

(b) Membership

The Subcommittee shall include a representative of—

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

(c) Chairpersons

The Subcommittee shall be jointly chaired by the Director of the National Institute of Standards and Technology, the Director of the National Science Foundation, and the Secretary of Energy.

(d) Responsibilities

The Subcommittee shall—

- (1) coordinate the quantum information science and technology research, information sharing about international standards development and use, and education activities and programs of the Federal agencies;
- (2) establish goals and priorities of the Program, based on identified knowledge and workforce gaps and other national needs;
- (3) assess and recommend Federal infrastructure needs to support the Program;
- (4) assess the status, development, and diversity of the United States quantum information science workforce;
- (5) assess the global outlook for quantum information science research and development efforts;
- (6) evaluate opportunities for international cooperation with strategic allies on research and development in quantum information science and technology; and
- (7) propose a coordinated interagency budget for the Program to the Office of Management and Budget to ensure the maintenance of a balanced quantum information science research portfolio and an appropriate level of research effort.

(e) Strategic plans

In order to guide the activities of the Program and meet the goals, priorities, and anticipated outcomes of the Federal departments and agencies described in subsection (b), the Subcommittee shall—

- (1) not later than 1 year after December 21, 2018, develop a 5-year strategic plan;
- (2) not later than 6 years after December 21, 2018, develop a subsequent 5-year strategic plan; and
- (3) periodically update each plan, as necessary.

(f) Submittal to Congress

The chairpersons of the Subcommittee shall submit to the President, the Advisory Committee, and the appropriate committees of Con-

gress each strategic plan developed under subsection (e) and any updates thereto.

(g) Annual program budget report**(1) In general**

Each year, concurrent with the annual budget request submitted by the President to Congress under section 1105 of title 31, the chairpersons of the Subcommittee shall submit to the appropriate committees of Congress and such other committees of Congress as the chairpersons deem appropriate a report on the budget for the Program.

(2) Contents

Each report submitted under paragraph (1) shall include the following:

(A) The budget of the Program for the current fiscal year, for each Federal department and agency described in subsection (b).

(B) The budget proposed for the Program for the next fiscal year, for each Federal department and agency described in subsection (b).

(C) An analysis of the progress made toward achieving the goals and priorities established under subsection (d)(2).

(Pub. L. 115-368, title I, §103, Dec. 21, 2018, 132 Stat. 5095.)

TERMINATION OF SECTION

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

§ 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.).

(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 is set out in the Appendix to Title 5, Government Organization and Employees.

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

EX. ORD. NO. 13885. ESTABLISHING THE NATIONAL QUANTUM INITIATIVE ADVISORY COMMITTEE

Ex. Ord. No. 13885, Aug. 30, 2019, 84 F.R. 46873, 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) (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 technology applications, it is hereby ordered as follows:

SECTION 1. *Establishment.* The National Quantum Initiative Advisory Committee (Committee) is hereby established. The Committee shall consist of the Director of the Office of Science and Technology Policy or the Director’s designee (Director) and not more than 22 members appointed by the Secretary of Energy (Secretary). Committee members shall represent industry, universities, Federal laboratories, and other Federal Government agencies. Committee members must be qualified to provide advice and information on quantum information science and technology research, development, demonstrations, standards, education, technology transfers, commercial application, and national security economic concerns. The Director shall serve as a Co-Chair of the Committee. The Secretary shall designate at least one of the Committee members to serve as Co-Chair with the Director.

SEC. 2. *Functions.* (a) The Committee shall advise the Secretary and the Subcommittee on Quantum Information Science of the National Science and Technology Council (Subcommittee) and make recommendations to the Secretary to consider when reviewing and revising the National Quantum Initiative Program (Program) established pursuant to section 101 of the Act [15 U.S.C. 8811]. The Committee shall also carry out all responsibilities set forth in section 104 of the Act.

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

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

(ii) solicit information and ideas from a broad range of stakeholders on quantum information science in order to inform policy making. Stakeholders include the research community, the private sector, universities, national laboratories, executive departments and agencies (agencies), State and local governments, foundations, and nonprofit organizations; and

(iii) respond to requests from the Subcommittee.

SEC. 3. *Administration.* (a) The heads of agencies shall, to the extent permitted by law, provide the Committee with information concerning quantum information science and supporting technologies and applications when requested by a Co-Chair of the Committee.

(b) In consultation with the Director, the Committee may create standing subcommittees and ad hoc groups, including technical advisory groups, to assist and provide preliminary information to the Committee.

(c) The Director may request that members of the Committee, its 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 Department of Energy shall provide such funding and administrative and technical support as the Committee may require.

(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. 4. *General Provisions.* (a) Insofar as the Federal Advisory Committee Act, as amended (5 U.S.C. App.) (FACA), may apply to the Committee, any functions of the President under the FACA, except for those in section 6 of the FACA, 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.

(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.

DONALD J. TRUMP.

§ 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 and¹ 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 recommenda-

tions 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 appropriate 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

¹ So in original. Probably should be "of".