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BRIEFING

African Growth and Opportunity Act (AGOA)

2026 Reauthorization and Implications

11 March 2026

On February 3, 2026, President Trump signed legislation reauthorizing the African Growth and Opportunity Act (AGOA) through December 31, 2026, with retroactive effect to September 30, 2025. The reauthorization restores the legal basis for duty-free treatment of qualifying imports from eligible sub-Saharan African countries following the program's lapse in late 2025. Unlike prior renewals, the extension is **short-term**, providing near-term continuity but limited long-term certainty for supply chains and investment.

Key Issues

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Background

AGOA is not a free trade agreement but a unilateral preference program enacted under US law in 2000. It provides qualifying sub-Saharan African countries with duty-free access to the US market for specified products so long as those countries continue to meet statutory eligibility requirements. According to the Office of the United States Trade Representative (USTR), the eligibility framework focuses on progress towards market-based reforms, governance and human rights standards, and openness to US trade and investment.[1]

Duty-free treatment under AGOA applies only to products that satisfy applicable product coverage and rules-of-origin requirements, including specialized regimes for textile and apparel goods administered through

[1] *See African Growth and Opportunity Act (AGOA) | United States Trade Representative.*

the Harmonized Tariff Schedule of the United States (HTSUS) and related US Customs and Border Protection (CBP) procedures.

AGOA lapsed on September 30, 2025, after Congress did not reauthorize the program before its statutory expiration. During the lapse, qualifying imports from beneficiary countries were subject to standard US duties, creating disruption for established supply chains and uncertainty for exporters and importers pending reauthorization.

Reauthorization and Immediate Effects

Following reauthorization, CBP has issued guidance confirming that importers may resume claiming AGOA duty-free treatment on qualifying entries. In certain circumstances, importers may also seek retroactive refunds of ad valorem duties paid during the lapse period. Such refunds are available without interest and are subject to specified limitations, including exclusions for certain fees and other duties, as well as applicable procedural and timing requirements set out by CBP.[2]

USTR has indicated that it will coordinate with relevant agencies to implement any necessary updates to the HTSUS arising from the reauthorization. AGOA continues to cover more than 1,800 products, restoring preferential treatment for qualifying imports. In practice, AGOA has supported significant energy-sector imports like crude petroleum (25% of all AGOA imports in 2024), while also facilitating access for key non-energy sector goods such as apparel and textiles, agricultural products, and certain minerals and metals.[3]

Administration Outlook and Policy Direction

The administration has framed the current extension as a temporary and transitional measure, emphasizing that AGOA will be reviewed and potentially modernized during 2026 to align with the President's "America First" trade policy, including a stronger focus on reciprocity and expanded market access for US exporters.[4]

USTR has stated that AGOA "must demand more" from trading partners and "yield more market access" for US businesses and farmers and that the administration will work with Congress over the coming year to modernize the program accordingly. Reporting also indicates that AGOA implementation will be adjusted to account for tariffs imposed under the administration's reciprocal tariff policy, underscoring that AGOA preferences may operate alongside, rather than override, other applicable tariff measures.[5]

[2] *See CSMS # 67647279 - GUIDANCE: Reauthorization of Preferential Trade Legislative (PTL) Programs - African Growth and Opportunity Act (AGOA), Haiti Hemispheric Opportunity through Partnership Encouragement Act (HOPE), and Haiti Economic Lift Program (HELP)*.
[3] *See African Growth and Opportunity Act (AGOA) | Congress.gov | Library of Congress*.
[4] *See Statement from Ambassador Jamieson Greer on the Reauthorization of the African Growth and Opportunity Act | United States Trade Representative*.
[5] *See https://apnews.com/article/us-africa-trade-agoa-trump-b8dfadda3ca9551025606fe83c1cba34*.

Conclusion

AGOA's reauthorization restores near-term preferential access and provides a window for companies to stabilize compliance and pricing following the 2025 lapse. At the same time, the short duration and the administration's stated intent to review and modernize the program in 2026 mean stakeholders should treat this period as transitional. Market participants should use this period to confirm that AGOA claims are being made correctly, assess any available refund opportunities, and build flexibility into sourcing and contracting arrangements ahead of potential policy changes.

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