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(Original Signature of Member)

117TH CONGRESS
1ST SESSION

H. R. _____

To establish the Taiwan Fellowship Program, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. BERA introduced the following bill; which was referred to the Committee
on _____

A BILL

To establish the Taiwan Fellowship Program, and for other
purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Taiwan Fellowship
5 Act”.

6 **SEC. 2. FINDINGS; PURPOSES.**

7 (a) FINDINGS.—Congress finds the following:

8 (1) The Taiwan Relations Act (Public Law 96–
9 8; 22 U.S.C. 3301 et seq.) affirmed United States

1 policy “to preserve and promote extensive, close, and
2 friendly commercial, cultural, and other relations be-
3 tween the people of the United States and the people
4 on Taiwan, as well as the people on the China main-
5 land and all other peoples of the Western Pacific
6 area”.

7 (2) Consistent with the Asia Reassurance Ini-
8 tiative Act of 2018 (Public Law 115–409), the
9 United States has grown its strategic partnership
10 with Taiwan’s vibrant democracy of 23,000,000 peo-
11 ple.

12 (3) Despite a concerted campaign by the Peo-
13 ple’s Republic of China to isolate Taiwan from its
14 diplomatic partners and from international organiza-
15 tions, including the World Health Organization, Tai-
16 wan has emerged as a global leader in the
17 coronavirus global pandemic response, including by
18 donating more than 2,000,000 surgical masks and
19 other medical equipment to the United States.

20 (4) The creation of a United States fellowship
21 program with Taiwan would support—

22 (A) a key priority of expanding people-to-
23 people exchanges, which was outlined in Presi-
24 dent Donald J. Trump’s 2017 National Secu-
25 rity Strategy;

1 (B) President Joseph R. Biden’s commit-
2 ment to Taiwan, “a leading democracy and a
3 critical economic and security partner”, as ex-
4 pressed in his March 2021 Interim National Se-
5 curity Strategic Guidance; and

6 (C) April 2021 guidance from the Depart-
7 ment of State based on a review required under
8 the Taiwan Assurance Act of 2020 (subtitle B
9 of title III of division FF of Public Law 116–
10 260) to “encourage U.S. government engage-
11 ment with Taiwan that reflects our deepening
12 unofficial relationship”.

13 (b) PURPOSES.—The purposes of this Act are—

14 (1) to further strengthen the United States-Tai-
15 wan strategic partnership and broaden under-
16 standing of the Indo-Pacific region by temporarily
17 assigning officials of agencies of the United States
18 Government to Taiwan for intensive study in Man-
19 darin Chinese and placement as Fellows with the
20 governing authorities on Taiwan or a Taiwanese
21 civic institution;

22 (2) to expand United States Government exper-
23 tise in Mandarin Chinese language skills and under-
24 standing of the politics, history, and culture of Tai-
25 wan and the Indo-Pacific region by providing eligible

1 United States personnel the opportunity to acquire
2 such skills and understanding through the Taiwan
3 Fellowship Program established under section 3; and

4 (3) to better position the United States to ad-
5 vance its economic, security, and human rights in-
6 terests and values in the Indo-Pacific region.

7 **SEC. 3. TAIWAN FELLOWSHIP PROGRAM.**

8 (a) DEFINITIONS.—In this section:

9 (1) AGENCY HEAD.—The term “agency head”
10 means, in the case of the executive branch of United
11 States Government, or in the case of a legislative
12 branch agency specified in paragraph (2), the head
13 of the respective agency.

14 (2) AGENCY OF THE UNITED STATES GOVERN-
15 MENT.—The term “agency of the United States
16 Government” includes the Government Account-
17 ability Office, the Congressional Budget Office, the
18 Congressional Research Service, and the United
19 States-China Economic and Security Review Com-
20 mission of the legislative branch, as well as any
21 agency of the executive branch.

22 (3) APPROPRIATE CONGRESSIONAL COMMIT-
23 TEES.—The term “appropriate congressional com-
24 mittees” means—

1 (A) the Committee on Appropriations of
2 the Senate;

3 (B) the Committee on Foreign Relations of
4 the Senate;

5 (C) the Committee on Appropriations of
6 the House of Representatives; and

7 (D) the Committee on Foreign Affairs of
8 the House of Representatives.

9 (4) DETAILEE.—The term “detailee” means an
10 employee of an agency of the United States Govern-
11 ment on loan to the American Institute in Taiwan,
12 without a change of position from the agency at
13 which such employee is employed.

14 (5) IMPLEMENTING PARTNER.—The term “im-
15 plementing partner” means any United States orga-
16 nization described in section 501(c)(3) of the Inter-
17 nal Revenue Code of 1986 and exempt from tax
18 under section 501(a) of such Code that—

19 (A) is selected through a competitive proc-
20 ess;

21 (B) performs logistical, administrative, and
22 other functions, as determined by the Depart-
23 ment of State and the American Institute of
24 Taiwan, in support of the Taiwan Fellowship
25 Program; and

1 (C) enters into a cooperative agreement
2 with the American Institute in Taiwan to ad-
3 minister the Taiwan Fellowship Program.

4 (b) ESTABLISHMENT OF TAIWAN FELLOWSHIP PRO-
5 GRAM.—

6 (1) ESTABLISHMENT.—The Secretary of State
7 shall establish the “Taiwan Fellowship Program”
8 (hereafter referred to in this section as the “Pro-
9 gram”) to provide a fellowship opportunity in Tai-
10 wan of up to two years for eligible United States
11 citizens through the cooperative agreement estab-
12 lished in paragraph (2). The Department of State,
13 in consultation with the American Institute in Tai-
14 wan and the implementing partner, may modify the
15 name of the Program.

16 (2) COOPERATIVE AGREEMENTS.—

17 (A) IN GENERAL.—The American Institute
18 in Taiwan shall use amounts authorized to be
19 appropriated pursuant to subsection (f)(1) to
20 enter into an annual or multi-year cooperative
21 agreement with an appropriate implementing
22 partner.

23 (B) FELLOWSHIPS.—The Department of
24 State, in consultation with the American Insti-
25 tute in Taiwan and, as appropriate, the imple-

1 menting partner, shall award to eligible United
2 States citizens, subject to available funding—

3 (i) not fewer than five fellowships dur-
4 ing the first two years of the Program; and

5 (ii) not fewer than ten fellowships
6 during each of the remaining years of the
7 Program.

8 (3) INTERNATIONAL AGREEMENT; IMPLE-
9 MENTING PARTNER.—Not later than 30 days after
10 the date of the enactment of this Act, the American
11 Institute in Taiwan, in consultation with the Depart-
12 ment of State, shall—

13 (A) begin negotiations with the Taipei
14 Economic and Cultural Representative Office,
15 or with another appropriate entity, for the pur-
16 pose of entering into an agreement to facilitate
17 the placement of fellows in an agency of the
18 governing authorities on Taiwan; and

19 (B) begin the process of selecting an im-
20 plementing partner, which—

21 (i) shall agree to meet all of the legal
22 requirements required to operate in Tai-
23 wan; and

24 (ii) shall be composed of staff who
25 demonstrate significant experience man-

1 aging exchange programs in the Indo-Pa-
2 cific region.

3 (4) CURRICULUM.—

4 (A) FIRST YEAR.—During the first year of
5 each fellowship under this subsection, each fel-
6 low should study—

7 (i) the Mandarin Chinese language;

8 (ii) the people, history, and political
9 climate on Taiwan; and

10 (iii) the issues affecting the relation-
11 ship between the United States and the
12 Indo-Pacific region.

13 (B) SECOND YEAR.—During the second
14 year of each fellowship under this section, each
15 fellow, subject to the approval of the Depart-
16 ment of State, the American Institute in Tai-
17 wan, and the implementing partner, and in ac-
18 cordance with the purposes of this Act, shall
19 work in—

20 (i) a parliamentary office, ministry, or
21 other agency of the governing authorities
22 on Taiwan; or

23 (ii) an organization outside of the gov-
24 erning authorities on Taiwan, whose inter-
25 ests are associated with the interests of the

1 fellow and the agency of the United States
2 Government from which the fellow had
3 been employed.

4 (5) FLEXIBLE FELLOWSHIP DURATION.—Not-
5 withstanding any requirement under this section, the
6 Secretary of State, in consultation with the Amer-
7 ican Institute in Taiwan and, as appropriate, the im-
8 plementing partner, may award fellowships that have
9 a duration of between nine months and two years,
10 and may alter the curriculum requirements under
11 paragraph (4) for such purposes.

12 (6) SUNSET.—The Program shall terminate ten
13 years after the date of the enactment of this Act.

14 (c) PROGRAM REQUIREMENTS.—

15 (1) ELIGIBILITY REQUIREMENTS.—A United
16 States citizen is eligible for a fellowship under this
17 section if he or she—

18 (A) is an employee of the United States
19 Government;

20 (B) has received at least one exemplary
21 performance review in his or her current United
22 States Government role within at least the last
23 three years prior to the beginning the fellow-
24 ship;

1 (C) has at least two years of experience in
2 any branch of the United States Government;

3 (D) has a demonstrated professional or
4 educational background in the relationship be-
5 tween the United States and countries in the
6 Indo-Pacific region; and

7 (E) has demonstrated his or her commit-
8 ment to further service in the United States
9 Government.

10 (2) RESPONSIBILITIES OF FELLOWS.—Each re-
11 cipient of a fellowship under this section shall agree,
12 as a condition of such fellowship—

13 (A) to maintain satisfactory progress in
14 language training and appropriate behavior in
15 Taiwan, as determined by the Department of
16 State, the American Institute in Taiwan and, as
17 appropriate, its implementing partner;

18 (B) to refrain from engaging in any intel-
19 ligence or intelligence-related activity on behalf
20 of the United States Government; and

21 (C) to continue Federal Government em-
22 ployment for a period of not less than four
23 years after the conclusion of the fellowship or
24 for not less than two years for a fellowship that
25 is one year or shorter.

1 (3) RESPONSIBILITIES OF IMPLEMENTING
2 PARTNER.—

3 (A) SELECTION OF FELLOWS.—The imple-
4 menting partner, in close coordination with the
5 Department of State and the American Insti-
6 tute in Taiwan, shall—

7 (i) make efforts to recruit fellowship
8 candidates who reflect the diversity of the
9 United States;

10 (ii) select fellows for the Program
11 based solely on merit, with appropriate su-
12 pervision from the Department of State
13 and the American Institute in Taiwan; and

14 (iii) prioritize the selection of can-
15 didates willing to serve a fellowship lasting
16 one year or longer.

17 (B) FIRST YEAR.—The implementing part-
18 ner should provide each fellow in the first year
19 (or shorter duration, as jointly determined by
20 the Department of State and the American In-
21 stitute in Taiwan for those who are not serving
22 a two-year fellowship) with—

23 (i) intensive Mandarin Chinese lan-
24 guage training; and

1 (ii) courses in the politic, culture, and
2 history of Taiwan, China, and the broader
3 Indo-Pacific.

4 (C) WAIVER OF REQUIRED TRAINING.—
5 The Department of State, in coordination with
6 the American Institute in Taiwan and, as ap-
7 propriate, the implementing partner, may waive
8 any of the training required under subpara-
9 graph (B) to the extent that a fellow has Man-
10 darin Chinese language skills, knowledge of the
11 topic described in subparagraph (B)(ii), or for
12 other related reasons approved by the Depart-
13 ment of State and the American Institute in
14 Taiwan. If any of the training requirements are
15 waived for a fellow serving a two-year fellow-
16 ship, the training portion of his or her fellow-
17 ship may be shortened to the extent appro-
18 priate.

19 (D) OFFICE; STAFFING.—The imple-
20 menting partner, in consultation with the De-
21 partment of State and the American Institute
22 in Taiwan, shall maintain an office and at least
23 one full-time staff member in Taiwan—

1 (i) to liaise with the American Insti-
2 tute in Taiwan and the governing authori-
3 ties on Taiwan; and

4 (ii) to serve as the primary in-country
5 point of contact for the recipients of fellow-
6 ships under this section and their depend-
7 ents.

8 (E) OTHER FUNCTIONS.—The imple-
9 menting partner should perform other functions
10 in association in support of the Program, in-
11 cluding logistical and administrative functions,
12 as prescribed by the Department of State and
13 the American Institute in Taiwan.

14 (4) NONCOMPLIANCE.—

15 (A) IN GENERAL.—Any fellow who fails to
16 comply with the requirements under this section
17 shall reimburse the American Institute in Tai-
18 wan for—

19 (i) the Federal funds expended for the
20 fellow's participation in the fellowship, as
21 set forth in subparagraphs (B) and (C);
22 and

23 (ii) interest accrued on such funds
24 (calculated at the prevailing rate).

1 (B) FULL REIMBURSEMENT.—Any fellow
2 who violates subparagraph (A) or (B) of para-
3 graph (2) shall reimburse the American Insti-
4 tute in Taiwan in an amount equal to the sum
5 of—

6 (i) all of the Federal funds expended
7 for the fellow's participation in the fellow-
8 ship; and

9 (ii) interest on the amount specified in
10 clause (i), which shall be calculated at the
11 prevailing rate.

12 (C) PRO RATA REIMBURSEMENT.—Any fel-
13 low who violates paragraph (2)(C) shall reim-
14 burse the American Institute in Taiwan in an
15 amount equal to the difference between—

16 (i) the amount specified in subpara-
17 graph (B); and

18 (ii) the product of—

19 (I) the amount the fellow re-
20 ceived in compensation during the
21 final year of the fellowship, including
22 the value of any allowances and bene-
23 fits received by the fellow; multiplied
24 by

1 (II) the percentage of the period
2 specified in paragraph (2)(C) during
3 which the fellow did not remain em-
4 ployed by the United States Govern-
5 ment.

6 (5) ANNUAL REPORT.—Not later than 90 days
7 after the selection of the first class of fellows under
8 this Act, and annually thereafter for ten years, the
9 Department of State shall offer to brief the appro-
10 priate congressional committees regarding the fol-
11 lowing issues:

12 (A) An assessment of the performance of
13 the implementing partner in fulfilling the pur-
14 poses of this section.

15 (B) The number of applicants each year,
16 the number of applicants willing to serve a fel-
17 lowship lasting one year or longer, and the
18 number of such applicants selected for the fel-
19 lowship.

20 (C) The names and sponsoring agencies of
21 the fellows selected by the implementing part-
22 ner and the extent to which such fellows rep-
23 resent the diversity of the United States.

24 (D) The names of the parliamentary of-
25 fices, ministries, other agencies of the governing

1 authorities on Taiwan, and nongovernmental in-
2 stitutions to which each fellow was assigned.

3 (E) Any recommendations, as appropriate,
4 to improve the implementation of the Program,
5 including added flexibilities in the administra-
6 tion of the program.

7 (F) An assessment of the Program's value
8 upon the relationship between the United States
9 and Taiwan or the United States and Asian
10 countries.

11 (6) ANNUAL FINANCIAL AUDIT.—

12 (A) IN GENERAL.—The financial records
13 of any implementing partner shall be audited
14 annually in accordance with generally accepted
15 auditing standards by independent certified
16 public accountants or independent licensed pub-
17 lic accountants who are certified or licensed by
18 a regulatory authority of a State or another po-
19 litical subdivision of the United States.

20 (B) LOCATION.—Each audit under sub-
21 paragraph (A) shall be conducted at the place
22 or places where the financial records of the im-
23 plementing partner are normally kept.

24 (C) ACCESS TO DOCUMENTS.—The imple-
25 menting partner shall make available to the ac-

1 countants conducting an audit under subpara-
2 graph (A)—

3 (i) all books, financial records, files,
4 other papers, things, and property belong-
5 ing to, or in use by, the implementing
6 partner that are necessary to facilitate the
7 audit; and

8 (ii) full facilities for verifying trans-
9 actions with the balances or securities held
10 by depositories, fiscal agents, and
11 custodians.

12 (D) REPORT.—

13 (i) IN GENERAL.—Not later than six
14 months after the end of each fiscal year,
15 the implementing partner shall provide a
16 report of the audit conducted for such fis-
17 cal year under subparagraph (A) to the
18 Department of State and the American In-
19 stitute in Taiwan.

20 (ii) CONTENTS.—Each audit report
21 shall—

22 (I) set forth the scope of the
23 audit;

24 (II) include such statements,
25 along with the auditor's opinion of

1 those statements, as may be necessary
2 to present fairly the implementing
3 partner's assets and liabilities, surplus
4 or deficit, with reasonable detail;

5 (III) include a statement of the
6 implementing partner's income and
7 expenses during the year; and

8 (IV) include a schedule of—

9 (aa) all contracts and coop-
10 erative agreements requiring pay-
11 ments greater than \$5,000; and

12 (bb) any payments of com-
13 pensation, salaries, or fees at a
14 rate greater than \$5,000 per
15 year.

16 (iii) COPIES.—Each audit report shall
17 be produced in sufficient copies for dis-
18 tribution to the public.

19 (d) TAIWAN FELLOWS ON DETAIL FROM GOVERN-
20 MENT SERVICE.—

21 (1) IN GENERAL.—

22 (A) DETAIL AUTHORIZED.—With the ap-
23 proval of the Secretary of State, an agency
24 head may detail, for a period of not more than
25 two years, an employee of the agency of the

1 United States Government who has been award-
2 ed a fellowship under this Act, to the American
3 Institute in Taiwan for the purpose of assign-
4 ment to the governing authorities on Taiwan or
5 an organization described in subsection
6 (b)(4)(B)(ii).

7 (B) AGREEMENT.—Each detailee shall
8 enter into a written agreement with the Federal
9 Government before receiving a fellowship, in
10 which the fellow shall agree—

11 (i) to continue in the service of the
12 sponsoring agency at the end of fellowship
13 for a period of at least four years (or at
14 least two years if the fellowship duration is
15 one year or shorter) unless such detailee is
16 involuntarily separated from the service of
17 such agency; and

18 (ii) to pay to the American Institute
19 in Taiwan any additional expenses incurred
20 by the United States Government in con-
21 nection with the fellowship if the detailee
22 voluntarily separates from service with the
23 sponsoring agency before the end of the
24 period for which the detailee has agreed to
25 continue in the service of such agency.

1 (C) EXCEPTION.—The payment agreed to
2 under subparagraph (B)(ii) may not be re-
3 quired of a detailee who leaves the service of
4 the sponsoring agency to enter into the service
5 of another agency of the United States Govern-
6 ment unless the head of the sponsoring agency
7 notifies the detailee before the effective date of
8 entry into the service of the other agency that
9 payment will be required under this subsection.

10 (2) STATUS AS GOVERNMENT EMPLOYEE.—A
11 detailee—

12 (A) is deemed, for the purpose of pre-
13 serving allowances, privileges, rights, seniority,
14 and other benefits, to be an employee of the
15 sponsoring agency;

16 (B) is entitled to pay, allowances, and ben-
17 efits from funds available to such agency, which
18 is deemed to comply with section 5536 of title
19 5, United States Code; and

20 (C) may be assigned to a position with an
21 entity described in subsection (b)(4)(B)(i) if ac-
22 ceptance of such position does not involve—

23 (i) the taking of an oath of allegiance
24 to another government; or

1 (ii) the acceptance of compensation or
2 other benefits from any foreign govern-
3 ment by such detailee.

4 (3) RESPONSIBILITIES OF SPONSORING AGEN-
5 CY.—

6 (A) IN GENERAL.—The agency of the
7 United States Government from which a
8 detailee is detailed should provide the fellow al-
9 lowances and benefits that are consistent with
10 Department of State Standardized Regulations
11 or other applicable rules and regulations, in-
12 cluding—

13 (i) a living quarters allowance to cover
14 the cost of housing in Taiwan;

15 (ii) a cost of living allowance to cover
16 any possible higher costs of living in Tai-
17 wan;

18 (iii) a temporary quarters subsistence
19 allowance for up to seven days if the fellow
20 is unable to find housing immediately upon
21 arriving in Taiwan;

22 (iv) an education allowance to assist
23 parents in providing the fellow's minor
24 children with educational services ordi-

1 narily provided without charge by public
2 schools in the United States;

3 (v) moving expenses to transport per-
4 sonal belongings of the fellow and his or
5 her family in their move to Taiwan, which
6 is comparable to the allowance given for
7 American Institute in Taiwan employees
8 assigned to Taiwan; and

9 (vi) an economy-class airline ticket to
10 and from Taiwan for each fellow and the
11 fellow's immediate family.

12 (B) MODIFICATION OF BENEFITS.—The
13 American Institute in Taiwan and its imple-
14 menting partner, with the approval of the De-
15 partment of State, may modify the benefits set
16 forth in subparagraph (A) if such modification
17 is warranted by fiscal circumstances.

18 (4) NO FINANCIAL LIABILITY.—The American
19 Institute in Taiwan, the implementing partner, and
20 any governing authorities on Taiwan or nongovern-
21 mental entities in Taiwan at which a fellow is de-
22 tailed during the second year of the fellowship may
23 not be held responsible for the pay, allowances, or
24 any other benefit normally provided to the detailee.

1 (5) REIMBURSEMENT.—Fellows may be de-
2 tailed under paragraph (1)(A) without reimburse-
3 ment to the United States by the American Institute
4 in Taiwan.

5 (6) ALLOWANCES AND BENEFITS.—Detailees
6 may be paid by the American Institute in Taiwan
7 for the allowances and benefits listed in paragraph
8 (3).

9 (e) GAO REPORT.—Not later than one year prior to
10 the sunset of the Program pursuant to subsection (b)(6),
11 the Comptroller General of the United States shall trans-
12 mit to the Committee on Foreign Relations of the Senate
13 and the Committee on Foreign Affairs of the House of
14 Representatives a report that includes the following:

15 (1) An analysis of United States Government
16 participants in the Program, including the number
17 of applicants and the number of fellowships under-
18 taken, the places of employment.

19 (2) An assessment of the costs and benefits for
20 participants in the Program and for the United
21 States Government of such fellowships.

22 (3) An analysis of the financial impact of the
23 fellowship on United States Government offices that
24 have detailed fellows to participate in the Program.

1 (4) Recommendations, if any, on how to im-
2 prove the Program.

3 (f) FUNDING.—

4 (1) AUTHORIZATION OF APPROPRIATIONS.—
5 There are authorized to be appropriated to the
6 American Institute in Taiwan—

7 (A) for fiscal year 2022, \$2,900,000, of
8 which \$500,000 should be used by an appro-
9 priate implementing partner to launch the Pro-
10 gram; and

11 (B) for fiscal year 2023, and each suc-
12 ceeding fiscal year, \$2,400,000.

13 (2) PRIVATE SOURCES.—The implementing
14 partner selected to implement the Program may ac-
15 cept, use, and dispose of gifts or donations of serv-
16 ices or property in carrying out such program, sub-
17 ject to the review and approval of the American In-
18 stitute in Taiwan.