

(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”.

amended Pub. L. 117-81, div. F, title LXVI, § 6606(a)(1), (b)(1), Dec. 27, 2021, 135 Stat. 2442, 2443.)

#### Editorial Notes

##### AMENDMENTS

2021—Pub. L. 117-81, § 6606(b)(1), substituted “8813, 8814, and 8814a” for “8813, and 8814”.

#### Statutory Notes and Related Subsidiaries

##### EFFECTIVE DATE OF 2021 AMENDMENT

Amendment by section 6606(a)(1) of Pub. L. 117-81 effective as if included in the enactment of the National Quantum Initiative Act, see section 6606(b)(2) of Pub. L. 117-81, set out as an Effective Date note under section 8814a of this title.

#### SUBCHAPTER II—NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY QUANTUM ACTIVITIES

### § 8831. National Institute of Standards and Technology activities and quantum consortium

#### (a) National Institute of Standards and Technology activities

As part of the Program, the Director of the National Institute of Standards and Technology—

(1) shall continue to support and expand basic and applied quantum information science and technology research and development of measurement and standards infrastructure necessary to advance commercial development of quantum applications;

(2) shall use the existing programs of the National Institute of Standards and Technology, in collaboration with other Federal departments and agencies, as appropriate, to train scientists in quantum information science and technology to increase participation in the quantum fields;

(3) shall carry out research to facilitate the development and standardization of quantum cryptography and post-quantum classical cryptography;

(4) shall carry out research to facilitate the development and standardization of quantum networking, communications, and sensing technologies and applications;

(5) for quantum technologies determined by the Director of the National Institute of Standards and Technology to be at a readiness level sufficient for standardization, shall provide technical review and assistance to such other Federal agencies as the Director considers appropriate for the development of quantum networking infrastructure standards;

(6) shall establish or expand collaborative ventures or consortia with other public or private sector entities, including industry, universities, and Federal laboratories for the purpose of advancing the field of quantum information science and engineering; and

(7) may enter into and perform such contracts, including cooperative research and development arrangements and grants and cooperative agreements or other transactions, as may be necessary in the conduct of the work of the National Institute of Standards and

Technology and on such terms as the Director considers appropriate, in furtherance of the purposes of this chapter.

#### (b) Quantum consortium

##### (1) In general

Not later than 1 year after December 21, 2018, the Director of the National Institute of Standards and Technology shall convene a consortium of stakeholders to identify the future measurement, standards, cybersecurity, and other appropriate needs for supporting the development of a robust quantum information science and technology industry in the United States.

##### (2) Goals

The goals of the consortium shall be—

(A) to assess the current research on the needs identified in paragraph (1);

(B) to identify any gaps in the research necessary to meet the needs identified in paragraph (1); and

(C) to provide recommendations on how the National Institute of Standards and Technology and the Program can address the gaps in the necessary research identified in subparagraph (B).

##### (3) Report to Congress

Not later than 2 years after December 21, 2018, the Director of the National Institute of Standards and Technology shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives a report summarizing the findings of the consortium.

#### (c) Funding

The Director of the National Institute of Standards and Technology shall allocate up to \$80,000,000 to carry out the activities under this section for each of fiscal years 2019 through 2023, subject to the availability of appropriations. Amounts made available to carry out this section shall be derived from amounts appropriated or otherwise made available to the National Institute of Standards and Technology.

(Pub. L. 115-368, title II, § 201, Dec. 21, 2018, 132 Stat. 5098; Pub. L. 117-167, div. B, title VI, § 10661(c)(1), Aug. 9, 2022, 136 Stat. 1684.)

#### Editorial Notes

##### AMENDMENTS

2022—Subsec. (a)(3) to (7). Pub. L. 117-167 added pars. (3) to (5) and redesignated former pars. (3) and (4) as (6) and (7), respectively.

#### SUBCHAPTER III—NATIONAL SCIENCE FOUNDATION QUANTUM ACTIVITIES

### § 8841. Quantum information science research and education program

#### (a) In general

The Director of the National Science Foundation shall carry out a basic research and education program on quantum information science and engineering, including the competitive award of grants to institutions of higher edu-