
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 OF PAULO FIGUEIREDO
ON THE PROPOSED ACTION**

Journalist, Economist, and Subject-Matter Expert on Brazil

The Only U.S. Person Named as a Target of Persecution in the White House Fact Sheet Accompanying Executive Order 14323 (July 30, 2025)

Submitted July 1, 2026

I. INTEREST AND STANDING OF THE COMMENTER

The undersigned, Paulo Figueiredo, respectfully submits this written comment on the action proposed in the above-captioned investigation, pursuant to the notice published by the Office of the United States Trade Representative on June 1, 2026 [1]. The commenter is an award-winning Brazilian journalist, an economist, and a subject-matter expert on Brazilian political and economic affairs. He is a U.S. person residing in the United States. He submits this comment in his individual capacity.

The commenter's interest in this proceeding is not that of an observer. He is a direct victim of the conduct underlying this investigation. He is the only individual named, by name, in the White House Fact Sheet accompanying Executive Order 14323 of July 30, 2025, as a target of the persecution that forms part of the factual basis for United States measures concerning Brazil: the U.S. resident criminally prosecuted by a Justice of Brazil's Supreme Federal Tribunal for speech he made on U.S. soil [2]. Executive Order 14323 itself refers to that same conduct — the Government of Brazil's criminal prosecution of a United States resident for speech made on United States soil [3].

The secret censorship and prosecution orders directed at the commenter and at other U.S. persons are documented in three interim staff reports of the Committee on the Judiciary of the U.S. House of Representatives: *The Attack on Free Speech Abroad and the Biden Administration's Silence: The Case of Brazil* (April 17, 2024) [4]; *Part II* of the same series (May 7, 2024) [5]; and

The Attack on Free Speech Abroad: The Case of Brazil, Part III (2026) [6]. The commenter has twice testified before the U.S. Congress on these matters: before the House Foreign Affairs Subcommittee on Global Health, Global Human Rights, and International Organizations (May 7, 2024), and before the Tom Lantos Human Rights Commission (June 23, 2025).

The commenter has also requested to appear, and expects to testify, at the public hearing scheduled for July 6, 2026 (Docket No. USTR-2026-0397). This comment sets out the full evidentiary and analytical basis for the position summarized in that testimony.

II. SUMMARY OF POSITION

The commenter submits four propositions. **First**, the proposed 25% tariff strikes the wrong target: the conduct at issue is that of identifiable Brazilian officials, and a tariff on substantially the entire Brazilian economy cannot reach them — it reaches, instead, Brazilian exporters, American importers and consumers, and the very Brazilians who are the victims of the conduct. **Second**, the tariff rewards the authors of the conduct: the current Brazilian government profits politically from confrontation with the United States, and the documentary record shows censorship intensifying precisely in the run-up to Brazil’s October 2026 presidential election. **Third**, and most important, the tariff contradicts the United States’ own declared national security strategy for the Western Hemisphere by accelerating Brazil’s realignment toward the People’s Republic of China. **Fourth**, correctly calibrated instruments exist, have already been used by this Administration, and should be used again and expanded.

On these grounds, the commenter respectfully requests that the Trade Representative **suspend the proposed action and reassess it**, with Brazil’s October 2026 election — and the question of which actors the proposed tariff would strengthen — weighed in full; and that the United States instead rely on the targeted measures, described in Part VII below, that reach the individuals actually responsible.

III. THE PROPOSED TARIFF STRIKES THE WRONG TARGET

The acts, policies, and practices described in this investigation — above all, the secret censorship orders directed at American platforms and American persons — are not the diffuse conduct of an economy. They are the conduct of identifiable officials. The House Judiciary Committee’s reports reproduce dozens of orders issued by Justice Alexandre de Moraes and allied judicial officials to X Corp. and to Rumble, directing the suspension or removal of accounts — including accounts of U.S. persons — and the disclosure of user data, under threat of fines and criminal exposure [4][5]. The Committee’s Part III report, drawing on nonpublic documents, concludes that Brazil’s censorship regime targets speech within the United States and forces American companies to choose between complying with censorship demands or facing legal warfare and expulsion from the Brazilian market [6].

A United States federal court has examined a portion of this conduct. In *Trump Media & Technology Group Corp. v. de Moraes*, the U.S. District Court for the Middle District of Florida held, on February 25, 2025, that the directives attributed to Justice de Moraes had not been served in compliance with the Hague Convention or the U.S.–Brazil Mutual Legal Assistance Treaty, had not been domesticated pursuant to established protocols, and that the plaintiffs were accordingly “not obligated to comply with the directives and pronouncements” in the United States [7]. That litigation remains ongoing as of the date of this comment [8]. The commenter cites the February 2025 ruling for a limited purpose: a U.S. court, examining the orders themselves, treated them as

the acts of an identifiable foreign official operating outside lawful channels — not as the acts of an economy.

A 25% tariff on substantially all Brazilian goods cannot reach that official, or any official. By its nature, a tariff falls on Brazilian exporters, on the American importers who pay it, and on American consumers — and, perversely, on the very Brazilian citizens who are themselves the targets of the censorship the investigation documents. The commenter states this as a matter within his personal knowledge: he is one of those targets. The proposed instrument misses every person responsible for the conduct and lands on nearly everyone who is not.

This is not merely a policy defect; it bears on the statute. Section 301(b) of the Trade Act of 1974 frames the Trade Representative’s discretionary authority around action “to obtain the elimination of” the act, policy, or practice at issue [9]. An action that leaves the authors of the practice untouched — and, as shown in Part IV, strengthens them politically — is not rationally designed to obtain the elimination of anything. It is, at best, indifferent to the practice it is supposed to eliminate; at worst, it entrenches it.

IV. THE PROPOSED TARIFF REWARDS THE AUTHORS OF THE CONDUCT

The current Brazilian government does not merely tolerate confrontation with the United States; it converts that confrontation into domestic political capital. The documentary record supports this on three independent grounds — and the pattern has now extended to the criminalization of participation in United States legal and political processes, including, in effect, this one.

First, the electoral use of censorship itself. The House Judiciary Committee’s Part III report finds that many of Justice de Moraes’s censorship orders target political opponents of the Justice and of President Luiz Inácio Lula da Silva, at home and abroad, ahead of Brazil’s upcoming presidential election — including orders issued between September 2025 and February 2026 [6]. The conduct under investigation is not static background; it is an instrument being actively deployed in the run-up to the October 2026 vote.

Second, the structural unity of the actors. Justice de Moraes and President Lula are not independent variables; they are components of a single political arrangement, each sustaining the other. Justice de Moraes served as President of the Superior Electoral Tribunal — Brazil’s electoral authority — during the 2022 election that returned President Lula to power; the House Judiciary Committee’s reports identify him in that dual judicial-electoral capacity [4][5]. The Supreme Federal Tribunal subsequently dismantled Operation Lava Jato — the anti-corruption effort whose demise underlies part of this investigation’s anti-corruption concerns — annulling, among others, the corruption convictions of President Lula himself. The Court’s most senior member, Justice Gilmar Mendes, has publicly claimed the political consequences, stating that figures across the political spectrum are “only here because the Supreme Court confronted Lava Jato” — expressly including the President of the Republic [27]. That is not the commenter’s characterization; it is the Court’s own. A measure that strengthens President Lula strengthens the judicial actors who sustain him, and a measure that shields those actors sustains him in turn.

Third, the political exploitation of U.S. measures. When the United States lifted the Global Magnitsky sanctions on Justice de Moraes in December 2025 (see Part VI below), the reaction of the Brazilian government was not conciliation but celebration — and celebration in expressly electoral terms. Brazil’s Minister of Institutional Relations, Gleisi Hoffmann, declared: “It was

Lula who put this repeal on Donald Trump’s desk,” framing the episode as a defeat of the government’s domestic opponents [10]. Whatever Washington intends, Brasília scores it as a win.

Fourth, the criminalization of participation in United States processes. In June 2026, the First Panel of the Supreme Federal Tribunal — the same panel that ratifies Justice de Moraes’s orders — convicted former Congressman Eduardo Bolsonaro, a U.S. resident living in Texas, sentencing him to four years and two months of imprisonment and stripping his political rights for eight years, on a coercion theory: that petitioning the United States government for sanctions against Justice de Moraes constituted intimidation of the Court [28]. Service of process on him — a person on U.S. soil — was effected by publication (*edital*) rather than through the Hague Convention or the U.S.–Brazil Mutual Legal Assistance Treaty, a circumvention publicly criticized by his own court-appointed defender [29]. The commenter himself has been criminally charged by Brazil’s Prosecutor-General on the same coercion theory, for advocacy conducted in the United States [30]; he states, as a matter within his personal knowledge, that Brazilian authorities have sought U.S. legal-assistance cooperation in aid of that prosecution, to which the Department of Justice has not, to date, acceded. And on July 1, 2026 — the day this comment is filed — federal deputies of the governing Workers’ Party introduced legislation to create a new crime of treason against the fatherland, punishable by eight to twenty years of imprisonment, for nationals who act “in articulation with foreign interests” [31]. The Trade Representative should weigh what this means for the integrity of this very proceeding: Brazilians who petition or testify before the United States government — including before this Committee — face prosecution at home for doing so. A tariff would not deter that pattern; it would supply its justification, allowing the persecution of the domestic opposition to be recast as the defense of the nation against economic aggression. The proposed action would thereby feed the very conduct this investigation exists to eliminate.

A 25% tariff would hand the same government a larger version of the same gift. Domestically, it permits the recasting of hostility toward the United States as the defense of national sovereignty — a narrative with obvious electoral utility in the final months before the vote. Geopolitically, it advances what the government’s foreign policy already pursues: the loosening of Brazil’s ties to the United States and the deepening of its ties to the People’s Republic of China, documented in Part V. The party that benefits from the proposed action is the party whose conduct this investigation exists to address.

V. THE PROPOSED TARIFF CONTRADICTS THE UNITED STATES’ OWN DECLARED STRATEGY

This is the commenter’s central submission. The United States has declared, at the highest level of strategic doctrine, that the Western Hemisphere is a vital national interest and that denying the People’s Republic of China strategic influence and control of key assets in this hemisphere is a first-order priority. The 2025 National Security Strategy, published in November 2025, articulates this under what it terms the Trump Corollary to the Monroe Doctrine, and describes a hemisphere free of hostile foreign incursion and foreign ownership of key assets as a condition of American security and prosperity [11]. The 2026 National Defense Strategy, published January 23, 2026, operationalizes the same priority, sequencing defense of the homeland and of key terrain in the Western Hemisphere first among the Department’s priorities [12].

The proposed tariff produces the precise opposite of that declared strategy, on the evidence of what has already occurred. China has been Brazil’s largest trading partner since 2009 [13]. In 2025, bilateral Brazil–China trade reached a record of approximately US\$171 billion — the highest level

since records began in 1997 and more than double Brazil’s roughly US\$83 billion in trade with the United States, its second-largest partner — according to figures compiled by the Brazil–China Business Council (CEBC) [14].

The causal mechanism is not speculative; it has already been observed in this very bilateral relationship. When U.S. tariffs on Brazilian goods took full effect in the second half of 2025, Brazilian producers rapidly redirected export volumes. Independent analyses — by FTI Consulting and by GIS Reports — found that China alone absorbed approximately 37% of Brazil’s redirected exports between August and December 2025, opening its market to hundreds of Brazilian suppliers that had previously served the United States [15][16]. In other words: the last round of tariffs did not isolate the Lula government; it handed the Chinese market a ready-made expansion of Brazilian supply relationships, at America’s expense.

Nor is the penetration merely commercial. It is becoming structural. In 2025, Brazil and China announced the construction of a bi-oceanic railway corridor connecting Brazil to Peru’s Pacific coast — physical infrastructure that reorients South American trade flows toward Asia — and BYD inaugurated production at its manufacturing hub in Camaçari, Bahia, launching the first electric vehicle wholly manufactured in Brazil [17]. Chinese positions in Brazilian ports, energy, and digital infrastructure follow the same pattern. Each additional increment of U.S. trade pressure accelerates this consolidation.

The legal consequence follows from recent Supreme Court precedent. In *Learning Resources, Inc. v. Trump*, decided February 20, 2026, the Supreme Court held that the International Emergency Economic Powers Act does not authorize the President to impose tariffs [18]. The Court did not disturb tariff authorities under the Trade Act of 1974, including Section 301 [19]. Section 301 is therefore the durable statutory foundation of the present tariff program — which makes the discipline internal to Section 301 decisive. That discipline is the statute’s own object: action “to obtain the elimination of” the offending practice, in service of the United States’ interest [9]. An action that (i) cannot reach the authors of the practice (Part III), (ii) strengthens them politically (Part IV), and (iii) accelerates the exact strategic realignment that the National Security Strategy and National Defense Strategy are written to prevent, cannot be squared with that object. The Trade Representative would be exercising a statute that exists to advance the American interest in a manner that the United States’ own declared security strategy identifies as contrary to the American interest.

VI. THE DECEMBER 2025 EPISODE: THE RIGHT INSTRUMENT, GIVEN UP FOR NOTHING

The United States has already demonstrated — in this very bilateral relationship, within the last twelve months — that it possesses instruments calibrated to reach the individuals responsible. On July 30, 2025, the Department of the Treasury designated Justice Alexandre de Moraes under the Global Magnitsky sanctions program; in announcing the designation, the Secretary of State described a “targeted and politically motivated effort designed to silence political critics” through secret orders to online platforms, including U.S. companies [20]. In September 2025, the designation was extended to the Justice’s wife, Viviane Barci de Moraes, and to the Lex Institute, an entity controlled by the family [21]. The State Department separately revoked U.S. visas of Justice de Moraes and allied officials. These measures reached the responsible individuals — and no one else.

On December 12, 2025, the Treasury removed Justice de Moraes, his wife, and the Lex Institute from the sanctions list [21]. The removal followed a telephone conversation between President Trump and President Lula. According to a source in the Brazilian presidency, speaking to Reuters, Brazil offered nothing in return [22]. The only contemporaneous development that U.S. officials publicly credited was the passage by Brazil’s lower house of an amnesty bill — which Deputy Secretary of State Christopher Landau welcomed as “a first step towards addressing these abuses” [23]. That bill was an initiative of the congressional opposition; it was not an act of the Lula government, which opposed it. In other words, even the single gesture Washington credited came from the government’s adversaries, not from the government whose conduct is at issue.

What became of that gesture is now a matter of record, and it should inform this Committee’s assessment of what Brazil’s current authorities do with American goodwill. The bill was ultimately reduced to an adjustment of sentencing calculations — Law No. 15,402/2026, the so-called Dosimetry Law — not an amnesty. President Lula vetoed it in full. Congress overrode the veto, and the law was promulgated on May 8, 2026 [32]. Within twenty-four hours, Justice de Moraes suspended its application — indefinitely, pending review by the full Court, with no date set for that review [32][33]. The sequence speaks for itself. The single development that Washington credited in December has since been nullified, and nullified by the very Justice whose removal from the sanctions list it had been credited to justify. The United States extended a concession on a premise; the premise did not survive contact with the officials it concerned.

The commenter states his view plainly: the December removal has not served its purpose. The record since then bears this out. The House Judiciary Committee’s Part III report documents censorship orders targeting opponents of Justice de Moraes and President Lula issued through February 2026 — that is, continuing after the sanctions were lifted [6]. The public record discloses no responsive step by the Lula government on any of the six issue areas identified in the notice of this investigation. And the government’s own senior minister characterized the removal, in public, as a domestic political victory [10]. The instrument that reached the responsible individual was given up; nothing was obtained; and the conduct continued.

That episode is the clearest available evidence on the question now before the Trade Representative. The choice is not between the proposed tariff and inaction. It is between (a) a broad measure that cannot touch the responsible officials and demonstrably strengthens them, and (b) targeted measures that have already been shown to reach them precisely. Having set down the instrument that hits the offender, the United States should not now adopt, in its place, an instrument that hits everyone but him.

VII. THE CORRECT INSTRUMENTS: USE THEM AND EXPAND THEM

Three authorities, already enacted and already used, are calibrated to the conduct this investigation documents.

Global Magnitsky. The Global Magnitsky Human Rights Accountability Act, as implemented and expanded by Executive Order 13818, reaches foreign persons responsible for serious human rights abuse and for corruption — and extends to leaders and officials of entities engaged in such conduct, and to those who materially assist or provide support for it [24][34]. The program has already been applied — by name — to the Justice principally responsible for the censorship conduct, to his wife, and to the family’s asset-holding entity [20][21]. The commenter respectfully urges three applications. *First*, that those designations be restored, for the reasons set out in Part VI. *Second*, that the leadership and material-assistance prongs be applied to the other

Justices of the First Panel of the Supreme Federal Tribunal, whose votes ratify and give collective legal force to Justice de Moraes's orders — including the June 2026 conviction of a U.S. resident for petitioning the United States government (Part IV above). The evidentiary predicate the statute requires is more than satisfied by the record this investigation has itself assembled. *Third*, that the corruption prong be applied to the architecture of impunity that the record documents. Justice Gilmar Mendes, the Court's most senior member and Justice de Moraes's principal source of political support within the Tribunal, played a central and publicly acknowledged role in the judicial dismantling of Operation Lava Jato, and has expressly claimed its political consequences — stating that figures across the spectrum, expressly including President Lula, are “only here because the Supreme Court confronted Lava Jato” [27]. The underlying corruption is itself on the record: in sworn plea testimony released by order of the Supreme Federal Tribunal, Joesley Batista of JBS described two offshore accounts — one destined for President Lula, opened in 2009, and one for President Rousseff, opened the following year — whose combined balances, built from successive bribe credits tied to schemes at Brazil's national development bank and at the Petros and Funcef pension funds, reached approximately US\$150 million by 2014 [35]. (Both former presidents deny the allegations.) If anti-corruption enforcement is among this investigation's six concerns — and it is — then the targeted instruments should be aimed at the officials who dismantled Brazil's anti-corruption enforcement, not at the economy that was its victim.

INA § 212(a)(3)(C). The Immigration and Nationality Act renders inadmissible any alien whose entry the Secretary of State reasonably believes would have potentially serious adverse foreign policy consequences for the United States [25]. This authority has already been used to revoke the visas of Justice de Moraes and allied officials. It is discretionary, reversible, immediate, and personal — the opposite, in every relevant respect, of a tariff. On the record already assembled by the Committee reports and by this investigation, the category of officials to whom this authority could properly extend is not small; the commenter urges its broader and more liberal application to the officials responsible for the documented conduct.

Section 7031(c). Section 7031(c) of the annual Department of State, Foreign Operations, and Related Programs Appropriations Act operates on a lower and more categorical standard than any of the foregoing: where the Secretary of State has “credible information” that a foreign official has been involved, directly or indirectly, in significant corruption or a gross violation of human rights, that official — and his immediate family members — shall be ineligible for entry into the United States [26]. The provision is framed in mandatory terms; it does not await prosecution or conviction. The record described in this comment — the Judiciary Committee reports, the federal-court record, the sworn Batista plea testimony, and the documented dismantling of anti-corruption enforcement — supplies credible information many times over, as to censorship and as to corruption alike. The commenter is preparing a formal petition to the Secretary of State on precisely this basis, and respectfully suggests that the Trade Representative's report to the President reflect the availability, adequacy, and comparative precision of this authority.

These instruments share three properties the proposed tariff lacks. They reach the offender. They spare the Brazilian economy, the American consumer, and the Brazilian population — including the victims of the conduct. And they align with, rather than contradict, the United States' declared hemispheric strategy, because they impose no cost on the bilateral economic relationship that drives Brazil toward China.

VIII. TIMING: BRAZIL'S OCTOBER 2026 ELECTION

Brazil holds a presidential election in October 2026 — fewer than one hundred days after the July 6 hearing in this proceeding. The officials whose conduct opened this investigation are themselves participants in that contest, and the Judiciary Committee’s Part III report documents the censorship apparatus being deployed against their opponents in the pre-electoral period [6]. In that setting, the question before the Trade Representative is concrete: no rational statecraft imposes a sweeping economic measure on a country on the eve of its national election when the demonstrable effect of the measure is to strengthen the incumbent regime responsible for the very violations under investigation. Every element of that proposition is documented above: the tariff cannot reach the responsible officials (Part III); the government converts confrontation with the United States into electoral capital (Part IV); and those officials are actively deploying censorship against their electoral opponents now (Part IV).

The statute supplies the tool for exactly this situation. Section 305(a)(2) of the Trade Act authorizes the Trade Representative to delay implementation of action for up to 180 days where delay is necessary or desirable to obtain a satisfactory resolution [36]. A deferral measured in months carries the decision past the October election and costs the United States nothing: the Section 301 authority does not expire, the record does not go stale, and no leverage is surrendered.

Consider the two scenarios — and note that deferral serves the United States in both, because its function is not to favor either outcome but to remove the electoral distortion from the board. If the incumbent government prevails in October, the confrontation with the United States will have lost its electoral utility; a re-elected government, no longer able to convert the tariff into votes, faces a different incentive structure and may itself prove more disposed to negotiate the six issue areas in good faith — and the Trade Representative, for its part, may resume and, on the strength of the record, even broaden its conclusions, deciding then what action serves the American interest. If the opposition prevails, the United States begins a good-faith negotiation with a new government from a clean starting point, rather than across a wall of tariffs that poisons the relationship before it begins. In either scenario, deferral improves the United States’ position. In neither scenario does immediate action do so — and immediate action carries the further risk of helping produce, through the electoral mechanism documented above, the outcome least favorable to the elimination of the practices under investigation. A tariff imposed now cannot be un-imposed in Brazilian electoral memory.

IX. REQUEST

For the foregoing reasons, the commenter respectfully requests that the Trade Representative: (1) **suspend the proposed action and reassess it**, with Brazil’s October 2026 election — and the identity of the actors the proposed tariff would strengthen — weighed in full; and (2) rely instead on the targeted instruments described in Part VII — restoring and expanding Global Magnitsky designations to reach both the censorship and the corruption documented in this investigation, and applying the visa authorities under INA § 212(a)(3)(C) and Section 7031(c) to the responsible officials and their families — because those instruments reach the individuals actually responsible, spare the innocent, and advance rather than contradict the declared strategy of the United States in this hemisphere.

The commenter thanks the Trade Representative and the Section 301 Committee for their consideration, and stands ready to address any of these points at the public hearing on July 6, 2026, or in response to written questions.

Respectfully submitted,

Paulo Figueiredo

Journalist, Economist, and Subject-Matter Expert on Brazil

July 1, 2026

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- [2] The White House, *Fact Sheet* accompanying Executive Order 14323, “Addressing Threats to the United States by the Government of Brazil” (July 30, 2025) (identifying the criminal prosecution of Paulo Figueiredo, a U.S. resident, for speech he made on U.S. soil).
- [3] Exec. Order No. 14,323 (July 30, 2025) (referring to the Government of Brazil’s criminal prosecution of a United States resident for speech made on United States soil).
- [4] Staff of H. Comm. on the Judiciary & Select Subcomm. on the Weaponization of the Fed. Gov’t, 118th Cong., *The Attack on Free Speech Abroad and the Biden Administration’s Silence: The Case of Brazil* (Comm. Print Apr. 17, 2024).
- [5] Staff of H. Comm. on the Judiciary & Select Subcomm. on the Weaponization of the Fed. Gov’t, 118th Cong., *The Attack on Free Speech Abroad and the Biden Administration’s Silence: The Case of Brazil, Part II* (Comm. Print May 7, 2024).
- [6] Staff of H. Comm. on the Judiciary, 119th Cong., *The Attack on Free Speech Abroad: The Case of Brazil, Part III* (2026), <https://judiciary.house.gov/sites/evo-subsites/republicans-judiciary.house.gov/files/evo-media-document/brazil-part-iii-report-final.pdf>.
- [7] Order, *Trump Media & Tech. Grp. Corp. v. de Moraes*, No. 8:25-cv-00411 (M.D. Fla. Feb. 25, 2025); see also Brian Flood, *Rumble, Trump Media Declare ‘Complete Victory for Free Speech’ in Win Against Brazilian Judge*, Fox News (Feb. 26, 2025) (quoting the order).
- [8] *Trump Media & Tech. Grp. Corp. v. de Moraes*, No. 8:25-cv-00411 (M.D. Fla.) (litigation ongoing); see Kaelan Deese, *Trump Media Battles Brazilian Government in Novel Censorship Case*, Wash. Examiner (June 2026).
- [9] Trade Act of 1974 § 301(b), 19 U.S.C. § 2411(b).
- [10] Fatima Hussein & Mauricio Savarese, *US Removes Brazilian Supreme Court Justice and His Wife from Sanctions List*, Associated Press (Dec. 12, 2025) (quoting Minister Gleisi Hoffmann); accord CBS News (Dec. 12, 2025).
- [11] The White House, *National Security Strategy* (Nov. 2025) (articulating the Trump Corollary to the Monroe Doctrine and identifying a stable, well-governed Western Hemisphere free of hostile foreign incursion as a core, vital national interest).
- [12] U.S. Dep’t of Defense, *2026 National Defense Strategy* (Jan. 23, 2026) (sequencing defense of the homeland and of key terrain in the Western Hemisphere first among Department priorities).
- [13] Cong. Rsch. Serv., R46236, *Brazil: Background and U.S. Relations* (updated Aug. 5, 2025).
- [14] Brazil–China Business Council (CEBC) trade figures for 2025, *as reported in S. China Morning Post* (Jan. 2026) (record bilateral trade of approximately US\$171 billion in 2025, more than double Brazil’s approximately US\$83 billion trade with the United States).

- [15] FTI Consulting, analysis of Brazilian trade redirection following U.S. tariffs (2025–2026) (finding China absorbed approximately 37% of redirected Brazilian export volumes, August–December 2025).
- [16] GIS Reports, analysis of Brazil–U.S. trade under the 2025 tariffs (2026) (Brazilian exports to the United States fell approximately US\$3.7 billion year-over-year, August–December 2025, with China accounting for approximately 37% of redirected exports).
- [17] See reporting on the Brazil–Peru bi-oceanic railway corridor announced in 2025 and BYD’s manufacturing hub in Camaçari, Bahia, e.g., S. China Morning Post (Jan. 2026).
- [18] *Learning Resources, Inc. v. Trump*, 607 U.S. ____ (2026) (No. 24-1287) (holding that the International Emergency Economic Powers Act does not authorize the President to impose tariffs).
- [19] Cong. Rsch. Serv., LSB11398, *Supreme Court Rules Against Tariffs Imposed Under the International Emergency Economic Powers Act (IEEPA)* (2026) (noting the Court did not address tariff authorities under Section 232 or Section 301).
- [20] Press Release, U.S. Dep’t of the Treasury, designation of Alexandre de Moraes under the Global Magnitsky program (July 30, 2025); Statement of Sec’y of State Marco Rubio (July 30, 2025), as reported in CBS News (Dec. 12, 2025).
- [21] U.S. Dep’t of the Treasury, Office of Foreign Assets Control, SDN List updates (Sept. 2025 designations of Viviane Barci de Moraes and the Lex Institute; Dec. 12, 2025 removals), as reported in Associated Press & Reuters (Dec. 12, 2025).
- [22] Reuters (Dec. 12, 2025) (reporting, per a source in the Brazilian presidency speaking on condition of anonymity, that Brazil offered nothing in return for the removal of the sanctions).
- [23] Statement of Deputy Sec’y of State Christopher Landau (Dec. 2025) (welcoming the amnesty bill passed by the lower house of the Brazilian Congress), as reported in Associated Press & France 24 (Dec. 2025).
- [24] Global Magnitsky Human Rights Accountability Act, Pub. L. No. 114-328, div. A, tit. XII, subtit. F, as amended (authorizing sanctions for serious human rights abuse and significant corruption); Exec. Order No. 13,818 (Dec. 20, 2017).
- [25] Immigration and Nationality Act § 212(a)(3)(C), 8 U.S.C. § 1182(a)(3)(C).
- [26] Dep’t of State, Foreign Operations, and Related Programs Appropriations Act § 7031(c) (annual appropriations provision rendering ineligible for entry, upon credible information, foreign officials involved in significant corruption or gross violations of human rights, and their immediate family members).
- [27] Remarks of Justice Gilmar Mendes at the Esfera Internacional Paris conference (Oct. 14, 2023), as reported in CNN Brasil, *Gilmar Mendes diz que Lula não estaria no Planalto se STF não tivesse enfrentado a Lava Jato* (Oct. 14, 2023); accord Poder360 (Oct. 14, 2023).
- [28] Judgment of the First Panel, Supremo Tribunal Federal (June 2026) (convicting former Congressman Eduardo Bolsonaro of coercion and sentencing him to four years and two months, with eight years’ ineligibility), as reported in Revista Fórum (June 23, 2026).
- [29] Revista Oeste, *Em ação de Rumble e Trump Media, Flórida cita Moraes com o método que ele usa no Brasil* (June 2026) (reporting service of Eduardo Bolsonaro by *edital* rather than letters rogatory, and criticism by his court-appointed public defender).
- [30] Revista Oeste, *Ministério Público Federal apresenta denúncia contra Eduardo Bolsonaro e Paulo Figueiredo* (Feb. 12, 2026) (Prosecutor-General’s charge of coercion against both, in connection with U.S. measures concerning members of the Supreme Federal Tribunal).

- [31] Brasil 247, *Deputados do PT propõem tipificação do crime de traição à pátria* (July 1, 2026) (bill filed by Deputies Rogério Correia, Lindbergh Farias, and Alencar Santana, providing eight to twenty years' imprisonment).
- [32] Agência Brasil, *Moraes suspende aplicação da Lei da Dosimetria até decisão do STF* (May 9, 2026) (Law No. 15,402/2026, promulgated May 8, 2026, after Congress overrode President Lula's veto; application suspended pending plenary review).
- [33] CNN Brasil, *Entenda decisão de Moraes que suspendeu aplicação da Lei da Dosimetria* (May 11, 2026); Congresso em Foco (May 10, 2026) (no date set for plenary review).
- [34] Exec. Order No. 13,818, 82 Fed. Reg. 60,839 (Dec. 20, 2017) (implementing and expanding the Global Magnitsky framework, including as to persons who materially assist sanctioned conduct and leaders of entities engaged in it).
- [35] Termo de Colaboração No. 1 of Joesley Batista, released by order of the Supremo Tribunal Federal (May 2017) (describing two offshore accounts, destined for President Lula (2009) and President Rousseff (2010), with combined balances of approximately US\$150 million in 2014), *as reported in* Agência Brasil, Exame, Metrôpoles & Gazeta do Povo (May 19–24, 2017).
- [36] Trade Act of 1974 § 305(a)(2), 19 U.S.C. § 2415(a)(2) (authorizing delay of implementation of action for up to 180 days).