

116TH CONGRESS
2D SESSION

S. 4327

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

IN THE SENATE OF THE UNITED STATES

JULY 27, 2020

Mr. RUBIO (for Mr. MARKEY for himself and Mr. RUBIO) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

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
10 policy “to preserve and promote extensive, close, and

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

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

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

19 (4) The creation of a United States fellowship
20 program with Taiwan would support a key priority
21 of expanding people-to-people exchanges, which was
22 outlined in the President’s 2017 National Security
23 Strategy.

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

1 (1) to further strengthen the United States-Tai-
2 wan strategic partnership and broaden under-
3 standing of the Indo-Pacific region by temporarily
4 assigning officials of any branch of the United
5 States Government to Taiwan for intensive study in
6 Mandarin and placement as Fellows with Taiwan
7 authorities or a Taiwanese civic institution;

8 (2) to provide for eligible United States per-
9 sonnel to learn Mandarin Chinese and expand their
10 understanding of the political economy of Taiwan
11 and the Indo-Pacific region;

12 (3) to better position the United States to ad-
13 vance its economic, security, and human rights in-
14 terests in the Indo-Pacific region; and

15 (4) to encourage further expansion of other
16 people-to-people exchanges, including by expanding
17 the Fulbright Scholars Program, the International
18 Visitors Leadership Program, and other exchange
19 programs that permit the people of Taiwan to work
20 and study in the United States.

21 **SEC. 3. DEFINITIONS.**

22 In this Act:

23 (1) AGENCY HEAD.—The term “agency head”
24 means—

1 (A) in the case of the executive branch of
2 United States Government or an agency of the
3 legislative branch other than the Senate or the
4 House of Representatives, the head of the re-
5 spective agency;

6 (B) in the case of the judicial branch of
7 United States Government, the chief judge of
8 the respective court;

9 (C) in the case of the Senate, the Presi-
10 dent pro tempore, in consultation with the ma-
11 jority leader and the minority leader of the Sen-
12 ate; and

13 (D) in the case of the House of Represent-
14 atives, the Speaker of the House, in consulta-
15 tion with the majority leader and the minority
16 leader of the House of Representatives.

17 (2) AGENCY OF THE UNITED STATES GOVERN-
18 MENT.—The term “agency of the United States
19 Government” includes any agency of the legislative
20 branch and any court of the judicial branch as well
21 as any 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 he or she is employed.

14 (5) IMPLEMENTING PARTNER.—The term “im-
15 plementing partner” means any United States orga-
16 nization described in 501(c)(3) of the Internal Rev-
17 enue Code of 1986 that—

18 (A) performs logistical, administrative, and
19 other functions, as determined by the Depart-
20 ment of State and the American Institute of
21 Taiwan in support of the Taiwan Fellowship
22 Program; and

23 (B) enters into a cooperative agreement
24 with the American Institute in Taiwan to ad-
25 minister the Taiwan Fellowship Program.

1 **SEC. 4. ESTABLISHMENT OF TAIWAN FELLOWSHIP PRO-**
2 **GRAM.**

3 (a) ESTABLISHMENT.—The Secretary of State shall
4 establish the “Taiwan Fellowship Program” to provide 2-
5 year fellowship opportunities in Taiwan for eligible United
6 States citizens. The Department of State, in consultation
7 with the American Institute in Taiwan and the imple-
8 menting partner, may modify the program name.

9 (b) GRANTS.—

10 (1) IN GENERAL.—The American Institute in
11 Taiwan should use amounts appropriated pursuant
12 to section 7(a) to provide annual or multi-year
13 grants to an appropriate implementing partner.

14 (2) FELLOWSHIPS.—The Department of State,
15 in consultation with the American Institute in Tai-
16 wan and, as appropriate, the implementing partner,
17 should annually award not fewer than 10 2-year fel-
18 lowships (based on available funding) to eligible
19 United States citizens.

20 (c) INTERNATIONAL AGREEMENT; IMPLEMENTING
21 PARTNER.—Not later than 30 days after the date of the
22 enactment of this Act, the American Institute in Taiwan,
23 in consultation with the Department of State, should—

24 (1) begin negotiations with the Taipei Economic
25 and Cultural Representative Office, or with another
26 appropriate entity, for the purpose of entering into

1 an agreement to facilitate the placement of fellows
 2 in an agency of the Taiwan authorities during the
 3 second year of their fellowships; and

4 (2) begin the process of selecting an imple-
 5 menting partner, which—

6 (A) shall agree to meet all of the legal re-
 7 quirements required to operate in Taiwan; and

8 (B) shall be composed of staff who dem-
 9 onstrate significant experience managing ex-
 10 change programs in the Indo-Pacific region.

11 (d) CURRICULUM.—

12 (1) FIRST YEAR.—During the first year of each
 13 fellowship under this section, each fellow should
 14 study—

15 (A) the Mandarin Chinese language;

16 (B) the people, history, and political cli-
 17 mate on Taiwan; and

18 (C) the issues affecting the relationship be-
 19 tween the United States and the Indo-Pacific
 20 region.

21 (2) SECOND YEAR.—During the second year of
 22 each fellowship under this section, each fellow, sub-
 23 ject to the approval of the Department of State, the
 24 American Institute in Taiwan, and the implementing

1 partner, and in accordance with the purposes of this
2 Act, shall work in—

3 (A) a parliamentary office, ministry, or
4 other agency of Taiwan authorities; or

5 (B) an organization outside of Taiwan au-
6 thorities, whose interests are associated with
7 the interests of the fellow and the agency of the
8 United States Government from which the fel-
9 low had been employed.

10 (e) PILOT PROGRAM.—Notwithstanding any require-
11 ment under this section, during fiscal years 2021 and
12 2022, the Secretary of State may select fewer than 10 fel-
13 lows for placement in a parliamentary office, ministry, or
14 other agency of Taiwan authorities for a period shorter
15 than 1 year.

16 **SEC. 5. PROGRAM REQUIREMENTS.**

17 (a) ELIGIBILITY REQUIREMENTS.—A United States
18 citizen is eligible for a fellowship under section 4 if he or
19 she—

20 (1) is an employee of the United States Govern-
21 ment;

22 (2) has at least 2 years of experience in any
23 branch of the United States Government;

24 (3) has a demonstrated professional or edu-
25 cational background in the relationship between the

1 United States and countries in the Indo-Pacific re-
2 gion;

3 (4) has demonstrated his or her commitment to
4 further service in the United States Government;
5 and

6 (5) meets any other qualifications established
7 by the Department of State, the American Institute
8 in Taiwan and, as appropriate, its implementing
9 partner.

10 (b) RESPONSIBILITIES OF FELLOWS.—Each recipi-
11 ent of a fellowship under this Act shall agree, as a condi-
12 tion of such fellowship—

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

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

21 (3) to continue Federal Government employ-
22 ment for a period of not less than 4 years after the
23 conclusion of the fellowship.

24 (c) RESPONSIBILITIES OF IMPLEMENTING PART-
25 NER.—

1 (1) SELECTION OF FELLOWS.—The imple-
2 menting partner, in close coordination with the De-
3 partment of State and the American Institute in
4 Taiwan, shall—

5 (A) make efforts to recruit fellowship can-
6 didates who reflect the diversity of the United
7 States; and

8 (B) select fellows for the Taiwan Fellow-
9 ship Program based solely on merit, with appro-
10 priate supervision from the Department of
11 State and the American Institute in Taiwan.

12 (2) FIRST YEAR.—The implementing partner
13 should provide each fellow in the first year of his or
14 her fellowship with—

15 (A) intensive Mandarin Chinese language
16 training; and

17 (B) courses in the political economy of
18 Taiwan, China, and the broader Indo-Pacific.

19 (3) WAIVER OF REQUIRED TRAINING.—The De-
20 partment of State, in coordination with the Amer-
21 ican Institute in Taiwan and, as appropriate, the im-
22 plementing partner, may waive any of the training
23 required under paragraph (1) to the extent that a
24 fellow has Mandarin language skills, knowledge of
25 the topic described in paragraph (2)(B), or for other

1 reasons approved by the Department of State and
2 the American Institute in Taiwan. If any of the
3 training requirement is waived for a fellow, the first
4 year of his or her fellowship may be shortened to the
5 extent appropriate.

6 (4) OFFICE; STAFFING.—The implementing
7 partner, in consultation with the Department of
8 State and the American Institute in Taiwan, shall
9 maintain an office and at least 1 full-time staff
10 member in Taiwan—

11 (A) to liaise with the American Institute in
12 Taiwan and Taiwan authorities; and

13 (B) to serve as the primary in-country
14 point of contact for the recipients of fellowships
15 under this Act and their dependents.

16 (5) OTHER FUNCTIONS.—The implementing
17 partner shall perform other functions in association
18 in support of the Taiwan Fellowship Program, in-
19 cluding logistical and administrative functions, as
20 prescribed by the Department of State and the
21 American Institute in Taiwan.

22 (d) NONCOMPLIANCE.—

23 (1) IN GENERAL.—Any fellow who fails to com-
24 ply with the requirements under this section shall re-
25 imburse the American Institute in Taiwan for—

1 (A) the Federal funds expended for the fel-
 2 low's participation in the fellowship, as set forth
 3 in paragraphs (2) and (3); and

4 (B) interest accrued on such funds (cal-
 5 culated at the prevailing rate).

6 (2) FULL REIMBURSEMENT.—Any fellow who
 7 violates paragraph (1) or (2) of subsection (b) shall
 8 reimburse the American Institute in Taiwan in an
 9 amount equal to the sum of—

10 (A) all of the Federal funds expended for
 11 the fellow's participation in the fellowship; and

12 (B) interest on the amount specified in
 13 subparagraph (A), which shall be calculated at
 14 the prevailing rate.

15 (3) PRO RATA REIMBURSEMENT.—Any fellow
 16 who violates subsection (b)(3) shall reimburse the
 17 American Institute in Taiwan in an amount equal to
 18 the difference between—

19 (A) the amount specified in paragraph (2);
 20 and

21 (B) the product of—

22 (i) the amount the fellow received in
 23 compensation during the final year of the
 24 fellowship, including the value of any al-

1 lowances and benefits received by the fel-
2 low; multiplied by
3 (ii) the percentage of the period speci-
4 fied in subsection (b)(3) during which the
5 fellow did not remain employed by the
6 Federal Government.

7 (e) ANNUAL REPORT.—Not later than 90 days after
8 the selection of the first class of fellows under this Act,
9 and annually thereafter, the Department of State shall
10 offer to brief the appropriate congressional committees re-
11 garding the following issues:

12 (1) An assessment of the performance of the
13 implementing partner in fulfilling the purposes of
14 this Act.

15 (2) The names and sponsoring agencies of the
16 fellows selected by the implementing partner and the
17 extent to which such fellows represent the diversity
18 of the United States.

19 (3) The names of the parliamentary offices,
20 ministries, other agencies of the Taiwan authorities,
21 and nongovernmental institutions to which each fel-
22 low was assigned during the second year of the fel-
23 lowship.

24 (4) Any recommendations, as appropriate, to
25 improve the implementation of the Taiwan Fellows

1 Program, including added flexibilities in the admin-
2 istration of the program.

3 (5) An assessment of the Taiwan Fellows Pro-
4 gram's value upon the relationship between the
5 United States and Taiwan or the United States and
6 Asian countries.

7 (f) ANNUAL FINANCIAL AUDIT.—

8 (1) IN GENERAL.—The financial records of any
9 implementing partner shall be audited annually in
10 accordance with generally accepted auditing stand-
11 ards by independent certified public accountants or
12 independent licensed public accountants who are cer-
13 tified or licensed by a regulatory authority of a State
14 or another political subdivision of the United States.

15 (2) LOCATION.—Each audit under paragraph
16 (1) shall be conducted at the place or places where
17 the financial records of the implementing partner
18 are normally kept.

19 (3) ACCESS TO DOCUMENTS.—The imple-
20 menting partner shall make available to the account-
21 ants conducting an audit under paragraph (1)—

22 (A) all books, financial records, files, other
23 papers, things, and property belonging to, or in
24 use by, the implementing partner that are nec-
25 essary to facilitate the audit; and

1 (B) full facilities for verifying transactions
2 with the balances or securities held by deposi-
3 tories, fiscal agents, and custodians.

4 (4) REPORT.—

5 (A) IN GENERAL.—Not later than 6
6 months after the end of each fiscal year, the
7 implementing partner shall provide a report of
8 the audit conducted for such fiscal year under
9 paragraph (1) to the Department of State and
10 the American Institute in Taiwan.

11 (B) CONTENTS.—Each audit report
12 shall—

13 (i) set forth the scope of the audit;

14 (ii) include such statements, along
15 with the auditor's opinion of those state-
16 ments, as may be necessary to present fair-
17 ly the implementing partner's assets and
18 liabilities, surplus or deficit, with reason-
19 able detail;

20 (iii) include a statement of the imple-
21 menting partner's income and expenses
22 during the year; and

23 (iv) include a schedule of—

1 (I) all contracts and grants re-
2 quiring payments greater than
3 \$5,000; and

4 (II) any payments of compensa-
5 tion, salaries, or fees at a rate greater
6 than \$5,000 per year.

7 (C) COPIES.—Each audit report shall be
8 produced in sufficient copies for distribution to
9 the public.

10 **SEC. 6. TAIWAN FELLOWS ON DETAIL FROM GOVERNMENT**
11 **SERVICE.**

12 (a) IN GENERAL.—

13 (1) DETAIL AUTHORIZED.—With the approval
14 of the Secretary of State, an agency head may de-
15 tail, for a period of not more than 2 years, an em-
16 ployee of the agency of the United States Govern-
17 ment who has been awarded a fellowship under this
18 Act, to the American Institute in Taiwan for the
19 purpose of assignment to Taiwan authorities or an
20 organization described in section 4(d)(2)(B).

21 (2) AGREEMENT.—Each detailee shall enter
22 into a written agreement with the Federal Govern-
23 ment before receiving a fellowship, in which the fel-
24 low shall agree—

1 (A) to continue in the service of the spon-
2 soring agency at the end of the fellowship for
3 a period of at least 2 years unless the detailee
4 is involuntarily separated from the service of
5 such agency or participates in a pilot program
6 authorized under section 4(e); and

7 (B) to pay to the American Institute in
8 Taiwan any additional expenses incurred by the
9 Federal Government in connection with the fel-
10 lowship if the detailee voluntarily separates
11 from service with the sponsoring agency before
12 the end of the period for which the detailee has
13 agreed to continue in the service of such agen-
14 cy.

15 (3) EXCEPTION.—The payment agreed to under
16 paragraph (2)(B) may not be required of a detailee
17 who leaves the service of the sponsoring agency to
18 enter into the service of another agency of the
19 United States Government unless the head of the
20 sponsoring agency notifies the detailee before the ef-
21 fective date of entry into the service of the other
22 agency that payment will be required under this sub-
23 section.

24 (b) STATUS AS GOVERNMENT EMPLOYEE.—A
25 detailee—

1 (1) is deemed, for the purpose of preserving al-
2 lowances, privileges, rights, seniority, and other ben-
3 efits, to be an employee of the sponsoring agency;

4 (2) is entitled to pay, allowances, and benefits
5 from funds available to such agency, which is
6 deemed to comply with section 5536 of title 5,
7 United States Code; and

8 (3) may be assigned to a position with an entity
9 described in section 4(d)(2)(A) if acceptance of such
10 position does not involve—

11 (A) the taking of an oath of allegiance to
12 another government; or

13 (B) the acceptance of compensation or
14 other benefits from any foreign government by
15 such detailee.

16 (c) RESPONSIBILITIES OF SPONSORING AGENCY.—

17 (1) IN GENERAL.—The Federal agency from
18 which a detailee is detailed should provide the fellow
19 allowances and benefits that are consistent with De-
20 partment of State Standardized Regulations or other
21 applicable rules and regulations, including—

22 (A) a living quarters allowance to cover the
23 cost of housing in Taiwan;

24 (B) a cost of living allowance to cover any
25 possible higher costs of living in Taiwan;

1 (C) a temporary quarters subsistence al-
 2 lowance for up to 7 days if the fellow is unable
 3 to find housing immediately upon arriving in
 4 Taiwan;

5 (D) an education allowance to assist par-
 6 ents in providing the fellow's minor children
 7 with educational services ordinarily provided
 8 without charge by public schools in the United
 9 States;

10 (E) moving expenses to transport personal
 11 belongings of the fellow and his or her family
 12 in their move to Taiwan, which is comparable
 13 to the allowance given for American Institute in
 14 Taiwan employees assigned to Taiwan; and

15 (F) an economy-class airline ticket to and
 16 from Taiwan for each fellow and the fellow's
 17 immediate family.

18 (2) MODIFICATION OF BENEFITS.—The Amer-
 19 ican Institute in Taiwan and its implementing part-
 20 ner, with the approval of the Department of State,
 21 may modify the benefits set forth in paragraph (1)
 22 if such modification is warranted by fiscal cir-
 23 cumstances.

24 (d) NO FINANCIAL LIABILITY.—The American Insti-
 25 tute in Taiwan, the implementing partner, and any Tai-

1 wan authorities or nongovernmental entities in Taiwan at
 2 which a fellow is detailed during the second year of the
 3 fellowship may not be held responsible for the pay, allow-
 4 ances, or any other benefit normally provided to the
 5 detailee.

6 (e) REIMBURSEMENT.—Fellows may be detailed
 7 under subsection (a)(1) without reimbursement to the
 8 United States by the American Institute in Taiwan.

9 (f) ALLOWANCES AND BENEFITS.—Detailees may be
 10 paid by the American Institute in Taiwan for the allow-
 11 ances and benefits listed in subsection (c).

12 **SEC. 7. FUNDING.**

13 (a) AUTHORIZATION OF APPROPRIATIONS.—There
 14 are authorized to be appropriated to the American Insti-
 15 tute in Taiwan—

16 (1) for fiscal year 2021, \$500,000 to launch the
 17 Taiwan Fellowship Program through the issuance of
 18 a competitive grant to an appropriate implementing
 19 partner; and

20 (2) for fiscal year 2021, and each succeeding
 21 fiscal year, \$3,200,000, of which—

22 (A) \$2,300,000 shall be used for a grant
 23 to the appropriate implementing partner; and

24 (B) \$100,000 shall be used for manage-
 25 ment expenses of the American Institute in Tai-

1 wan related to the management of the Taiwan
2 Fellowship Program.

3 (b) PRIVATE SOURCES.—The implementing partner
4 selected to implement the Taiwan Fellowship Program
5 may accept, use, and dispose of gifts or donations of serv-
6 ices or property in carrying out such program, subject to
7 the review and approval of the American Institute in Tai-
8 wan.

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