CLIENT ALERTS & INSIGHTS

USMCA Joint Review 2026 - Public Comment Period Now Open

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The United States is preparing for the 2026 joint review of the USMCA trade agreement. Domestic US parties may now offer comment and testimony on what is working for the trade deal and what may need improvement.

- The joint review process, mandated at the six-year anniversary of the USMCA's implementation, requires the U.S., Mexico and Canada to formally assess the agreement's performance and decide whether to extend its terms.

- This is a critical opportunity for businesses and industry groups to influence the future of North American trade rules. Failing to participate may mean missed opportunities to address operational challenges or advocate for beneficial changes.

- Company action items are to assess experiences under the USMCA to identify any compliance or operational issues and then consider submitting comments or requesting to testify before the deadline on November 3, 2025.

An opportunity for public comment and testimony on the United States - Mexico - Canada Agreement ("USMCA") is now available following a Federal Register Notice issued by the U.S. Trade Representative ("USTR"). Comments are due by November 3, 2025. The USTR is seeking this valuable public input as it prepares for scheduled joint review of the USMCA beginning on July 1, 2026 ("Joint Review"). The USTR, under direction of Congress, is focused on the operational experience under the USMCA and the trade agreement's effectiveness in promoting economic integration among the North American trading block.

Implementation of the USMCA

The USMCA replaced the North American Free Trade Agreement ("NAFTA") on July 1, 2020. The Trump 45 Administration implemented the USMCA to improve upon NAFTA by balancing the rules underpinning duty-free preferential treatment for the three member states. Stricter rules of origin with higher regional content value thresholds and updated customs procedures were implemented as a result. At the time, those changes also included an increased customs de minimis threshold (from $200 to $800) for low-value imports. As drafted, the USMCA specifically includes procedures regarding the Joint Review. The U.S. implementation of the USMCA also includes procedural requirements leading up to the Joint Review.

USMCA Joint Review Process

The USMCA requires that the member states assess performance under the trade agreement and determine potential renewal actions. Joint Review is required under the USMCA at the six-year anniversary of its enactment. Functionally this means that each party's government will confirm in writing their wish to extend the review period. If all parties agree then reviews will continue every six years. If any party does not agree then the USMCA must be reviewed annually until the parties again agree on an extended period for review or until the trade agreement expires in 2036.

U.S. Approach to Joint Review

The USTR was required to issue the Federal Register Notice announcing the Joint Review and provide an opportunity for public comment. Subsequently, the USTR will submit a report to Congress that includes an assessment of operational experiences under the USMCA and a clear recommendation regarding the U.S. position on whether to extend the agreement. The report to Congress will also detail any previous efforts to address concerns related to that position or recommendation. The USTR must submit the report at least 180 days prior to the Joint Review. Canada and Mexico also have their respective processes leading up to the Joint Review.

Points of Interest Solicited for Comment

The USTR is accepting public comment until November 3, 2025, on the following topics:

- Any aspect of the operation or implementation of the USMCA.
- Any issues of compliance with the agreement.
- Recommendations for specific actions that the USTR should propose ahead of the Joint Review to promote balanced trade, new market access and alignment on economic security with Mexico and Canada.
- Factors affecting the investment climate in North America and in the territories of each Party, as well as the effectiveness of the USMCA in promoting investment that strengthens U.S. competitiveness, productivity and technological leadership.
- Strategies for strengthening North American economic security and competitiveness, including collaborative work under the Competitiveness Committee and cooperation on issues related to the non-market policies and practices of other countries.

Submission Process and Testimony Requests

Interested parties can submit public comments through the Federal eRulemaking Portal using the docket number *USTR-2025-0004*. The USTR will hold a public hearing on November 17, 2025, at 10 a.m. EST in Washington, D.C. Anyone wishing to testify must notify USTR in writing and provide a summary of their proposed testimony by November 3, 2025. Requests to appear may also include a prehearing submission. Post-hearing rebuttal comments may be submitted seven calendar days after the last day of the public hearing.

Benesch's team advises and represents clients in USMCA compliance, customs counsel and enforcement defense, as well as cross-border North American supply chain operations. We are available to assist in developing comments and testimony for the Joint Review process.

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