

116TH CONGRESS
2D SESSION

S. _____

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

IN THE SENATE OF THE UNITED STATES

Mr. MARKEY (for himself and Mr. RUBIO) introduced the following bill; which
was read twice and 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
10 policy “to preserve and promote extensive, close, and
11 friendly commercial, cultural, and other relations be-

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

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

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

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

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

24 (1) to further strengthen the United States-Tai-
25 wan strategic partnership and broaden under-

1 standing of the Indo-Pacific region by temporarily
2 assigning officials of any branch of the United
3 States Government to Taiwan for intensive study in
4 Mandarin and placement as Fellows with Taiwan
5 central authorities or a Taiwanese civic institution;

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

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

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

19 **SEC. 3. DEFINITIONS.**

20 In this Act:

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

23 (A) in the case of the executive branch of
24 United States Government or an agency of the
25 legislative branch other than the Senate or the

1 House of Representatives, the head of the re-
2 spective agency;

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

6 (C) in the case of the Senate, the Presi-
7 dent pro tempore, in consultation with the Ma-
8 jority Leader and the Minority Leader of the
9 Senate; and

10 (D) in the case of the House of Represent-
11 atives, the Speaker of the House, in consulta-
12 tion with the Majority Leader and the Minority
13 Leader of the House of Representatives.

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

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

22 (A) the Committee on Appropriations of
23 the Senate;

24 (B) the Committee on Foreign Relations of
25 the Senate;

1 (C) the Committee on Appropriations of
2 the House of Representatives; and

3 (D) the Committee on Foreign Affairs of
4 the House of Representatives.

5 (4) DETAILEE.—The term “detailee” means an
6 employee of an agency of the United States Govern-
7 ment on loan to the American Institute in Taiwan
8 without a change of position from the agency at
9 which he or she is employed.

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

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

19 (B) enters into a cooperative agreement
20 with the American Institute in Taiwan to ad-
21 minister the Taiwan Fellowship Program.

22 **SEC. 4. ESTABLISHMENT OF TAIWAN FELLOWSHIP PRO-**
23 **GRAM.**

24 (a) ESTABLISHMENT.—The Secretary of State shall
25 establish the “Taiwan Fellowship Program” to provide 2-

1 year fellowship opportunities in Taiwan for eligible United
2 States citizens. The Department of State, in consultation
3 with the American Institute in Taiwan and the imple-
4 menting partner, may modify the program name.

5 (b) GRANTS.—

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

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

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

20 (1) begin negotiations with the Taipei Economic
21 and Cultural Representative Office, or with another
22 appropriate entity, for the purpose of entering into
23 an agreement to facilitate the placement of fellows
24 in an agency of the Taiwan authorities during the
25 second year of their fellowships; and

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

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

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

8 (d) CURRICULUM.—

9 (1) FIRST YEAR.—During the first year of each
10 fellowship under this section, each fellow should
11 study—

12 (A) the Mandarin Chinese language;

13 (B) the people, history, and political cli-
14 mate on Taiwan; and

15 (C) the issues affecting the relationship be-
16 tween the United States and the Indo-Pacific
17 region.

18 (2) SECOND YEAR.—During the second year of
19 each fellowship under this section, each fellow, sub-
20 ject to the approval of the Department of State, the
21 American Institute in Taiwan, and the implementing
22 partner, and in accordance with the purposes of this
23 Act, shall work in—

24 (A) a parliamentary office, ministry, or
25 other agency of Taiwan authorities; or

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

6 (e) PILOT PROGRAM.—Notwithstanding any require-
7 ment under this section, during fiscal years 2021 and
8 2022, the Secretary of State may select fewer than 10 fel-
9 lows for placement in a parliamentary office, ministry, or
10 other agency of Taiwan authorities for a period shorter
11 than 1 year.

12 **SEC. 5. PROGRAM REQUIREMENTS.**

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

16 (1) is an employee of the United States Govern-
17 ment;

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

20 (3) has a strong career interest in the relation-
21 ship between the United States and countries in the
22 Indo-Pacific region;

23 (4) has demonstrated his or her commitment to
24 further service in the United States Government;
25 and

1 (5) meets any other qualifications established
2 by the Department of State, the American Institute
3 in Taiwan and, as appropriate, its implementing
4 partner.

5 (b) RESPONSIBILITIES OF FELLOWS.—Each recipi-
6 ent of a fellowship under this Act should agree, as a condi-
7 tion of such fellowship—

8 (1) to maintain satisfactory progress in lan-
9 guage training and appropriate behavior in Taiwan,
10 as determined by the Department of State, the
11 American Institute in Taiwan and, as appropriate,
12 its implementing partner;

13 (2) to refrain from engaging in any intelligence
14 or intelligence-related activity on behalf of the
15 United States Government; and

16 (3) to continue Federal Government employ-
17 ment for a period of not less than 2 years after the
18 conclusion of the fellowship unless, if the imple-
19 menting partner determines, after consultation with
20 the American Institute of Taiwan, that the fellow is
21 unable to secure such employment for reasons be-
22 yond the fellow's control, after receiving assistance
23 from the sponsoring agency.

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 prium supervision from the Department of
11 State and the American Institute in Taiwan.

12 (2) FIRST YEAR.—The implementing partner
13 may 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 (d) NONCOMPLIANCE.—

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

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

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

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

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

7 (B) interest on the amount specified in
8 subparagraph (A), which shall be calculated at
9 the prevailing rate.

10 (3) PRO RATA REIMBURSEMENT.—Any fellow
11 who violates subsection (b)(3) shall reimburse the
12 American Institute in Taiwan in an amount equal to
13 the difference between—

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

15 and

16 (B) the product of—

17 (i) the amount the fellow received in
18 compensation during the final year of the
19 fellowship, including the value of any al-
20 lowances and benefits received by the fel-
21 low; multiplied by

22 (ii) the percentage of the period speci-
23 fied in subsection (b)(3) during which the
24 fellow did not remain employed by the
25 Federal Government.

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

6 (1) An assessment of the performance of the
7 implementing partner in fulfilling the purposes of
8 this Act.

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

13 (3) The names of the parliamentary offices,
14 ministries, other agencies of the Taiwan authorities,
15 and nongovernmental institutions to which each fel-
16 low was assigned during the second year of the fel-
17 lowship.

18 (4) Any recommendations to improve the imple-
19 mentation of the Taiwan Fellows Program, including
20 added flexibilities in the administration of the pro-
21 gram.

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

1 (f) ANNUAL FINANCIAL AUDIT.—

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

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

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

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

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

23 (4) REPORT.—

24 (A) IN GENERAL.—Not later than 6
25 months after the end of each fiscal year, the

1 implementing partner shall provide a report of
2 the audit conducted for such fiscal year under
3 paragraph (1) to the Department of State and
4 the American Institute in Taiwan.

5 (B) CONTENTS.—Each audit report
6 shall—

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

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

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

17 (iv) include a schedule of—

18 (I) all contracts and grants re-
19 quiring payments greater than
20 \$5,000; and

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

1 (C) COPIES.—Each audit report shall be
2 produced in sufficient copies for distribution to
3 the public.

4 **SEC. 6. TAIWAN FELLOWS ON DETAIL FROM GOVERNMENT**
5 **SERVICE.**

6 (a) IN GENERAL.—

7 (1) DETAIL AUTHORIZED.—With the approval
8 of the Secretary of State, an agency head may de-
9 tail, for a period of not more than 2 years, an em-
10 ployee of the agency of the United States Govern-
11 ment who has been awarded a fellowship under this
12 Act, to the American Institute in Taiwan.

13 (2) AGREEMENT.—Each detailee shall enter
14 into a written agreement with the Federal Govern-
15 ment before receiving a fellowship, in which the fel-
16 low shall agree—

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

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

1 lowship 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 a detailee
8 who leaves the service of the sponsoring agency to
9 enter into the service of another agency of the
10 United States Government unless the head of the
11 sponsoring agency notifies the detailee before the ef-
12 fective date of entry into the service of the other
13 agency that payment will be required under this sub-
14 section.

15 (b) STATUS AS GOVERNMENT EMPLOYEE.—A
16 detailee—

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

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

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

4 (A) the taking of an oath of allegiance to
5 another government; or

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

9 (c) RESPONSIBILITIES OF SPONSORING AGENCY.—

10 (1) IN GENERAL.—The Federal agency from
11 which a detailee is detailed should provide the fellow
12 allowances and benefits that are consistent with De-
13 partment of State Standardized Regulations, includ-
14 ing—

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

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

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

23 (D) an education allowance to assist par-
24 ents in providing the fellow's minor children
25 with educational services ordinarily provided

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

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

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

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

17 (d) NO FINANCIAL LIABILITY.—The American Insti-
18 tute in Taiwan, the implementing partner, and any gov-
19 ernmental or nongovernmental entity in Taiwan at which
20 a fellow is detailed during the second year of the fellowship
21 may not be held responsible for the pay, allowances, or
22 any other benefit normally provided to the detailee.

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

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

4 **SEC. 7. FUNDING.**

5 (a) AUTHORIZATION OF APPROPRIATIONS.—There
6 are authorized to be appropriated to the American Insti-
7 tute in Taiwan—

8 (1) for fiscal year 2021, \$500,000 to launch the
9 Taiwan Fellowship Program through the issuance of
10 a competitive grant to an appropriate implementing
11 partner; and

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

14 (A) \$3,100,000 shall be used for a grant
15 to the appropriate implementing partner; and

16 (B) \$100,000 shall be used for manage-
17 ment expenses of the American Institute in Tai-
18 wan related to the management of the Taiwan
19 Fellowship Program.

20 (b) PRIVATE SOURCES.—The implementing partner
21 selected to implement the Taiwan Fellowship Program
22 may accept, use, and dispose of gifts or donations of serv-
23 ices or property in carrying out such program, subject to
24 the review and approval of the American Institute in Tai-
25 wan.