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## U.S. House of Representatives

### COMMITTEE ON WAYS AND MEANS

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June 3, 2020

BRANDON CASEY,  
MAJORITY STAFF DIRECTOR

The Honorable Robert Lighthizer  
United States Trade Representative  
Office of the U.S. Trade Representative  
600 17th Street, NW  
Washington, DC 20508

Dear Ambassador Lighthizer:

As Members of the Ways and Means Committee, we write to share our strong objections to pursuing a trade agreement or expanded economic partnership with Brazil's President Jair Bolsonaro.

Last month, you issued a statement after your call with Brazil's Foreign Minister about "intensify[ing] the economic partnership" between the United States and Brazil, noting that in the coming weeks you would be consulting and seeking guidance from Congress. In response, we believe it is important to enumerate the litany of reasons why we consider it inappropriate for the Administration to engage in economic partnership discussions of any scope with a Brazilian leader who disregards the rule of law and is actively dismantling hard-fought progress on civil, human, environmental, and labor rights.

Jair Bolsonaro was elected President of Brazil in October 2018 amid controversy due to his long and consistent history of making derogatory statements regarding women, indigenous populations, and people based on their gender identity or sexual orientation, among other targeted groups, and his general desire to weaken protections for the environment and workers. Unfortunately, those concerns have proven to be well founded. Through reprehensible rhetoric and actions, the Bolsonaro government in Brazil has demonstrated its complete disregard for basic human rights, the need to protect the Amazon rainforest, the rights and dignity of workers, and a record of anticompetitive economic practices. In addition to being worthy of condemnation in their own right, these positions and actions demonstrate that Brazil under Bolsonaro could not credibly be prepared to assume the new standards for worker rights and environmental protections established in the U.S.-Mexico-Canada Agreement. Negotiating any trade agreement with Brazil is a nonstarter.

On his first day in office, President Bolsonaro issued executive decrees that weakened or eliminated protections for indigenous groups, Afro-descendants, and the LGBTQ+ community.<sup>1</sup> President Bolsonaro's administration has also overseen a significant increase in illegal and violent invasions of indigenous and Afro-Brazilian territories as well as violence against indigenous community leaders. In 2019, the rate of invasions of indigenous territories more than doubled, which many attribute to the Bolsonaro administration's refusal to protect their property rights and its aggressive rhetoric regarding indigenous populations generally.<sup>2</sup> In addition, at least eight indigenous leaders were killed in 2019, while hundreds more were threatened with violence.<sup>3</sup> The Bolsonaro administration's failure to investigate and prosecute these crimes has led to a culture of impunity in which perpetrators have little to no concern that their crimes will ever be punished.<sup>4</sup>

Under the Bolsonaro administration, the Amazon rainforest, two-thirds of which is located within Brazil, is also under serious threat. Since President Bolsonaro took office, his Administration has significantly scaled back the enforcement of environmental protections in Brazil. Enforcement actions such as imposing fines, confiscating illegal material, and destroying illegal equipment have significantly decreased during the Bolsonaro administration.<sup>5</sup>

According to Brazil's National Institute for Space Research (INPE), the number of fires in the Amazon rainforest increased 30.5 percent in 2019, which led to widespread international outcry in August 2019.<sup>6</sup> Further, deforestation rose by 85 percent in 2019.<sup>7</sup> Some experts are concerned that 2020 statistics could be even worse as the Bolsonaro administration has failed to take necessary preventative measures.<sup>8</sup> Recent deforestation in Brazil has had dire impacts on global efforts to combat climate change.<sup>9</sup>

The United States is situated in a unique position because it is a major importer of many of the goods that are produced as a result of Brazilian deforestation. The United States is estimated to account for two-thirds of Brazil's timber exports and is a major destination for goods from cattle farms, such as beef and cowhides, that replace the rain forest and often drive the economic incentives behind deforestation. Instead of liberalizing access to the U.S. market

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<sup>1</sup> <https://www.pbs.org/newshour/world/brazils-bolsonaro-targets-indigenous-groups-lgbtq-rights-on-1st-day-as-president>.

<sup>2</sup> <https://www.theguardian.com/world/2019/oct/02/war-for-survival-brazils-amazon-tribes-despair-as-land-raids-surge-under-bolsonaro>.

<sup>3</sup> <https://www.reuters.com/article/us-brazil-forest-indigenous/brazil-sees-week-of-attacks-on-indigenous-rights-congresswoman-idUSKBN2012N6>.

<sup>4</sup> <https://www.hrw.org/report/2019/09/17/rainforest-mafias/how-violence-and-impunity-fuel-deforestation-brazils-amazon>.

<sup>5</sup> <https://www.reuters.com/article/us-brazil-environment/brazil-agency-gives-out-fewest-environmental-fines-in-24-years-idUSKBN20W2ZJ>.

<sup>6</sup> <https://www.nytimes.com/2019/08/23/world/americas/amazon-fire-brazil-bolsonaro.html>.

<sup>7</sup> <https://www.reuters.com/article/us-brazil-deforestation/brazil-amazon-deforestation-jumped-85-in-2019-vs-2018-government-data-idUSKBN1ZD2W0>.

<sup>8</sup> <https://www.reuters.com/article/us-brazil-environment/amazon-deforestation-could-speed-up-in-2020-expert-idUSKBN1ZE2HL>.

<sup>9</sup> <https://www.washingtonpost.com/weather/2019/08/21/amazonian-rainforest-is-ablaze-turning-day-into-night-brazils-capital-city/>.

for these goods, the Administration should aggressively use its current enforcement tools to incentivize positive change in Brazil.

President Bolsonaro has also taken significant steps backward regarding protections for workers in Brazil. On his first day in office, President Bolsonaro eliminated the Labor Ministry, delegating many of its functions to the Economy and Justice Ministries. The registration of new unions and the legalization of union elections was suspended in its entirety from January through April of 2019. President Bolsonaro continues threatening to weaken labor rights in order to boost job creation.<sup>10</sup> Most recently, President Bolsonaro was forced to back down from a decree that would have allowed companies to suspend payments to workers during the current coronavirus pandemic.<sup>11</sup>

In addition to these recent backward steps on labor issues, Brazil still faces deep difficulties in eradicating slave-like working conditions, which remain a significant problem.<sup>12</sup> This type of active disrespect for basic worker rights and labor standards should disqualify Brazil from being considered an appropriate partner for a closer economic partnership, much less a trade liberalizing agreement that will undermine the competitiveness, wages, and rights of U.S. workers.

We also note the limitations on meaningful export opportunities for the agricultural sector presented by Brazil. So many Brazilian agriculture exports are already very competitive in the U.S. market, without the advantages of a tariff eliminating trade agreement. Furthermore, Brazilian agricultural producers have a history of employing unfair trade practices, including in the seasonal produce sector where U.S. trade laws and trade agreements provide U.S. producers very limited recourse.

In light of all of these concerns, we strongly oppose pursuing any type of trade agreement with the Bolsonaro government in Brazil. Enhancing the U.S.-Brazilian economic relationship at this time would undermine the efforts of Brazilian human, labor, and environmental rights advocates to advance the rule of law and protect and preserve marginalized communities. Instead, we urge you to aggressively address these issues by using U.S. enforcement tools and by raising them with your Brazilian counterparts through other, more appropriate, channels.

We look forward to your prompt reply.

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<sup>10</sup> <https://www.reuters.com/article/us-brazil-politics/brazils-bolsonaro-says-government-may-cut-worker-protections-to-boost-job-creation-idUSKCN1UG0PW>.

<sup>11</sup> <https://www.reuters.com/article/us-health-coronavirus-brazil/brazils-bolsonaro-walks-back-decree-to-suspend-worker-pay-amid-coronavirus-idUSKBN21A27O>.

<sup>12</sup> <https://www.reuters.com/article/us-brazil-trafficking-dirtylist-trfn/olympic-games-building-firm-cult-added-to-brazils-slavery-dirty-list-idUSKBN21L3A0>.

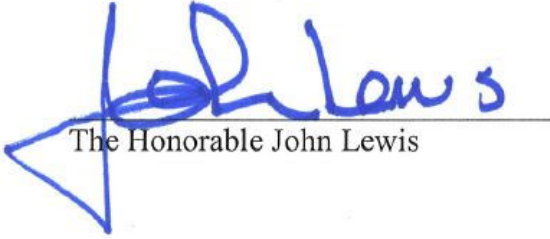
Sincerely,



The Honorable Richard E. Neal  
Chairman



The Honorable Earl Blumenauer  
Chairman, Subcommittee on Trade



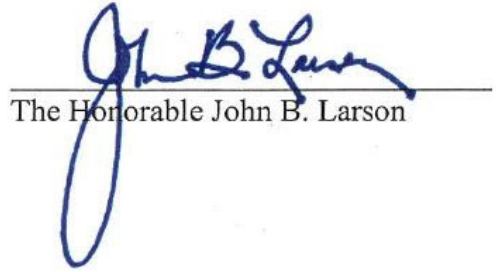
The Honorable John Lewis



The Honorable Lloyd Doggett



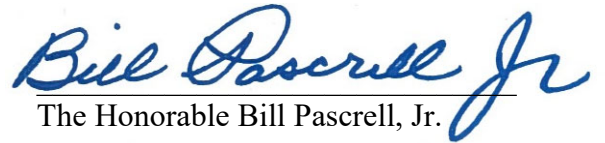
The Honorable Mike Thompson



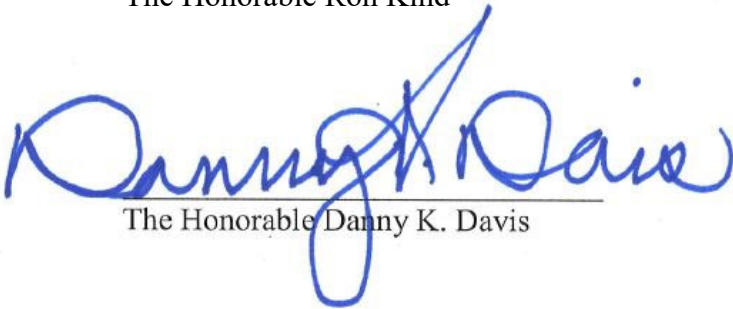
The Honorable John B. Larson



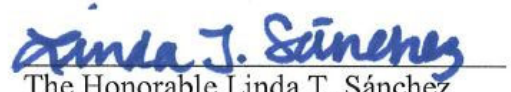
The Honorable Ron Kind



The Honorable Bill Pascrell, Jr.



The Honorable Danny K. Davis



The Honorable Linda T. Sánchez



The Honorable Brian Higgins



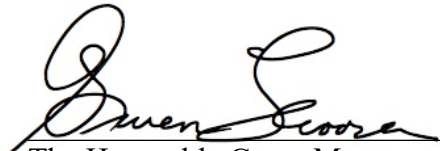
The Honorable Terri A. Sewell



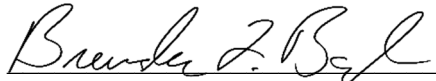
The Honorable Suzan K. DelBene

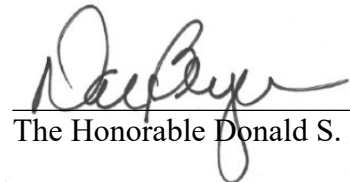


The Honorable Judy Chu

  
The Honorable Gwen Moore

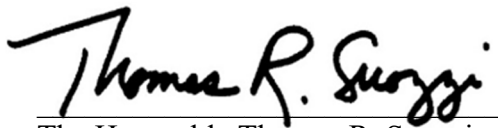
  
The Honorable Daniel T. Kildee

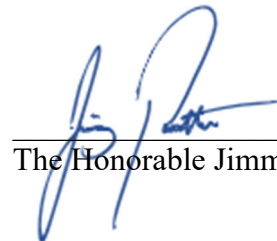
  
The Honorable Brendan F. Boyle

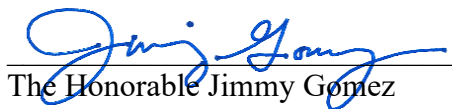
  
The Honorable Donald S. Beyer Jr.

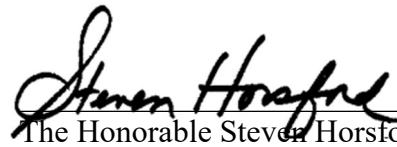
  
The Honorable Dwight Evans

  
The Honorable Bradley S. Schneider

  
The Honorable Thomas R. Suozzi

  
The Honorable Jimmy Panetta

  
The Honorable Jimmy Gomez

  
The Honorable Steven Horsford