

116TH CONGRESS  
2D SESSION

# H. R. 7414

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

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 29, 2020

Mr. YOHO (for himself and Mr. BERA) introduced the following bill; which was referred to the Committee on Foreign Affairs

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## 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 Sen-  
9 ate; 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 in  
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 shall 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.

19          (c) RESPONSIBILITIES OF IMPLEMENTING PART-  
20          NER.—

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

1 (A) make efforts to recruit fellowship can-  
2 didates who reflect the diversity of the United  
3 States; and

4 (B) select fellows for the Taiwan Fellow-  
5 ship Program based solely on merit, with appro-  
6 priate supervision from the Department of  
7 State and the American Institute in Taiwan.

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

11 (A) intensive Mandarin Chinese language  
12 training; and

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

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

1 year of his or her fellowship may be shortened to the  
2 extent appropriate.

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

8 (A) to liaise with the American Institute in  
9 Taiwan and Taiwan authorities; and

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

13 (5) OTHER FUNCTIONS.—The implementing  
14 partner shall perform other functions in association  
15 in support of the Taiwan Fellowship program to in-  
16 clude those logistical and administrative in nature as  
17 may be determined by the Department of State and  
18 the American Institute in Taiwan.

19 (d) NONCOMPLIANCE.—

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

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

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

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

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

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

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

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

17 and

18 (B) the product of—

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

24 (ii) the percentage of the period speci-  
25 fied in subsection (b)(3) during which the

1           fellow did not remain employed by the  
2           Federal Government.

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

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

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

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

20          (4) Any recommendations as appropriate to im-  
21          prove the implementation of the Taiwan Fellows  
22          Program, including added flexibilities in the admin-  
23          istration of the program.

24          (5) An assessment of the Taiwan Fellows Pro-  
25          gram's value upon the relationship between the

1 United States and Taiwan or the United States and  
2 Asian countries.

3 (f) ANNUAL FINANCIAL AUDIT.—

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

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

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

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

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

25 (4) REPORT.—

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

7 (B) CONTENTS.—Each audit report  
8 shall—

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

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

16 (iii) include a statement of the imple-  
17 menting partner’s income and expenses  
18 during the year; and

19 (iv) include a schedule of—

20 (I) all contracts and grants re-  
21 quiring payments greater than  
22 \$5,000; and

23 (II) any payments of compensa-  
24 tion, salaries, or fees at a rate greater  
25 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 for the  
13 purposes of assignment to Taiwan authorities or an  
14 organization under section 4(d)(2)(B).

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

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

1 (B) to pay to the American Institute in  
2 Taiwan any additional expenses incurred by the  
3 Federal Government in connection with the fel-  
4 lowship if the detailee voluntarily separates  
5 from service with the sponsoring agency before  
6 the end of the period for which the detailee has  
7 agreed to continue in the service of such agen-  
8 cy.

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

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

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

23 (2) is entitled to pay, allowances, and benefits  
24 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 au-  
22          thorities on Taiwan or nongovernmental entities in Tai-  
23          wan at which a fellow is detailed during the second year  
24          of the fellowship may not be held responsible for the pay,

1 allowances, or any other benefit normally provided to the  
2 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 may be  
7 paid by the American Institute in Taiwan for the allow-  
8 ances and benefits listed in subsection (c).

9 **SEC. 7. FUNDING.**

10 (a) AUTHORIZATION OF APPROPRIATIONS.—There  
11 are authorized to be appropriated to the American Insti-  
12 tute in Taiwan—

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

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

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

21 (B) \$100,000 shall be used for manage-  
22 ment expenses of the American Institute in Tai-  
23 wan related to the management of the Taiwan  
24 Fellowship Program.

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

○