundo*, *BRICS and the De-Dollarization Agenda: Advances and Challenges under Brazil’s Presidency*, examining the de-dollarization agenda advanced under Brazil’s BRICS presidency.

- Link: <https://www.ipea.gov.br/revistas/index.php/rtm/article/download/696/498/2783>

Annex B — Public Hostility to the United States

CHRONOLOGY OF ATTACKS AND ACTS OF COUNTER-ALIGNMENT

January 2023 – June 2026



Prefatory note

This annex documents the pattern of public acts and statements by the incumbent Brazilian government constituting hostility toward the United States. It is organized in three categories, with entries grouped by category and period:

- (1) direct personal attacks on President Trump;
- (2) opposition to specific U.S. policy agendas including narcoterrorism, rare earths, Iran, Venezuela, and election security; and
- (3) concrete acts of diplomatic or operational hostility.

Each entry carries a verified source.

Quick-Reference Index (30 Entries)

#	Date	Actor / Event	Category
1	May 2023	Lula — Venezuela sanctions criticism	Opposes core US policy
2	Sep 19, 2023	Lula — UNGA 78th	Anti-hegemony speech
3	Feb 18, 2024	Lula — Gaza/Holocaust (Addis Abeba)	Damages US-Israel alignment
4	Nov 17, 2024	Janja — insult to Elon Musk (G20 Rio de Janeiro)	Attack on named US citizen at official G20
5	Jan 23, 2026	Lula — ‘Indignado toda noite’ re Maduro	Condemns US extraction of Maduro
6	~Feb 7, 2026	Lula — Rare earths: China parceria > US	Rejects US rare earths alliance
7	Feb 9, 2026	Lula — Lampião/Trump (CNN Brasil)	Threatens rhetorical defiance
8	Feb 22, 2026	Lula — New Delhi press conference	Criticizes the U.S. role in South America
9	Feb 28, 2026	MRE — Official statement on Iran	Brazil condemns US/Israel Iran



SENADO FEDERAL
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#	Date	Actor / Event	Category
			attacks
10	Apr 1, 2026	Lula — ‘Unnecessary war’ on Iran	Sides with Iran against US
11	Apr 9, 2026	Rare Earths Treaty unsigned + TerraBras	Refuses US rare earths deal; creates rival
12	Apr 17, 2026	Finance Minister — PCC/CV designation	Rejects US narcoterrorism agenda
13	Apr 17, 2026	Lula — ‘Regulate digital to prevent election interference’	Implies US would interfere in elections
14	Apr 18, 2026	Lula — Barcelona ‘In Defense of Democracy’	‘Lords of war’; ‘Trump invades Iran’
15	Apr 19-20, 2026	Lula — Hannover Messe	‘At mercy of president who wages war by tweet’
16	Apr 20-21, 2026	Brazilian Federal Police chief — Ramagem/ICE	Brazil govt meddled in US immigration
17	Jul 17, 2025	Lula — CNN Amanpour	‘Trump not elected emperor of the world’
18	Jul 20, 2025	Gleisi — X/@gleisi	“Blackmail and aggressive sanctions”
19	Jul 30, 2025	Vieira — Washington (Rubio meeting)	“Unacceptable interference”
20	Aug 6-11, 2025	Brazil — WTO dispute DS640	Adversarial filing vs. US tariffs
21	Aug 20, 2025	Amorim —	‘Never seen this



SENADO FEDERAL
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#	Date	Actor / Event	Category
		CREDN hearing	level of disrespect”
22	Nov 14, 2025	Amorim — Operation Southern Lance	‘Extremely concerning’
23	Mar 4, 2026	Lula — FAO Brasilia	‘Warlords’
24	Apr 14, 2026	Lula — Iran threats press statement	‘Trump should not need to threaten the world’
25	May 21, 2026	Lula — Aracruz (Amazon)	‘Who is going to say the Amazon isn’t his?’
26	May 29, 2026	Amorim — Moscow	‘Pretext for intervention is unacceptable.’
27	Jun 3-11, 2026	Lula — OTCA/press statements	‘Brazil cannot accept this treatment.’
28	Jul 18-19, 2024	Amorim — Washington D.C. (lecture)	Equates US death penalty with Iran treatment of women
29	Feb 7, 2026	Lula — PT anniversary (Cuba massacre)	Calls US blockade a ‘massacre’ against Cuba
30	Mar 9, 2026	Lula — Ramaphosa state visit	‘Lords of arms’; cites US-Israel-Iran conflict

Detailed Entries

Entry 1 · May 2023 — Brasilia (Reception of Nicolas Maduro)

Actor: President Lula

Act: Lula publicly criticizes U.S. sanctions against Venezuela, stating that they are worse than wars.



“I always think that a blockade is worse than a war, because in war, usually, soldiers who are in battle die, but a blockade kills children, women, people who have nothing to do with the ideological dispute at stake.”

Source: Poder360

- Date: 29 May 2023
- **Headline: Lula says U.S. sanctions on Venezuela “kill children”**
- Link: <https://www.poder360.com.br/governo/lula-diz-que-sancoes-dos-eua-a-venezuela-matam-criancas/>

Entry 2 · September 19, 2023 — New York (UNGA 78th)

Actor: President Lula

Act: At the opening of the 78th UN General Assembly, Lula states the founding principle of multilateralism is ‘being eroded’ and denounces rich-country protectionism. Diplomatically transparent criticism of the US as the dominant power resisting multilateral reform.

“The principle on which multilateralism rests — that of sovereign equality among nations — has been eroded. Protectionism among rich countries has gained strength, and the WTO remains paralyzed.”

Source: Planalto.gov.br (official)

- Date: 19 Sep, 2023
- **Headline: Speech by President Luiz Inácio Lula da Silva at the opening of the 78th United Nations General Assembly**
- Link: <https://www.gov.br/planalto/pt-br/acompanhe-o-planalto/discursos-e-pronunciamentos/2023/discurso-do-presidente-luiz-inacio-lula-da-silva-na-abertura-da-78a-assembleia-da-onu>

Entry 3 · February 18, 2024 — Addis Abeba (African Union Summit)

Actor: President Lula

Act: Lula compares Israel’s military operations in Gaza to the Holocaust. The U.S. strongly supported Israel and had blocked UN ceasefire resolutions. Israel declares Lula persona non grata; Brazil recalls its Ambassador from Tel Aviv. The U.S. State Department publicly criticizes Lula.

“What is happening in the Gaza Strip is not a war; it is genocide. It happened when Hitler decided to kill the Jews.”

Source: Agencia Brasil (official)

- Date: 19 Feb 2024



- **Headline: Israel declares Lula ‘persona non grata’ after Holocaust speech**
- **Link:** <https://agenciabrasil.ebc.com.br/en/politica/noticia/2024-02/israel-declares-lula-persona-non-grata-after-holocaust-speech>

Entry 4 · November 17, 2024 — Rio de Janeiro (G20 Leaders Summit)

Actor: Janja (Rosangela da Silva, wife of President Lula)

Act: At the G20 Leaders’ Summit hosted by Brazil in Rio de Janeiro, Brazil’s first lady publicly said “Fuck you, Elon Musk” in English — a direct personal attack on a named U.S. citizen and the CEO of X Corp. at a multilateral summit convened by her husband. The outburst came against the backdrop of Brazil’s suspension of X by Justice Alexandre de Moraes, the freezing of Starlink assets to compel payment of X-related fines, Musk’s public opposition to Brazilian censorship orders, and his support for Donald Trump. No member of Lula’s household had made a more explicit personal attack on a named American at an official international event.

“Fuck you, Elon Musk.”

Source: O Globo

- **Date:** 17 Nov 2024
- **Headline: Brazil’s first lady says she is not afraid of Elon Musk and insults the owner of X, who reacts: ‘They will lose the next election’**
- **Link:** <https://oglobo.globo.com/english/noticia/2024/11/16/brazils-first-lady-says-she-is-not-afraid-of-elon-musk-and-insults-the-owner-of-x-who-reacts-they-will-lose-the-next-election.ghml>

Entry 5 · January 23, 2026 — Salvador, Bahia (MST National Meeting / Landless Workers Movement)

Actor: President Lula

Act: At an MST event, Lula expresses outrage at the U.S. extraction of Venezuelan President Maduro, describing in detail how 15,000 American soldiers in the Caribbean entered Venezuela at night to remove Maduro. He says he is ‘outraged every night’ and ‘cannot believe’ the action.

“I honestly — every single night — am outraged by what happened in Venezuela. I still cannot believe it. Maduro knew there were 15,000 American soldiers in the Caribbean Sea. Those guys entered Venezuela at night, went to the fort — a barracks where Maduro lives — and took Maduro away.”

Source: Metropoles

- **Date:** 23 Jan 2026



- **Headline: “Every night, I feel outraged by what happened in Venezuela,” Lula says.**
- **Link:** <https://www.metropoles.com/brasil/lula-indignado-venezuela>

Entry 6 · February 7, 2026 — Brazil

Actor: President Lula

Act: In response to Trump creating a rare earths alliance, Lula publicly thanks China for the partnership and states that American attempts to reduce dependence on rare earths will not work — directly contradicting and undermining a core U.S. strategic initiative.

Source: Metropoles

- **Date:** 07 Feb 2026
- **Headline: Lula cites “successful” relationship with China and rare earths dispute**
- **Link:** <https://www.metropoles.com/brasil/lula-cita-relacao-exitosa-com-china-e-disputa-por-terras-raras>

Entry 7 · February 9, 2026 — Sorocaba, Sao Paulo (federal school launch)

Actor: President Lula

Act: Responding to Trump’s commercial and military provocations, Lula invokes Lampião (a legendary Brazilian bandit) to threaten rhetorical defiance. The statement is framed as electoral pandering to the Northeast, Lula’s stronghold, but constitutes a public personal provocation directed at the U.S. President.

“If Trump knew what Lampiao’s bloodthirstiness in a president is like, he wouldn’t keep provoking us. If he knew what an angry Northeasterner is, he wouldn’t pick a fight with Brazil.”

Source: CNN Brasil

- **Date:** 09 Feb 2026
- **Headline: Lula: Trump nao brigaria com Brasil se soubesse o que e um nordestino nervoso**
- **Link:** <https://www.cnnbrasil.com.br/politica/lula-trump-nao-brigaria-com-brasil-se-soubesse-o-que-e-nordestino-nervoso/>

Entry 8 · February 22, 2026 — New Delhi (press conference ahead of planned Trump meeting)

Actor: President Lula



Act: Lula used a press conference in India to question Washington’s role in South America. In a single statement, he (a) asked whether the United States intends to help or threaten the region; (b) linked current U.S. pressure on South America to its threats against Iran; and (c) reinforced his long-standing criticism of what he sees as American interventionism and double standards in international relations.

“What is the role of the United States in South America? Is it to help? Or to threaten? Now there are threats directed at Iran. There needs to be an end to this. The world needs stability. The world does not need turbulence; it needs peace.”

Source: Planalto.gov.br (official)

- Date: 22 Feb, 2026
- **Headline: President Lula’s press statement and press conference in New Delhi, on the occasion of his State visit to India**
- Link: <https://www.gov.br/planalto/en/follow-the-government/interviews/president-lula2019s-press-statement-and-press-conference-in-new-delhi-on-the-occasion-of-his-state-visit-to-india>

Entry 9 · February 28, 2026 — Official statement (Ministry of Foreign Affairs)

Actor: Government of Brazil — Ministerio das Relacoes Exteriores (Itamaraty)

Act: The Brazilian government issues an official institutional note condemning the United States and Israel for attacks against Iran — explicitly calling the attacks a violation of international law and framing them as occurring ‘in the midst of a negotiation process.’ This is a formal Brazilian government position published on the MRE official website, placing Brazil on the opposite side of the US on a major military conflict.

“The Brazilian government condemns and expresses grave concern over the attacks carried out today by the United States and Israel against targets in Iran. The attacks occurred in the midst of a negotiation process between the parties, which is the only viable path to peace.”

Source: MRE.gov.br (official)

- Date: 28 Feb, 2026
- **Headline: Brazilian Government Statement on Iran attacks, Feb 28, 2026**
- Link: https://www.gov.br/mre/pt-br/canais_atendimento/imprensa/notas-a-imprensa/ataques-dos-estados-unidos-e-de-israel-ao-ira

Entry 10 · April 1, 2026 — Brazil

Actor: President Lula



Act: Lula defends Iran, says the United States started an ‘unnecessary war’ as fuel prices spike in Brazil. Explicitly sides with Iran over the US on the military confrontation.

Source: Gazeta do Povo

- Date: 01 Apr 2026
- **Headline: Lula defends Iran and says there are “plenty of opportunists” looking to profit from the fuel crisis**
- Link: <https://www.gazetadopovo.com.br/republica/lula-defende-ira-diz-malandro-crise-combustiveis/>

Entry 11 · April 17, 2026 — Brazil

Actor: Government of Brazil / PT Caucus

Act: In a clear move to sidestep deeper cooperation with the United States on critical minerals, parliamentarians from President Lula’s Workers’ Party introduced legislation in April 2026 to create TerraBras, a state-owned company tasked with controlling the exploration and processing of rare earth elements in Brazil. While the Lula administration has refrained from advancing negotiations on a broader rare earths partnership with Washington, the PT caucus pushed forward with a proposal that would establish a national company explicitly aimed at asserting state control over these strategic resources. The initiative reflects a deliberate preference for a state-led model over closer alignment with U.S. efforts to build alternative supply chains to China. As one of the bill’s proponents stated, the goal is to prevent foreign powers from “appropriating Brazil’s strategic minerals,” signaling a rejection of the partnership framework offered by the United States in favor of a domestically controlled structure.

Source: Gazeta do Povo

- Date: 17 Apr 2026
- **Headline: Trump envia tratado a Lula e documento esta na gaveta do presidente para ser assinado**
- Link: <https://www.gazetadopovo.com.br/economia/terrabras-governo-lula-articulacao-nova-estatal-explorar-terras-raras/>

Entry 12 · April 17, 2026 — Brazil

Actor: Dario Durigan, Minister of Finance

Act: The Finance Minister publicly opposes the U.S. designation of Comando Vermelho (CV) and Primeiro Comando da Capital (PCC) as Foreign Terrorist Organizations, stating that such a classification ‘would hurt Brazil’s markets and tourism.’ This is a direct ministerial rejection of one of the most important tools in the U.S. counter-narcoterrorism strategy — and comes days after Celso Amorim made the same argument in Moscow.

Source: Folha de S.Paulo



- Date: 17 Apr 2026
- **Headline: Minister says classifying the CV and PCC as terrorist groups would affect financial markets and tourism**
- Link: <https://www1.folha.uol.com.br/cotidiano/2026/04/classificar-cv-e-pcc-como-terroristas-como-avaliam-eua-afetaria-mercado-financeiro-e-turismo-no-brasil-diz-ministro.shtml>

Entry 13 · April 17, 2026 — Spain (press conference alongside PM Pedro Sanchez)

Actor: President Lula

Act: Lula calls for digital regulation to prevent ‘outside interference, especially in an election year’ — implying the United States might attempt to influence Brazil’s October 2026 election through digital platforms. This is a direct accusation of potential electoral interference by the US, used simultaneously to justify restricting American tech companies.

“We now need to regulate everything digital so that we give our country sovereignty and prevent outside interference, especially in an election year.”

Source: Gazeta do Povo

- Date: 17 Apr 2026
- **Headline: Lula defende regulacao digital para evitar intromissao de fora nas eleicoes**
- Link: <https://www.gazetadopovo.com.br/republica/lula-defende-regulacao-digital-evitar-intromissao-de-fora-eleicoes/>

Entry 14 · April 18, 2026 — Barcelona, Spain (‘In Defense of Democracy’ summit)

Actor: President Lula

Act: At an international left-wing forum described in Brazil as ‘the anti-Trump conference,’ Lula delivers his most comprehensive attack on the US-led international order: calls UN Security Council permanent members ‘lords of war’; explicitly names Trump alongside Bush, Putin, Israel, and others as leaders who made unilateral war decisions without consulting the UN; states ‘Whom did Trump ask before invading Iran? No one’; says ‘When Trump invades Iran, beans become more expensive in Brazil’; and tells South African President Ramaphosa he will personally fight to ensure he is allowed into the US G-20. The full speech is published on Gov.br.

“Whom did Trump ask before invading Iran? No one. When Trump invades Iran, beans become more expensive in Brazil, corn becomes more expensive in Mexico, and gasoline



goes up in other countries. Are the poor the ones who will end up paying for the irresponsibility of wars that no one wants?”

Source: Gov.br (official)

- Date: 18 Apr 2026
- **Headline: President Lula’s statement at the 4th High-Level Meeting in Defense of Democracy, Spain**
- Link: <https://www.gov.br/planalto/en/follow-the-government/speeches-statements/2026/president-lula2019s-statement-at-the-4th-high-level-meeting-in-defense-of-democracy-spain>

Entry 15 · April 19-20, 2026 — Hannover, Germany (Hannover Messe + Brazil-Germany consultations)

Actor: President Lula

Act: At the world’s leading industrial technology fair and subsequent Brazil-Germany intergovernmental consultations, Lula states the world cannot be at the mercy of a president who wages war by tweet, calls the Iran war ‘madness,’ and repeats that it is not possible that \$2.7 trillion is spent on war while hunger remains. German press hails Lula as ‘the leader who confronted the US President.’

“We cannot allow the world to be at the mercy of the behavior of a president who thinks that, by email or by tweet, he can tax products, punish countries, and wage war.”

Source: Gov.br (official)

- Date: 19-20 Apr 2026
- **Headline: Statement by President Lula at the opening of Hannover Messe 2026**
- Link: <https://www.gov.br/planalto/en/follow-the-government/speeches-statements/2026/statement-by-president-lula-at-the-opening-of-hannover-messe-2026>

Entry 16 · April 20-21, 2026 — Miami / Brasilia (Ramagem/ICE incident)

Actor: Brazilian Federal Police Chief Marcelo Ivo Carvalho; President Lula

Act: Brazilian Federal Police Chief Marcelo Ivo Carvalho — Brazil’s liaison in Miami — tips off U.S. ICE to detain Alexandre Ramagem, a former Bolsonaro intelligence chief living legally in Florida with an asylum request pending, in order to pressure the U.S. State Department on a Brazilian extradition request. Ramagem is released after two days. The U.S. expels Carvalho on April 20 for ‘meddling with US immigration policy and procedures.’ Lula responds: ‘If there was abuse, there will be reciprocity’ — and is reported to be considering expelling U.S. Embassy officials ‘to gain an electoral edge.’ This is the only case in this annex of the Brazilian government directly and physically interfering with U.S. law enforcement operations on American soil.



“If there was abuse, there will be reciprocity.”

Source: Metropoles

- Date: 21 Apr 2026
- **Headline: Lula on the expulsion of a delegate from the U.S.: “If there was abuse, there will be reciprocity.”**
- Link: <https://www.metropoles.com/mundo/lula-sobre-expulsao-de-delegado-dos-eua-se-houve-abuso-tera-reciprocidade>

Entry 17 · July 17, 2025 — CNN International (Christiane Amanpour interview)

Actor: President Lula

Act: In an exclusive CNN International interview, Lula directly attacks Trump by name, calls his approach ‘that of an emperor,’ and says Trump was elected to lead the United States and not to be the ruler of the world.

“President Trump was not elected to be emperor of the world. The relationship between the two countries cannot work like this: ‘I consider myself emperor, make a decision, and publish it in the newspaper.’”

Source: CNN

- Date: 17 Jul 2025
- **Headline: Lula says Trump ‘Was not elected to be emperor of the world’**
- Link: <https://www.cnn.com/2025/07/17/americas/trump-not-emperor-world-lula-intl>

Entry 18 · July 20, 2025 — X / @gleisi

Actor: Gleisi Hoffmann, PT President and Minister of Institutional Relations

Act: Gleisi frames the U.S. tariff campaign as a ‘conspiracy between Bolsonaroists and agents of the American president’ against Brazilian democracy.

“Blackmail and aggressive sanctions by the American government against our democracy, based on a conspiracy between Bolsonaro supporters and agents of the American president.”

Source: X/@gleisi

- Date: 20 Jul 2025
- **Headline: July 20, 2025 (verified direct URL)**
- Link: <https://x.com/gleisi/status/1946958677929288120>



Entry 19 · July 30, 2025 — Washington D.C. (post-Rubio meeting)

Actor: Foreign Minister Mauro Vieira

Act: In an official MRE press statement after meeting Secretary Rubio, Vieira declares U.S. concern for Bolsonaro's treatment "unacceptable and unwarranted interference in national sovereignty" and states the Brazilian judiciary will not yield to external pressure.

"Unacceptable and unwarranted interference in national sovereignty"

Source: MRE.gov.br (official)

- Date: 30 Jul 2025
- **Headline: Press statement by Minister Vieira after meeting with Secretary Rubio**
- Link: <https://www.gov.br/mre/pt-br/centrais-de-conteudo/publicacoes/discursos-artigos-e-entrevistas/ministro-das-relacoes-exteriores/discursos-mre/mauro-vieira/declaracao-a-imprensa-do-ministro-mauro-vieira-apos-reuniao-com-o-secretario-de-estado-dos-eua>

Entry 20 · August 6-11, 2025 — Geneva (WTO)

Actor: Government of Brazil

Act: Brazil formally initiates WTO dispute DS640, challenging U.S. tariffs — becoming the first Latin American country to file against Trump-era tariffs at the WTO.

Source: WTO (official)

- Date: 06-11 Aug 2025
- **Headline: Brazil initiates WTO dispute DS640, 11 Aug 2025**
- Link: https://www.wto.org/english/news_e/news25_e/ds640rfc_11aug25_e.htm

Entry 21 · August 20, 2025 — Brasilia (CREDN hearing, Chamber of Deputies)

Actor: Celso Amorim, Special International Affairs Advisor

Act: At a formal CREDN hearing, Amorim states the U.S. has shown no desire to negotiate and describes Trump's conduct as an unprecedented level of disrespect and interference.

"They have no desire to negotiate. I have never seen this level of disrespect and interference."

Source: Camara.gov.br (official)

- Date: 20 Aug 2025
- **Headline: Celso Amorim says the U.S. does not want to negotiate with Brazil**



- Link: <https://www2.camara.leg.br/atividade-legislativa/comissoes/comissoes-permanentes/credn/noticias/celso-amorim-afirma-que-eua-nao-querem-negociar-com-o-brasil>

Entry 22 · November 14, 2025 — Response to Pentagon announcement

Actor: Celso Amorim

Act: Amorim calls the Pentagon’s ‘Operation Southern Lance’ announcement ‘extremely worrying,’ states even as bluster it violates international law and the UN Charter.

“It is extremely concerning. Even if it is bluster, the mere threat of the use of force violates fundamental principles of international law.”

Source: Brasil 247

- Date: 14 Nov 2025
- **Headline: Amorim: U.S. military threat is extremely concerning**
- Link: <https://www.brasil247.com/brasil/celso-amorim-ameaca-militar-dos-eua-contra-o-brasil-e-extremamente-preocupante>

Entry 23 · March 4, 2026 — Brasilia (FAO event)

Actor: President Lula

Act: At a FAO event, Lula states that the UN ‘is giving in to the fatalism of the lords of war’ and names US permanent Security Council members (including Trump) as having ‘become lords of war.’

“The UN is yielding to the fatalism of the warlords. The five permanent members of the Security Council have become the warlords.”

Source: CNN Brasil

- Date: 04 Mar 2026
- **Headline: Lula says the UN is yielding to the fatalism of the warlords**
- Link: <https://www.cnnbrasil.com.br/politica/lula-diz-que-onu-esta-cedendo-ao-fatalismo-dos-senhores-das-guerras/>

Entry 24 · April 14, 2026 — Brazil (press statement)

Actor: President Lula

Act: Lula criticizes Trump’s threats against Iran, states the war is ‘inconsequential,’ and accuses Trump of portraying the US as an ‘omnipotent country, of a superior people.’

“Trump should not need to keep threatening the world. This war with Iran is reckless.”

Source: Agencia Brasil (official)

- Date: 14 Apr 2026



- **Headline: Lula criticizes Trump’s threats to the world and defends Pope Leo**
- **Link:** <https://agenciabrasil.ebc.com.br/politica/noticia/2026-04/lula-critica-ameacas-de-trump-ao-mundo-e-defende-papa-leao>

Entry 25 · May 21, 2026 — Aracruz, Espírito Santo

Actor: President Lula

Act: Lula invokes Trump’s claims to Greenland, Canada, and Panama Canal to warn the Amazon may be next — framing US expansionism as existential threat to Brazilian sovereignty.

“After Trump said Greenland is his, Canada is his, the Panama Canal is his... who is going to say the Amazon isn’t his?”

Source: Poder360

- **Date:** 21 May 2026
- **Headline: Lula cites Greenland and says Trump may want to take the Amazon**
- **Link:** <https://www.poder360.com.br/poder-governo/lula-cita-groenlandia-e-diz-que-trump-pode-querer-tomar-amazonia/>

Entry 26 · May 29, 2026 — Moscow (International Security Forum)

Actor: Celso Amorim

Act: Speaking at an international security forum in Moscow, Amorim rejects the U.S. FTO designation of PCC and CV as an unacceptable pretext for military intervention in Brazilian territory.

“Pretext for intervention is unacceptable.”

Source: CLM Brasil

- **Date:** 29 May 2026
- **Headline: Celso Amorim calls pretext for foreign intervention “unacceptable”**
- **Link:** <https://www.clmbrasil.com.br/celso-amorim-classifica-como-inaceitavel-pretexto-para-intervencao-estrangeira-apos-acao-dos-eua>

Entry 27 · June 3-11, 2026 — Brazil (multiple statements)

Actor: President Lula

Act: Reacting to the proposed 25% tariff: ‘Brazil cannot accept this treatment.’ Then on June 11, at OTCA event, Lula directly accuses the U.S. of lying to justify tariffs — first on trade balance, now on deforestation.

“The United States lied the first time, saying they had a deficit. We showed they had a surplus. Now they are doing the same with deforestation.”



Source: Al Jazeera

- Date: 03 Jun 2026
- Headline: **Lula says Brazil cannot ‘accept treatment’ after new US tariffs**
- Link: <https://www.aljazeera.com/news/2026/6/3/lula-says-brazil-cannot-accept-treatment-after-new-us-tariffs-proposed>

Entry 28 · July 18-19, 2024 — Washington D.C. (palestra)

Actor: Celso Amorim, Special International Affairs Advisor to President Lula

Act: Speaking at a lecture in Washington D.C., Amorim draws a moral equivalence between the US death penalty and Iran’s treatment of women — delivered on American soil, in response to questions about human rights and democracy. Former US Ambassador Dan Baer publicly rebukes the comparison. This is the clearest instance of a senior Brazilian government official publicly undermining US human rights credibility on American territory.

“I do not agree with the way women are treated in Iran, for example, but I also do not agree with the death penalty, which still exists in the United States.”

Source: Poder360

- Date: 19 Jul 2024
- Headline: **Amorim compares the death penalty in the U.S. with the treatment of women in Iran**
- Link: <https://www.poder360.com.br/governo/amorim-compara-pena-de-morte-nos-eua-com-tratamento-a-mulheres-no-ira/>

Entry 29 · February 7, 2026 — Brazil (PT 46th anniversary celebration)

Actor: President Lula

Act: At the celebration of the PT’s 46th party anniversary, Lula directly attacks US sanctions against Cuba — calling the Cuban people ‘victims of a massacre of speculation by the United States’ and stating that Cuba goes hungry because the US refuses the country access to basic goods. The statement is a direct public condemnation of core US Cuba policy made at a partisan political event.

“The Cuban people are victims of a massacre of speculation by the United States... there is hunger in Cuba because external forces do not want the country to have access to basic materials.”

Source: Poder360

- Date: 7 Feb 2026
- Headline: **Lula defende que PT ajude Cuba e critica os EUA**



- Link: <https://www.poder360.com.br/poder-governo/lula-defende-que-pt-ajude-cuba-e-critica-os-eua/>

Entry 30 · March 9, 2026 — Brasilia (Cyril Ramaphosa state visit)

Actor: President Lula

Act: At the reception for South African President Cyril Ramaphosa, Lula explicitly cites the US-Israel-Iran conflict as a ‘serious threat to peace,’ states Brazil must build its own defense capacity to avoid dependence on ‘lords of arms,’ and commits to fighting to ensure Ramaphosa is not blocked from attending the G-20 in the United States (Trump had threatened to veto his participation).

“We don’t need to keep buying from the lords of arms; we can produce it ourselves. If we don’t prepare on defense, one day someone might invade us.”

Source: Gov.br / MRE (official)

- Date: 9 Mar 2026
- **Headline: President Lula’s press statement on the occasion of the State Visit of President Cyril Ramaphosa of South Africa**
- Link: <https://www.gov.br/mre/en/content-centers/speeches-articles-and-interviews/president-of-the-federative-republic-of-brazil/speeches/president-lula2019s-press-statement-on-the-occasion-of-the-state-visit-of-president-cyрил-ramaphosa-of-south-africa>

Annex C — Judicial Escalation After Initiation

STF ORDERS AND ACTIONS TARGETING U.S. PLATFORMS AND PERSONS

January 2023 – June 2026

Prefatory note

This annex documents, in chronological order, the orders, rulings, and acts of the Brazilian judiciary — principally Justice Alexandre de Moraes and the STF — that target U.S. social media companies and U.S. persons, and the continued judicial escalation against the political opposition (the Bolsonaro family, allies, and followers), demonstrating that rather than de-escalating after the Section 301 investigation was initiated on July 15, 2025, Brazilian courts continued and in several respects intensified this conduct. The annex is divided into two parts: the background pattern that produced the investigation (Part I), and the conduct during and after the investigation period (Part II).



Key finding

Bolsonaro was convicted by the STF on September 11, 2025 — 58 days after the USTR investigation was initiated and while 50% U.S. tariffs were in force. Justice Moraes, simultaneously the subject of U.S. Magnitsky sanctions and visa revocations for suppressing U.S. platforms, was the presiding relator. The tariffs did not alter the judiciary’s proclivity to impose harsher sentences on the political right in general and the Bolsonaro family in particular.

Quick-Reference Index (17 Entries)

#	Date	Actor / Event	Category
1	Jun 30, 2023	TSE — Bolsonaro ineligibility	Judicial conviction
2	2022–2023	Moraes / STF — secret platform orders	Pattern of censorship orders
3	Apr 7, 2024	Moraes — Elon Musk in inquiry	US person targeted
4	Aug 7–Oct 8, 2024	Moraes Battles Musk’s Companies	US companies targeted
5	Feb 22–25, 2025	Moraes blocks Rumble; US court rejects	US company targeted
6	Jun 26, 2025	STF “Re-Interprets” Marco Civil’s Article 19	Structural censorship framework
—	Jul 15, 2025	USTR — Section 301 initiated	ANCHOR DATE
7	Jul 18–30, 2025	State Dept + Treasury — US responses	Visa revocations + Magnitsky
8	Sep 11, 2025	STF First Panel — Bolsonaro convicted	Conviction WITH tariffs in force
9	Sep 22, 2025	Eduardo Bolsonaro Indicted (Later Convicted) for Coercion	Intimidation of the opposition



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#	Date	Actor / Event	Category
10	Nov 2025	STF — Appeal rejected	Continued escalation
11	Dec 12, 2025	OFAC — Magnitsky lifted	US response — rapprochement
12	Apr 17, 2026	Moraes votes to convict Eduardo Bolsonaro for defamation (judgment suspended)	Intimidation of the opposition
13	May 9, 2026	Moraes Suspends Sentencing Review Law	Suspension of congressionally-approved Law that would benefit the opposition
14	May 15, 2026	Justice Dino opens inquiry on companies linked to <i>The Dark Horse</i>	Intimidation of the opposition
15	May 20, 2026	Lula — Decrees 12.975 + 12.976	Executive censorship by decree
16	Mar–Jun 2026	Rumble v. Moraes	Legal proceedings in Florida federal court
17	Jun 26, 2026	Moraes triggers PF to accuse Flávio Bolsonaro	Intimidation of the opposition

Part I — Background Pattern (January 2023 – July 14, 2025)

The following entries establish the pre-investigation pattern of judicial conduct that prompted the USTR investigation. They are included to demonstrate that the conduct was sustained and deliberate, not reactive to U.S. pressure.

Entry 1 · June 30, 2023 — Moraes-led TSE Declares Jair Bolsonaro Ineligible

Actor: Tribunal Superior Eleitoral (TSE) — Justice Alexandre de Moraes, presiding

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Act: The TSE declares former President Jair Bolsonaro ineligible for 8 years (until 2030) by a 5-2 vote, convicting him of abuse of political power and improper use of state media (the July 2022 meeting with foreign ambassadors in which he attacked Brazil’s electoral system). This is the conviction that President Trump identified by name in his July 9, 2025 letter as an ‘international disgrace’ and a ‘Witch Hunt,’ and that Secretary Rubio cited when revoking visas. Justice de Moraes was the presiding judge.

Source: TSE.jus.br (official)

- Date: 30 Jun 2023
- Headline: **By majority vote, TSE declares Bolsonaro ineligible for 8 years**
- Link: <https://www.tse.jus.br/comunicacao/noticias/2023/Junho/por-maioria-de-votos-tse-declara-bolsonaro-inelegivel-por-8-anos>

Entry 2 · 2022–2023 (continuous) — Justice Moraes Issues Several Secret Orders to U.S.-Based Companies

Actor: Justice Alexandre de Moraes / STF

Act: Justice de Moraes conducts a sustained campaign of secret orders — issued under the auspices of the Fake News Inquiry and related proceedings — requiring U.S. social media platforms (X/Twitter, Meta/Facebook/Instagram, Google/YouTube, Spotify) to remove accounts and content deemed ‘disinformation’ or threats to democracy. The orders are secret: platforms are prohibited from disclosing that they received them. The campaign escalates following the January 8, 2023 riots. A U.S. House report documents that Moraes ordered global takedowns of American users’ speech.

Source: U.S. House of Representatives - Judiciary Committee

- Date: 17 Apr 2024
- Headline: **Brazilian Government Forced Censorship on X: New Report Reveals**
- Link: <https://judiciary.house.gov/media/press-releases/brazilian-government-forced-censorship-x-new-report-reveals>

Source: Reclaim the Net

- Date: 07 Apr 2026 (report covers the 2022-23)
- Headline: **House Report: Brazil Judge Moraes Global Censorship Orders**
- Link: <https://reclaimthenet.org/moraes-ordered-global-takedowns-of-american-users-speech>

Source: Global Freedom of Expression — Columbia University

- Date: 30 Aug 2024
- Headline: **The Case of the X Ban in Brazil**



- Link: <https://globalfreedomofexpression.columbia.edu/cases/the-case-of-the-x-ban-in-brazil/>

Source: Brasil de Fato

- Date: 18 Apr 2024
- Headline: **US parliamentarians accuse Justice Moraes of censorship**
- Link: <https://www.brasildefato.com.br/2024/04/18/us-parliamentarians-accuse-minister-moraes-of-censorship-for-releasing-the-supreme-court-s-confidential-decisions/>

Entry 3 · April 7, 2024 — Justice Moraes Includes Elon Musk in the “Digital Militias” Inquiry

Actor: Justice Alexandre de Moraes

Act: Moraes orders Elon Musk — a U.S. citizen, CEO of X Corp and Starlink — included among the suspects investigated in the ‘Digital Militias Inquiry’ (Inquérito das Milícias Digitais). This is the first known instance of a Brazilian court targeting a named U.S. person in these proceedings.

Source: CNBC

- Date: 29 Aug 2024
- Headline: **Musk ramps up attacks on Brazil’s top judge as X faces possible suspension, Starlink finances frozen**
- Link: <https://www.cnbc.com/2024/08/29/elon-musk-brazil-judge-x-ban-starlink-freeze.html>

Entry 4 · August 7 – October 8, 2024 — Justice Moraes Relentlessly Fights Elon Musk’s Companies in Brazil

Actor: Justice Alexandre de Moraes / STF (five-justice panel)

Act: A four-step escalation targeting two U.S. companies: (1) Aug 7: Moraes orders additional account blocks on X; X refuses compliance. (2) Aug 18: Court freezes all bank accounts and financial assets of the X/Twitter Group in Brazil. (3) Aug 24: Asset freeze extended to Starlink Brasil — a separate U.S. company — blocking its ability to send or receive money abroad. (4) Aug 30: Moraes suspends X (Twitter) entirely in Brazil; a five-justice STF panel upholds the decision on Sep 2. Resolution: X pays US\$5M in fines; courts forcibly transfer ~US\$3.3M from Starlink and X accounts; X is reinstated Oct 8. Starlink assets unfrozen after transfer.

Source: Folha de S. Paulo

- Date: 31 Aug 2024



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- **Headline: Blocking Eustáquio’s daughter and Daniel Silveira’s wife is among the court orders X failed to comply with.**
- **Link:** <https://www1.folha.uol.com.br/poder/2024/08/bloqueio-de-filha-de-eustaquio-e-esposa-de-daniel-silveira-estao-entre-decisoes-descumpridas-pelo-x.shtml>

Source: G1 (Globo)

- **Date:** 31 Aug 2024
- **Headline: With X lacking a representative in Brazil, STF freezes financial assets of Elon Musk’s Starlink**
- **Link:** <https://g1.globo.com/politica/blog/valdo-cruz/post/2024/08/29/na-falta-de-representante-da-x-no-brasil-stf-bloqueou-recursos-financeiros-da-starlink-de-elon-musk.ghtml>

Source: Valor Econômico

- **Date:** 29 Aug 2024
- **Headline: Moraes orders Starlink accounts frozen to ensure payment of X fines**
- **Link:** <https://valor.globo.com/politica/noticia/2024/08/29/moraes-determina-bloqueio-de-contas-da-starlink-para-garantir-pagamento-de-multas-do-x.ghtml>

Source: BBC News Brasil

- **Date:** 30 Aug 2024
- **Headline: Moraes orders X blocked in Brazil after Elon Musk fails to comply with court ruling**
- **Link:** <https://www.bbc.com/portuguese/articles/c4gz28359d4o>

Source: BBC News Brasil

- **Date:** 30 Aug 2024
- **Headline: Moraes backs down from ordering VPNs removed from Brazil, but keeps R\$50,000 fine for anyone accessing Elon Musk’s platform**
- **Link:** <https://www.bbc.com/portuguese/articles/cvgr3215ezqo>

Source: Folha de S. Paulo

- **Date:** 08 Oct 2024
- **Headline: Moraes authorizes X, formerly Twitter, to return in Brazil after Musk’s company complies with court orders**



- Link: <https://www1.folha.uol.com.br/poder/2024/10/moraes-libera-volta-do-x-antigo-twitter-no-brasil.shtml>

Entry 5 · February 22–25, 2025 — Justice Moraes Suspends Rumble’s Service in Brazil and Is Personally Sued in Florida

Actor: Justice Alexandre de Moraes [Brazil] / Judge Mary Scriven [U.S.]

Act: Feb 22: Moraes orders Brazilian telecom companies to block Rumble (a U.S.-based platform) and imposes a daily fine of ~US\$8,700 on the company for refusing to comply with his content-removal demands. Rumble and Trump Media & Technology Group (TMTG, owner of TRUTH Social) file suit in the U.S. District Court for the Middle District of Florida, alleging Moraes violated First Amendment rights of U.S. users. Feb 25: U.S. District Judge Mary Scriven rules that Moraes’s censorship orders have no legal force in the United States — they were never delivered through the Hague Convention, the U.S.-Brazil MLAT, or any valid legal mechanism.

Source: Agência Brasil (official)

- Date: 21 Feb 2025
- **Headline: Moraes orders Rumble suspended in Brazil**
- Link: <https://agenciabrasil.ebc.com.br/justica/noticia/2025-02/moraes-manda-suspender-rumble-no-brasil>

Source: Rumble (official)

- Date: 19 Feb 2025
- **Headline: Rumble and TRUTH Social Sue Brazilian Judge Over Censorship Orders**
- Link: <https://corp.rumble.com/blog/rumble-and-truth-social-sue-brazilian-judge-over-censorship-orders-targeting-u-s-users/>

Source: Reuters

- Date: 25 Feb 2025
- **Headline: US judge says Trump Media, Rumble need not follow Brazilian judge’s order**
- Link: <https://www.reuters.com/world/americas/us-judge-says-trump-media-rumble-need-not-follow-brazilian-judges-order-2025-02-25/>

Entry 6 · June 26, 2025 — “Re-Interpretation” of Marco Civil’s Article 19

Actor: STF — full bench



Act: The STF, by a 9-3 supermajority, declares Article 19 of the Marco Civil da Internet (Law 12,965/2014) partially unconstitutional — eliminating the safe harbor that since 2014 had protected online platforms from civil liability for user content absent a specific court order. The new regime imposes liability on platforms for ‘systemic failures’ of moderation — even without a prior court order — and requires platforms to maintain a legal representative in Brazil, publish annual transparency reports, and create accessible complaint channels. U.S. platforms (X, Meta, Google) are the primary affected companies. This ruling is cited in the USTR Notice as a finding; the document notes the Trade Representative’s ‘restraint in declining at this time to make a finding’ on this ruling. The ruling was issued 19 days before the Section 301 investigation was initiated.

Source: Jota (legal and political news outlet)

- Date: 25 Jun 2025
- **Headline: STF strikes down Article 19 of the Marco Civil, but fails to define a coherent replacement rule - Resulting legal uncertainty is likely to have negative effects**
- Link: <https://www.jota.info/opiniao-e-analise/artigos/stf-derruba-art-19-do-marco-civil-mas-nao-define-regra-substituta-coesa>

Source: Folha de S. Paulo

- Date: 17 Nov 2025
- **Headline: Mendonça links the STF’s ruling on Brazil’s Internet Civil Rights Framework to judicial activism.**
- Link: <https://www1.folha.uol.com.br/poder/2025/11/mendonca-associa-decisao-do-stf-sobre-marco-civil-da-internet-a-ativismo-judicial.shtml>

➔ **INITIATION OF THE USTR INVESTIGATION ON BRAZIL: 15 Jul 2025**

Part II — Escalation After Initiation (July 15, 2025 – June 2026)

The following entries document the conduct of Brazilian institutions during the investigation period, in chronological order — demonstrating that the investigation produced no de-escalation. They include both the orders affecting U.S. platforms/persons and the parallel judicial escalation against the political opposition (the Bolsonaro family, allies, and January 8 followers).

Entry 7 · July 18–30, 2025 — Visa Revocation on Brazilian Authorities and Global Magnitsky on Alexandre de Moraes

Actor: U.S. Secretary of State Marco Rubio + U.S. Treasury Secretary Scott Bessent

Act: Jul 18: Secretary Rubio revokes visas of Justice Alexandre de Moraes, his allies on the STF bench, and their immediate family members — effective immediately — citing



Section 212(a)(3)(C) of the Immigration and Nationality Act. Jul 30: The U.S. Treasury’s OFAC designates Moraes under the Global Magnitsky framework for ‘authorizing arbitrary pretrial detentions and suppressing freedom of expression.’ All his property and investments in the United States are blocked.

Source: State.gov (official)

- Date: 18 Jul 2025
- **Headline: Announcement of Visa Restrictions on Brazilian Judicial Officials**
- Link: <https://www.state.gov/releases/office-of-the-spokesperson/2025/07/announcement-of-visa-restrictions-on-brazilian-judicial-officials-and-their-immediate-family-members>

Source: Bloomberg

- Date: 19 Jul 2025
- **Headline: US Yanks Visa for Brazil Judge Citing Bolsonaro ‘Witch Hunt’**
- Link: <https://www.bloomberg.com/news/articles/2025-07-19/us-yanks-visa-for-brazilian-judge-citing-bolsonaro-witch-hunt>

Source: State.gov (official)

- Date: 30 Jul 2025
- **Headline: Sanctioning Brazilian SCJ Alexandre de Moraes for Serious Human Rights Abuse**
- Link: <https://www.state.gov/releases/office-of-the-spokesperson/2025/07/sanctioning-brazilian-supreme-court-justice-alexandre-de-moraes-for-serious-human-rights-abuse>

Source: Treasury.gov (official)

- Date: 30 Jul 2025
- **Headline: Treasury Sanctions Alexandre de Moraes**
- Link: <https://home.treasury.gov/news/press-releases/sb0211>

Entry 8 · September 11, 2025 — Conviction of Jair Bolsonaro and “accomplices”

Actor: STF First Panel — relator: Justice Alexandre de Moraes

Act: By 4 votes to 1, the First Panel convicts former President Jair Bolsonaro and seven allies of ‘Núcleo 1’ of the coup plot. Bolsonaro is sentenced to 27 years and 3 months in prison (initial closed regime) for attempted coup d’état, armed criminal organization (organização criminosa armada), violent abolition of the Democratic State of Law, and



related crimes. Convicted allies include Walter Braga Netto, Augusto Heleno, Anderson Torres, Almir Garnier, Paulo Sérgio Nogueira, and Alexandre Ramagem (varied sentences) — the first historic conviction of a former president for a coup. Justice Moraes — simultaneously subject to the USTR investigation as the issuer of censorship orders against U.S. platforms — is the relator. The conviction is handed down 58 days after the USTR Section 301 investigation was initiated (July 15, 2025) and while 50% U.S. tariffs on Brazil are in force, confirming the claim in Part III of this filing that ‘the principal judicial proceedings against the opposition advanced, and a conviction was handed down, with the tariffs fully in force.’

Source: Folha de S.Paulo

- Date: 11 Sep 2025
- **Headline: STF forms majority to convict Bolsonaro and 7 others for criminal organization**
- Link: <https://www1.folha.uol.com.br/poder/2025/09/stf-forma-maioria-para-condenar-bolsonaro-e-mais-7-por-organizacao-criminosa.shtml>

Source: Agência Brasil

- Date: 11 Sep 2025
- **Headline: STF sentences Bolsonaro to 27 years and 3 months in prison**
- Link: <https://agenciabrasil.ebc.com.br/justica/noticia/2025-09/stf-condena-bolsonaro-27-anos-e-tres-meses-de-prisao>

Entry 9 · September 22, 2025 – June 16, 2026 — Eduardo Bolsonaro Indicted and Later Convicted for “Coercion in the Course of Judicial Proceedings”

Actor: Justice Alexandre de Moraes

Act: Eduardo Bolsonaro, while serving as a sitting congressman, was accused of lobbying the U.S. government to sanction Brazilian authorities, including members of the Judiciary overseeing his father’s trial. The PGR indicted him on September 22, 2025 for coercion of the court. After failing to follow the procedures required to serve Eduardo in the United States, where he currently resides, Moraes ordered the Public Defender’s Office to take over his defense on October 16, 2025 — without any request from the defendant. The STF accepted the case on November 14, 2025, ignoring that the defendant does not meet any of the legal criteria to be accused. The leadership of the Chamber of Deputies, under Hugo Motta, then conducted an administrative process and stripped Eduardo of his seat on December 18, 2025. Nevertheless, he was still tried by the STF and convicted by the First Panel on June 16, 2026.

Source: Jota



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- Date: 22 Sep 2025
- Headline: **PGR indicts Eduardo Bolsonaro in the national sovereignty inquiry**
- Link: <https://www.jota.info/stf/do-supremo/pgr-denuncia-eduardo-bolsonaro-no-inquerito-sobre-soberania-nacional>

Source: Folha de S.Paulo

- Date: 16 Oct 2025
- Headline: **Moraes orders the Federal Public Defender's Office to take over Eduardo Bolsonaro's defense in the coercion case**
- Link: <https://www1.folha.uol.com.br/poder/2025/10/moraes-determina-que-defensoria-da-uniao-assuma-defesa-de-eduardo-bolsonaro-em-processo-sobre-coacao.shtml>

Source: G1 (Globo)

- Date: 14 Nov 2025
- Headline: **STF has majority to make Eduardo Bolsonaro a defendant for trying to coerce the court over his father's trial**
- Link: <https://g1.globo.com/politica/noticia/2025/11/14/stf-tem-maioria-para-tornar-eduardo-bolsonaro-reu-por-tentar-coagir-stf-sobre-julgamento-do-pai.ghtml>

Source: Agência Brasil

- Date: 18 Dec 2025
- Headline: **Chamber decides to revoke Eduardo Bolsonaro's and Ramagem's mandates**
- Link: <https://agenciabrasil.ebc.com.br/politica/noticia/2025-12/camara-decide-cassar-mandatos-de-eduardo-bolsonaro-e-ramagem>

Source: Folha de S. Paulo

- Date: 16 Jun 2026
- Headline: **STF sentences Eduardo Bolsonaro to 4 years and 2 months for the crime of coercion over his activities in the U.S.**
- Link: https://www1.folha.uol.com.br/poder/2026/06/defensoria-fala-em-impedimento-de-moraes-e-pede-nulidade-de-acao-contra-eduardo-bolsonaro.shtml?utm_source=chatgpt.com

Entry 10 · November 2025 — STF Rejects Bolsonaro's Appeal and Confirms Conviction, Sentence Initiated

Actor: STF First Panel — relator: Justice Alexandre de Moraes

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Act: The STF First Panel rejects Bolsonaro’s appeal (embargos de declaração) and upholds the September 11 conviction in full. The tariffs remain in force; the investigation remains open. The court’s conduct is, by this point, the direct subject of the USTR proceeding, yet the court has not altered its course in any respect.

Source: Agência Brasil

- Date: 16 Nov 2025
- **Headline: STF rejects appeal and upholds Bolsonaro’s conviction in the coup-plot case**
- Link: <https://agenciabrasil.ebc.com.br/justica/noticia/2025-11/stf-rejeita-recurso-e-mantem-condenacao-de-bolsonaro-na-trama-golpista>

Entry 11 · December 12, 2025 — Effects of Global Magnitsky on Moraes Are Lifted

Actor: Trump Administration / OFAC

Act: The United States lifts the Global Magnitsky sanctions on Justice de Moraes, his wife, and the Lex Institute — 135 days after they were imposed. The lifting occurs as part of a broader diplomatic rapprochement initiated at the September 2025 UNGA and accompanied by a partial rollback of Brazilian tariffs. The filing document identifies this as the central perversity of the proposed action: ‘The measure aimed at the responsible person is withdrawn; a measure that cannot touch him... is advanced in its place.’

Source: OFAC (official)

- Date: 12 Dec 2025
- **Headline: Global Magnitsky Designations Removals**
- Link: <https://ofac.treasury.gov/recent-actions/20251212>

Entry 12 · April 2026 — Moraes Votes to Convict Eduardo Bolsonaro for Defamation (Judgment Suspended)

Actor: STF — relator: Justice Alexandre de Moraes

Act: Rapporteur Alexandre de Moraes voted to convict Eduardo Bolsonaro of defamation — a crime against honor — against federal deputy Tabata Amaral (PSB-SP). He was initially joined by Cármen Lúcia and Flávio Dino, despite Eduardo’s claim of constitutional parliamentary immunity. The case concerns Eduardo’s social-media allegation that a Tabata bill on menstrual-hygiene products would benefit the lobby of a company whose owner he described as her “mentor-sponsor.” Moraes proposed a sentence of one year of detention and 39 day-fines, totaling more than R\$80,000. In comparable defamation cases, more typical outcomes tend to involve removal of the offending content, a modest fine, and community service. Justice André Mendonça then requested additional review, suspending the virtual judgment and postponing a final conviction.



Source: G1 (Globo)

- Date: 17 Apr 2026
- **Headline: Moraes votes to convict Eduardo Bolsonaro of slander against Tabata Amaral**
- Link: <https://g1.globo.com/politica/noticia/2026/04/17/moraes-vota-para-condenar-eduardo-bolsonaro-por-calunia-contra-tabata-amaral.ghtml>

Source: G1 (Globo)

- Date: 22 Apr 2026
- **Headline: André Mendonça suspends trial of Tabata Amaral’s defamation case against Eduardo Bolsonaro**
- Link: <https://g1.globo.com/politica/noticia/2026/04/22/andre-mendonca-suspende-julgamento-de-acao-de-tabata-amaral-contra-eduardo-bolsonaro-por-difamacao.ghtml>

Entry 13 · May 9, 2026 — Justice Moraes Suspends the Effect of the Sentencing Review Bill Approved By Congress

Actor: Justice Alexandre de Moraes

Act: The Sentencing Review Bill (“Dosimetria” Law 15.402/2026) was approved by Congress, vetoed by President Lula and the veto was overridden, in a long congressional fight. The goal was to reduce sentencing and allow regime progression for those convicted of crimes against the Democratic State of Law, including the January 8 acts. Several pro-government congresspeople filed ADIs (Direct Action of Unconstitutionality), to which Moraes was named the rapporteur. The justice moved on to monocratically suspend the law’s application to the ongoing criminal executions before the STF related to the January 8, 2023 acts, pending plenary judgment, citing legal certainty. The measure blocks immediate sentence-reduction benefits. Affects: primarily the followers and supporters convicted for the January 8 acts (the STF had convicted more than 800 defendants by early 2026), with potential impact on allies and family in applicable cases.

Source: Agência Brasil

- Date: 09 May 2026
- **Headline: Moraes suspends application of the Sentencing Law pending STF decision**
- Link: <https://agenciabrasil.ebc.com.br/justica/noticia/2026-05/moraes-suspende-aplicacao-da-lei-da-dosimetria-ate-decisao-do-stf>



Entry 14 · May 15, 2026 — Justice Dino Opens Inquiry on Companies Related to The Dark Horse, Bolsonaro’s Biopic

Actor: Justice Flávio Dino

Act: Dino orders (under seal) the opening of a preliminary inquiry into 2024–2025 parliamentary amendments directed by Bolsonaroist deputies (such as Mário Frias, who allocated R\$2 million, Marcos Pollon, and Bia Kicis) to NGOs linked to the production company of the film ‘Dark Horse’ (a cinematic biography of Jair Bolsonaro). Entities involved include Instituto Conhecer Brasil, Academia Nacional de Cultura, and Go Up Entertainment (part of an NGO conglomerate linked to businesswoman Karina Ferreira da Gama). The inquiry was split off from another action (ADPF 854) following requests by Tabata Amaral (PSB) and Pastor Henrique Vieira (PSOL), amid revelations about the film’s financing (including references to Daniel Vorcaro). Affects: allies and supporters linked to the production and financing of the film.

Source: Agência Brasil

- Date: 15 May 2026
- **Headline: Dino opens inquiry into amendments for the producer of the Bolsonaro film**
- Link: <https://agenciabrasil.ebc.com.br/justica/noticia/2026-05/dino-abre-apuracao-sobre-emendas-para-produtora-do-filme-de-bolsonaro>

Entry 15 · May 20, 2026 — Executive Decree Circumvent Congress and Imposes STF’s View

Actor: President Lula

Act: On the eve of Brazil’s formal electoral campaign period, Lula signs two executive decrees — Decree 12.975/2026 and Decree 12.976/2026 — issued without a vote of the National Congress (which had consistently blocked equivalent legislation). Decree 12.975 incorporates the STF’s June 26, 2025 Article 19 ruling into executive regulation, vests the National Data Protection Authority (ANPD) with enforcement and sanction powers over digital platforms, authorizes content removal without a prior court order in designated categories, and imposes fines of up to 10% of global group revenue on non-compliant platforms. U.S. platforms are the primary targets. The filing document expressly describes these decrees: ‘on May 20, 2026, on the eve of the electoral campaign, the President issued decrees tightening platform obligations... They were issued by executive fiat, without a vote of Congress.’

Source: Migalhas

- Date: 20 May 2026
- **Headline: Lula signs decrees expanding the liability of digital platforms**



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- Link: <https://www.migalhas.com.br/quentes/456413/lula-assina-decretos-e-amplia-responsabilidade-de-plataformas-digitais>

Source: Congresso em Foco

- Date: 20 May 2026
- Headline: **Decree tightening rules for digital platforms is published**
- Link: <https://www.congressoemfoco.com.br/noticia/119052/publicado-decreto-que-endurece-regras-para-plataformas-digitais>

Source: Gazeta do Povo (opinion)

- Date: 08 Jun 2026
- Headline: **Lula no longer needs the Judiciary to censor: he is doing it by decree**
- Link: <https://www.gazetadopovo.com.br/vozes/cidadania-digital/lula-nao-precisa-mais-do-judiciario-para-censurar-esta-fazendo-por-decreto/>

Entry 16 · March – June 2026 — Rumble v. Moraes (M.D. Fla.)

Actor: U.S. District Court

Act: On May 23, 2026, the U.S. District Court for the Middle District of Florida formally summoned Justice Alexandre de Moraes to respond to the civil suit filed by Rumble and Trump Media (TMTG), which alleges that his orders violated the First Amendment rights of U.S. users and amounted to unlawful extraterritorial enforcement. Moraes was shielded from service through Brazil's STJ — the Superior Court of Justice, the appellate court below the STF. After the plaintiffs followed the applicable international procedures, the Florida judge authorized service by email and gave Moraes 21 days to respond. He failed to do so. Rumble and Trump Media then moved for a default judgment. At the deadline, Brazil's AGU — the Attorney General's Office — appeared in the case, arguing that Brazil, not Moraes personally, should be treated as the defendant. The judge temporarily suspended the default judgment proceedings and ordered the plaintiffs to explain why Brazil should not be substituted as the defendant.

Source: Gazeta do Povo

- Date: 04 Mar 2026
- Headline: **STJ denies service of process on Moraes in Rumble's U.S. lawsuit**
- Link: <https://www.gazetadopovo.com.br/republica/stj-nega-intimacao-de-moraes-em-acao-do-rumble-nos-eua/>

Source: G1 (Globo)

- Date: 23 May 2026



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- **Headline: Florida court authorizes service of process on Moraes by email, clearing the way for Rumble and Trump Media’s lawsuit against the justice’s order**
- **Link:** <https://g1.globo.com/politica/noticia/2026/05/23/justica-da-florida-autoriza-citacao-de-moraes-por-e-mail-e-destrava-processo-do-rumble-e-da-trump-media-contra-decisao-do-ministro.ghtml>

Source: Gazeta do Povo

- **Date:** 17 Jun 2026
- **Headline: Moraes misses deadline in U.S. lawsuit, lawyer reveals**
- **Link:** <https://www.gazetadopovo.com.br/mundo/moraes-perde-prazo-em-processo-nos-eua-revela-advogado/>

Source: CNN Brasil

- **Date:** 18 Jun 2026
- **Headline: Rumble and Trump Media seek default judgment against Moraes in the U.S.**
- **Link:** <https://www.cnnbrasil.com.br/politica/rumble-e-trump-media-pedem-julgamento-de-moraes-a-revelia-nos-eua/>

Source: Gov.br (official)

- **Date:** 23 Jun 2026
- **Headline: AGU secures Brazil’s entry into the Rumble case and prevents default judgment against Moraes**
- **Link:** <https://www.gov.br/agu/pt-br/comunicacao/noticias/agu-garante-ingresso-do-brasil-no-caso-rumble-e-impede-julgamento-de-moraes-a-revelia>

Source: CNN Brasil

- **Date:** 23 Jun 2026
- **Headline: U.S. court denies default judgment against Moraes and accepts AGU’s entry into the case**
- **Link:** <https://www.cnnbrasil.com.br/politica/justica-dos-eua-nega-por-ora-pedido-de-revelia-contra-moraes/>

Source: U.S. District Court, M.D. Fla. (PACER docket via CourtListener)

- **Case: Trump Media & Technology Group Corp. v. De Moraes, No. 8:25-cv-00411 (M.D. Fla.)**



- Link: <https://www.courtlistener.com/docket/69650977/trump-media-technology-group-corp-v-de-moraes/>

Entry 17 · June 26, 2026 — Triggered by Moraes, Federal Police Recommends Prosecution of Flávio Bolsonaro for Slander

Actor: Federal Police (Polícia Federal) — inquiry under STF relator Justice Alexandre de Moraes

Act: In the final report of the inquiry (opened on Moraes’s order in April 2026 after a January 3, 2026 post by Flávio Bolsonaro on X), the Federal Police concludes that Senator Flávio Bolsonaro (PL-RJ, pre-candidate) committed the crime of slander (calúnia) against President Lula. In the post, Flávio associated Lula with Nicolás Maduro and falsely imputed crimes such as international drug trafficking, arms trafficking, and money laundering. The report was forwarded to the STF (Moraes). Affects: the Bolsonaro family (Flávio).

Source: Agência Brasil

- Date: 26 Jun 2026
- **Headline: PF concludes that Flávio Bolsonaro committed slander against Lula on social media**
- Link: <https://agenciabrasil.ebc.com.br/justica/noticia/2026-06/pf-conclui-que-flavio-bolsonaro-cometeu-calunia-contra-lula-nas-redes>

Analytical Note

The pattern documented in this annex demonstrates three things relevant to the USTR’s statutory efficacy standard: (1) the conduct that gave rise to the investigation was not accidental or isolated but constitutes a consistent judicial and executive policy pursued since 2022; (2) the 50% tariff did not cause any alteration in the STF’s conduct — the conviction proceeded, the appeal was rejected, the decrees were issued, the Rumble block continues, and the judicial escalation against the opposition widened (the convictions of Eduardo Bolsonaro for coercion, the suspension of the Sentencing Law affecting more than 800 January 8 defendants, and the Federal Police’s slander finding against Senator Flávio Bolsonaro, all after initiation); and (3) the instrument that was demonstrably reaching the responsible person — the Magnitsky designation against Justice de Moraes personally — was withdrawn in December 2025, and what is now proposed in its place is a 25% tariff on the entire Brazilian economy that does not touch him at all.



Annex D — Refusal To Negotiate

THE LULA GOVERNMENT’S NON-ENGAGEMENT ACROSS ALL SIX AREAS

July 2025 – June 2026

Prefatory Note

This annex documents the Lula government’s failure to engage in good-faith negotiations on any of the six areas identified in the USTR Section 301 investigation, across the investigation’s eleven-month period. The argument operates on three distinct but related layers: (1) the structural neglect of the negotiating channel — nine months elapsed between the USTR’s formal consultation request and the first bilateral meeting; (2) post-tariff hardening — the measures taken after the 50% tariffs were imposed show the government escalating rather than conceding; and (3) explicit per-issue refusals — on the two most politically exposed areas (Pix and judicial conduct), the government issued public statements of non-compliance while the investigation was open.

This annex should be read together with the USTR’s own finding (June 1, 2026) that the parties ‘continue to have substantial differences in resolving the issues’ — a determination made after eleven months and one set of formal consultations.

Note on Amorim’s August 2025 statement: Celso Amorim told the Chamber of Deputies on August 20, 2025 that ‘they [the U.S.] do not have the desire to negotiate.’ The objective record documented in this annex shows the opposite: it was the USTR that opened the process, held hearings, offered consultations, and pursued meetings — and it was Brazil that impugned the jurisdiction, waited nine months before meeting, and refused to remedy any practice.

Engagement Timeline at a Glance

Date	Event	Brazil’s action	Result
Jul 15, 2025	USTR requests §303 consultations	None — no proactive response for 9 months	Clock starts
Aug 18, 2025	Brazil submits written response	Impugns jurisdiction; no concessions	Investigation continues
Sep 3, 2025	USTR public hearing	Brazil attends; no substantive offers	Investigation continues
Oct 2025	Greer–Rubio–Vieira meeting	‘Constructive’ — no Section 301	‘Substantial differences’ remain



Date	Event	Brazil's action	Result
		resolution	(Greer)
Nov 2025	Trump rolls back some ag tariffs	No concessions on any of the 6 areas	Investigation continues
Apr 15–16, 2026	§303 consultations (first and only)	9 months after request; no resolution	USTR proceeds to finding
Jun 1, 2026	USTR actionability determination	All 6 areas found actionable	Brazil offered nothing sufficient

Part I — The Consultation Gap and Procedural Non-Engagement (July 2025 – April 2026)

The following entries document Brazil’s procedural conduct throughout the investigation period — specifically the 9-month gap between the consultation request and the first meeting, and the character of Brazil’s engagement when it eventually occurred.

Entry 1 · August 18, 2025 — Brazil’s formal written response to USTR

Actor: Government of Brazil

Act: Brazil submits its formal written response to the USTR Section 301 investigation. Rather than offering any concession on any of the six areas, the response impugns the entire proceeding on jurisdictional grounds: the Lula government declares Section 301 a ‘unilateral instrument inconsistent with the rules and dispute settlement system of the WTO,’ states that its participation ‘does not constitute recognition of the validity or jurisdiction of the procedure,’ and frames engagement as ‘dialogue’ rather than negotiation. No remediation is offered on digital trade, Pix, anti-corruption, IP, ethanol, or deforestation.

“Brazil does not recognize the legitimacy of unilateral instruments such as Section 301, which are inconsistent with the rules and dispute settlement system of the World Trade Organization. Brazil’s participation in the process is intended as dialogue and clarification of facts and does not constitute recognition of the validity or jurisdiction of the procedure.”

Source: Agência Brasil (official)

- Date: 19 Aug 2025
- **Headline: Brazil rejects claims of unfair trade practices with US**
- Link: <https://agenciabrasil.ebc.com.br/en/internacional/noticia/2025-08/brazil-rejects-claims-unfair-trade-practices-us>



Source: Poder360 (PDF)

- Date: 18 Aug 2025
- Headline: **Formal response of the Lula government to the USTR**
- Link: <https://static.poder360.com.br/2025/08/resposta-governo-lula-brasil-estados-unidos-investigacao-comercial-18ago2025.pdf>

Entry 2 · August 6–11, 2025 — Brazil Requests WTO Consultation on U.S. Tariffs

Actor: Government of Brazil

Act: Rather than engaging substantively with the USTR process, Brazil's first institutional response to the tariff campaign is to file a WTO dispute (DS640) — a move that frames the bilateral conflict as an adversarial legal proceeding rather than a negotiating opportunity. Filing at the WTO is inconsistent with good-faith engagement on the bilateral mechanism the USTR investigation provides.

Source: Al Jazeera

- Date: 6 Aug 2025
- Headline: **Brazil requests WTO consultation over Trump tariffs**
- Link: <https://www.aljazeera.com/economy/2025/8/6/brazil-requests-world-trade-organization-consultation-over-trump-tariffs>

Source: WTO (official)

- Date: 11 Aug 2025
- Headline: **Brazil initiates WTO dispute DS640 regarding US tariff measures**
- Link: https://www.wto.org/english/news_e/news25_e/ds640rfc_11aug25_e.htm

Entry 3 · October 2025 — Malaysia (ASEAN Summit) + Washington

Actor: USTR Jamieson Greer / Secretary Rubio / FM Mauro Vieira / Presidents Trump + Lula

Act: On the sidelines of the ASEAN Summit in Malaysia, Presidents Trump and Lula meet. Lula describes the meeting as 'great' and says negotiating teams will begin working 'immediately.' A joint statement by Greer, Rubio, and Vieira describes 'very positive talks' and an agreement to 'collaborate on multiple fronts.' However, no specific concession on any of the six Section 301 areas is announced. The Section 301 investigation continues unaffected.

Source: USTR.gov (official)

- Date: 16 Oct 2025



- **Headline: Joint Statement by USTR Greer, Secretary Rubio, and FM Vieira**
- **Link:** <https://ustr.gov/about/policy-offices/press-office/press-releases/2025/october/joint-statement-united-states-trade-representative-jamieson-greer-secretary-state-rubio-and-minister>

Source: CNBC

- **Date:** 26 Oct 2025
- **Headline: Brazil and US to meet ‘immediately’ in search of tariff solutions, Lula says**
- **Link:** <https://www.cnbc.com/2025/10/26/brazil-and-us-to-meet-immediately-in-search-of-tariff-solutions-lula-says.html>

Entry 4 · November 2025 — Partial tariff rollback

Actor: Trump administration

Act: The Trump administration drops the 40% IEEPA tariffs on certain Brazilian agricultural exports — coffee, fruit, beef — bringing those to zero. This is a relief measure for specific U.S. consumer prices, not a resolution of any Section 301 finding. The Section 301 investigation continues, all six areas remain unresolved, and the 10% baseline tariff remains in place. Brazil hails the rollback as ‘significant progress’ — without having offered any concession in return.

Source: White House (official)

- **Date:** 20 Nov 2025
- **Headline: Modifying the Scope of Tariffs on the Government of Brazil**
- **Link:** <https://www.whitehouse.gov/presidential-actions/2025/11/modifying-the-scope-of-tariffs-on-the-government-of-brazil/>

Source: Federal Register

- **Date:** 26 Nov 2025
- **Headline: Modifying the Scope of Tariffs on the Government of Brazil**
- **Link:**
<https://www.federalregister.gov/documents/2025/11/26/2025-21417/modifying-the-scope-of-tariffs-on-the-government-of-brazil/>

Entry 5 · April 15–16, 2026 — Washington D.C. (§303 Formal Consultations)

Actor: Government of Brazil + USTR

Act: The first and only formal Section 303 consultations in the entire investigation period are held — exactly 9 months after the USTR’s initial consultation request of July 15, 2025.



The USTR’s own June 1, 2026 determination records that despite ‘several constructive meetings over the past year, which have accelerated in recent weeks,’ the parties ‘continue to have substantial differences in resolving the issues identified in the investigation.’ No area is resolved. The actionability finding proceeds.

“Over the past year, President Trump and I have had several constructive meetings with President Luiz Inácio Lula da Silva and his cabinet, which have accelerated in recent weeks, but they continue to have substantial differences in resolving the issues identified in the investigation.”

Source: USTR.gov (official)

- Date: 1 Jun 2026
- **Headline: USTR Section 301 Determination on Brazil’s Unreasonable Acts, Policies, and Practices**
- Link: <https://ustr.gov/about/policy-offices/press-office/press-releases/2026/june/ustr-section-301-determination-brazils-unreasonable-acts-policies-and-practices>

Source: Federal Register

- Date: 4 Jun 2026
- **Headline: Notice of Determination**
- Link: <https://www.federalregister.gov/documents/2026/06/04/2026-11158/notice-of-determination-and-request-for-comments-concerning-action-pursuant-to-section-301-brazils>

Part II — Explicit Issue-by-Issue Refusals (July 2025 – May 2026)

The following entries document specific, public acts of non-compliance with the investigation’s findings — the three areas where Brazil’s refusal was stated or demonstrated in the clearest terms. Entries marked [EXPLICIT REFUSAL] involve a direct public statement of non-remediation or a concrete act that expands the offending practice; the entry marked [UNREVOKED COMMITMENT] documents a pre-initiation commitment sustained, without qualification, throughout the investigation period. (Presented by issue, not strictly by date.)

Entry 6 · April 2, 2026 — Salvador, Bahia [EXPLICIT REFUSAL]

Actor: President Lula

Act: In a public statement during a visit to infrastructure works in Salvador, Bahia — responding directly to the USTR’s report on Pix — Lula explicitly and publicly refuses any modification to Pix, framing the refusal in nationalist terms: ‘Pix belongs to Brazil.’



“Pix belongs to Brazil, and no one is going to make us change Pix, for the service it provides to Brazilian society.” (original: “O Pix é do Brasil, e ninguém vai fazer a gente mudar o Pix pelo serviço que ele está prestando à sociedade brasileira.”)

Source: CNN Brasil

- Date: 2 Apr 2026
- **Headline: ‘No one will make us change Pix,’ says Lula after U.S. report**
- Link: <https://www.cnnbrasil.com.br/politica/ninguem-vai-fazer-a-gente-mudar-o-pix-diz-lula-apos-relatorio-dos-eua/>

Entry 7 · July 30, 2025 — Washington D.C. (post-Rubio meeting) [EXPLICIT REFUSAL]

Actor: Foreign Minister Mauro Vieira

Act: In his official press statement after meeting Secretary Rubio, Vieira explicitly refuses to accept any engagement with the Section 301 investigation’s judicial findings, declaring U.S. concern for the treatment of Bolsonaro ‘unacceptable and unwarranted interference in national sovereignty’ and stating that the Brazilian judiciary ‘will not yield to external pressure.’ This forecloses any remediation on the anti-corruption and digital trade areas that are the investigation’s core.

“Unacceptable and unwarranted U.S. interference in national sovereignty.” (original: “Inaceitável e descabida ingerência dos EUA na soberania nacional.”)

Source: MRE.gov.br (official)

- Date: 30 Jul 2025
- **Headline: Press statement by Minister Vieira after meeting with Secretary Rubio**
- Link: <https://www.gov.br/mre/pt-br/centrais-de-conteudo/publicacoes/discursos-artigos-e-entrevistas/ministro-das-relacoes-exteriores/discursos-mre/mauro-vieira/declaracao-a-imprensa-do-ministro-mauro-vieira-apos-reuniao-com-o-secretario-de-estado-dos-eua>

Entry 8 · May 20, 2026 — Brasília (Executive Decrees) [EXPLICIT REFUSAL]

Actor: President Lula

Act: Days after the April 2026 Section 303 consultations, Lula signs executive decrees (12.975 and 12.976/2026) that expand — not retract — the platform censorship framework that is one of the primary subjects of the digital trade finding. The decrees operationalize the STF’s Article 19 ruling by executive fiat, without congressional approval. This is the clearest single act of non-remediation in the record: the government expands the offending practice days after consulting with the USTR.



Source: Migalhas

- Date: 20 May 2026
- Headline: **Lula signs decrees expanding the liability of digital platforms**
- Link: <https://www.migalhas.com.br/quentes/456413/lula-assina-decretos-e-amplia-responsabilidade-de-plataformas-digitais>

Source: Gazeta do Povo (opinion)

- Date: 20 May 2026
- Headline: **Lula no longer needs the Judiciary to censor: he is doing it by decree**
- Link: <https://www.gazetadopovo.com.br/vozes/cidadania-digital/lula-nao-precisa-mais-do-judiciario-para-censurar-esta-fazendo-por-decreto/>

Entry 9 · July 6, 2025 — Rio de Janeiro (BRICS Leaders' Declaration) [UNREVOKED COMMITMENT]

Actor: Government of Brazil — MRE/Itamaraty

Act: Brazil's presidency of BRICS produces a Leaders' Declaration — signed by Brazil and bearing the imprimatur of Brazil's Ministry of Foreign Affairs — that formally advances the BRICS Cross-Border Payments Initiative, which directly conflicts with the de-dollarization concern that frames the investigation. The Declaration was issued 9 days before the USTR investigation was initiated, and Brazil has made no move to distance itself from it or disavow its payment-system commitments during the investigation period.

Source: MRE.gov.br (official)

- Date: 6 Jul 2025
- Headline: **BRICS Leaders' Declaration, Rio de Janeiro**
- Link: https://www.gov.br/mre/pt-br/canais_atendimento/imprensa/notas-a-imprensa/declaracao-de-lideres-do-brics-2014-rio-de-janeiro-06-de-julho-de-2025

Analytical Note

The pattern documented here is consistent with the broader incentive structure described in Part II of the filing: the incumbent government has treated the Section 301 investigation not as a pressure to resolve but as a political asset. The evidence for this is structural:

- (a) the first formal consultation was held at the last possible moment before the actionability determination;
- (b) the government's single most visible domestic act in response to U.S. concern about Pix was a nationalist public declaration refusing any change; and



- (c) the executive decrees of May 20, 2026 — expanding the platform censorship framework days after the April consultations — confirm that the government’s post-consultation posture was acceleration, not remediation.

The USTR’s own language confirms the outcome: ‘substantial differences remain.’ That phrase, in USTR practice, is a finding of failed engagement — not of a negotiation that is continuing in good faith.

Annex E — Electoral Instrumentalization

HOW TARIFF AND SANCTIONS PRESSURE WAS CONVERTED INTO A DOMESTIC ELECTORAL WEAPON

February 2025 – June 2026

Prefatory note

This annex reconstructs, through contemporaneous press coverage, the political arc of the U.S.–Brazil dispute and how the incumbent government converted it into electoral advantage. The sequence is documented in ten steps: an opposition campaign for targeted sanctions against Brazilian authorities; the U.S. tariff decision; the opposition’s refusal to disavow the U.S. president; the government-and-press effort to attribute the tariffs to the Bolsonaro family; the Magnitsky designation of Justice Moraes and its partial public-opinion effect; the lifting of that designation amid a JBS-brokered rapprochement; the strengthening of the opposition pre-candidacy through a White House reception; a U.S. counter-narcotics designation aligned with the senator’s agenda; the USTR’s recommendation of a new tariff and the renewed attempt to brand it as the opposition’s doing; and, in parallel, the incumbent’s shift toward provoking rather than averting tariffs because they measurably benefit him. Every step carries a contemporaneous source.

Discipline note

Consistent with the filing’s overall posture, this annex is decoupled from any claim that the proposed tariff should be suspended to benefit any candidate electorally. The electoral evidence here serves one analytical purpose only: it demonstrates that the proposed measure rewards rather than pressures the actor responsible for the practices under investigation — i.e., it fails the statute’s own efficacy standard. Characterizations attributed below to the opposition (e.g., ‘judicial persecution,’ ‘good-faith engagement’) and to the government (e.g., ‘treason’) are reproduced as the positions of those actors, as reported, not as findings of fact.



Storyline at a Glance

#	Date	Step	Anchoring coverage
1	Feb–Jul 2025	Eduardo Bolsonaro & Paulo Figueiredo campaign in Washington for targeted (Magnitsky) sanctions on Brazilian authorities	Metropolises; Revista Forum
2	Jul 9–30, 2025	U.S. imposes 50% tariff (Jul 9 letter); visa restrictions (Jul 18); Magnitsky on Moraes (Jul 30)	CNN Brasil; State.gov; Treasury.gov
3	Jul 2025	Eduardo & Paulo decline to disavow Trump; attribute tariffs to Lula and Moraes (‘Tarifa-Moraes’)	Aos Fatos; CNN Brasil
4	Jul 2025	Government and allied press brand the Bolsonaros ‘traidores da pátria’ (traitors of the fatherland) for the tariffs	CNN Brasil; Aos Fatos
5	Jul 30, 2025	Magnitsky on Moraes (extended to wife, her company, family institute) blunts but does not end the blame narrative; much of the productive sector accepts it	Treasury.gov; Metropolises; CNN Brasil
6	Dec 12, 2025	U.S. lifts Magnitsky	Poder360;



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#	Date	Step	Anchoring coverage
		amid a JBS/Batista-brokered Trump–Lula rapprochement; Eduardo & Paulo portrayed as outmaneuvered	CartaCapital; Revista Oeste
7	May 26, 2026	Flávio’s pre-candidacy gains momentum via a White House reception by Trump	CartaCapital; O Tempo; Público
8	May 28, 2026	U.S. designates CV and PCC as terrorist organizations — the request Flavio made two days earlier	US Embassy; Agencia Brasil; CNN
9	Jun 1–24, 2026	USTR recommends a new 25% tariff; Lula and PT re-brand it ‘TariFlavio’ and tie it to the White House visit	USTR.gov; Jornal de Brasilia; Brasil 247
10	2025–2026	Because tariffs measurably lift Lula, the incumbent shifts to provoking renewed tariffs	Metropoles; CNN/Lavareda

Detailed Entries

Entry 1 · February – July 2025 — Washington, D.C.

Actor: Former federal deputy Eduardo Bolsonaro and commentator Paulo Figueiredo

Act: Having relocated to the United States in February 2025, Eduardo Bolsonaro joins Paulo Figueiredo and both conduct a sustained campaign before the U.S. Congress and the Trump administration for targeted, individual sanctions — principally under the Global Magnitsky Act — against Brazilian authorities, above all STF Justice Alexandre de



Moraes. The campaign's stated premise is that a faction of the Brazilian judiciary had built an apparatus of political persecution against the opposition that, in their account, could not be checked through domestic institutional channels. Their explicit preference is for instruments that reach the responsible officials rather than the Brazilian economy as a whole.

Source: Metropoles

- Date: 8 Jan 2026
- **Headline: Figueiredo and Eduardo Bolsonaro seek to revive Magnitsky against Moraes**
- Link: <https://www.metropoles.com/mundo/figueiredo-e-eduardo-bolsonaro-tentam-retormar-magnitsky-contra-moraes>

Source: Revista Forum

- Date: Jun 2026
- **Headline: Eduardo Bolsonaro met the Trump government to swap Brazilian tariffs for Magnitsky sanctions**
- Link: <https://revistaforum.com.br/politica/eduardo-bolsonaro-eua-traicao/>

Entry 2 · July 9–30, 2025 — Trump Imposes Tariffs on Brazil

Actor: President Trump / U.S. State and Treasury Departments

Act: On July 9, 2025, President Trump notifies Brazil by letter of a 50% tariff effective August 1, expressly tying it to the STF's treatment of Jair Bolsonaro, which he calls an 'international disgrace.' On July 18, the State Department revokes the visas of Justice Moraes and allied STF officials; on July 30, the Treasury designates Moraes under the Global Magnitsky Act.

Source: CNN Brasil

- Date: 9 Jul 2025
- **Headline: Reactions to Trump's tariffs pit the Lula government against Bolsonaro allies**
- Link: <https://www.cnnbrasil.com.br/politica/reacoes-ao-tarifaco-de-trump-opoem-governo-lula-e-aliados-de-bolsonaro/>

Source: State.gov (official)

- Date: 18 Jul 2025
- **Headline: Announcement of Visa Restrictions on Brazilian Judicial Officials**



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- Link: <https://www.state.gov/releases/office-of-the-spokesperson/2025/07/announcement-of-visa-restrictions-on-brazilian-judicial-officials-and-their-immediate-family-members>

Source: Treasury.gov (official)

- Date: 30 Jul 2025
- **Headline: Treasury Sanctions Alexandre de Moraes**
- Link: <https://home.treasury.gov/news/press-releases/sb0211>

Entry 3 · July 2025 — Refusal to denounce the U.S. president

Actor: Eduardo Bolsonaro and Paulo Figueiredo

Act: As the tariff lands, Eduardo, Figueiredo, and their allies decline to criticize President Trump. They instead attribute responsibility to the Lula government and to Justice Moraes — coining the term ‘Tarifa-Moraes’ — and Eduardo publicly characterizes the tariff as, in his framing, the one decisive action taken in favor of ‘freedom.’ Eduardo also attributes the deterioration to the government’s BRICS alignment. The opposition thus absorbs the political cost of declining to disavow the U.S. action rather than turning against Washington.

Source: G1 (Globo)

- Date: 09 Jul 2025
- **Headline: Eduardo Bolsonaro posts thanks to Trump after U.S. sweeping tariffs against Brazil.**
- Link: <https://g1.globo.com/politica/noticia/2025/07/09/eduardo-bolsonaro-posta-agradecimento-a-trump-apos-tarifaco-dos-eua-contr-o-brasil.ghtml>

Source: BBC News Brasil

- Date: 13 Aug 2025
- **Headline: Speaking to the BBC, Eduardo Bolsonaro says Brazilians understand Trump’s sweeping tariffs are a “sacrifice that must be made”: “Our freedom is worth more than the economy”**
- Link: <https://www.bbc.com/portuguese/articles/c987e8znyg9o>

Source: G1 (Globo)

- Date: 23 Aug 2025
- **Headline: Eduardo Bolsonaro ally in the U.S. defies PL pressure and defends Trump’s sweeping tariffs: “We think it’s great”**



- Link: <https://g1.globo.com/politica/blog/octavio-guedes/post/2025/07/23/paulo-figueiredo-aliado-bolsonaro-defende-tarifaco.ghtml>

Entry 4 · July 2025 — The blame campaign against the Bolsonaros

Actor: Government figures and allied press

Act: From the day of the tariff announcement, government figures and allied media launch a coordinated effort to attribute the tariffs to the Bolsonaro family's Washington lobbying. Deputy Erika Hilton labels the Bolsonaros 'traidores da patria'; Minister Paulo Teixeira accuses Jair and Eduardo of 'stoking Trump against Brazil'; Senator Renan Calheiros and others echo the line. President Lula, in interviews on July 10–11, charges that Eduardo travelled to the U.S. to 'make up Trump's mind' and 'instigate a coup,' converting the diplomatic dispute into a domestic charge of treason.

Source: CNN Brasil

- Date: 9 Jul 2025
- Headline: **Reactions to Trump's tariffs pit the Lula government against Bolsonaro allies**
- Link: <https://www.cnnbrasil.com.br/politica/reacoes-ao-tarifaco-de-trump-opoem-governo-lula-e-aliados-de-bolsonaro/>

Entry 5 · July 30, 2025 — Magnitsky on Moraes

Actor: U.S. Treasury (OFAC)

Act: The Treasury designates Justice Moraes under the Global Magnitsky Act; the punishment is later extended to his wife, a company associated with the family, and the family's patrimonial institute (Lex). By shifting the visible instrument from a broad tariff toward named individuals, the designation partially blunts — without eliminating — the 'the tariffs are the Bolsonaros' fault' narrative. In parallel, the incumbent succeeds in rallying much of the financial market and business community around a 'national sovereignty' frame, and a large part of the productive sector accepts the government's reading at face value.

Source: Treasury.gov (official)

- Date: 30 Jul 2025
- Headline: **Treasury Sanctions Alexandre de Moraes**
- Link: <https://home.treasury.gov/news/press-releases/sb0211>

Entry 6 · December 12, 2025 — Magnitsky lifted; opposition outmaneuvered

Actor: Trump administration / OFAC — with JBS (Batista brothers) as broker



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Act: The United States lifts the Magnitsky designation on Moraes, his wife, and the Lex Institute. Brazilian and international reporting attributes the reversal, in significant part, to back-channel work by JBS owner Joesley Batista, who — per contemporaneous reporting (Revista Oeste; Poder360) — brokered the tariff meeting, the Magnitsky revocation, and the May 7 Trump–Lula meeting, including a phone call placed to Trump from Batista’s own phone. Eduardo and Figueiredo receive the news ‘with regret,’ praise Trump’s earlier support, and attribute the reversal to insufficient ‘internal cohesion’ in Brazil. In the coverage that follows, their sanctions campaign is widely portrayed as having been outmaneuvered, with analysts noting Washington’s judgement that the Bolsonaro family might not be the only viable opposition.

Source: Poder360

- Date: 12 Dec 2025
- **Headline: Eduardo laments Moraes out of Magnitsky and vows to keep fighting**
- Link: <https://www.poder360.com.br/poder-congresso/eduardo-lamenta-moraes-fora-da-magnitsky-e-fala-em-seguir-lutando/>

Source: Revista Oeste

- Date: May 2026
- **Headline: The Batista embassy: how the JBS owners brokered Washington back-channels**
- Link: <https://revistaouest.com/revista/edicao-324/a-embaixada-dos-batista/>

Source: Gazeta do Povo

- Date: 15 Dec 2025
- **Headline: Lula’s deal for the U.S. to drop Moraes from Magnitsky remains obscure**
- Link: <https://www.gazetadopovo.com.br/republica/condicoes-cedidas-por-lula-e-stf-para-trump-tirar-moraes-da-magnitsky-seguem-obscuras/>

Entry 7 · May 26, 2026 — Flávio Bolsonaro’s Visit to the White House

Actor: Senator Flavio Bolsonaro (pre-candidate), received by President Trump

Act: With Brazil’s early presidential race tightly contested, President Trump receives Senator Flávio Bolsonaro in the Oval Office on May 26, 2026. The reception generates immediate positive momentum for the pre-candidacy. At the meeting, Flávio raises rare earths, strategic investment, and tariffs — reiterating his standing request that the United States not impose tariffs on Brazil — and asks Trump to designate the PCC and Comando Vermelho as terrorist organizations.



Source: CartaCapital

- Date: 26 May 2026
- **Headline: Flavio Bolsonaro visits the White House and says he asked Trump to classify PCC and CV as terrorists**
- Link: <https://www.cartacapital.com.br/politica/flavio-bolsonaro-vai-a-casa-branca-e-publica-foto-ao-lado-de-trump/>

Entry 8 · May 28, 2026 — FTO Designation of PCC and CV

Actor: U.S. Department of State (Secretary Rubio)

Act: Two days after the White House reception, the State Department designates Comando Vermelho (CV) and the Primeiro Comando da Capital (PCC) as Specially Designated Global Terrorists and announces intent to designate them as Foreign Terrorist Organizations, effective June 5, 2026. The action grants precisely the request Flavio made on May 26, aligning a concrete U.S. measure with the senator’s public-security agenda — and, by implication, against the incumbent government’s posture. Press analysis later notes the asymmetry that Washington granted the Bolsonarist request on the factions but not on tariffs.

Source: U.S. Embassy Brazil (official)

- Date: 28 May 2026
- **Headline: Terrorist Designation of Comando Vermelho and Primeiro Comando da Capital**
- Link: <https://br.usembassy.gov/terrorist-designation-of-comando-vermelho-and-primeiro-comando-da-capital/>

Entry 9 · June 1–24, 2026 — USTR Recommendation and the Anti-Flávio Narrative [U.S. Action + Brazilian response]

Actor: USTR / President Lula / PT / Itamaraty

Act: Early the following week, on June 1, 2026, the USTR’s Section 301 determination finds all six areas actionable and proposes a new 25% tariff (Federal Register notice, June 4). Although only a recommendation pending the July 6 hearing, it immediately revives the blame narrative — now retargeted at Flavio. On June 2, Lula calls him ‘imbecil’ and ‘traidor da patria’; PT figures (Lindbergh Farias, Haddad) tie the proposed tariff to the May 26 White House visit; and on June 24 the Itamaraty issues an official note calling the opposition ‘traidores da Patria’ who owe Brazil ‘an apology for the tariffs.’ Flavio responds that he asked Trump not to tariff Brazil and that the measure is ‘do Lula,’ a product of the government’s anti-American posture.

Source: USTR.gov (official)

- Date: 1 Jun 2026



- **Headline: USTR Section 301 Determination on Brazil’s Unreasonable Acts, Policies, and Practices**
- **Link:** <https://ustr.gov/about/policy-offices/press-office/press-releases/2026/june/ustr-section-301-determination-brazils-unreasonable-acts-policies-and-practices>

Source: Jornal de Brasilia

- **Date:** Jun 2026
- **Headline: New tariff is a setback for Flavio and may cancel gains from the Trump visit**
- **Link:** <https://jornaldebrasil.com.br/noticias/politica-e-poder/novo-tarifaco-e-reves-para-flavio-e-pode-anular-ganhos-com-visita-a-trump-avaliam-centrao-e-aliados/>

Source: O Tempo

- **Date:** 24 Jun 2026
- **Headline: Itamaraty: ‘traitors of the homeland’ owe an apology for the U.S. tariffs**
- **Link:** <https://www.otempo.com.br/politica/governo/2026/6/24/itamaraty-rebate-flavio-bolsonaro-e-diz-que-traidores-da-patria-devem-desculpa-por-tarifas-dos-eua>

Entry 10 · 2025–2026 — The incumbent provokes, because tariffs lift him

Actor: President Lula / PT government

Act: Because the incumbent’s standing improves precisely when Brazil is under tariff pressure, the government’s posture shifts from averting tariffs to provoking them. Eduardo Bolsonaro argues to Trump’s aides that Lula is ‘cavando o tarifaço’ — ‘digging for’ the tariff — and that confirming it would mean falling for Lula’s ‘provocation,’ citing his renewed criticism of Trump, his decision not to send a representative to the USTR hearing, and Brazil’s issuance of public debt in Chinese currency. Independent analysis converges: the Genial/Quaest poll measures the electoral effect of the crisis; political scientist Antonio Lavareda finds the tariffs ‘boost the Lula government’; and academic commentary converges on the same reading — that the tariff operates as a political gift to the incumbent. The cui bono is empirical: the measure proposed against the government strengthens it.

Source: Metropoles

- **Date:** 24 Jun 2026
- **Headline: Eduardo asks the Trump government not to fall for Lula’s ‘provocation’**



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- Link: <https://www.metropoles.com/colunas/igor-gadelha/eduardo-pede-a-governo-trump-que-nao-caia-na-provocacao-de-lula>

Source: CNN Brasil

- Date: 11 Aug 2025
- Headline: **Trump’s tariffs boost the Lula government, says Antonio Lavareda**
- Link: <https://www.cnnbrasil.com.br/politica/tarifaco-de-trump-impulsiona-governo-lula-afirma-antonio-lavareda/>

Analytical Note

Read as a sequence, the ten steps describe a single mechanism. The opposition pursued instruments designed to reach the responsible officials (Magnitsky, visa restrictions) and declined to attack the U.S. president when the tariff arrived; the government and allied press converted the tariff into a charge of treason against the opposition; the one instrument that reached the responsible person was withdrawn through a private commercial back-channel; and, once it became measurable that tariff pressure lifts the incumbent, the government’s incentive inverted — from averting tariffs to provoking them. For the USTR’s purposes the relevant conclusion is narrow and empirical: a 25% tariff on the Brazilian economy does not pressure the actor responsible for the practices under investigation; it rewards him. That is a failure of the statute’s efficacy standard, independent of any electoral preference.

Annex F — Bilateral Trade Balance and U.S. FDI Position in Brazil

SUPPORTING DATA FOR PART IV (COSTS TO THE UNITED STATES)

Figures from U.S. and Brazilian Official Sources

Prefatory note

This annex supports Part IV by showing that the proposed action would impose direct costs on U.S. economic interests: the United States already runs a large goods-and-services surplus with Brazil; U.S. companies maintain a substantial installed investment position in Brazil; and Brazil’s Reciprocity Law creates legal exposure for U.S. goods exports and IP-intensive sectors in the event of retaliation.

This annex documents three facts relevant to ‘the needs of the U.S. economy’ under Section V of the Notice:



- (1) the United States runs a sustained trade surplus with Brazil — one of the few large partners with which it does so;
- (2) the United States is the single largest foreign direct investor in Brazil, so U.S.-owned firms would be among the first to absorb the damage from a deteriorating relationship; and
- (3) Brazil’s Economic Reciprocity Law exposes a large share of U.S. exports — including the intellectual-property interests the Notice says it protects — to proportional retaliation.

All figures are drawn from official U.S. (USTR, Census, BEA) and Brazilian (Banco Central, Planalto) sources, cited below.

1. Bilateral goods trade (U.S. perspective)

The U.S. Trade Representative’s own country page reports a U.S. goods trade surplus with Brazil of US\$14.4 billion in 2025 — a 112.8% (\$7.7 billion) increase over 2024. The United States has recorded a goods (and total) trade surplus with Brazil in every year from 2007 through 2025.

Year	U.S. goods exports to Brazil	U.S. goods imports from Brazil	U.S. goods surplus
2025	\$54.4 bn	\$39.9 bn	\$14.4 bn
2024 (approx.)	\$49.2 bn	\$42.5 bn	\$6.7 bn

Figures as published by the USTR country page and U.S. Census series C3510; totals may reflect rounding.

Adding services widens the gap. U.S. services trade with Brazil totaled an estimated \$36.1 billion in 2024 (U.S. services exports \$29.6 billion; imports \$6.5 billion — a services surplus of roughly \$23 billion). On a combined goods-and-services basis, BEA data indicate a total U.S. surplus with Brazil of approximately \$40.5 billion in 2025 (exports \$87.3 billion; imports \$46.8 billion).

2. U.S. foreign direct investment position in Brazil

The United States is the largest single foreign direct investor in Brazil. Two official measures, on different bases, both confirm the U.S. lead; they are reported here side by side for transparency.

Measure (basis)	Value ²¹	Source
U.S. direct investment	~\$88.0 bn (2024)	U.S. Bureau of Economic

²¹ Figures from different sources follow different criteria and direct comparison should be done with caution.



Measure (basis)	Value	Source
position abroad in Brazil (historical-cost basis)		Analysis
Stock of FDI in Brazil attributable to U.S. investors (census basis) — largest source, ~26% of total	~\$233 bn (2024)	Banco Central do Brasil
Qualitative: ‘the United States is the largest foreign investor’ in Brazil	—	U.S. Dept. of State, 2024 Investment Climate Statement

The two figures measure different things — the BEA position reflects U.S. parents’ equity and net lending on a historical-cost basis, while the Banco Central census captures the full stock held in Brazil attributable to U.S. investors — but both rank the United States first. Installed U.S. multinationals, not the Brazilian state, are the first to absorb the damage from a deteriorating bilateral relationship.

3. Retaliation exposure under Brazil’s Economic Reciprocity Law

Brazil’s Economic Reciprocity Law (Law No. 15.122/2025, enacted April 11, 2025), regulated by Decree No. 12.551/2025 (July 15, 2025), authorizes the Executive to adopt proportional countermeasures: (i) import duties on goods and services; (ii) suspension of intellectual-property rights and obligations (via Law No. 12.270/2010)²²; and (iii) suspension of other trade-agreement concessions. Brazilian officials have publicly signaled the pharmaceutical and audiovisual sectors as potential targets. Against a base of \$54.4 billion in U.S. goods exports to Brazil in 2025, an estimated US\$40–50 billion²³ of U.S. exports would be exposed to retaliation — and the IP-suspension power reaches precisely the U.S. interests the Notice says it aims to defend.

Sources

Source: Office of the U.S. Trade Representative

- Date: 2026

²² The law creates credible legal exposure, including in IP-intensive sectors, even if IP suspension would be procedurally conditioned and exceptional.

²³ Estimate measured against the US\$54.4 billion 2025 goods-export base; the exposed share varies with exclusion-list assumptions.



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- **Headline: Brazil — country page (U.S. goods trade surplus of \$14.4 bn in 2025; services data)**
- **Link:** <https://ustr.gov/countries-regions/americas/brazil>

Source: U.S. Census Bureau

- **Date:** 2026
- **Headline: Trade in Goods with Brazil (series C3510)**
- **Link:** <https://www.census.gov/foreign-trade/balance/c3510.html>

Source: USAFacts / BEA

- **Date:** 29 Apr 2026
- **Headline: U.S.–Brazil trade: surplus every year 2007–2025; 2025 total surplus \$40.52 bn**
- **Link:** <https://usafacts.org/answers/what-is-the-value-of-us-trade/countries/brazil/>

Source: U.S. Bureau of Economic Analysis

- **Date:** Sep 2025
- **Headline: Direct Investment by Country and Industry, 2024**
- **Link:** <https://apps.bea.gov/scb/issues/2025/09-september/0925-direct-investment.htm>

Source: U.S. Department of State

- **Date:** 2025
- **Headline: 2024 Investment Climate Statements: Brazil (‘the United States is the largest foreign investor’)**
- **Link:** <https://www.state.gov/reports/2024-investment-climate-statements/brazil>

Source: Government of Brazil (Planalto)

- **Date:** 16 Apr 2025
- **Headline: Brazil enacts Economic Reciprocity Law (Law No. 15.122/2025)**
- **Link:** <https://www.gov.br/planalto/en/latest-news/2025/04/brazil-enacts-economic-reciprocity-law>

Source: UNCTAD Investment Policy Monitor

- **Date:** 2025



- **Headline: Economic Reciprocity Law allows countermeasures, including on investment**
- **Link: <https://investmentpolicy.unctad.org/investment-policy-monitor/measures/5099/economic-reciprocity-law-allows-countermeasures-including-on-investment-in-response-to-unilateral-trade-actions>**

Annex G — Subsidiary Exclusion List: Priority HTSUS Subheadings

SUPPORTING DETAIL FOR PART VI.E

Subsidiary request, in the alternative

Prefatory note

Should the Trade Representative proceed despite the principal request, the commenter asks, in the alternative, that the following categories be excluded from the proposed 25% action under the Notice’s own exclusion criteria: (a) inputs without an alternative source; (b) goods whose tariffing would risk economy-wide or consumer-price disruption; and (c) items for which a tariff ‘may not contribute substantially to the elimination’ of the practices at issue. None of the categories below bears any relationship to the digital-trade, payments, or judicial conduct that the Notice identifies; tariffing them reaches American purchasers and the U.S. supply chain, not the practices under investigation. The HTSUS subheadings listed are indicative at the heading/subheading level and should be confirmed against the current HTSUS and cross-checked against the exclusions already in the Notice’s Annex before filing.

Priority exclusion categories

Category	Indicative HTSUS	Products	Basis for exclusion
Civil aircraft & Embraer supply chain	8802.30; 8802.40; 8803.30; 8807.30	Airplanes 2,000–15,000 kg and >15,000 kg; parts of aircraft	No alternative source given ongoing commitments for Embraer-built airframes/parts integrated into U.S. fleets and the U.S. aerospace supply chain; tariff raises costs for U.S. carriers and



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Category	Indicative HTSUS	Products	Basis for exclusion
			manufacturers; unrelated to the practices.
Iron & steel (semi-finished)	7201; 7206; 7207.12; 7207.20; 7208	Pig iron; ingots; semi-finished slabs/billets; hot-rolled flat	Brazilian semi-finished steel (slabs) is a critical feedstock for U.S. re-rolling mills with limited alternative supply; tariff raises U.S. downstream steel costs (economy-wide input).
Cellulose (wood pulp)	4703.21; 4703.29	Bleached coniferous and non-coniferous (eucalyptus) kraft pulp	Brazilian bleached eucalyptus kraft pulp is a dominant global input for U.S. tissue/paper makers with no substitute at scale; tariff is a consumer-paper cost (no alternative source).
Coffee	0901.11; 0901.12; 0901.21	Green (not roasted) and roasted coffee	Brazil is the largest supplier of green coffee to the U.S.; no U.S. domestic production at scale; pure consumer-price tax — already recognized by the Nov 2025 foodstuffs rollback; unrelated to the practices.
Orange juice	2009.11; 2009.12; 2009.19	Frozen and not-frozen orange juice (FCOJ/NFC)	Brazil supplies the large majority of U.S. OJ imports as



Category	Indicative HTSUS	Products	Basis for exclusion
			U.S. (Florida) production has collapsed; no alternative source at scale; consumer-price tax unrelated to the practices.

Each category maps to at least one of the Notice’s three stated exclusion grounds. Requesting suspension (the principal request) and these exclusions (in the alternative) in the same comment does not weaken the principal request; it shows that the commenter operates within the logic of the Notice itself and offers the Trade Representative a calibrated off-ramp rather than a binary choice.

Sources

Source: U.S. International Trade Commission

- Date: 2026
- Headline: **Harmonized Tariff Schedule of the United States (current edition)**
- Link: <https://hts.usitc.gov/>

Source: Office of the U.S. Trade Representative

- Date: 1 Jun 2026
- Headline: **Section 301 Determination on Brazil — proposed action and Annex of exclusions**
- Link: <https://ustr.gov/about/policy-offices/press-office/press-releases/2026/june/ustr-section-301-determination-brazils-unreasonable-acts-policies-and-practices>

Source: Federal Register

- Date: 4 Jun 2026
- Headline: **Notice of Determination and Request for Comments (Section 301: Brazil)**
- Link: <https://www.federalregister.gov/documents/2026/06/04/2026-11158/notice-of-determination-and-request-for-comments-concerning-action-pursuant-to-section-301-brazils>