

§ 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 Institution¹ 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—

¹ So in original. Probably should be “Institute”.

(i) intensive Mandarin Chinese language training; and

(ii) courses in the politics, culture, and history of Taiwan, China, and the broader Indo-Pacific.

(C) Waiver of first-year training

The Department of State, in coordination with the American Institute in Taiwan and, as appropriate, the implementing partner, may waive any of the training required under paragraph (2) to the extent that a fellow has Mandarin language skills, knowledge of the topic described in subparagraph (B)(ii), or for other related reasons approved by the Department of State and the American Institute in Taiwan. If any of the training requirements are waived for a fellow serving a 2-year fellowship, the training portion of his or her fellowship may be shortened to the extent appropriate.

(D) Office; staffing

The implementing partner, in consultation with the Department of State and the American Institute in Taiwan, may maintain an office and at least 1 full-time staff member in Taiwan—

(i) to liaise with the American Institute in Taiwan and institutions of Taiwan; and

(ii) to serve as the primary in-country point of contact for the recipients of fellowships under this subchapter and their dependents.

(E) Other functions

The implementing partner may perform other functions in association with support of the Taiwan Fellowship Program, including logistical and administrative functions, as prescribed by the Department of State and the American Institute in Taiwan.

(4) Noncompliance

(A) In general

Any fellow who fails to comply with the requirements under this section shall reimburse the American Institute in Taiwan, or the appropriate United States Government agency for—

(i) the Federal funds expended for the fellow's participation in the fellowship, as set forth in subparagraphs (B) and (C); and

(ii) interest accrued on such funds (calculated at the prevailing rate).

(B) Full reimbursement

Any fellow who violates subparagraph (A) or (B) of paragraph (2) shall reimburse the American Institute in Taiwan, or the appropriate United States Government agency, in an amount equal to the sum of—

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

(ii) interest on the amount specified in subparagraph (A), which shall be calculated at the prevailing rate.

(C) Pro rata reimbursement

Any fellow who violates subparagraph (C) of paragraph (2) shall reimburse the American Institute in Taiwan, or the appropriate

United States Government agency, in an amount equal to the difference between—

(i) the amount specified in subparagraph (B); and

(ii) the product of—

(I) the amount the fellow received in compensation during the final year of the fellowship, including the value of any allowances and benefits received by the fellow; multiplied by

(II) the percentage of the period specified in paragraph (2)(C) during which the fellow did not remain employed by the Federal Government.

(f) Flexible fellowship duration

Notwithstanding any requirement under this section, the Secretary of State, in consultation with the American Institute in Taiwan and, as appropriate, the implementing partner, may award fellowships that have a duration of less than 2 years, and may alter the curriculum requirements under subsection (d) for such purposes.

(g) Sunset

The fellowship program under this subchapter shall terminate 7 years after December 23, 2022. (Pub. L. 117-263, div. E, title LV, §5530, Dec. 23, 2022, 136 Stat. 3326.)

Editorial Notes

REFERENCES IN TEXT

This chapter, referred to in subsec. (d)(2), was in the original "this subtitle", meaning subtitle A (§§5501-5540) of Pub. L. 117-263, div. E, title LV, Dec. 23, 2022, 136 Stat. 3292, known as the Taiwan Enhanced Resilience Act, which is classified principally to this chapter. For complete classification of subtitle A to the Code, see Short Title note set out under section 3351 of this title and Tables.

§ 3385. Reports and audits

(a) Annual report

Not later than 90 days after the selection of the first class of fellows under this subchapter, and annually thereafter for 7 years, the Department of State shall offer to brief the appropriate committees of Congress regarding the following issues:

(1) An assessment of the performance of the implementing partner in fulfilling the purposes of this subchapter.

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

(3) The names of the parliamentary offices, ministries, other agencies of Taiwan, and non-governmental institutions to which each fellow was assigned during the second year of the fellowship.

(4) Any recommendations, as appropriate, to improve the implementation of the Taiwan Fellowship Program, including added flexibility in the administration of the program.

(5) An assessment of the Taiwan Fellowship Program's value upon the relationship between the United States and Taiwan or the United States and Asian countries.