

board the following classes of commodities: (a) a Positive List commodity manifested to a destination outside the restricted area, with an export license and an export declaration showing the unrestricted destination at the ultimate destination, (b) a Positive List commodity destined for the restricted port of call which cannot be discharged there because there is no export license or authorization from the Under Secretary for Transportation permitting discharge at the restricted port of call, (c) a commodity of any kind destined for Communist China (the transportation and discharge of which is covered by Order T-2). None of these commodities may be discharged at the restricted port of call. Discharge of any of these commodities at the port covered by the restrictions of Order T-1 is prohibited and subject to penalty, regardless of the circumstances under which the discharge of the cargo at the restricted port occurs, unless appropriate authorization is obtained.

Sec. 5. Forwarding commodities previously shipped.

Order T-1 applies to transportation on or discharge from ships documented under the laws of the United States and aircraft registered under the laws of the United States. These restrictions apply either in the case of a discharge at one of the restricted ports or to discharge at any other port in transit to a restricted destination. The restrictions of Order T-1 do not apply to transportation by foreign carriers, as long as there is no prohibited transportation or discharge by or from a United States-flag ship or aircraft after the issuance of Order T-1. Accordingly, if an American-flag ship or aircraft, before the issuance of Order T-1, had transported restricted commodities manifested to restricted destinations, and had completed the transportation to a foreign intermediate point and had completed the discharge from the American-flag ship or aircraft before the issuance of Order T-1, no violation of that order would have occurred, but Order T-1 would prohibit further shipment on an American-flag ship or aircraft unless authorization under Order T-1 is obtained.

Sec. 6. Relation to Transportation Order T-2.

Transportation Order T-1 applies to the transportation of commodities to, or in transit to, destinations in Sub-Group A, Hong Kong or Macao. It applies, however, only to commodities on the Positive List of the Office of International Trade, arms and ammunition, and commodities controlled under the Atomic Energy Act (see section 2 of this interpretation). Transportation Order T-2 applies to the transportation of commodities of any kind which are destined to Communist China (Order T-2 also prohibits American ships and aircraft from calling at any port or place in Communist China). Since Communist China is in Sub-Group A, the restrictions of both orders apply to the transportation of commodities to Communist China or to any other point in transit to Communist China.

T-2—SHIPPING RESTRICTIONS; COMMUNIST CHINA, NORTH KOREA AND THE COMMUNIST-CONTROLLED AREA OF VIET NAM

Sec.

1. Prohibition of movement of American carriers to Communist China, north Korea, or to the Communist-controlled area of Viet Nam.
2. Prohibition on transportation of goods destined for Communist China, north Korea, or the Communist-controlled area of Viet Nam.
3. Persons affected.
4. Reports.
5. Records.
6. Defense against claims for damages.
7. Violations.

AUTHORITY: Sections 1 to 7 issued under sec. 704, 64 Stat. 816, as amended; 50 U.S.C. App. 2154. Interpret or apply sec. 101, 64 Stat. 799, as amended; 50 U.S.C. App. 2071; E.O. 10480, 18 F.R. 4939, 3 CFR, 1953 Supp.

SOURCE: Sections 1 to 7 contained in Transportation Order T-2 (Amended), 23 F.R. 8396, Oct. 30, 1958, unless otherwise noted.

Section 1. Prohibition of movement of American carriers to Communist China, north Korea, or to the Communist-controlled area of Viet Nam.

No person shall sail, fly, navigate, or otherwise take any ship documented under the laws of the United States or any aircraft registered under the laws of the United States to any Chinese Communist port, north Korea, any other place under the control of the Chinese Communists, or to the Communist-controlled area of Viet Nam.