

SUBCHAPTER IV—SUPPORTING UNITED STATES EDUCATIONAL AND EXCHANGE PROGRAMS WITH TAIWAN

**§ 3381. Findings**

Congress makes the following findings:

(1) The Taiwan Relations Act (Public Law 96-8; 22 U.S.C. 3301 et seq.) affirmed United States policy “to preserve and promote extensive, close, and friendly commercial, cultural, and other relations between the people of the United States and the people on Taiwan, as well as the people on the China mainland and all other peoples of the Western Pacific area”.

(2) Consistent with the Asia Reassurance Initiative Act of 2018 (Public Law 115-409), the United States has grown its strategic partnership with Taiwan’s vibrant democracy of 23,000,000 people.

(3) The creation of a United States fellowship program with Taiwan would support—

(A) a key priority of expanding people-to-people exchanges, which was outlined in President Donald J. Trump’s 2017 National Security Strategy;

(B) President Joseph R. Biden’s commitment to Taiwan, “a leading democracy and a critical economic and security partner”, as expressed in his March 2021 Interim National Security Strategic Guidance; and

(C) April 2021 guidance from the Department of State based on a review required under the Taiwan Assurance Act of 2020 (sub-title B of title III of division FF of Public Law 116-260) to “encourage U.S. government engagement with Taiwan that reflects our deepening unofficial relationship”.

(Pub. L. 117-263, div. E, title LV, § 5527, Dec. 23, 2022, 136 Stat. 3324.)

**Editorial Notes**

REFERENCES IN TEXT

The Taiwan Relations Act, referred to in par. (1), is Pub. L. 96-8, Apr. 10, 1979, 93 Stat. 14, which is classified generally to chapter 48 (§ 3301 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 3301 of this title and Tables.

The Asia Reassurance Initiative Act of 2018, referred to in par. (2), is Pub. L. 115-409, Dec. 31, 2018, 132 Stat. 5387. For complete classification of this Act to the Code, see Short Title of 2018 Amendment note set out under section 2651 of this title and Tables.

The Taiwan Assurance Act of 2020, referred to in par. (3)(C), is subtitle B (§§ 311-315) of Pub. L. 116-260, div. FF, title III, Dec. 27, 2020, 134 Stat. 3099, which enacted provisions set out as notes under section 3301 of this title. For complete classification of this Act to the Code, see Short Title of 2020 Amendment note set out under section 3301 of this title and Tables.

**§ 3382. Purposes**

The purposes of this subchapter 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 agencies of the United States Government to Taiwan for intensive study in Mandarin and placement as Fellows in a Taiwanese civic institution;

(2) to provide for eligible United States personnel—

(A) to learn or strengthen Mandarin Chinese language skills; and

(B) 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.

(Pub. L. 117-263, div. E, title LV, § 5528, Dec. 23, 2022, 136 Stat. 3325.)

**§ 3383. Definitions**

In this subchapter:

**(1) Agency head**

The term “agency head” means, in the case of the executive branch of United States Government or a legislative branch agency described in paragraph (2), the head of the respective agency.

**(2) Agency of the United States Government**

The term “agency of the United States Government” includes the Government Accountability Office, the Congressional Budget Office, and the Congressional Research Service of the legislative branch, as well as any agency of the executive branch.

**(3) Appropriate committees of Congress**

The term “appropriate committees of Congress” means—

(A) the Committee on Foreign Relations of the Senate;

(B) the Committee on Appropriations of the Senate;

(C) the Committee on Foreign Affairs of the House of Representatives; and

(D) the Committee on Appropriations of the House of Representatives.

**(4) Detailee**

The term “detailee” means—

(A) an employee of an agency of the United States Government on loan to the American Institute in Taiwan, without a change of position from the agency at which the employee is employed; and

(B) a legislative branch employee from the Government Accountability Office, Congressional Budget Office, or the Congressional Research Service.

**(5) Implementing partner**

The term “implementing partner” means any United States organization described in section 501(c)(3) of title 26 that—

(A) performs logistical, administrative, and other functions, as determined by the Department of State and the American Institute of Taiwan in support of the Taiwan Fellowship Program; and

(B) enters into a cooperative agreement with the American Institute in Taiwan to administer the Taiwan Fellowship Program.

**(6) Program**

The term “Program” means the Taiwan Fellowship Program established pursuant to section 3384 of this title.

(Pub. L. 117-263, div. E, title LV, § 5529, Dec. 23, 2022, 136 Stat. 3325.)

### § 3384. Taiwan Fellowship Program

#### (a) Establishment

The Secretary of State shall establish the Taiwan Fellowship Program (referred to in this section as the “Program”) to provide a fellowship opportunity in Taiwan of up to 2 years for eligible United States citizens. The Department of State, in consultation with the American Institute in Taiwan and the implementing partner, may modify the name of the Program.

#### (b) Cooperative agreement

##### (1) In general

The American Institute in Taiwan should use amounts appropriated pursuant to section 3387(a) of this title to enter into an annual or multi-year cooperative agreement with an appropriate implementing partner.

##### (2) Fellowships

The Department of State or the American Institute in Taiwan, in consultation with, as appropriate, the implementing partner, should award to eligible United States citizens, subject to available funding—

(A) approximately 5 fellowships during the first 2 years of the Program; and

(B) approximately 10 fellowships during each of the remaining years of the Program.

#### (c) American Institution<sup>1</sup> in Taiwan agreement; implementing partner

Not later than 30 days after December 23, 2022, the American Institute in Taiwan, in consultation with the Department of State, should—

(1) begin negotiations with the Taipei Economic and Cultural Representative Office, or with another appropriate entity, for the purpose of entering into an agreement to facilitate the placement of fellows in an agency of Taiwan; and

(2) begin the process of selecting an implementing partner, which—

(A) shall agree to meet all of the legal requirements required to operate in Taiwan; and

(B) shall be composed of staff who demonstrate significant experience managing exchange programs in the Indo-Pacific region.

#### (d) Curriculum

##### (1) First year

During the first year of each fellowship under this section, each fellow should study—

(A) the Mandarin Chinese language;

(B) the people, history, and political climate on Taiwan; and

(C) the issues affecting the relationship between the United States and the Indo-Pacific region.

##### (2) Second year

During the second year of each fellowship under this section, each fellow, subject to the approval of the Department of State, the American Institute in Taiwan, and the implementing partner, and in accordance with the purposes of this chapter, should work in—

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

(B) an organization outside the public sector in Taiwan, whose interests are associated with the interests of the fellow and the agency of the United States Government from which the fellow is or had been employed.

#### (e) Program requirements

##### (1) Eligibility requirements

A United States citizen is eligible for a fellowship under this section if the citizen—

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

(B) has received at least one exemplary performance review in his or her current United States Government role within at least the last three years prior to beginning the fellowship;

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

(D) has a demonstrated professional or educational background in the relationship between the United States and countries in the Indo-Pacific region; and

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

##### (2) Responsibilities of fellows

Each recipient of a fellowship under this section shall agree, as a condition of such fellowship—

(A) to maintain satisfactory progress in language training and appropriate behavior in Taiwan, consistent with United States Government policy toward Taiwan, as determined by the Department of State, the American Institute in Taiwan and, as appropriate, its implementing partner;

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

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

##### (3) Responsibilities of implementing partner

###### (A) Selection of fellows

The implementing partner, with the concurrence of the Department of State and the American Institute in Taiwan, shall—

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

(ii) select fellows for the Taiwan Fellowship Program based solely on merit, with appropriate supervision from the Department of State and the American Institute in Taiwan; and

(iii) prioritize the selection of candidates willing to serve in a fellowship lasting 1 year or longer.

###### (B) First year

The implementing partner should provide each fellow in the first year (or shorter duration, as jointly determined by the Department of State and the American Institute in Taiwan for those who are not serving a 2-year fellowship) with—

<sup>1</sup> So in original. Probably should be “Institute”.