

116TH CONGRESS
2D SESSION

H. R. 9032

To direct the Sergeants at Arms of the House of Representatives and the Senate to develop an interagency plan to identify certain congressional employees with connections to the Chinese Communist Party and intent to engage in certain unlawful activities, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 18, 2020

Mr. MURPHY of North Carolina (for himself, Mr. JOHNSON of South Dakota, Mr. BANKS, and Mr. ABRAHAM) introduced the following bill; which was referred to the Committee on House Administration

A BILL

To direct the Sergeants at Arms of the House of Representatives and the Senate to develop an interagency plan to identify certain congressional employees with connections to the Chinese Communist Party and intent to engage in certain unlawful activities, 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 “Stop China’s Heinous
5 Exploitation and Malicious Espionage Against Congres-

1 sional Access Act” or the “SCHEME Against Congres-
2 sional Access Act”.

3 **SEC. 2. CONGRESSIONAL EMPLOYEES WITH CHINESE COM-**
4 **MUNIST PARTY CONNECTIONS AND INTENT**
5 **TO ENGAGE IN UNLAWFUL ACTIVITIES.**

6 (a) FINDINGS.—Congress finds the following:

7 (1) The Chinese Communist Party has an ex-
8 plicit and subversive interest in gaining access to
9 and influence over U.S. political activity.

10 (2) In a July 2020 speech, Director of the Fed-
11 eral Bureau of Investigations Chris Wray said that
12 “Beijing is engaged in a highly sophisticated malign
13 foreign influence campaign” with efforts that involve
14 “subversive, undeclared, criminal, or coercive at-
15 tempts to sway our government’s policies, distort our
16 country’s public discourse, and undermine con-
17 fidence in our democratic processes and values”.

18 (3) There have been several instances and in-
19 vestigations of Chinese operatives developing exten-
20 sive ties and employment with U.S. elected officials,
21 both senior and junior.

22 (4) These same operatives, mostly Chinese na-
23 tionals, have been deployed to infiltrate political op-
24 erations by the main civilian spy agency of their
25 home country as a means to gain influence over de-

1 cision-makers and gain access to classified informa-
2 tion.

3 (5) These instances demonstrate a devoted
4 strategy of China that takes years, or sometimes
5 decades, to knowingly gain access, influence, or in-
6 formation.

7 (6) To protect classified information and pre-
8 vent seditious influence over elected officials, Con-
9 gress must act to develop stronger oversight with re-
10 spect to the foreign involvement of covered individ-
11 uals.

12 (b) PLAN FOR BACKGROUND ASSESSMENTS.—Not
13 later than 90 days after the date of the enactment of this
14 Act, the Sergeant at Arms of the House of Representatives
15 and the Sergeant at Arms of the Senate shall jointly—

16 (1) consult with the Director of National Intel-
17 ligence, the Director of the Federal Bureau of Inves-
18 tigation, and the Secretary of State regarding poten-
19 tial unlawful activity engaged in by covered individ-
20 uals to the advantage of the Chinese Communist
21 Party; and

22 (2) in consultation with the Directors and Sec-
23 retary specified in paragraph (1), develop an inter-
24 agency plan to assess the background of each cov-
25 ered individual to determine whether—

1 (A) the covered individual has a connection
2 to the Chinese Communist Party or any ele-
3 ment thereof (including connections resulting
4 from citizenship, military service, or personal
5 travel); and

6 (B) the covered individual intends to en-
7 gage in unlawful activity to the advantage of
8 the Chinese Communist Party.

9 (c) ASSESSMENT OUTCOMES.—

10 (1) NOTIFICATION.—If, as the result of an as-
11 sessment conducted pursuant to the plan developed
12 under subsection (b)(2), the Sergeant at Arms con-
13 cerned determines that a covered individual meets
14 both of the criteria specified in such subsection, the
15 Sergeant at Arms concerned shall notify the head of
16 the employing office for the covered individual.

17 (2) OUTCOME.—Upon receipt of a notification
18 under paragraph (1), the head of the employing of-
19 fice for the covered individual shall—

20 (A) immediately terminate the employment
21 of the covered individual; and

22 (B) if the covered individual is not under
23 investigation by the Director of the Federal Bu-
24 reau of Investigation, refer the covered indi-

1 vidual to such Director for appropriate inves-
2 tigation.

3 (d) REPORT.—Not later than one year after the date
4 on which the plan under subsection (b)(2) is developed,
5 and annually thereafter, the Sergeant at Arms of the
6 House of Representatives and the Sergeant at Arms of
7 the Senate shall jointly submit to the President and the
8 congressional intelligence committees a report on any im-
9 provements to such plan made during the year covered by
10 the report.

11 (e) DEFINITIONS.—In this section:

12 (1) CONGRESSIONAL INTELLIGENCE COMMIT-
13 TEES.—The term “congressional intelligence com-
14 mittees” has the meaning given such term in section
15 3 of the National Security Act of 1947 (50 U.S.C.
16 3003).

17 (2) COVERED EMPLOYEE.—The term “covered
18 employee” means an employee of the House of Rep-
19 resentatives or an employee of the Senate, as such
20 terms are defined in subsection (a) of section 101 of
21 the Congressional Accountability Act (2 U.S.C.
22 1301).

23 (3) EMPLOYING OFFICE.—The term “employing
24 office” has the meaning given such term in sub-
25 section (a) of section 101 of the Congressional Ac-

1 countability Act (2 U.S.C. 1301), except such term
2 does not include the entities listed in subparagraphs
3 (D) or (E) of paragraph (9) of such subsection.

4 (4) SERGEANT AT ARMS CONCERNED.—The
5 term “Sergeant at Arms concerned” means—

6 (A) the Sergeant at Arms of the House of
7 Representatives, with respect to assessments
8 concerning an employee of the House of Rep-
9 resentatives; and

10 (B) the Sergeant at Arms of the Senate,
11 with respect to assessments concerning an em-
12 ployee of the Senate.

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