

**(2) Requirements**

The report under paragraph (1) shall include the following:

(A) An update to the report entitled *Coordinated Approach to Quantum Networking Research Report* focusing on a framework for interagency collaboration regarding the advancement of quantum networking and communications research.

(B) A plan for Federal Government partnership with the private sector and interagency collaboration regarding engagement in international standards for quantum networking and communications technology, including a list of Federal priorities for standards relating to such networking and technology.

(C) A proposal for the protection of national security interests relating to the advancement of quantum networking and communications technology.

(D) An assessment of the relative position of the United States with respect to other countries in the global race to develop, demonstrate, and utilize quantum networking and communications technology.

(E) Recommendations to Congress for legislative action relating to the matters considered under subparagraphs (A), (B), (C), and (D).

(F) Such other matters as the Quantum Network Working Group considers necessary to advance the security of communications and network infrastructure, remain at the forefront of scientific discovery in the quantum information science domain, and transition quantum information science research into the emerging quantum technology economy.

(Pub. L. 115–368, title I, § 103, Dec. 21, 2018, 132 Stat. 5095; Pub. L. 117–167, div. B, title VI, § 10661(b)(1), Aug. 9, 2022, 136 Stat. 1683.)

## TERMINATION OF SECTION

*For termination of section, see section 8815 of this title.*

**Editorial Notes**

## AMENDMENTS

2022—Subsec. (h). Pub. L. 117–167 added subsec. (h).

**§ 8814. National Quantum Initiative Advisory Committee****(a) In general**

The President shall establish a National Quantum Initiative Advisory Committee.

**(b) Qualifications**

The Advisory Committee shall consist of members, appointed by the President, who are representative of industry, universities, and Federal laboratories and are qualified to provide advice and information on quantum information science and technology research, development, demonstrations, standards, education, technology transfer, commercial application, or national security and economic concerns.

**(c) Membership consideration**

In selecting the members of the Advisory Committee, the President may seek and give

consideration to recommendations from the Congress, industry, the scientific community (including the National Academy of Sciences, scientific professional societies, and universities), the defense community, and other appropriate organizations.

**(d) Duties****(1) In general**

The Advisory Committee shall advise the President, the Subcommittee on Quantum Information Science, and the Subcommittee on Economic and Security Implications and make recommendations for the President to consider when reviewing and revising the Program.

**(2) Independent assessments**

The Advisory Committee shall conduct periodic, independent assessments of—

(A) any trends or developments in quantum information science and technology;

(B) the progress made in implementing the Program;

(C) the management, coordination, implementation, and activities of the Program;

(D) whether the Program activities and the goals and priorities established under section 8813(d)(2) of this title are helping to maintain United States leadership in quantum information science and technology;

(E) whether a need exists to revise the Program;

(F) whether opportunities exist for international cooperation with strategic allies on research and development in, and the development of open standards for, quantum information science and technology; and

(G) whether national security, societal, economic, legal, and workforce concerns are adequately addressed by the Program.

**(e) Reports**

Not later than 180 days after December 21, 2018, and at least biennially thereafter, the Advisory Committee shall submit to the President, the appropriate committees of Congress, and such other committees of Congress as the Advisory Committee deems appropriate a report on the findings of the independent assessment under subsection (d), including any recommendations for improvements to the Program.

**(f) Travel expenses of non-Federal members**

Non-Federal members of the Advisory Committee, while attending meetings of the Advisory Committee or while otherwise serving at the request of the head of the Advisory Committee away from their homes or regular places of business, may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, for individuals in the Government serving without pay. Nothing in this subsection shall be construed to prohibit members of the Advisory Committee who are officers or employees of the United States from being allowed travel expenses, including per diem in lieu of subsistence, in accordance with existing law.

**(g) FACA exemption**

The Advisory Committee shall be exempt from section 14 of the Federal Advisory Committee Act (5 U.S.C. App.).<sup>1</sup>

(Pub. L. 115–368, title I, § 104, Dec. 21, 2018, 132 Stat. 5096; Pub. L. 117–81, div. F, title LXVI, § 6606(c)(3), Dec. 27, 2021, 135 Stat. 2444.)

**TERMINATION OF SECTION**

*For termination of section, see section 8815 of this title.*

**Editorial Notes****REFERENCES IN TEXT**

Section 14 of the Federal Advisory Committee Act, referred to in subsec. (g), is section 14 of Pub. L. 92–463, which was set out in the Appendix to Title 5, Government Organization and Employees, and was repealed and restated as section 1013 of Title 5 by Pub. L. 117–286, §§ 3(a), 7, Dec. 27, 2022, 136 Stat. 4204, 4361.

**AMENDMENTS**

2021—Subsec. (d)(1). Pub. L. 117–81 substituted “, the Subcommittee on Quantum Information Science, and the Subcommittee on Economic and Security Implications” for “and the Subcommittee”.

**Executive Documents****EXECUTIVE ORDER NO. 13885**

Ex. Ord. No. 13885, Aug. 30, 2019, 84 F.R. 46873, which established the National Quantum Initiative Advisory Committee, was revoked by Ex. Ord. No. 14073, § 5, May 4, 2022, 87 F.R. 27910, set out below.

**EX. ORD. NO. 14073. ENHANCING THE NATIONAL QUANTUM INITIATIVE ADVISORY COMMITTEE**

Ex. Ord. No. 14073, May 4, 2022, 87 F.R. 27909, provided:

By the authority vested in me as President by the Constitution and the laws of the United States of America, including section 104(a) of the National Quantum Initiative Act (Public Law 115–368) (NQI Act) [15 U.S.C. 8814(a)], and section 301 of title 3, United States Code, and in order to ensure continued American leadership in quantum information science and its technology applications, it is hereby ordered as follows:

**SECTION 1. Purpose.** Quantum information science (QIS) can enable transformative advances in knowledge and technology for industry, academia, and government. Accordingly, the National Quantum Initiative (NQI), which aims to ensure the continued leadership of the United States in QIS and its technology applications, is a substantial and sustained national priority. The NQI Program, established pursuant to section 101 of the NQI Act [15 U.S.C. 8811], encompasses contributions from across the Federal Government, as exemplified by the QIS research, development, demonstration, and training activities pursued by executive departments and agencies (agencies) with membership on either the National Science and Technology Council (NSTC) Subcommittee on Quantum Information Science (SCQIS) or the NSTC Subcommittee on Economic and Security Implications of Quantum Science (ESIX).

**SEC. 2. Establishment.** (a) To ensure that the NQI Program and the Nation are informed by evidence, data, and perspectives from a diverse group of experts and stakeholders, the National Quantum Initiative Advisory Committee (Committee) is hereby established. Consistent with the NQI Act [15 U.S.C. 8801 et seq.], the Committee shall advise the President, the SCQIS, and the ESIX on the NQI Program.

(b) The Committee shall consist of the Director of the Office of Science and Technology Policy (Director) or

the Director’s designee and not more than 26 members, appointed by the President, who are United States citizens representative of industry, universities, and Federal laboratories, and who are qualified to provide advice and information on QIS and technology research, development, demonstrations, standards, education, technology transfer, commercial application, or national security and economic concerns.

(c) The Committee shall have two Co-Chairs. The Director or the Director’s designee shall serve as one Co-Chair of the Committee. The President shall designate another Co-Chair from among the appointed members to serve as Co-Chair with the Director.

**SEC. 3. Functions.** (a) The Committee shall advise the President and the SCQIS and the ESIX (Subcommittees) and make recommendations to the President to consider when reviewing and revising the NQI Program. The Committee shall also carry out all responsibilities set forth in section 104 of the NQI Act.

(b) The Committee shall meet at least twice a year and shall:

(i) respond to requests from the President or the Co-Chairs of the Committee for information, analysis, evaluation, or advice relating to QIS and its technology applications;

(ii) solicit information and ideas from a broad range of stakeholders on QIS, including the research community, the private sector, academia, national laboratories, agencies, State and local governments, foundations, and nonprofit organizations;

(iii) review the national strategy for QIS; and

(iv) respond to requests from the Subcommittees.

**SEC. 4. Administration.** (a) The heads of agencies shall, to the extent permitted by law, provide the Committee with information concerning QIS and its technology applications when requested by a Committee Co-Chair.

(b) The Co-Chairs of the Committee may establish standing subcommittees and ad hoc groups, including technical advisory groups, to assist and provide information to the Committee.

(c) The Director may request that members of the Committee, standing subcommittees, or ad hoc groups who do not hold a current clearance for access to classified information receive appropriate clearances and access determinations pursuant to Executive Order 13526 of December 29, 2009 (Classified National Security Information) [50 U.S.C. 3161 note], as amended, or any successor order.

(d) The National Quantum Coordination Office shall provide technical and administrative support to the Committee, pursuant to section 102(b) of the NQI Act [15 U.S.C. 8812(b)].

(e) Committee members shall serve without any compensation for their work on the Committee, but may receive travel expenses, including per diem in lieu of subsistence, as authorized by law for persons serving intermittently in the Government service (5 U.S.C. 5701–5707).

**SEC. 5. Revocation.** Executive Order 13885 of August 30, 2019 (Establishing the National Quantum Initiative Advisory Committee) [formerly set out above], is hereby revoked.

**SEC. 6. General Provisions.** (a) Insofar as the Federal Advisory Committee Act, as amended [Pub. L. 92–463] ([former] 5 U.S.C. App.) [see 5 U.S.C. 1001 et seq.] (FACA), may apply to the Committee, any functions of the President under the FACA, except for those in section 6 of the FACA [see 5 U.S.C. 1005], shall be performed by the Secretary of Energy, in consultation with the Director, in accordance with the guidelines and procedures established by the Administrator of General Services.

(b) Nothing in this order shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department or agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(c) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

<sup>1</sup> See References in Text note below.

(d) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

J.R. BIDEN, JR.

**§ 8814a. Subcommittee on the Economic and Security Implications of Quantum Information Science**

**(a) Establishment**

The President shall establish, through the National Science and Technology Council, the Subcommittee on the Economic and Security Implications of Quantum Information Science.

**(b) Membership**

The Subcommittee shall include a representative of—

- (1) the Department of Energy;
- (2) the Department of Defense;
- (3) the Department of Commerce;
- (4) the Department of Homeland Security;
- (5) the Office of the Director of National Intelligence;
- (6) the Office of Management and Budget;
- (7) the Office of Science and Technology Policy;
- (8) the Department of Justice;
- (9) the National Science Foundation;
- (10) the National Institute of Standards and Technology; and
- (11) such other Federal department or agency as the President considers appropriate.

**(c) Responsibilities**

The Subcommittee shall—

- (1) in coordination with the Director of the Office and<sup>1</sup> Management and Budget, the Director of the National Quantum Coordination Office, and the Subcommittee on Quantum Information Science, track investments of the Federal Government in quantum information science research and development;
- (2) review and assess any economic or security implications of such investments;
- (3) review and assess any counterintelligence risks or other foreign threats to such investments;
- (4) recommend goals and priorities for the Federal Government and make recommendations to Federal departments and agencies and the Director of the National Quantum Coordination Office to address any counterintelligence risks or other foreign threats identified as a result of an assessment under paragraph (3);
- (5) assess the export of technology associated with quantum information science and recommend to the Secretary of Commerce and the Secretary of State export controls necessary to protect the economic and security interests of the United States as a result of such assessment;
- (6) recommend to Federal departments and agencies investment strategies in quantum information science that advance the economic and security interest of the United States;
- (7) recommend to the Director of National Intelligence and the Secretary of Energy ap-

propriate protections to address counterintelligence risks or other foreign threats identified as a result of the assessment under paragraph (3); and

(8) in coordination with the Subcommittee on Quantum Information Science, ensure the approach of the United States to investments of the Federal Government in quantum information science research and development reflects a balance between scientific progress and the potential economic and security implications of such progress.

**(d) Technical and administrative support**

**(1) In general**

The Secretary of Energy, the Director of National Intelligence, and the Director of the National Quantum Coordination Office may provide to the Subcommittee personnel, equipment, facilities, and such other technical and administrative support as may be necessary for the Subcommittee to carry out the responsibilities of the Subcommittee under this section.

**(2) Support related to classified information**

The Director of the Office of Science and Technology Policy and the Director of National Intelligence shall provide to the Subcommittee technical and administrative support related to the responsibilities of the Subcommittee that involve classified information, including support related to sensitive compartmented information facilities and the storage of classified information.

(Pub. L. 115-368, title I, §105, as added Pub. L. 117-81, div. F, title LXVI, §6606(a)(2), Dec. 27, 2021, 135 Stat. 2442.)

TERMINATION OF SECTION

*For termination of section, see section 8815 of this title.*

**Editorial Notes**

PRIOR PROVISIONS

A prior section 105 of Pub. L. 115-368 was renumbered section 106 and is classified to section 8815 of this title.

**Statutory Notes and Related Subsidiaries**

EFFECTIVE DATE

Pub. L. 117-81, div. F, title LXVI, §6606(b)(2), Dec. 27, 2021, 135 Stat. 2443, provided that: “The amendments made by subsection (a) [enacting this section and amending section 8815 of this title] shall take effect as if included in the enactment of the National Quantum Initiative Act (15 U.S.C. 8801 et seq.).”

**§ 8815. Sunset**

**(a) In general**

Except as provided in subsection (b), the authority to carry out sections 8811, 8812, 8813, 8814, and 8814a of this title shall terminate on the date that is 11 years after December 21, 2018.

**(b) Extension**

The President may continue the activities under such sections if the President determines that such activities are necessary to meet national economic or national security needs.

(Pub. L. 115-368, title I, §106, formerly §105, Dec. 21, 2018, 132 Stat. 5097; renumbered §106 and

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