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(Original Signature of Member)

117TH CONGRESS
1ST SESSION

H. R.

To seek negotiations to rename the Taipei Economic and Cultural Representative Office in the United States, to make the Director of the American Institute in Taiwan a position requiring Senate confirmation, to amend the Immigration and Nationality Act to provide nonimmigrant status for diplomats from Taiwan, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. SHERMAN introduced the following bill; which was referred to the Committee on _____

A BILL

To seek negotiations to rename the Taipei Economic and Cultural Representative Office in the United States, to make the Director of the American Institute in Taiwan a position requiring Senate confirmation, to amend the Immigration and Nationality Act to provide nonimmigrant status for diplomats from Taiwan, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Taiwan Diplomatic Re-
3 view Act”.

4 **SEC. 2. FINDINGS.**

5 Congress finds the following:

6 (1) Pursuant to the Taiwan Relations Act (22
7 U.S.C. 3301(b)(1)), it is the policy of the United
8 States to “promote extensive, close, and friendly
9 commercial, cultural, and other relations between
10 the people of the United States and the people of
11 Taiwan”.

12 (2) In May 2019, the Taiwanese counterpart to
13 the American Institute in Taiwan (AIT), the Coordi-
14 nation Council for North American Affairs was re-
15 named Taiwan Council for U.S. Affairs.

16 (3) It is the policy of the United States to refer
17 to Taiwan as “Taiwan”, not “Taipei” or “Chinese
18 Taipei”.

19 (4) The Taipei Economic and Cultural Rep-
20 resentative Office (TECRO) is inaptly named as it
21 works to cultivate the extensive, close, and friendly
22 commercial, cultural, and other relations between
23 the people of the United States and the people, orga-
24 nizations, and enterprises of Taiwan, not merely
25 those in Taipei.

1 (5) The Director of the AIT serves as the prin-
2 cipal representative of the United States in Taiwan
3 and is responsible for preserving and promoting ex-
4 tensive, close, and friendly commercial, cultural, and
5 other relations between the people of the United
6 States and the people on Taiwan on behalf of the
7 United States Government.

8 (6) As Taiwan is a critical partner of the
9 United States in the Indo-Pacific, robust oversight
10 over United States policy towards the island is nec-
11 essary.

12 (7) Requiring the advice and consent of the
13 Senate with regards to the Director of the AIT sig-
14 nals the importance of the U.S.-Taiwan relationship.

15 (8) Several officers with relatively limited policy
16 roles when compared to the Director of the Amer-
17 ican Institute in Taiwan are subject to the advice
18 and consent of the Senate including the officials at
19 the John F. Kennedy Center For The Performing
20 Arts and the Barry Goldwater Scholarship And Ex-
21 cellence In Education Foundation.

22 (9) Officers at non-profit corporations may be
23 subject to the advice and consent of the Senate, in-
24 cluding the United States Institutes of Peace, which
25 is “an independent nonprofit corporation and an or-

1 organization described in section 170(c)(2)(B) of the
2 Internal Revenue Code of 1986”.

3 (10) Congress has the power to create positions
4 that are “officers of the United States” pursuant to
5 the Appointments Clause that are not employees of
6 the United States Government.

7 (11) As the United States does not have diplo-
8 matic relations with Taiwan, Taiwanese officials and
9 diplomats do not receive diplomatic visas; instead,
10 they are provided investor visas, which do not accu-
11 rately represent their purpose in the United States
12 as official representatives of Taiwan.

13 **SEC. 3. NEGOTIATIONS; REPORT.**

14 (a) NEGOTIATIONS.—Reflective of the substantively
15 deepening ties between Taiwan and the United States, the
16 Secretary of State shall seek to enter into negotiations
17 with the Taipei Economic and Cultural Representative Of-
18 fice in the United States to rename its office in Wash-
19 ington, D.C., the Taiwan Representative Office in the
20 United States.

21 (b) REPORT.—

22 (1) IN GENERAL.—Not later than 180 days
23 after the date of the enactment of this Act, the Sec-
24 retary of State shall submit to the Committee on
25 Foreign Affairs of the House of Representatives and

1 the Committee on Foreign Relations of the Senate
2 a report that describes the status of the negotiations
3 between the Department of State and the Taiwan
4 Council for U.S. Affairs in accordance with sub-
5 section (a).

6 (2) CONTENTS.—The report required under
7 paragraph (1) shall—

8 (A) describe the progress made in such ne-
9 gotiations;

10 (B) contain a transparent, open, and de-
11 tailed accounting of such negotiations to date,
12 including the number of meetings or conversa-
13 tions held and with whom;

14 (C) identify the key stakeholders involved
15 in such negotiations; and

16 (D) describe the challenges concerning the
17 United States Government's ability to advance
18 the name change and recommendations to re-
19 solve, mitigate, or otherwise address related
20 challenges.

21 (3) FORM.—The report required under para-
22 graph (1) shall be submitted in unclassified form but
23 may contain a classified annex.

1 **SEC. 4. SENATE CONFIRMATION OF INDIVIDUAL AP-**
2 **POINTED TO SERVE AS DIRECTOR OF THE**
3 **AMERICAN INSTITUTE IN TAIWAN.**

4 (a) SENSE OF CONGRESS.—It is the sense of Con-
5 gress that an extended period without a Director of the
6 American Institute in Taiwan would be detrimental to
7 United States interests.

8 (b) SENATE CONFIRMATION OF DIRECTOR.—

9 (1) IN GENERAL.—Notwithstanding any other
10 provision of law, the President shall appoint, by and
11 with the advice and consent of the Senate, an indi-
12 vidual to serve as the Director of the American In-
13 stitute in Taiwan.

14 (2) EFFECTIVE DATE.—This section shall take
15 effect beginning with the first appointment by the
16 President of an individual to serve as the Director
17 of the American Institute in Taiwan that is made
18 after the date of the enactment of this section.

19 (c) LOCATION IN TAIPEI, TAIWAN.—An individual
20 who serves as the Director of the American Institute in
21 Taiwan shall serve at the Institute in Taipei, Taiwan.

22 (d) SUCCESSOR POSITION.—Any reference to the po-
23 sition of Director of the American Institute in Taiwan in
24 this section includes any similar successor position.

1 **SEC. 5. NONIMMIGRANT STATUS FOR DIPLOMATS FROM**
2 **TAIWAN.**

3 (a) IN GENERAL.—Section 101(a)(15) of the Immi-
4 gration and Nationality Act (8 U.S.C. 1101(a)(15)) is
5 amended—

6 (1) in subparagraph (U), by striking “or” at
7 the end;

8 (2) in subparagraph (V), by striking the period
9 at the end and inserting “; or”; and

10 (3) by adding at the end the following:

11 “(W)(i) an ambassador, public minister, or
12 career diplomatic or consular officer who has
13 been accredited by Taiwan, and who is accepted
14 by the President or by the Secretary of State,
15 and the members of the alien’s immediate fam-
16 ily;

17 “(ii) upon a basis of reciprocity, other offi-
18 cials and employees who have been accredited
19 by Taiwan, who are accepted by the Secretary
20 of State, and the members of their immediate
21 families;

22 “(iii) upon a basis of reciprocity, attend-
23 ants, servants, personal employees, and mem-
24 bers of their immediate families, of the officials
25 and employees who have a nonimmigrant status
26 under clauses (i) and (ii);

1 “(iv) a designated principal resident rep-
2 resentative of the Taiwan, for which Taiwan is
3 a member or observer of an international orga-
4 nization entitled to enjoy privileges, exemptions,
5 and immunities as an international organization
6 under the International Organizations Immuni-
7 ties Act (22 U.S.C. 288), accredited resident
8 members of the staff of such representatives,
9 and members of his or their immediate family;

10 “(v) other accredited representatives of
11 Taiwan to such international organizations, and
12 the members of their immediate families;

13 “(vi) an alien able to qualify under clause
14 (iv) or (v), except for the fact that Taiwan is
15 not a member or observer of such international
16 organization, and the members of his immediate
17 family; and

18 “(vii) attendants, servants, and personal
19 employees of any such representative, officer, or
20 employee who have a nonimmigrant status
21 under clause (iv), (v), or (vi) and the members
22 of the immediate families of such attendants,
23 servants, and personal employees.”.

24 (b) INAPPLICABILITY OF CERTAIN PROVISIONS RE-
25 LATED TO ISSUING OF VISAS.—Section 102 of the Immi-

1 gration and Nationality Act (8 U.S.C. 1102) is amend-
2 ed—

3 (1) in paragraph (1)—

4 (A) by striking “within the class described
5 in paragraph (15)(A)(i) of” and inserting
6 “within a class described in paragraph
7 (15)(A)(i) or (15)(W)(i) of”;

8 (B) by inserting “or (15)(W)(i)” after
9 “such paragraph (15)(A)(i)”;

10 (2) in paragraph (2)—

11 (A) by striking “within the class described
12 in paragraph (15)(G)(i) of” and inserting
13 “within a class described in paragraph
14 (15)(G)(i) or (15)(W)(iv) of” ;

15 (B) by inserting “or (15)(W)(iv)” after
16 “such paragraph (15)(G)(i)”;

17 (C) by striking “and” at the end;

18 (3) in paragraph (3), by striking the period at
19 the end and inserting “; and”;

20 (4) by adding at the end the following:

21 “(4) within the classes described in paragraphs
22 (15)(W)(ii), (15)(W)(v), or (15)(W)(vi), of section
23 101(a), except those provisions relating to reason-
24 able requirements of passports and visas as a means
25 of identification and documentation necessary to es-

1 tablish their qualifications under such paragraphs,
2 and the provisions of subparagraphs (A) through (C)
3 of section 212 (a)(3).”.

4 (c) ADJUSTMENT OF STATUS OF CERTAIN RESIDENT
5 ALIENS TO NONIMMIGRANT STATUS.—Section 247 of the
6 Immigration and Nationality Act (8 U.S.C. 1257) is
7 amended by striking “or (15)(G)” each place it appears
8 and inserting “(15)(G), or (15)(W)”.