

117TH CONGRESS  
1ST SESSION

# H. R. 3634

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.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 28, 2021

Mr. SHERMAN (for himself, Mr. CHABOT, Mr. CONNOLLY, Mr. DIAZ-BALART, Mr. SIRES, and Mr. BUCK) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## 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       ganization 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”; and

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”; 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)”.

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