



## OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

[Docket Number USTR-2026-0166]

### Request for Comments on the Modernization of the African Growth and Opportunity Act (AGOA)

**AGENCY:** Office of the United States Trade Representative.

**ACTION:** Request for comments.

**SUMMARY:** The Office of the United States Trade Representative (USTR) invites comments from interested parties to inform the development of trade policy recommendations on the modernization of the African Growth and Opportunity Act (AGOA), which is authorized through December 31, 2026. As part of forthcoming Congressional consideration of AGOA reauthorization, USTR will provide recommendations to Congress on reforms and modernizations to AGOA to ensure the program meets the needs of American workers and businesses, advances U.S. national security and economic security goals, optimizes balanced bilateral trade flows with beneficiary countries, and provides a path for reciprocal trade agreements with the more advanced countries as they develop and graduate from the program.

**DATES:** To be assured of consideration, please submit comments by May 15, 2026 at 11:59 p.m. Eastern Time (ET).

**ADDRESSES:** Submit written comments via the Federal eRulemaking Portal: <https://www.regulations.gov> (Regulations.gov). Follow the instructions for submission in section II below. The docket number is USTR-2026-0166. For alternatives to online submissions, please contact Ann Marie Warmenhoven-Tilias, Director of African Affairs, Office of African Affairs, in advance of the relevant deadline at [Ann.M.Warmenhoven-Tilias@ustr.eop.gov](mailto:Ann.M.Warmenhoven-Tilias@ustr.eop.gov) or 202.395.5986.

**FOR FURTHER INFORMATION CONTACT:** Ann Marie Warmenhoven-Tilias,  
Director of African Affairs, Office of African Affairs, Ann.M.Warmenhoven-  
Tilias@ustr.eop.gov or 202.395.5986.

**SUPPLEMENTARY INFORMATION:**

**I. Background**

AGOA (Title I of the Trade and Development Act of 2000, Pub. L. 106-200) (19 U.S.C. 2466a *et seq.*), as amended, authorizes the President to designate sub-Saharan African countries as beneficiaries eligible for duty-free treatment for certain additional products not included for duty-free treatment under the Generalized System of Preferences (GSP) (Title V of the Trade Act of 1974 (19 U.S.C. 2461 *et seq.*) (1974 Act), as well as for the preferential treatment for certain textile and apparel articles. The President may designate a country as a beneficiary sub-Saharan African country eligible for AGOA benefits if he determines that the country meets the eligibility criteria set forth in section 104 of AGOA (19 U.S.C. 3703) and section 502 of the 1974 Act (19 U.S.C. 2462).

Section 104 of AGOA includes requirements that the country has established or is making continual progress toward establishing, among other things:

- a market-based economy;
- the rule of law;
- political pluralism;
- the right to due process;
- the elimination of barriers to U.S. trade and investment;
- economic policies to reduce poverty;
- a system to combat corruption and bribery; and
- protection of internationally recognized worker rights.

In addition, the country may not engage in activities that undermine U.S. national security or foreign policy interests or engage in gross violations of internationally recognized human rights. Section 502 of the 1974 Act provides for country eligibility criteria under GSP. For a complete list of the AGOA eligibility criteria and a list of the GSP criteria, see section 104 of the AGOA and section 502 of the 1974 Act.

Section 506A of the 1974 Act requires the President to monitor and annually review the progress of each sub-Saharan African country in meeting the foregoing eligibility criteria in order to determine if a beneficiary sub-Saharan African country should continue to be eligible, and if a sub-Saharan African country that currently is not a beneficiary, should be designated as a beneficiary. If the President determines that a beneficiary sub-Saharan African country is not meeting the eligibility requirements, the President must terminate the designation of the country as a beneficiary sub-Saharan African country. The President also may withdraw, suspend, or limit the application of duty-free treatment with respect to specific articles from a country if the President determines that it would be more effective in promoting compliance with AGOA eligibility requirements than terminating the designation of the country as a beneficiary sub-Saharan African country.

On September 30, 2025, the previous authorization for AGOA expired. On February 3, 2026, President Trump signed into law legislation that reauthorizes the AGOA trade preference program through December 31, 2026, with retroactive effect to September 30, 2025. *See Consolidated Appropriations Act, 2026 (Public Law No. 119-75, 140 Stat. 173)*. Should Congress wish to extend AGOA beyond December 31, 2026, it must pass additional legislation.

Since its enactment in 2000, AGOA has been an important element of U.S. economic policy and commercial engagement with Africa. However, sub-Saharan Africa's share of total U.S. goods imports has remained low – between one and four percent – over the life

of the program. In fact, U.S. total imports under the AGOA program (including GSP) followed a downward trend for a decade starting in 2011 and, despite the rise in recent years, 2025 goods imports were 90 percent lower than 2011 levels. AGOA's impact on trade diversification has also been limited, with the majority of U.S. goods imports coming from a few countries, such as South Africa, Nigeria and Kenya, and originating from a narrow set of traditional sectors including energy, textiles and apparels, and transportation. Although a one-way preferential trade program would be expected to generate political will and improve both trade relations and trends in the region, the U.S. continues to lag behind global competitors in exporting and importing goods to the region. According to World Bank data, sub-Saharan Africa's total goods and services imports have surged five-fold to \$570 billion since 2000. Despite this historic growth, America's share of the sub-Saharan African market has shrunk significantly. At the same time, China, the European Union, and India have captured more of Africa's fast-growing markets. According to the World Integrated Trade Solution database, in 2023, the European Union and China captured 20 percent and 19 percent of sub-Saharan Africa's goods imports, with \$87 billion and \$81 billion worth of imports, respectively. In the same year, sub-Saharan Africa's goods imports from India reached \$32 billion while imports from the United States remained at \$22 billion, corresponding to market shares of 7 percent and 5 percent, respectively. Viewed in this context, AGOA's impact on U.S.-Africa trade trends and economic relations have been ineffective and uneven across countries, and raise serious questions about the impact of AGOA as a trade program.

Although Congress originally conceived of AGOA as a tool for economic development based on the power of access to the U.S. market, only two countries have graduated from AGOA by reaching "high-income" status as defined by the World Bank. Furthermore, despite the promise that AGOA would help open markets in African countries to U.S. exports, some beneficiary countries maintained, or even erected,

barriers to U.S. exports as reported in the National Trade Estimate Report. In fact, many beneficiary countries have opened their markets to other developed economies, including, for example, 35 sub-Saharan African countries pursuing Economic Partnership Agreements with the European Union, while limiting market access to the United States through tariff and non-tariff barriers.

From 2000 to 2025, global agricultural exports to sub-Saharan Africa<sup>1</sup> have increased by more than 1,000 percent. However, the share of the U.S. in global agricultural exports to sub-Saharan Africa has declined from 15 percent to 3 percent during this period. Once a top agricultural exporter to sub-Saharan Africa, during AGOA's lifespan, the United States has lost significant market share to China, the European Union, India, and others. For instance, in 2025, total U.S. agricultural exports to sub-Saharan Africa were \$2.2 billion, compared to \$14.5 billion for the EU, \$6.8 billion for India, \$5.1 billion for Malaysia, \$4.8 billion for Brazil, \$3.4 billion for Indonesia, and \$2.9 billion for China.

Many significant AGOA recipient countries maintain high barriers to U.S. agricultural trade including Angola, Ghana, Senegal, South Africa, Tanzania, and Nigeria. Nigeria maintains import prohibitions on 25 categories of products, including vegetable oils, beef, pork, and poultry. Senegal maintains an unjustified ban on U.S. exports of uncooked poultry. South Africa maintains high tariffs on U.S. poultry, wine, and spirits while providing preferred access to the European Union. South Africa has imposed unjustified animal health restrictions on U.S. pork products, permitting a very limited list of U.S. pork exports to enter South Africa. Ghana collects numerous duties and charges on U.S. imports, in addition to customs tariffs, substantially increasing the cost of trading for exporters to Ghana.

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<sup>1</sup> Agricultural export data is based on the definition of agricultural goods as defined by WTO Agreement on Agriculture and available official trade statistics from exporting countries from 2000 to 2025.

Since 2000, the presence of strategic competitors in sub-Saharan Africa has increased to the detriment of U.S. national security, economic security, and foreign policy interests. These third countries have also indirectly benefited from duty-free access to the U.S. market through this program. Moreover, AGOA does not address emerging issues of national interest, namely the role sub-Saharan African countries play in critical mineral supply chains.

The U.S. Trade Representative has indicated his intent to work with Congress on the modernization of AGOA to address the aforementioned shortcomings and make other reforms to better align AGOA with the national interest.

As part of that work, USTR invites public comments on the modernization of AGOA, including recommendations on how the United States can utilize AGOA to deepen reciprocal trade relationships with AGOA beneficiaries in order to better align AGOA with the America First Trade Policy of January 30, 2025, and related Executive Orders and Presidential Directives. Specifically, USTR invites comments from interested parties on topics including:

- how AGOA can better address non-tariff barriers and other impediments to U.S. exports;
- how AGOA can assist in increasing demand for U.S. products and creating U.S. jobs;
- how can AGOA be used to create investment opportunities for U.S. businesses across sectors, including infrastructure;
- what other U.S. government programs or agencies can be used to amplify the impacts of AGOA;
- the extent to which current AGOA eligibility criteria are too numerous, and thus undermine effective enforcement;

- the extent to which current AGOA eligibility criteria are too broad and, if so, what criteria should be made more specific and objective;
- whether new eligibility criteria should be added to AGOA;
- whether certain AGOA statutory provisions should be added, removed, or modified to increase the likelihood that beneficiary countries graduate after a reasonable period of time;
- how AGOA should be modified to improve the resilience of the U.S. supply chain for critical minerals;
- whether impediments exist within AGOA to effective enforcement of eligibility criteria;
- identify methods to strengthen enforcement of and better promote compliance with AGOA's eligibility criteria;
- whether AGOA should include additional considerations for "graduation" from the program, in addition to a consideration of income thresholds;
- how AGOA may be structured to protect American workers and combat unfair trading practices;
- how AGOA may be structured to increase U.S. exports;
- how AGOA may be structured to increase U.S. manufacturing competitiveness;
- how AGOA may be structured to ensure beneficiary countries give the United States the same market access as those countries offer other developed economies;
- how AGOA may be structured to increase U.S. technological competitiveness;
- how AGOA may be structured to strengthen U.S. national and economic security;
- how AGOA can be modified to ensure trade preferences accrue predominantly to the United States and beneficiary countries, rather than third-countries; and,

- whether, and the means by which, the United States could upgrade its relationship with beneficiary countries, including through bilateral trade agreements.

## **II. Procedures for Written Submissions**

To ensure consideration, submit your written comments by the May 15, 2026, 11:59 p.m. ET deadline. All submission must be in English. Interested persons must submit written comments in response to this notice using the appropriate docket at <https://www.regulations.gov>. To make a submission, enter Docket Number USTR-2026-0166, titled 'Request for Comments on the Modernization of the African Growth and Opportunity Act' in the 'search for' field on the home page and click 'search'. The site will provide a search results page listing all documents associated with this docket. Find a reference to this notice by selecting 'notice' under 'document type' in the 'refine documents results' section on the left side of the screen and click the 'comment' link. Regulations.gov allows users to make submissions by filling in a 'type comment' field or by attaching a document using the 'upload file' field. USTR strongly prefers that you provide submissions in an attached document (in the .doc or .pdf file format) and note 'see attached' in the comment field on the online submission form. to the extent possible, please include any exhibits, annexes, or other attachments in the same file as the submission itself, not as separate files. You will receive a tracking number upon completion of the submission procedure at Regulations.gov. The tracking number is confirmation that Regulations.gov received your submission. Keep the confirmation for your records. USTR is not able to provide technical assistance for Regulations.gov.

## **III. Business Confidential Information (BCI) Submissions**

If you request that USTR treat information submitted as BCI, you must certify that the information is business confidential and you would not customarily release it to the public. For any comments submitted electronically that contain BCI, the file name of the business confidential version should begin with the characters 'BCI.' You must clearly

mark any page containing BCI with 'BUSINESS CONFIDENTIAL' at the top of that page. Filers of submissions containing BCI also must submit a public version of their submission that will be placed in the docket for public inspection. The file name of the public version should begin with the character 'P.' If these procedures are not sufficient to protect BCI or otherwise protect business interests, please contact Ann Marie Warmenhoven-Tilias, Director of African Affairs, Office of African Affairs, Ann.M.Warmenhoven-Tilias@ustr.eop.gov or 202.395.5986 to discuss whether alternative arrangements are possible.

For further information on using Regulations.gov, please consult the resources provided on the website by clicking on 'How to Use Regulations.gov' on the bottom of the home page.

#### **V. Public Viewing of Review Submissions**

USTR will post written submissions in the docket for public inspection, except properly designated BCI. You can view submissions at Regulations.gov by entering Docket Number USTR-2026-0166 in the search field on the home page.

**Jeffrey Goettman,**

*Deputy United States Trade Representative,*

*Office of the U.S. Trade Representative.*

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