

117TH CONGRESS
1ST SESSION

S. 811

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

IN THE SENATE OF THE UNITED STATES

MARCH 17 (legislative day, MARCH 16), 2021

Mr. MARKEY (for himself, Mr. RUBIO, Mr. COONS, Mr. HAGERTY, and Mrs. SHAHEEN) 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) to further strengthen the United States-Taiwan strategic partnership and broaden understanding of the Indo-Pacific region by temporarily assigning officials of any branch of the United States Government to Taiwan for intensive study in Mandarin and placement as Fellows with the governing authorities on Taiwan or a Taiwanese civic institution;

(2) to provide for eligible United States personnel to learn or strengthen Mandarin Chinese language skills and to expand their understanding of the political economy of Taiwan and the Indo-Pacific region; and

(3) to better position the United States to advance its economic, security, and human rights interests and values in the Indo-Pacific region.

SEC. 3. DEFINITIONS.

In this Act:

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

(A) in the case of the executive branch of United States Government or an agency of the legislative branch other than the Senate or the House of Representatives, the head of the respective agency;

1 (B) in the case of the judicial branch of
2 United States Government, the chief judge of
3 the respective court;

4 (C) in the case of the Senate, the Presi-
5 dent pro tempore, in consultation with the ma-
6 jority leader and the minority leader of the Sen-
7 ate; and

8 (D) in the case of the House of Represent-
9 atives, the Speaker of the House, in consulta-
10 tion with the majority leader and the minority
11 leader of the House of Representatives.

12 (2) AGENCY OF THE UNITED STATES GOVERN-
13 MENT.—The term “agency of the United States
14 Government” includes any agency of the legislative
15 branch and any court of the judicial branch as well
16 as any agency of the executive branch.

17 (3) APPROPRIATE CONGRESSIONAL COMMIT-
18 TEES.—The term “appropriate congressional com-
19 mittees” means—

20 (A) the Committee on Appropriations of
21 the Senate;

22 (B) the Committee on Foreign Relations of
23 the Senate;

24 (C) the Committee on Appropriations of
25 the House of Representatives; and

1 (D) the Committee on Foreign Affairs of
2 the House of Representatives.

3 (4) DETAILEE.—The term “detailee”—

4 (A) means an employee of a branch of the
5 United States Government on loan to the Amer-
6 ican Institute in Taiwan, without a change of
7 position from the agency at which he or she is
8 employed; and

9 (B) does not include employees of the leg-
10 islative branch, who may separate from their
11 branch in order to fulfill the terms of their fel-
12 lowship pursuant to section 6(g).

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

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

22 (B) enters into a cooperative agreement
23 with the American Institute in Taiwan to ad-
24 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” (referred to
5 in this section as the “Program”) to provide a fellowship
6 opportunity in Taiwan of up to 2 years for eligible United
7 States citizens. The Department of State, in consultation
8 with the American Institute in Taiwan and the imple-
9 menting partner, may modify the name of the Program.

10 (b) GRANTS.—

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

15 (2) FELLOWSHIPS.—The Department of State,
16 in consultation with the American Institute in Tai-
17 wan and, as appropriate, the implementing partner,
18 should award to eligible United States citizens, sub-
19 ject to available funding—

20 (A) not fewer than 5 fellowships during
21 each of the first 2 years of the Program; and

22 (B) not fewer than 10 fellowships during
23 each of the remaining years of the Program.

24 (c) INTERNATIONAL AGREEMENT; IMPLEMENTING
25 PARTNER.—Not later than 30 days after the date of the

1 enactment of this Act, the American Institute in Taiwan,
 2 in consultation with the Department of State, should—

3 (1) begin negotiations with the Taipei Economic
 4 and Cultural Representative Office, or with another
 5 appropriate entity, for the purpose of entering into
 6 an agreement to facilitate the placement of fellows
 7 in an agency of the governing authorities on Taiwan;
 8 and

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

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

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

16 (d) CURRICULUM.—

17 (1) FIRST YEAR.—During the first year of each
 18 fellowship under this section, each fellow should
 19 study—

20 (A) the Mandarin Chinese language;

21 (B) the people, history, and political cli-
 22 mate on Taiwan; and

23 (C) the issues affecting the relationship be-
 24 tween the United States and the Indo-Pacific
 25 region.

1 (2) SECOND YEAR.—During the second year of
2 each fellowship under this section, each fellow, sub-
3 ject to the approval of the Department of State, the
4 American Institute in Taiwan, and the implementing
5 partner, and in accordance with the purposes of this
6 Act, shall work in—

7 (A) a parliamentary office, ministry, or
8 other agency of the governing authorities on
9 Taiwan; or

10 (B) an organization outside of the gov-
11 erning authorities on Taiwan, whose interests
12 are associated with the interests of the fellow
13 and the agency of the United States Govern-
14 ment from which the fellow had been employed.

15 (e) FLEXIBLE FELLOWSHIP DURATION.—Notwith-
16 standing any requirement under this section, the Sec-
17 retary of State, in consultation with the American Insti-
18 tute in Taiwan and, as appropriate, the implementing
19 partner, may alter the curriculum requirements under
20 subsection (d) for fellows whose placement in a parliamen-
21 tary office, ministry, or other agency of the governing au-
22 thorities on Taiwan is for a period shorter than 2 years.

1 **SEC. 5. PROGRAM REQUIREMENTS.**

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

5 (1) is an employee of the United States Govern-
6 ment;

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

9 (3) has a demonstrated professional or edu-
10 cational background in the relationship between the
11 United States and countries in the Indo-Pacific re-
12 gion; and

13 (4) has demonstrated his or her commitment to
14 further service in the United States Government.

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

18 (1) to maintain satisfactory progress in lan-
19 guage training and appropriate behavior in Taiwan,
20 as determined by the Department of State, the
21 American Institute in Taiwan and, as appropriate,
22 its implementing partner;

23 (2) to refrain from engaging in any intelligence
24 or intelligence-related activity on behalf of the
25 United States Government; and

1 (3) to continue Federal Government employ-
2 ment for a period of not less than 4 years after the
3 conclusion of the fellowship or for not less than 2
4 years for a fellowship that is 1 year or shorter.

5 (c) RESPONSIBILITIES OF IMPLEMENTING PART-
6 NER.—

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

11 (A) make efforts to recruit fellowship can-
12 didates who reflect the diversity of the United
13 States;

14 (B) select fellows for the Taiwan Fellow-
15 ship Program based solely on merit, with appro-
16 priate supervision from the Department of
17 State and the American Institute in Taiwan;
18 and

19 (C) prioritize the selection of candidates
20 willing to serve a fellowship lasting 1 year or
21 longer.

22 (2) FIRST YEAR.—The implementing partner
23 should provide each fellow in the first year (or short-
24 er duration, as jointly determined by the Depart-
25 ment of State and the American Institute in Taiwan

1 for those who are not serving a 2-year fellowship)
2 with—

3 (A) intensive Mandarin Chinese language
4 training; and

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

7 (3) WAIVER OF REQUIRED TRAINING.—The De-
8 partment of State, in coordination with the Amer-
9 ican Institute in Taiwan and, as appropriate, the im-
10 plementing partner, may waive any of the training
11 required under paragraph (2) to the extent that a
12 fellow has Mandarin language skills, knowledge of
13 the topic described in paragraph (2)(B), or for other
14 related reasons approved by the Department of
15 State and the American Institute in Taiwan. If any
16 of the training requirements are waived for a fellow
17 serving a 2-year fellowship, the training portion of
18 his or her fellowship may be shortened to the extent
19 appropriate.

20 (4) OFFICE; STAFFING.—The implementing
21 partner, in consultation with the Department of
22 State and the American Institute in Taiwan, shall
23 maintain an office and at least 1 full-time staff
24 member in Taiwan—

1 (A) to liaise with the American Institute in
 2 Taiwan and the governing authorities on Tai-
 3 wan; and

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

7 (5) OTHER FUNCTIONS.—The implementing
 8 partner shall perform other functions in association
 9 in support of the Taiwan Fellowship Program, in-
 10 cluding logistical and administrative functions, as
 11 prescribed by the Department of State and the
 12 American Institute in Taiwan.

13 (d) NONCOMPLIANCE.—

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

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

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

22 (2) FULL REIMBURSEMENT.—Any fellow who
 23 violates paragraph (1) or (2) of subsection (b) shall
 24 reimburse the American Institute in Taiwan in an
 25 amount equal to the sum of—

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

3 (B) interest on the amount specified in
 4 subparagraph (A), which shall be calculated at
 5 the prevailing rate.

6 (3) PRO RATA REIMBURSEMENT.—Any fellow
 7 who violates subsection (b)(3) shall reimburse the
 8 American Institute in Taiwan in an amount equal to
 9 the difference between—

10 (A) the amount specified in paragraph (2);

11 and

12 (B) the product of—

13 (i) the amount the fellow received in
 14 compensation during the final year of the
 15 fellowship, including the value of any al-
 16 lowances and benefits received by the fel-
 17 low; multiplied by

18 (ii) the percentage of the period speci-
 19 fied in subsection (b)(3) during which the
 20 fellow did not remain employed by the
 21 Federal Government.

22 (e) ANNUAL REPORT.—Not later than 90 days after
 23 the selection of the first class of fellows under this Act,
 24 and annually thereafter, the Department of State shall

1 offer to brief the appropriate congressional committees re-
2 garding the following issues:

3 (1) An assessment of the performance of the
4 implementing partner in fulfilling the purposes of
5 this Act.

6 (2) The names and sponsoring agencies of the
7 fellows selected by the implementing partner and the
8 extent to which such fellows represent the diversity
9 of the United States.

10 (3) The names of the parliamentary offices,
11 ministries, other agencies of the governing authori-
12 ties on Taiwan, and nongovernmental institutions to
13 which each fellow was assigned during the second
14 year of the fellowship.

15 (4) Any recommendations, as appropriate, to
16 improve the implementation of the Taiwan Fellows
17 Program, including added flexibilities in the admin-
18 istration of the program.

19 (5) An assessment of the Taiwan Fellows Pro-
20 gram's value upon the relationship between the
21 United States and Taiwan or the United States and
22 Asian countries.

23 (f) ANNUAL FINANCIAL AUDIT.—

24 (1) IN GENERAL.—The financial records of any
25 implementing partner shall be audited annually in

1 accordance with generally accepted auditing stand-
2 ards by independent certified public accountants or
3 independent licensed public accountants who are cer-
4 tified or licensed by a regulatory authority of a State
5 or another political subdivision of the United States.

6 (2) LOCATION.—Each audit under paragraph
7 (1) shall be conducted at the place or places where
8 the financial records of the implementing partner
9 are normally kept.

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

13 (A) all books, financial records, files, other
14 papers, things, and property belonging to, or in
15 use by, the implementing partner that are nec-
16 essary to facilitate the audit; and

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

20 (4) REPORT.—

21 (A) IN GENERAL.—Not later than 6
22 months after the end of each fiscal year, the
23 implementing partner shall provide a report of
24 the audit conducted for such fiscal year under

1 paragraph (1) to the Department of State and
2 the American Institute in Taiwan.

3 (B) CONTENTS.—Each audit report
4 shall—

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

6 (ii) include such statements, along
7 with the auditor's opinion of those state-
8 ments, as may be necessary to present fair-
9 ly the implementing partner's assets and
10 liabilities, surplus or deficit, with reason-
11 able detail;

12 (iii) include a statement of the imple-
13 menting partner's income and expenses
14 during the year; and

15 (iv) include a schedule of—

16 (I) all contracts and grants re-
17 quiring payments greater than
18 \$5,000; and

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

22 (C) COPIES.—Each audit report shall be
23 produced in sufficient copies for distribution to
24 the public.

1 **SEC. 6. TAIWAN FELLOWS ON DETAIL FROM GOVERNMENT**
2 **SERVICE.**

3 (a) IN GENERAL.—

4 (1) DETAIL AUTHORIZED.—With the approval
5 of the Secretary of State, an agency head may de-
6 tail, for a period of not more than 2 years, an em-
7 ployee of the agency of the United States Govern-
8 ment who has been awarded a fellowship under this
9 Act, to the American Institute in Taiwan for the
10 purpose of assignment to the governing authorities
11 on Taiwan or an organization described in section
12 4(d)(2)(B).

13 (2) AGREEMENT.—Each detailee, or legislative
14 branch employee who separates from service of the
15 sponsoring agency, shall enter into a written agree-
16 ment with the Federal Government before receiving
17 a fellowship, in which the fellow shall agree—

18 (A) to continue in the service of the spon-
19 soring agency at the end of fellowship for a pe-
20 riod of at least 4 years (or at least 2 years if
21 the fellowship duration is 1 year or shorter) un-
22 less the detailee is involuntarily separated from
23 the service of such agency; and

24 (B) to pay to the American Institute in
25 Taiwan any additional expenses incurred by the
26 Federal Government in connection with the fel-

1 fellowship if the detailee voluntarily separates
2 from service with the sponsoring agency before
3 the end of the period for which the detailee has
4 agreed to continue in the service of such agen-
5 cy.

6 (3) EXCEPTION.—The payment agreed to under
7 paragraph (2)(B) may not be required of—

8 (A) a detailee who leaves the service of the
9 sponsoring agency to enter into the service of
10 another agency of the United States Govern-
11 ment unless the head of the sponsoring agency
12 notifies the detailee before the effective date of
13 entry into the service of the other agency that
14 payment will be required under this subsection;
15 or

16 (B) a legislative branch employee who sep-
17 arates from service of such agency to partici-
18 pate in the fellowship.

19 (b) STATUS AS GOVERNMENT EMPLOYEE.—A
20 detailee—

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

24 (2) is entitled to pay, allowances, and benefits
25 from funds available to such agency, which is

1 deemed to comply with section 5536 of title 5,
2 United States Code; and

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

6 (A) the taking of an oath of allegiance to
7 another government; or

8 (B) the acceptance of compensation or
9 other benefits from any foreign government by
10 such detailee.

11 (c) RESPONSIBILITIES OF SPONSORING AGENCY.—

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

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

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

21 (C) a temporary quarters subsistence al-
22 lowance for up to 7 days if the fellow is unable
23 to find housing immediately upon arriving in
24 Taiwan;

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

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

11 (F) an economy-class airline ticket to and
12 from Taiwan for each fellow and the fellow's
13 immediate family.

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

20 (d) NO FINANCIAL LIABILITY.—The American Insti-
21 tute in Taiwan, the implementing partner, and any gov-
22 erning authorities on Taiwan or nongovernmental entities
23 in Taiwan at which a fellow is detailed during the second
24 year of the fellowship may not be held responsible for the

1 pay, allowances, or any other benefit normally provided
2 to the detailee.

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

6 (f) ALLOWANCES AND BENEFITS.—Detailees and
7 legislative branch fellows who separate from service to par-
8 ticipate in the fellowship may be paid by the American
9 Institute in Taiwan for the allowances and benefits listed
10 in subsection (c).

11 (g) SEPARATION OF LEGISLATIVE BRANCH PER-
12 SONNEL DURING THE FELLOWSHIPS.—

13 (1) IN GENERAL.—Under such terms and con-
14 ditions as the agency head may direct, a legislative
15 branch agency of the United States Government
16 may separate from Government service for a speci-
17 fied period any officer or employee of such agency
18 who accepts a fellowship under the Taiwan Fellow-
19 ship Program and is not a detailee under subsection
20 (a).

21 (2) RIGHTS AND BENEFITS.—

22 (A) IN GENERAL.—Notwithstanding sec-
23 tion 8347(o), 8713, or 8914 of title 5, United
24 States Code, and in accordance with regulations
25 of the Office of Personnel Management, a legis-

1 lative branch employee, while serving as a fellow
 2 who is not a detailee under subsection (a), is
 3 entitled to the rights and benefits described in
 4 subsections (a) and (d) of section 3582 of title
 5 5, United States Code.

6 (B) REIMBURSEMENT.—The American In-
 7 stitute in Taiwan shall reimburse the employing
 8 agency for any costs incurred for fellows under
 9 subsections (a) and (d) of section 3582 of title
 10 5, United States Code, during a fellowship
 11 under this Act and may provide any other pay
 12 or allowances to such fellows.

13 **SEC. 7. FUNDING.**

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

17 (1) for fiscal year 2022, \$2,900,000, of which—

18 (A) \$500,000 shall be used to launch the
 19 Taiwan Fellowship Program through the
 20 issuance of a competitive grant to an appro-
 21 priate implementing partner;

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

24 (C) \$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; and

3 (2) for fiscal year 2023, and each succeeding
4 fiscal year, \$2,400,000, of which—

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

7 (B) \$100,000 shall be used for manage-
8 ment expenses of the American Institute in Tai-
9 wan related to the management of the Taiwan
10 Fellowship Program.

11 (b) PRIVATE SOURCES.—The implementing partner
12 selected to implement the Taiwan Fellowship Program
13 may accept, use, and dispose of gifts or donations of serv-
14 ices or property in carrying out such program, subject to
15 the review and approval of the American Institute in Tai-
16 wan.

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