Big Tech Pushes for More Giveaways in USMCA Review

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As noted in Public Citizen's analysis, "Making NAFTA Worse: Giveaways for Big Tech in the USMCA," the agreement includes a provision for a mandatory review in 2026, after which it can be renewed as-is, amended, or left to expire in 2036. The United States Trade Representative (USTR) launched public consultations on the review in September 2025.

A review of comments submitted by the tech industry and their lobby groups1 reveals that Big Tech is not only seeking to preserve the industry-friendly digital trade rules already embedded in the USMCA — it is pushing to expand them in ways that would further restrict the ability of the U.S., Canada, and Mexico to regulate the digital ecosystem and, in particular, emerging technologies such as artificial intelligence. This is troubling, not least because the Trump administration is used to carrying water for Big Tech — and Big Tech is crowing about this. Just recently, Jason Oxman, President and CEO of the Information Technology Industry Council, whose members include Apple, Amazon, Google, and Meta, stated that, "We're pleased with the work the Trump administration has been doing and want to see more of it." Thus, there is a very real possibility that the U.S. administration will push to include the latest Big Tech demands in any renegotiated USMCA text.

Nearly every major industry group has urged the USTR to preserve Chapter 19 (Digital Trade) in its entirety, despite the chapter's well-documented threats to competition, consumer safety, and digital rights. Such rules potentially conflict with several U.S. laws and proposals that seek to protect public interest. For instance, states such as Montana and California have implemented laws that regulate exports of sensitive personal data, which could be challenged under so-called "free flow of data" provisions in the USMCA.

[1] Including the Information Technology and Innovation Foundation, US Chamber of Commerce, Business Software Alliance, American Chamber of Commerce in Mexico, American Chamber of Commerce in Canada, Computer and Communications Industry Association, Consumer Technology Association, Global Data Alliance, and the Information Technology Industry Council.

Far from reconsidering these provisions, Big Tech wants to double down on rules covering source-code disclosure, platform regulation, cross-border data transfers and localization, and non-discrimination, thereby restricting the ability of governments to rein in harmful practices and protect consumers.

Many of the submissions go further, calling for more aggressive enforcement of existing USMCA rules to challenge domestic public-interest regulation, including:

- Revenue-sharing obligations, such as Canada's Online News Act and Online Streaming Act, and Mexican proposals for a Network Usage Fee that would require large platforms to support local news, cultural production, telecom infrastructure or network usage costs;
- Regulations implemented by Mexico that require financial service providers to maintain business continuity plans to ensure disaster recovery; and
- Cloud-adoption standards designed to ensure safety and security in public sector systems.

More concerning still, industry lobbyists want the USMCA's digital trade chapter expanded to cover entire classes of emerging technologies — including AI and quantum computing — despite domestic and global debates about how to regulate these rapidly changing technologies.

This is yet another attempt by Big Tech to pre-empt democratic policymaking and lock in deregulatory rules before the public and democratically elected governments have a chance to put protections in place.

AI Regulation

Across submissions, industry groups pressed for constraints on how governments can develop standards for AI or require transparency and accountability from AI systems. The CCIA, for example, argues governments should be barred from requesting information on AI model weights as a condition for market access. Model weights — core parameters that determine how an AI system operates — are fundamental to understanding system behavior and mitigating potential harms.

Access to this information can be essential for independent auditing, uncovering security vulnerabilities, verifying safety claims, ensuring non-discriminatory outcomes in high-stakes sectors like health and employment, and detecting dangerous emergent behaviors before they cause real-world harm.

Such transparency requirements are not hypothetical: several U.S. states, such as California, Colorado, New York, and Massachusetts, are considering the implementation of various AI-accountability frameworks.

> Interestingly, the U.S. government's 2025 AI Action Plan, while it stops short of mandating the use of only open models, does speak glowingly of their value, stating that such systems (with open models and/or weights) "have unique value for innovation because startups can use them flexibly without being dependent on a closed model provider. They also benefit commercial and government adoption of AI because many businesses and governments have sensitive data that they cannot send to closed model vendors. And they are essential for academic research, which often relies on access to the weights and training data of a model to perform scientifically rigorous experiments."

Several industry groups also pushed for explicit protection to allow AI models to be trained on copyrighted materials, despite the ongoing and unresolved global policy debate over whether 'public' data can be freely harvested without compensation.

Safety, Privacy, and Other Standards

Industry groups also argued that governments should avoid adopting local or national standards for emerging technologies, urging instead the adoption of "industry-led," voluntary standards — even in areas as sensitive as data protection and cybersecurity. They similarly pressed for Canada to align its AI-related efforts, such as its AI and Data Act, with U.S. approaches that tend to be far more lax and industry-friendly, as evidenced by the repeated attempts to impose a federal ban on any state-level AI regulation.

> Since the second Trump administration took office, Big Tech has been aggressively pushing for the federal government to preempt state rulemaking on AI. The first such effort, in the "One Big Beautiful Bill", failed due to public outcry and bipartisan pushback. However, bowing to industry pressure, on December 11, 2025, President Trump signed an executive order titled "Ensuring A National Policy Framework for Artificial Intelligence." The executive order threatens to nullify dozens of laws across states through litigation by a Department of Justice Task force. This could undo states' efforts at protecting people from AI harms, despite the fact that federal AI regulations are virtually nonexistent. Big Tech is attempting to use trade agreements to a similar end — to preempt any public interest regulation of the technology ecosystem on a global scale.

Digital Services Taxes

Industry groups have sought an explicit ban on digital services taxes (DST), which countries frequently use to ensure that Big Tech companies pay taxes where they access users. Canada's 2024 DST — withdrawn under tariff pressure from the Trump administration — illustrates how the USMCA already functions as a weapon against fair taxation. A formal ban would slam the door shut on future attempts to ensure Big Tech pays its fair share.

Expanding Non-Discrimination Provisions

As discussed previously, the USMCA's so-called "non-discrimination" rules can be wielded to strike down measures designed to promote fair online competition and other public interest purposes, even when such rules apply equally to domestic and foreign companies alike. Industry groups now want these provisions expanded to explicitly prevent governments from imposing heightened obligations on dominant platforms — even though user-base size, control over markets, and systemic risk are precisely what justify differential regulation in the first place.

You cannot effectively stop monopolies from forming unless you have rules that treat the largest corporations differently from small and medium businesses. Expanding these provisions could force governments to either regulate all digital entities identically — regardless of risk — or, more likely, abandon essential protections altogether.

A Dangerous Precedent

These proposals would undermine digital rights, deepen corporate concentration, erode democratic oversight, and curtail the ability of governments to act in the public interest. The explicit push to suppress "digital sovereignty" through new USMCA rules is a direct attempt to shrink domestic policy space and hard-wire deregulatory constraints into international law.

Worse, including new extreme digital trade provisions in the USMCA would set a global precedent, making it easier for Big Tech to insert similar rules into future trade agreements around the world.

This makes it all the more urgent for civil society groups, digital rights advocates, and anyone committed to building a safer, fairer digital future to mobilize against Big Tech's latest deregulatory gambit in the USMCA review.