



DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

19 CFR Chapter I

[CBP Dec. No. 26-17]

Establishment of Four Customs-Enforcement Areas

AGENCY: U.S. Customs and Border Protection; DHS.

ACTION: Establishment of Customs-Enforcement Areas.

SUMMARY: This document sets forth the Commissioner of U.S. Customs and Border Protection's (CBP) declaration establishing four Customs-Enforcement Areas (CEA) in the near shore waters of South Florida, Central/Southern California, Puerto Rico, and the Gulf Coast of Texas. This action will further CBP efforts to interdict hovering vessels utilized for smuggling illegal cargoes into or out of the United States specifically within the CEAs. Additionally, this action authorizes customs officers and agents to enforce applicable U.S. laws, including the authorization to board vessels, examine vessels, merchandise and persons on board, bring the same into port, and pursue, seize, and arrest individuals, within the CEAs.

DATES: The Customs-Enforcement Areas described herein are established as of [INSERT DATE OF PUBLICATION IN THE *FEDERAL REGISTER*]

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SUPPLEMENTARY INFORMATION: This document establishes four Customs-Enforcement Areas (CEAs) in the near shore waters of South Florida, Central/Southern California, Puerto Rico, and the Gulf Coast of Texas. The establishment of these CEAs is necessary to respond to the continuous and active threats presented by hovering vessels

in those areas. The underlying legal authority, the need for the CEAs, and a detailed description of the CEA boundaries are described below.

I. Legal Authority

The establishment of CEAs is authorized pursuant to section 1 of the Anti-Smuggling Act of 1935, as amended (49 Stat. 517) (19 U.S.C. 1701) (Anti-Smuggling Act). In general, CEAs can be designated for an area on the high seas (within specified limits) that is outside of, but adjacent to, U.S. customs waters and is in close proximity to where vessels hover to engage in smuggling. *See* Anti-Smuggling Act sec. 1(a) (19 U.S.C. 1701(a)). Designation of a CEA authorizes customs officers and agents to enforce applicable U.S. laws within the CEA to prevent the illegal entry or exit of merchandise or people. *See* Anti-Smuggling Act sec. 1(b) (19 U.S.C. 1701(b)); section 581(a) of the Tariff Act of 1930, as amended (19 U.S.C. 1581(a)); 19 CFR 162.3.

A. Anti-Smuggling Act and Establishment of CEAs

Section 1(a) of the Anti-Smuggling Act states that “whenever the President of the United States finds and declares that at any place or within any area on the high seas adjacent to but outside customs waters any vessel or vessels hover or are being kept off the coast of the United States and that, by virtue of the presence of any such vessel or vessels at such place or within such area, the unlawful introduction or removal into or from the United States of any merchandise or person is being or may be occasioned, promoted, or threatened, the place or area so found and declared shall constitute a customs-enforcement area.” 19 U.S.C. 1701(a).¹ The statute further clarifies that “[o]nly

¹ The term “customs waters” means, in the case of a foreign vessel subject to a treaty or other arrangement between a foreign government and the United States enabling or permitting the authorities of the United States to board, examine, search, seize, or otherwise to enforce upon such vessel upon the high seas the laws of the United States, the waters within such distance of the coast of the United States as the said authorities are or may be so enabled or permitted by such treaty or arrangement and, in the case of every other vessel, the waters within four leagues of the coast of the United States. Anti-Smuggling Act sec. 401(c) (19 U.S.C. 1709(c)).

such waters on the high seas shall be within a customs-enforcement area as the President finds and declares are in such proximity to such vessel or vessels that such unlawful introduction or removal of merchandise or persons may be carried on by or to or from such vessel or vessels.” Anti-Smuggling Act sec. 1(a) (19 U.S.C. 1701(a)).

The statute limits the boundaries of CEAs, stating that “[n]o customs-enforcement area shall include any waters more than one hundred nautical miles from the place or immediate area where the President declares such vessel or vessels are hovering or are being kept, and notwithstanding the foregoing provision, shall not include any waters more than fifty nautical miles outwards from the outer limit of customs waters.” Anti-Smuggling Act sec. 1(a) (19 U.S.C. 1701(a)). In other words, the CEA may extend not more than 100 nautical miles (NM) in either direction up and down the coast from the place or immediate area where hovering vessels are present, and not more than 50 NM out to sea beyond the customs waters.

B. Delegation of Authority to Establish CEAs

Although section 1 of the Anti-Smuggling Act vests the authority to establish CEAs in the President, that authority is now vested in the Commissioner of CBP. Executive Order 10289 delegated the President’s authority to establish CEAs to the Secretary of the Treasury. E.O. 10289, § 1(b), 16 FR 9499 (published Sept. 19, 1951). With certain exceptions not applicable herein, section 403(1) of the Homeland Security Act of 2002 (Pub. L. 107-296, 116 Stat. 2135) (6 U.S.C. 203(1)) transferred all functions, personnel, assets, and liabilities of the United States Customs Service of the Department of the Treasury, including the functions of the Secretary of the Treasury relating thereto,

The term “hovering vessel” means any vessel which is found or kept off the coast of the United States within or without the customs waters, if, from the history, conduct, character, or location of the vessel, it is reasonable to believe that such vessel is being used or may be used to introduce or promote or facilitate the introduction or attempted introduction of merchandise into the United States in violation of the laws respecting the revenue. Anti-Smuggling Act sec. 401(d) (19 U.S.C. 1709(d)).

to the Secretary of Homeland Security. The Secretary of Homeland Security further delegated the authority to establish CEAs to the Commissioner of CBP. *See* DHS, Delegation No. 07010.3, Delegation of Authority to the Commissioner of U.S. Customs and Border Protection, II.A (Rev. No. 03.2, Incorporating Change 2) (Dec. 11, 2024).

C. Authority to Enforce U.S. Laws within CEAs

Upon the establishment of a CEA pursuant to the Anti-Smuggling Act, customs officers and agents are authorized to enforce applicable U.S. laws within the CEA. Specifically, within the CEA, CBP officers and agents “may go on board of any vessel and examine the vessel and any merchandise or person on board, and bring the same into port.” Anti-Smuggling Act sec. 1(b) (19 U.S.C. 1701(b)). Customs officers and agents may pursue and seize or arrest and otherwise enforce upon any vessel, merchandise, or person in the CEA in accordance with applicable U.S. laws and regulations in the same manner as customs officers and agents are authorized to do at any place in the United States. Anti-Smuggling Act sec. 1(b) (19 U.S.C. 1701(b)). Specifically, within a CEA, customs officers and agents are authorized to enforce 18 U.S.C. 2237, which provides for criminal sanctions against a master, operator, or person in charge of a vessel for various offenses, including failure to heave to, obstruction of boarding, or providing materially false information.

Additionally, section 581(a) of the Tariff Act of 1930, as amended (19 U.S.C. 1581(a)), permits customs officers and agents “at any time to go on board of any vessel . . . at any place in the United States or within the customs waters or, as he may be authorized, within a customs-enforcement area . . . and examine the manifest and other documents and papers and examine, inspect, and search the vessel . . . and every part thereof and any person, trunk, package, or cargo on board, and to this end may hail and stop such vessel . . . and use all necessary force to compel compliance.” *See also* 19 CFR 162.3(a)(3). However, customs officers and agents are not authorized to, for instance,

enforce any U.S. law upon the high seas upon a foreign vessel in contravention of any treaty with a foreign government, except as such authorities are or may otherwise be enabled or permitted under special arrangement with such foreign government. Anti-Smuggling Act sec. 1(b) (19 U.S.C. 1701(b)); *see also* Tariff Act of 1930, as amended, sec. 581(h) (19 U.S.C. 1581(h)); 19 CFR 162.3(a)(3).

II. Need for the Customs-Enforcement Areas (CEAs)

In the last five years and within the areas designated as CEAs identified below, CBP's Air and Marine Operations (AMO) has conducted numerous enforcement actions against hovering vessels. With regard to the areas specifically being designated as a CEA in South Florida alone, AMO seized nearly 77,000 pounds of illegal narcotics; conducted 26,000 apprehensions of illegal aliens and smugglers; and performed 324 search and rescue operations.² In Puerto Rico, AMO seized nearly 860,000 pounds of cocaine and conducted well over 15,000 apprehensions and 172 search and rescue operations. On the Gulf Coast of Texas, AMO seized 3,700 pounds of drugs and conducted over 17,000 apprehensions. In Southern California, AMO seized nearly 1,500 pounds of methamphetamines and a total of 5,145 pounds of other drugs. Additionally, during this time, 488 vessels were seized in the above-described areas to be designated as CEAs. Most of this maritime smuggling is accomplished with vessels that travel for great distances outside of, or paralleling, current U.S. jurisdiction to avoid detection. These vessels land on remote shorelines, transfer illegal cargo to separate vessels, and travel without navigation lights. This behavior is consistent with the definition of "Hovering Vessel," as defined in section 401(d) of the Anti-Smuggling Act (19 U.S.C. 1709(d)).

The establishment of these CEAs is necessary to respond to the continuous and active threats presented by hovering vessels in those areas. The four CEAs established

² For detailed data relating to drug seizures by AMO, see CBP, Public Data Portal: *AMO Drug Seizures*, available at <https://www.cbp.gov/document/stats/amo-drug-seizures>.

here would extend the authority of customs officers and agents to enforce applicable U.S. laws from 12 NM to 24 NM from the baseline within the designated CEAs.³ The extension to 24 NM aligns with the U.S. contiguous zone, which is a zone that borders the territorial sea of the United States in which the United States may exercise the control necessary to prevent infringement of its customs, fiscal, immigration, or sanitary laws and regulations within its territory or territorial sea, and to punish infringement of the above laws and regulations committed within its territory or territorial sea. *See* Proclamation No. 7219, 64 FR 48701 (published Aug. 8, 1999) (establishing the contiguous zone of the United States to 24 NM from baseline). Without the CEAs, CBP's enforcement of applicable U.S. laws is generally limited to operations within the U.S. territorial and customs waters, which collectively extend 12 NM from baseline and to more limited operations beyond 12 NM when authorized by statute.⁴ *See* Proclamation No. 5928, 103 Stat. 2981 (Dec. 27, 1988) (extending U.S. territorial waters from 3 NM to 12 NM from baseline).

The establishment of a CEA that extends enforcement authorities to 24 NM greatly improves CBP's law enforcement effectiveness in CEAs, which are located within critical maritime approaches to the United States. The performance, speed, and technology of modern smuggling vessels limit CBP's ability to respond to illegal activity detected in these areas. The limited distance and fast speeds of these vessels often inhibit the ability to interdict threats to the United States. Expanding the authorities for customs officers and agents to operate 24 NM from baseline within the designated areas,

³ Maritime zones and boundaries are measured from a country's "baseline," which generally refers to the low-water line along the coast as marked on officially recognized, large-scale nautical charts. *See, e.g.*, 33 CFR 2.20. This declaration does not alter any U.S. baselines.

⁴ Although customs officers' enforcement of applicable U.S. laws is generally limited to 12 NM from baseline, there are various exceptions. Those exceptions include, but are not limited to, CBP's authorities related to U.S.-flagged vessels, hovering vessel and pursuit authority under 19 U.S.C. 1581, 1587, and specific drug-related scenarios under the Maritime Drug Law Enforcement Act (Pub. L. 109-304, 120 Stat. 1685 (2006)).

combined with enhanced detection capabilities enabled by new technology, will significantly increase the probability of interdiction and facilitate prosecution of individuals, particularly those using hovering vessels consistent with applicable U.S. law. Authority to interdict vessels 24 NM from baseline will decrease border incursions and more effectively enforce applicable U.S. laws within such designated areas. By extending jurisdiction into high threat areas, CBP can enhance enforcement of applicable U.S. laws as they relate to combatting hovering vessels in the areas defined below.

Additionally, the establishment of CEAs reinforces Executive Order 14165, *Securing Our Borders*, 90 FR 8467 (published Jan. 30, 2025), by bolstering operational control of U.S. borders and interests in these specific areas given the ongoing smuggling threats by hovering vessels. The establishment of CEAs in these areas will provide CBP with the ability to enforce applicable U.S. laws in the critical maritime approaches to the United States. The establishment of these CEAs is also consistent with Executive Order 14411, *Strengthening Customs Enforcement*, 91 FR 35125 (published June 10, 2026). Section 4 of E.O. 14411 directs the Secretary of Homeland Security, to the maximum extent permitted by applicable law, to take any action he deems necessary to bolster the enforcement of U.S. laws. The establishment of these CEAs will enable CBP to improve its enforcement of applicable laws against vessels engaged in smuggling by extending the area of enforcement.

The establishment of the CEAs also supports the 2026 National Drug Control Strategy.⁵ The CEAs will deny transnational criminal organizations and foreign terrorist organizations the use of waters near the U.S. coastal waters as a permissive transit zone by establishing and maintaining U.S. enforcement operations. Transnational criminal organizations (TCOs), including foreign terrorist organizations, primarily exploit coastal

⁵ For more information on the 2026 National Drug Control Strategy, see <https://www.whitehouse.gov/releases/2026/05/2026-national-drug-control-strategy-released/>.

waters and permissive maritime transit zones to facilitate alien smuggling and the trafficking of illicit narcotics, including cocaine, fentanyl, methamphetamine, and marijuana, into the United States. These same maritime routes may also be used by TCOs to smuggle weapons, potentially to include components for weapons of mass destruction, into the United States. Expanding the enforcement area to allow CBP to use its authorities to combat violations of U.S. laws will directly curb illicit activity by U.S. adversaries.

By establishing the four CEAs, CBP will increase maritime domain awareness and further disrupt maritime smuggling attempts before they make landfall. Expanded detection and interdiction capabilities will reduce the number of maritime border incursions and allow U.S. Border Patrol to reallocate resources to other focus areas. With the reduction of near-coastal vulnerabilities, U.S. Border Patrol can focus on land-based interdiction.

Establishing the four CEAs does not close any waters to navigation, impose new reporting or permitting requirements, or require vessels to alter otherwise lawful routes or operations. Vessels operating within the CEAs, however, may be subject to the enforcement authorities made applicable under the Anti-Smuggling Act, including being hailed, stopped, boarded, examined, searched, or brought into port as authorized by law. CBP recognizes that such enforcement activity may in individual cases result in limited operational impacts, including delay, to vessel owners, operators, passengers, and cargo interests. CBP has determined that the possibility of impacts is justified by the need to address the threats described above.

III. Establishment of Four Customs-Enforcement Areas

Pursuant to the authority contained in section 1 of the Anti-Smuggling Act of 1935, as amended (49 Stat. 517) (19 U.S.C. 1701) (Anti-Smuggling Act), I, Rodney S. Scott, Commissioner of U.S. Customs and Border Protection, do hereby find and declare:

1. That vessels hover or are being kept off the coast of the United States on the high seas adjacent to but outside customs waters within the areas described as follows:
 - a. South Florida: The area of water that extends seaward from 28° 48' 00" N / 80° 44' 19.7" W (northeast corner of Brevard County), following an irregular arc along the coastline of South Florida, including the Florida Keys, to 28° 26' 01" N / 82° 40' 35.8" W (northwest corner of Pasco County), out to 24 NM from baseline.
 - b. Texas: The area of water that extends from 29° 40' 44.0" N / 93° 50' 16.0" W (Mouth of the Sabine River), following an irregular arc along the Gulf Coast, extending south to the maritime boundary line with Mexico, out to 24 NM from baseline.
 - c. Central/Southern California: The area of water that extends from 37° 06' 28.00" N / 122° 20' 08.5" W (Año Nuevo Lighthouse), following an irregular arc along the coast, south to the maritime boundary line with Mexico, out to 24 NM from baseline, including the eight islands off the coast—the five islands of Channel Islands National Park, San Clemente Island, Santa Catalina Island, and San Nicolas Island.
 - d. Puerto Rico: The area of water that encircles the Island of Puerto Rico, to include the nearby islands of Mona, Desecheo, Vieques, and Culebra, out to 24 NM from baseline, but in no instance beyond a recognized international boundary line.
2. That the areas described in paragraph 1 do not include any waters more than 100 NM from the place or immediate area where such vessels are found or kept off the coast of the United States and are hereby declared to be hovering or kept, and do not include any waters more than 50 NM outwards from the outer limit of the customs waters.
3. That, by virtue of the presence of such vessels within the areas described in paragraph 1, the unlawful introduction or removal into or from the United States of merchandise or persons is being or may be occasioned, promoted, or threatened.

4. That all the waters within the areas described in paragraph 1 are in such proximity to such vessels that such unlawful introduction or removal of merchandise or persons may be carried on by or to or from such vessels.

And I do hereby proclaim that under the terms of the Anti-Smuggling Act, the areas described in paragraph 1 constitute customs-enforcement areas, and the provisions of law applying to the high seas adjacent to customs waters shall be enforced in such areas upon any vessel, merchandise, or person found therein, including the Anti-Smuggling Act of 1935 (19 U.S.C. 1701); section 581 of the Tariff Act of 1930, as amended (19 U.S.C. 1581); and 18 U.S.C. 2237.

The establishment of each customs-enforcement area described in this document is intended to operate independently. If any customs-enforcement area, provision, boundary, or application of this document is held invalid or is stayed, enjoined, or otherwise made unenforceable, the remainder of this document is intended to remain in effect to the fullest extent permitted by law. For example, if a court enjoins the establishment of one customs-enforcement area, CBP intends that the other customs-enforcement areas remain established and enforceable. Similarly, if a court invalidates a portion of a boundary or a specific application within one customs-enforcement area, CBP intends that the remaining portions and applications remain in effect.

IV. Signing Authority

This document is being issued in accordance with DHS Delegation 07010.3, Revision 03.2.

Rodney S. Scott,
Commissioner,
U.S. Customs and Border Protection.

