

Department of Homeland Security

DHS Delegation Number: 7105

Revision Number: 00

Issue Date: 01/16/2009

**DELEGATION OF AUTHORITY TO  
DESIGNATE SPECIFIC ENHANCED  
DRIVER'S LICENSES, SPECIFIC  
ENHANCED TRIBAL CARDS AND  
ANY QUALIFIED INDIAN AND  
NORTHERN AFFAIRS CANADA  
CARD AS ACCEPTABLE LAND AND  
SEA BORDER CROSSING  
DOCUMENTS**

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## **I. Purpose**

This delegation vests in the Commissioner of U.S. Customs and Border Protection the authority to designate as acceptable border crossing documents for persons arriving by land or sea from within the Western Hemisphere: 1) State-specific enhanced driver's licenses and identity documents; 2) Canadian Province-specific enhanced driver's licenses and identity documents being issued consistent with the agreement between U.S. Customs and Border Protection and the Canada Border Services Agency; 3) a satisfactory Canadian government Indian and Northern Affairs Canada card; and 4) United States Native American tribe-specific enhanced tribal cards.

## **II. Delegation**

A. Subject to my oversight, direction and guidance, I delegate to the Commissioner of U.S. Customs and Border Protection the authority to designate as acceptable documents for land and sea border crossing purposes under the WHTI Final Rule: 1) State-specific enhanced driver's licenses and identity documents; 2) Canadian Province-specific enhanced driver's licenses and identity documents being issued consistent with the agreement between U.S. Customs and Border Protection and the Canada Border Services Agency; 3) a satisfactory document issued by Indian and Northern Affairs Canada to Indians; and 4) specific United States Native American enhanced tribal cards.

B. This authority is delegated to the Commissioner of U.S. Customs and Border Protection subject to the Commissioner informing the Secretary of Homeland Security of each such designation reasonably in advance of making each designation.

### III. Re-delegation

The authority delegated herein may not be re-delegated.

### IV. Authorities

A. Public Law 108-458, "Intelligence Reform and Terrorism Prevention Act of 2004," as amended, Section 7209, "Travel Documents"

B. Title 6, United States Code, Section 112, "Secretary; functions"

C. Volume 73, Federal Register, Page 18333 (April 3, 2008), "Documents Required for Travelers Departing From or Arriving in the United States at Sea and Land Ports-of-Entry From Within the Western Hemisphere; Designation of an Enhanced Driver's License and Identity Document Issued by the State of Washington as a Travel Document Under the Western Hemisphere Travel Institute [sic]; Final Rule" (to be codified at Title 8, Code of Federal Regulations (C.F.R.), §§ 212.1, 235.1, and Title 22 C.F.R. §§ 41.2, 53.2)

### V. Definitions

A. **Western Hemisphere Travel Initiative** or **"WHTI"**: As used in this Delegation, the terms Western Hemisphere Travel Initiative and WHTI mean the joint Department of Homeland Security and Department of State plan to implement new documentation requirements for U.S. citizens and certain nonimmigrant aliens entering the United States as required by Section 7209 of the Intelligence Reform and Terrorism Prevention Act of 2004 as amended.

B. **Enhanced Driver's License** or **"EDL"**: As used in this Delegation, the terms Enhanced Driver's License and EDL mean a driver's license or other identity document issued by a State, Canadian Province or Territory which meets the requirements of the WHTI Final Rule for acceptance at a land or sea port of entry.

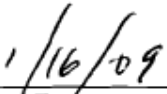
C. **Enhanced Tribal Card** or **“ETC”**: As used in this Delegation, the terms Enhanced Tribal Card and ETC mean a tribal membership card issued by a federally recognized United States Native American tribe which also meets the other requirements of the WHTI Final Rule for acceptance at a land or sea port of entry.

D. **Indian and Northern Affairs Canada Card or “INAC Card”**: As used in this Delegation, the terms Indian and Northern Affairs Canada Card and INAC Card mean a status card issued by the Canadian government’s Indian and Northern Affairs Canada to Indians.

## VI. Office of Primary Interest

The Office of the Commissioner of U.S. Customs and Border Protection is the office of primary interest in this delegation.

  
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Michael Chertoff  
Secretary of Homeland Security

  
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Date