

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION**

NATIONAL ASSOCIATION OF SCHOLARS,  
*Plaintiff,*

v.

UNITED STATES DEPARTMENT OF ENERGY;  
JENNIFER GRANHOLM, in her official capacity as  
Secretary of Energy; and  
GERALDINE RICHMOND, in her official capacity as  
Under Secretary for Science and Innovation,

*Defendants.*

No. 25-cv-00077

**COMPLAINT FOR  
DECLARATORY AND INJUNCTIVE RELIEF**

## INTRODUCTION

1. The Department of Energy Office of Science (“SC”) is the largest source of funding for basic and advanced scientific research. For decades, its funding has enabled scientific breakthroughs and human advancement in fields such as high-energy physics, computational science, microelectronics, and energy technologies.

2. Beginning in fiscal year 2023, SC adopted an ideological litmus test for researchers who apply for SC research grants.

3. The Promoting Inclusive and Equitable Research (“PIER”) Plan requirement mandates that every applicant for SC research grants must commit to how the applicant will promote diversity, equity, and inclusion in research projects. The PIER Plan requirement is more appropriately characterized as a Diversity, Equity, and Inclusion (“DEI”) Statement: a bald attempt to impose ideological orthodoxy and conformity. Exhibit 1 (Hedley Declaration) ¶ 4(b) & (f) and Exhibits 1-b and 1-f.

4. The National Association of Scholars (“NAS”) is a tax-exempt non-profit organization that seeks to reform higher education and adamantly opposes DEI statements, especially with respect to higher education and advanced scientific research because it emphasizes group identity, rather than prioritizing scientific merit and sound academic inquiry. Plaintiff challenges the PIER Plan requirement as a violation of its and its members’ First Amendment rights because the PIER Plan requirement imposes an unconstitutional condition on obtaining SC research funding. It is a “basic First Amendment principle that freedom of speech prohibits the government from telling people what they must say.” *Agency for Int’l Dev. v. Alliance for Open Soc’y Int’l, Inc. (AOSII)*, 570 U.S. 205, 213 (2013) (cleaned up). And the government “may not deny a benefit to a person on a basis that infringes his constitutionally protected . . . freedom of speech even if he has no entitlement to that benefit.” *United States v. American Library Assn., Inc.*, 539 U.S. 194, 210 (2003).

5. The PIER Plan requirement has nothing to do with the advancement of scientific research. Instead, the requirement is a burden that will erode the integrity of fundamental and applied scientific research. Instead of advancing science and academic freedom, the PIER Plan requirement prioritizes support for fashionable DEI causes and ideological conformity.

6. The PIER Plan requirement falls outside the scope of the statutes authorizing SC research funding. The inclusion of the PIER Plan requirement amounts to SC “compelling a grant recipient to adopt a particular belief as a condition of funding” which “plac[es] a condition on the recipient of the subsidy rather than on the particular program.” *Rust v. Sullivan*, 500 U.S. 173, 197 (1991).

7. Conditioning federal grants on factors unrelated to the underlying authorizing statute renders such conditions illegitimate. *South Dakota v. Dole*, 483 U.S. 203, 207 (1987). Here, DEI interests and collateral social missions are absent from the statutory framework authorizing SC research grants.

8. The PIER Plan requirement also conflicts with the accompanying regulations governing SC research grants. *See* 10 C.F.R. §§ 605.9 (Application Requirements) and 605.10 (Application Evaluation and Selection). It imposes a new duty and requirement on grant applicants that previously had not been included in the regulations concerning grant applications and selection. Thus, addition of the PIER Plan requirement is a substantive rule change that should have been subjected to the notice-and-comment requirements of the Administrative Procedures Act. 5 U.S.C. § 553.

9. SC’s imposition of the PIER Plan requirement is also beyond the Defendants’ statutory authority. The statutes authorizing SC grant funding are aimed expressly at furthering basic and advanced scientific research to foster energy independence and strengthen the nation. Injecting DEI requirements into applications for research grants is at odds with Congress’s express intent to provide merit-based SC research funding.

## JURISDICTION AND VENUE

10. This Court has subject matter jurisdiction under 28 U.S.C. § 1331 and has authority to grant the relief requested under the Administrative Procedure Act, 5 U.S.C. §§ 701-06 and the Declaratory Judgment Act, 28 U.S.C. §§ 2201-2202. To the extent that it goes beyond the APA, this suit brings cognizable non-statutory claims. *E.g. Apter v. HHS*, 80 F.4th 579, 588-91 (5th Cir. 2023) (*ultra vires* claim).

11. Venue is proper in this district under 5 U.S.C. § 703 and 28 U.S.C. § 1391(e) because Defendants are United States agencies or officers sued in their official capacities, Plaintiff has at least one member that is a resident of this judicial district who is directly impacted by Defendants' actions and no real property is involved in this action, and a substantial part of the events or omissions giving rise to the Complaint occur within this district.

## PARTIES

12. Plaintiff NAS is a tax-exempt organization under Internal Revenue Code Section 501(c)(3) with offices in New York City. NAS has over 3000 members who are researchers, professors, and academics in multiple disciplines and colleges and universities across the United States. NAS's mission is to uphold "the standards of a liberal arts education that fosters intellectual freedom, searches for truth, and promotes virtuous citizenship." Exhibit 2 (Wood Decl.) ¶¶ 8, 9.

13. Defendant Jennifer Granholm is the Secretary of Energy. She is being sued in her official capacity.

14. Defendant Dr. Geraldine Richmond is the Undersecretary of Energy for Science and Innovation. She is being sued in her official capacity.

15. Defendant United States Department of Energy is an executive agency of the federal government.

## FACTS

### **The National Association of Scholars**

16. Plaintiff NAS is a tax-exempt organization with over 3000 members. NAS is dedicated to fostering intellectual freedom and the traditional standards of a liberal arts education. Exhibit 2 ¶¶ 8, 9.

17. NAS members are professors, faculty and researchers at colleges and universities across the United States engaged in a broad variety of academic disciplines.

18. NAS publishes a quarterly journal devoted to exploring issues within contemporary higher education. NAS also publishes studies and reports regarding curricula, policies, and practices within higher education with the aim of improving the quality of education at colleges and universities.

19. NAS and its members also engage in advocacy including submitting amicus briefs in court cases, defending freedom of speech and conscience of educators and students. Exhibit 2 ¶ 10.

20. The continued encroachment of Diversity, Equity, and Inclusion programs and requirements within higher education has been a key concern of NAS and a focus of its advocacy. This includes requiring mandatory DEI statements from faculty job applicants, requiring formal DEI statements for tenure or promotion, and the growth of administrative DEI bureaucracies within institutions with increasing power to influence curricula and policies governing the conduct of students and faculty. Exhibit 2 ¶¶ 11-12.

21. NAS as an organization has opposed DEI as a vague, ill-defined concept that stifles open and frank debate and the free exchange of ideas and is a pernicious influence within academia, especially at colleges and universities. Exhibit 2 ¶ 12.

22. DEI runs contrary to the notions of merit, fairness, and equality that are important to NAS and its members, and to the success of their work because it entails treating people as members of a group rather than as individuals who are judged by their merit or individual

accomplishments. NAS opposes the ideology of DEI that imposes a hierarchy of victims and oppressors based on race, gender, and sexual orientation. NAS also believes that DEI imposes an ideological orthodoxy that is fundamentally at odds with what NAS believes is the mission of higher education and what its members work towards: the search for truth that arises out of a diversity of viewpoints. Exhibit 2 ¶¶ 11-12.

23. NAS has members that have applied for, and in several instances, received research grant funding from the federal government, including SC, as well as from other federal agencies such as the Department of Defense (and its branch components), the National Science Foundation (“NSF”), the National Institutes of Health (“NIH”), the Food and Drug Administration (“FDA”), and the National Aeronautical and Space Administration (“NASA”), among others.

24. NAS has members that would like to apply for SC grants in the future but do not believe they should be compelled to incorporate a PIER Plan statement into a grant application that would require the members to promote a DEI message that they fundamentally oppose. NAS members’ ability to participate in federal funding of basic and advanced scientific research should not be conditioned on being compelled to make a statement in adherence to a DEI ideology and orthodoxy that is disconnected from, and indeed crowds out, the scientific merit or value of the proposed research.

25. Member A has been an NAS member for 13 years. Member A is an engineering professor at a public university in Texas within the Austin Division of the Western District of Texas. Member A has received funding from the Department of Energy regarding technology transfer issues which resulted in two published academic papers. Member A has also received research funding from the NSF. Within the past year Member A applied to a branch of the DoD for research funding but eventually was informed that there was no longer funding available. Member A is currently performing research on an atmospheric phenomenon that could be relevant to the energy industry and is a viable topic for SC research grant funding. Member A, however, will not apply to SC for research funding because he objects to the Pier Plan requirement and DEI

statements more broadly. Member A believes that DEI unnecessarily politicizes scientific research and undermines the goal of scientific excellence. *See* Exhibit 3 (Decl. of NAS Member A).

26. Member B has been an NAS member for approximately 20 years. Member B is an engineering professor at a tier one research university on the East Coast. Member B has a history of applying for and receiving federal research grants including funding from the Department of Energy, NSF, and NIH. Member B is interested in revisiting some earlier research that had been funded by a grant from the Department of Energy. Member B views SC as a potential source of funding for this research but is not pursuing an SC grant because of opposition to the PIER Plan requirement. Member B believes that DEI unnecessarily politicizes scientific research and undermines the goal of scientific excellence. *See* Exhibit 4 (Decl. of NAS Member B).

27. NAS Members A and B have standing because they are research scientists who have previously participated in research projects funded by the Department of Energy, and/or other government funded science research projects funded by agencies such as the NSF or Department of Defense. These and other NAS members have a track record of seeking and obtaining federal research grants, including from SC, and are “able and ready to apply” for SC research grants, but for the PIER Plan requirement, with which they object to as an infringement on their First Amendment rights. *Carney v. Adams*, 592 U.S. 53, 64 (2020). NAS and its members fall within the zone of interests of the process involving SC’s grantmaking.

#### **Congressional funding of scientific research sponsored by DoE**

28. Congress initially chose to fund basic and advanced scientific research focused on atomic energy. Congress designated the Atomic Energy Commission to oversee federal grants aimed at atomic energy research. Atomic Energy Act of 1954, 83 P.L. 703, 68 Stat. 919, §§ 21, 31-33 (Aug. 30, 1954).

29. Derived from the Atomic Energy Act is 42 U.S.C. § 2051, Research and Development Assistance, which authorizes research grants primarily focused on atomic and nuclear energy.

30. In 1977 Congress created the Department of Energy, and the role of the Atomic Energy Commission overseeing the funding of research grants transferred to the Office of Energy Research which subsequently was renamed the Office of Science. 79 Fed. Reg. 75871, 76046 (Dec. 19, 2014) (renaming Office of Energy Research to Office of Science).

31. Congress explicitly declared a policy concerning the development and utilization of energy resources and that there should be a focus on basic research and development. 42 U.S.C. § 5801. That statute contains no reference to a social mission or anything that could be construed as incorporating DEI goals.

32. Section 5801 introduces Part 73 of Title 42, which is aimed at atomic energy research and related issues. The only provision in Part 73 that makes any reference to a collateral social or DEI goal is an explicit prohibition on sex discrimination. 42 U.S.C. § 5891.

33. Section 5901 of Title 42 introduces Part 74 which relates to non-nuclear energy research and development. Like § 5801, the section sets forth Congress's explicit intent to fund non-atomic energy research and development.

34. Section 5902 includes Congress's statement of policy on non-nuclear energy research and references "use of energy resources by socially and environmentally acceptable means" but otherwise is silent with respect to DEI goals or social mission.

35. The implementing regulations covering SC grant applications and funding are 10 C.F.R. § 605.9, Application Requirements, and 10 C.F.R. § 605.10, Application Evaluation and Selection.

36. Section 605.9(b) states that "each new or renewal application . . . must include" the following: (1) an application face page, Form 4650.2; (2) a detailed description of the proposed project including objectives and plans for accomplishing the project; (3) detailed information concerning the background and experience of the principal investigator(s); and (4) detailed budget information.



37. Nothing in § 605.9 includes a requirement to incorporate DEI goals in the research projects, which is now mandated by the PIER Plan requirement.

38. Section 605.10(d) lists, “in descending order of importance,” the five criteria the Department of Energy shall use to evaluate applications: (1) scientific and technical merit or educational benefits of the project; (2) appropriateness of the proposed method; (3) competency of applicant’s personnel and resources; (4) appropriateness of the proposed budget; and (5) “[o]ther appropriate factors established and set forth by ER [former name of SC] in a notice of availability or in a specific solicitation.”

39. The PIER Plan requirement conflicts with relevant Office of Management and Budget regulations which require that federal programs “must be designed with clear goals and objectives that facilitate the delivery of meaningful results *consistent with* the Federal authorizing legislation of the program.” 2 C.F.R. § 200.202(a)(1) (emphasis added).

40. SC imposed the PIER Plan Requirement for all new SC grant proposals beginning in Fiscal Year 2023. The SC website states that “PIER Plans should describe the activities and strategies applicants will incorporate to support diverse participation and safe, professional, equitable, and inclusive environments in their research projects.” Exhibit 1-a. “PIER Plans are evaluated as part of the merit review process and will be used to inform funding decisions.” *Id.*

41. SC mandates that all new grant applications include a PIER Plan. Applications that do not include a PIER Plan will not be considered.

42. The PIER Plan requirement does not apply to applications for supplemental funding for existing grants or applications for support for conferences.

43. The PIER Plan requirement was never published in the Federal Register for purposes of seeking notice and comment, thereby depriving organizations such as NAS and its members of the opportunity to object to the inclusion of the requirement in grant applications or to offer alternative suggestions.

44. The PIER Plan requirement not only conflicts with the statutes authorizing SC research funding, but also serves as an impediment to the pursuit of meaningful scientific research. The PIER Plan Requirement will deter qualified and competent researchers from applying for SC grants because they object to the PIER Plan requirement (like NAS Members A and B). And researchers who reluctantly pursue SC funding with PIER Plan strings attached will surely be distracted by prioritizing irrelevant DEI factors rather than focusing on scientific advancement.

### CAUSES OF ACTION

#### **Claim I: The PIER Plan requirement is an unconstitutional infringement of free speech**

45. Plaintiff NAS reasserts and realleges paragraphs 1 through 44 as if fully set forth therein.

46. Under the First Amendment to the United States Constitution, “Congress shall make no law...abridging the freedom of speech.”

47. Under the Administrative Procedures Act, the Court “shall . . . hold unlawful and set aside agency action, findings, and conclusions found to be . . . contrary to constitutional right, power, privilege or immunity...” 5 U.S.C. § 706(2)(B).

48. Defendants’ introduction of the PIER Plan requirement as part of SC grant applications burdens NAS members’ freedom of speech and freedom of conscience under the First Amendment of the United States Constitution.

49. Defendants are requiring NAS members to express ideas and values with which they disagree as a condition for receiving funding from SC for scientific research. This is an unconstitutional form of compelled speech and is unconstitutional even when such a requirement is tied to a government benefit to which the speaker (e.g., the Plaintiff’s members) are not entitled.

50. The PIER Plan requirement compels applicants for SC research grants to express agreement with and promote views on social justice, diversity, equity, and inclusion that are outside the scope of the federal grant funding scheme that Congress created.

51. The PIER Plan requirement unconstitutionally leverages scarce federal science funding to force grant applicants to express agreement with the Defendants' ideology regarding DEI.

52. The PIER Plan requirement places NAS members who oppose DEI statements such as the Pier Plan requirement but who would like to pursue SC funding in an untenable position. An applicant can either submit an honest application that will not satisfy SC evaluators, or one can lie or suppress his or her honest views. Silence and dissent are not options if the applicant wishes to obtain the SC funding.

53. Because the PIER Plan requirement mandates that NAS members affirm or promote DEI goals that are inherently separate, distinct, and inconsistent with Congress's underlying intent with respect to SC funding of basic and advanced scientific research, it imposes a condition on research grant funding that would be unconstitutional if done outright.

54. NAS is entitled to declaratory relief and preliminary and permanent injunctive relief invalidating and restraining implementation and application of the PIER Plan requirement. Unless Defendants are enjoined from enforcing the PIER Plan requirement, NAS members will suffer irreparable constitutional harm.

**Claim II: The PIER Plan requirement violates the APA  
because there is no statutory authority for imposing such a requirement**

55. Plaintiff NAS reasserts and realleges paragraphs 1 through 54 as if fully set forth therein.

56. Under the Administrative Procedures Act, the Court "shall . . . hold unlawful and set aside agency action, findings, and conclusions found to be . . . arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with the law . . . in excess of statutory jurisdiction, authority, or limitations or short of statutory right." 5 U.S.C. § 706(2)(A) & (C).

57. The statutes authorizing SC research funding reflect Congress's intent to fund basic and advanced scientific research in fields of atomic and non-atomic energy. 42 U.S.C. §§ 5801,

5901. The statutory scheme authorizing SC grants are devoid of any reference to DEI goals or a social justice mission.

58. The Department of Energy, like all administrative agencies, is a “creature[] of statute,” and accordingly “possess[es] only the authority that Congress has provided.” *Nat’l Fed’n of Indep. Bus. v. Dep’t of Labor*, 595 U.S. 109, 117 (2022); *see also, e.g., La. Pub. Serv. Comm’n v. FCC*, 476 U.S. 355, 374 (1986) (“[A]n agency literally has no power to act . . . unless and until Congress confers power upon it.”).

59. Defendants’ introduction of the PIER Plan requirement was arbitrary, capricious and not in accordance with the law and is in excess of Congress’s delegated authority when it crafted the statutory scheme aimed at funding basic and advanced scientific research related to the energy needs of the United States.

60. The goals of the PIER Plan requirement are unrelated, and indeed contrary to Congress’s mandate as reflected in the statutes authorizing SC grant funding. Thus, the PIER Plan requirement must be set aside because it is contrary to law and exceeds statutory authority. NAS is therefore entitled to relief pursuant to 5 U.S.C. §§ 702, 706.

**Claim III: The PIER Plan requirement violates the APA  
because it is a substantive rule change implemented without notice and comment**

61. Plaintiff NAS reasserts and realleges paragraphs 1 through 60 as if fully set forth therein.

62. Under the Administrative Procedures Act, the Court “shall . . . hold unlawful and set aside agency action, findings, and conclusions found to be . . . without observance of procedure required by law.” 5 U.S.C. § 706(2)(D).

63. The introduction of the PIER Plan requirement as part of applying for an SC grant is an agency action that amounts to a substantive or legislative rule because imposes a new duty upon SC grant applicants and is not a mere interpretation of existing law or regulation. *See Flight*

*Training Int'l, Inc. v. FAA*, 58 F.4th 234, 241 (5th Cir. 2023) (“The hallmark of a legislative rule is that it modifies or adds to a legal norm.”).

64. Because the addition of the PIER Plan requirement is a substantive rule, Defendants were first required to adhere to the rule-making procedures of the APA, including proposing the change and allowing a sufficient notice-and-comment period. 5 U.S.C. § 553.

65. Courts are obligated to set aside substantive agency rulemaking that fails to adhere to the notice-and-comment requirements of § 553.

66. The PIER Plan requirement should be declared unlawful, set aside, and enjoined from enforcement, implementation, and being given effect in any manner.

### **REQUEST FOR RELIEF**

This Court is authorized to set aside the challenged agency actions, hold them unlawful, grant preliminary and permanent injunctive relief, and award the declaratory and injunctive relief requested below. 5 U.S.C. §§ 553, 701-06; 28 U.S.C. §§ 1361, 2201-02 (2018); Fed. R. Civ. Pro. 57. Therefore, NAS respectfully requests the following relief:

A. A declaratory judgment that the PIER Plan requirement violates the First Amendment to the United States Constitution and is contrary to statutory law;

B. An order preliminarily enjoining Defendants and their agents from taking any action to enforce or apply the PIER Plan requirement;

C. An order declaring that the Defendants did not observe statutory requirements under the Administrative Procedures Act when introducing the PIER Plan requirement to the SC grant application process;

D. An order vacating and setting aside the PIER Plan requirement under 5 U.S.C. § 706(2) and permanently enjoining Defendants from taking any action to enforce or apply the requirement;

E. Award Plaintiff its reasonable costs, including attorneys’ fees incurred in bringing this action under the Equal Access to Justice Act, 28 U.S.C. § 2412; and

F. Any other legal or equitable relief to which NAS may show itself to be justly entitled.

Dated: January 16, 2025

Respectfully submitted,

/s/ Neville S. Hedley

Neville S. Hedley

Anna St. John (*pro hac vice* forthcoming)

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*Attorneys for Plaintiff National Association of Scholars*

**CERTIFICATE OF SERVICE**

I hereby certify that on this day I filed the foregoing with the Clerk of the Court via ECF thus effectuating service on all counsel who are registered as electronic filers in this case.

DATED: January 16, 2025

*(s) Neville S. Hedley*

Neville S. Hedley

# **Exhibit 1**



**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION**

NATIONAL ASSOCIATION OF  
SCHOLARS, OF

Plaintiff,

v.

UNITED STATES DEPARTMENT OF  
ENERGY, JENNIFER GRANHOLM, in her  
official capacity as Secretary of Energy, and  
GERALDINE RICHMOND, in her official  
capacity as Undersecretary of Energy for  
Science and Innovation,

Defendants.

Case No. 25-cv-00077

**DECLARATION OF NEVILLE S. HEDLEY**

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I, Neville Hedley, declare as follows:

1. I have personal knowledge of the facts set forth in this declaration and that the Exhibits to this Declaration are true and accurate copies of internet web pages from the U.S. Department of Energy's Office of Science, Technology and Innovation ("OSTI") website, <https://science.osti.gov>.

2. My full name is Neville Spencer Hedley. I reside in North Carolina and my business address is Hamilton Lincoln Law Institute, 1629 K Street, NW, Suite 300, Washington, DC, 20006. My email address is [ned.hedley@hlli.org](mailto:ned.hedley@hlli.org). I am attorney and a member of the bars of Illinois, California and the District of Columbia.

3. On or about December 19, 2024, I searched the Department of Energy website and located several web pages or sites related to Office of Science research grants and the Department of Energy's PIER Plan requirement.

4. The following attached exhibits to this declaration are true and accurate pdf print-outs from the Department of Energy OSTI website:

- a. The "Promoting Inclusive and Equitable Research (PIER) Plans" web page;
- b. The "Information about PIER Plans" web page;
- c. The "Things to Consider When Developing a PIER Plan" web page;
- d. The "Frequently Asked Questions" web page regarding PIER Plans;
- e. The "Q&As for Reviewers – PIER Plans" web page; and
- f. The "Q&As" web page regarding the Department of Energy's Office of Science Diversity, Equity and Inclusion policies.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on January 14, 2025, in Charlotte, North Carolina.

  
\_\_\_\_\_  
Neville S. Hedley

## **Exhibit 1-a**



## Promoting Inclusive and Equitable Research (PIER) Plans

As of FY 2023, all Department of Energy (DOE) Office of Science [Notices of Funding Opportunity and DOE National Lab Announcements](#) and other funding solicitations require applicants to submit a Promoting Inclusive and Equitable Research (PIER) Plan as an appendix to their proposal narrative. PIER Plans should describe the activities and strategies applicants will incorporate to support diverse participation and safe, professional, equitable, and inclusive environments in their research projects. PIER Plans are evaluated as part of the merit review process and will be used to inform funding decisions.

The [Office of Science \(SC\)](#) is deeply committed to supporting diverse, equitable, inclusive, and accessible work, research, and funding environments that value mutual respect and personal integrity. SC is committed to promoting people of all backgrounds, including individuals from groups and communities historically underrepresented in STEM fields and SC activities in recognition of our responsibility to serve the public<sup>1</sup>. Transforming our understanding of nature to advance scientific discovery and U.S. energy, economic, and national security can only be accomplished by harnessing a diverse range of views, expertise, and experiences to drive scientific and technological innovation. The inclusion of PIER Plans in funding applications makes this commitment to inclusive excellence explicit and a consistent expectation for all SC-funded research and research related activities.

Applications for supplemental funding on existing awards and applications requesting funding for conferences do not require PIER Plans.

- [Information about PIER Plans](#)
- [Things to Consider When Developing a PIER Plan](#)
- [Frequently Asked Questions](#)
- [SC Overview Presentation on PIER Plans](#) (September 2024)
- [Community Informational Resources](#)
- [PIER Plan Resources for SC Program Staff](#) (Internal to SC network only)

<sup>1</sup>Please see definitions and related information at <https://science.osti.gov/SW-DEI/DOE-Diversity-Equity-and-Inclusion-Policies/Q-and-As#definitions>

## Contact Sponsored Activities

### Address

U.S. Department of Energy  
SC-43/Germantown Building  
1000 Independence Ave., SW  
Washington, DC 20585

### Email

Send us a message

[sc.grantsandcontracts@scien](mailto:sc.grantsandcontracts@scien)

## **Exhibit 1-b**

U.S. DEPARTMENT OF  
**ENERGY**Office of  
Science

## Information about PIER Plans

The information below describes the guidance language that will appear in all SC Notices of Funding Opportunity and DOE Laboratory Announcements. Some solicitations may include additional guidance language for PIER Plans tailored to the scope and objectives of the solicitation and history of the programmatic activities. Likewise, the guiding reviewer questions may include additional questions related to the scope and history of the associated programmatic activities.

Note, the PIER Plan proposal element does not apply to applications for supplemental funding on existing awards or applications requesting support for conferences. As of FY 2023, applications to the Office of Science requesting support for conferences are subject to additional requirements (See the [FY 2024 Continuation of Solicitation for the Office of Science Financial Assistance Program](#) ).

- [General Guidance Language on PIER Plans](#)
- [Merit Review Criterion and Reviewer Questions](#)
- [Things to Consider When Developing a PIER Plan](#)

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## General Guidance Language on PIER Plans

*The following guidance language will appear in Section IV (APPLICATION AND SUBMISSION INFORMATION), subsection D.2. (Research and Related Other Project Information) in SC's Notices of Funding Opportunity:*

APPENDIX [#]: Promoting Inclusive and Equitable Research Plan

“All applications must provide a Promoting Inclusive and Equitable Research (PIER) Plan as an appendix to the research proposal narrative. The PIER plan should describe the activities and strategies of the applicant to promote equity and inclusion as an integral element to advancing scientific excellence in the research project within the context of the proposing institution and any associated research group(s)<sup>1</sup>. Plans may include, but are not limited to: strategies for enhanced recruitment of undergraduate students, graduate students, and early-stage investigators (postdoctoral researchers, and others), including individuals from diverse backgrounds and groups historically underrepresented in the research community; strategies for creating and sustaining a positive, inclusive, safe, and professional research and training environment that fosters a sense of belonging among all research personnel; and/or training, mentoring, and professional development opportunities<sup>2</sup>. **PIER Plans should be tailored to the research project.** While PIER Plans may

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### Address

U.S. Department of  
Energy  
SC-43/Germantown  
Building  
1000 Independence Ave.,  
SW  
Washington, DC 20585

### Email

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[sc.grantsandcontracts@scien](mailto:sc.grantsandcontracts@scien)

incorporate or build upon existing efforts of the project key personnel or applicant institution(s) to recruit diverse participants and create inclusive research environments, plans should not be a re-statement of standard institutional policies or broad principles. The complexity and detail of a PIER Plan is expected to increase with the size of the research team and the number of personnel to be supported.

*For renewal applications only:* Discuss briefly how this PIER Plan builds on or expands upon actions and accomplishments of the relevant efforts (e.g., PIER Plan or related activities) of the currently supported research.

Subject to the applicable cost principles, applications may request costs necessary for implementing the PIER Plan.

See also Section V for information on the Merit Review Criteria associated with this section.

- Do not attach a separate file.
- This response should not exceed three (3) pages. This appendix will not count in the project narrative page limitation.”

<sup>1</sup>Please see definitions and related information at <https://science.osti.gov/SW-DEI/DOE-Diversity-Equity-and-Inclusion-Policies/Q-and-As#definitions>.

<sup>2</sup>Please see SC's [Things to Consider When Developing a PIER Plan](#).

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## Merit Review Criterion and Reviewer Questions

PIER Plans will be evaluated as part of the merit review process and will be used to inform funding decisions. The review criterion, Quality and Efficacy of the Plan for Promoting Inclusive and Equitable Research, will be included as one of the merit review criteria that peer reviewers will use to evaluate applications.

The Office of Science's standard merit review criteria are set forth by 10 CFR Part 605.10 and may include additional criteria relevant to the scope and objectives of the solicitation. In SC's Notices of Funding Opportunity, the merit review criteria and associated guiding questions for reviewers will appear in Section V (Application and Review Information). Unless otherwise tailored in the solicitation (Notices of Funding Opportunity or DOE Laboratory Call), the merit review criteria for the evaluation of applications are as follows, in descending order of importance:

- Scientific and/or Technical Merit of the Project;
- Appropriateness of the Proposed Method or Approach;
- Competency of Applicant's Personnel and Adequacy of Proposed Resources;
- Reasonableness and Appropriateness of the Proposed Budget; and
- Quality and Efficacy of the Plan for Promoting Inclusive and Equitable Research.

The guiding reviewer questions for the criterion, *Quality and Efficacy of the Plan for Promoting Inclusive and Equitable Research*, may include the following:

- How well integrated is the Promoting Inclusive and Equitable Research (PIER) Plan with the proposed project?
- What aspects of the PIER Plan are likely to contribute to the goal of creating and maintaining an equitable, inclusive, encouraging, and professional training and research environment and supporting a sense of belonging among project personnel?
- Are all aspects of the PIER Plan actionable and are the goals attainable during the project's period of performance?
- How does the proposed plan include intentional mentorship of project personnel and are the associated mentoring resources reasonable and appropriate?
- How are the proposed resources and budget for the PIER Plan reasonable and appropriate?
- To what extent is the PIER Plan likely to lead to participation of individuals from diverse backgrounds, including individuals historically underrepresented in the research community?
- *For renewal applications only:* How does the proposed plan build or expand upon actions and strategies to promote diversity and professional, inclusive research environments in the currently supported research?

Additional or modified reviewer questions may be included in the solicitation if applicable to the scope of the solicitation and history of the research efforts.



## **Exhibit 1-c**



U.S. DEPARTMENT OF  
**ENERGY**

Office of  
Science

## Things to Consider When Developing a PIER Plan

Promoting Inclusive and Equitable Research (PIER) Plans should describe the activities and strategies applicants will incorporate to enhance the scientific and technical merit of the proposed research through efforts that foster inclusive research and learning environments and promote equitable access to research and research careers. Since these plans should be tailored to the proposed research, the Office of Science expects to receive a wide range of ideas and approaches in applicants' PIER Plans.

*Applicants are strongly encouraged to incorporate into their PIER Plans specific actionable tasks that are tailored to the proposed research project; PIER Plans with actionable tasks and milestones tend to be rated higher in the merit review process than plans with generic statements or plans that only reference institutional policies and plans.*

In developing tailored and intentional PIER Plans, applicants are encouraged consider one or more of the following areas:

### **The composition of the project team, including project personnel and partnering institutions and organizations.**

This may include, but is not limited to:

- recruitment and inclusion of individuals from diverse backgrounds on the research project, individuals from groups [historically underrepresented in the research area](#) , and individuals from [underserved communities](#) ;
- partnering with individuals from [institutions historically underrepresented in Federal research](#), including but not limited to [minority serving institutions](#) , [non-R1 institutions of higher education](#) , emerging research institutions, and/or institutions of higher education in [EPSCoR states](#) ;
- and/or partnering with scientific professional societies or other organizations and initiatives aimed at broadening access to STEM fields.

### **The research environment.**

This may include, but is not limited to:

- establishing and cultivating research and work environments that promote mutual respect and professionalism and productivity, where all project

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personnel feel welcome, safe, supported, and encouraged to make technical contributions to the project;

- development and/or adoption of laboratory-, community-, or collaboration-specific codes of professional conduct;
- practices and protocols for ensuring safe conduct of research and personnel safety, especially for research conducted in isolated or remote environments;
- and/or providing equitable access to research tools and facilities for researchers that need special accommodations.

**The implementation of the research project, and scholarly and professional growth of project personnel.**

This may include, but is not limited to:

- distribution of leadership responsibilities among project key personnel;
- mentoring and/or training opportunities for project personnel;
- equitable access of project personnel to professional development opportunities;
- inclusive and equitable plans for recognition on publications, datasets, and presentations;
- inclusive practices for community engagement and strategic planning meetings or events;
- active engagement or collaboration with institutional initiatives or initiatives led by scientific professional societies or similar organizations;
- and/or communication of research goals and results to broader audiences.

**Applicants may want to consider the following questions as they develop their PIER Plan:**

- How do the activities proposed in the PIER Plan enhance the scientific and/or technical merit of the proposed research project?
- How do the proposed activities and strategies support equity and inclusion as an intrinsic element to advancing scientific excellence in the research project?
- Are the proposed activities and strategies reasonable, actionable, and appropriate for the project scope and project period?
- Does the proposed research project include a clear strategy for ensuring the safety, including physical and psychological safety, of all participants, including those working in traditional workspaces (e.g., labs, offices), remote or isolated research environments, and/or atypical hours?

- Are the roles and responsibilities for implementing the PIER Plan fair and equitable and understood by the applicant's key personnel on the project?
- Do the applicant and key personnel have demonstrated experience and competencies in carrying out the proposed scope of the PIER Plan that could be emphasized?
- How are the proposed activities and strategies leveraging institutional resources or professionals, or resources available through scientific professional societies or similar organizations to support project personnel?
- Is the rationale for the proposed activities and strategies, and their potential contributions to promoting inclusion and equity within the research project, clearly described?
- Are adequate resources (including budget) requested to reasonably carry out the proposed PIER Plan?
- Are timelines or milestones for proposed activities and strategies specific and appropriate to allow for reasonable tracking of and reporting on progress?

## **Exhibit 1-d**

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## Frequently Asked Questions

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The following questions and answers have been prepared to address common questions related to the Office of Science (SC) requirement for Promoting Inclusive and Equitable Research (PIER) Plans

### Contents

- [Q&As for Applicants](#)
  - [Q&As for Reviewers](#)
  - [Q&As for SC Program Staff](#) (Internal to SC network only)
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### Q&As for Applicants

#### ▼ What is a PIER Plan?

A PIER Plan is a description of activities and strategies to enhance the scientific and technical merit of the proposed research through efforts to support diverse participation and safe, professional, equitable, and inclusive environments. Plans may include, but are not limited to: strategies of key personnel and/or the applicant institution (and collaborating institutions, if applicable) for enhanced recruitment of undergraduate students, graduate students, and early-stage investigators (postdoctoral researchers, and others), including individuals from diverse backgrounds and groups historically underrepresented in the research community; strategies for creating and sustaining a positive, inclusive, safe, and professional research and training environment that fosters a sense of belonging among all research personnel; and/or training, mentoring, and professional development opportunities. PIER Plans may build from current diversity, equity, inclusion, and accessibility efforts of the key personnel and/or applicant institution, but they should be distinct from those efforts and should be an integral part of the proposed project. The PIER Plan is submitted as an appendix to the research proposal at the time of application.

Since these plans should be tailored to the proposed research, the Office of Science expects to receive a wide range of ideas and approaches in applicants' PIER Plans. Applicants may [consider a broad range of focus areas](#) for the PIER Plan.

#### ▼ What does “inclusive and equitable research” mean?

Inclusive and equitable research refers to, but is not limited to, the research environment, the composition of the research team, the responsibilities among the research participants, and the distribution of leadership activities of the

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research personnel. Inclusion is an intentional and ongoing effort to ensure that research personnel from all backgrounds are psychologically and physically safe, fully involved and respected in all aspects of the research project, including decision-making. Equity requires that resources are distributed to provide all project personnel access to opportunity.

▼ **What does the Office of Science define as “groups historically underrepresented in STEM”?**

The question, “What groups are historically underrepresented in STEM?” does not have a one-size-fits-all answer. It’s a relative term and has meaning only when compared to a relevant baseline. That baseline depends on, for example, the scientific field and the education level (post-secondary, undergrad, grad, early career, mid-career, etc.).

The Office of Science encourages diverse participation in their sponsored research and promotes equity, inclusion, and accessibility broadly through PIER Plans. Applicants should look at publicly available statistical information (e.g., NSF’s [National Center for Science and Engineering Statistics](#) data) for benchmark data in specific scientific fields. It is up to the applicant to determine how to best promote diversity, equity, inclusion, and accessibility within their specific proposed research project and to determine what contributions they can make to create more inclusive and equitable research environments.

▼ **Is the applicant responsible for determining how to identify what groups are historically underrepresented in the research field relevant to the research proposal and address that within the PIER Plan in order to comply with the requirement?**

Strategies and activities for recruitment and inclusion of individuals from diverse backgrounds on the research project, including individuals from groups historically underrepresented in the research area, is [just one of the areas of focus](#) that the applicant may include in the PIER Plan. It is the applicant’s responsibility to identify what groups are historically underrepresented in the research field relevant to the research proposal. Applicants should look at publicly available statistical information, e.g., NSF’s [National Center for Science and Engineering Statistics](#) data for benchmark data in specific scientific fields.

▼ **The PIER Plan guidelines call for initiatives that support "participation of individuals from diverse backgrounds," and "participation from diverse participants." What characteristics or categories of "backgrounds" of participants are desired by the Office of Science?**

The Office of Science defines diversity broadly. Diversity includes a broad spectrum of characteristics including, but not limited to, race, color, ethnicity, national origin, age, religion, culture, language, disability, sexual orientation, gender identity, socioeconomic status, family structure, geographic location, neurodiversity, technical expertise, and life experiences. We recognize this includes characteristics for which there may be limited available data or limited ability to collect specific demographic information from individuals.

**▼ Will there be special guidance included in each solicitation on the underrepresented population(s) targeted by the solicitation?**

Office of Science solicitations now require inclusions of the [PIER Plan](#) proposal element. Individual solicitations may include additional guidance areas, particularly if there is a history of diversity, equity, inclusion, and accessibility efforts within a research portfolio. It is not the intention of the DOE Office of Science to focus on any specific group as historically or contemporarily underrepresented population(s) for a particular solicitation. Rather, the PIER Plan may discuss how the applicants will be promoting inclusion and equity through the project personnel, through the research environment, and/or through the proposed work of the research proposal. This includes but is not limited to recruiting and retaining project personnel who come from groups historically or contemporarily underrepresented in the scientific discipline that is the focus of the research proposal. Please see the [Things to Consider When Developing a PIER Plan](#).

**▼ Other DOE offices have also emphasized the importance of considering how projects will impact marginalized communities. Is this something that falls within the scope of the PIER Plan, or is the focus on the research team itself?**

The primary focus of a PIER Plan is the strategies and activities that will promote diverse participation and safe, professional, equitable, and inclusive environments within the research project. As part of a PIER Plan, applicants may include activities aimed at recruiting project personnel from historically marginalized communities, they may also include outreach to marginalized communities aimed at sharing research related results that serve to benefit those communities. Please see the [Things to Consider When Developing a PIER Plan](#).

**▼ How do international diversity, equity, inclusion, and accessibility efforts factor into PIER Plans? Are these acceptable strategies for PIER Plans?**

Applicants may leverage or build upon existing international diversity, equity, inclusion, and accessibility efforts. These efforts should be integrally related to the proposed research project and to the research community relevant to the research portfolio supported by the sponsoring Office of Science Program Office for the solicitation.

**▼ Will exemplar PIER Plans be posted?**

No. PIER Plans are intended to be specific to the proposed research project. Posting example plans tends to encourage applicants to copy the examples rather than think innovatively about tailored approaches. Innovative approaches that are integral to the research and support participation from diverse participants are encouraged. Applicants may build on existing diversity, equity, accessibility, and inclusion efforts of the project personnel or applicant institution(s). The complexity and detail of a PIER Plan is expected to increase with the size of the research team and the number of personnel supported. Also, be sure to read the funding announcement (Notice of



Funding Opportunity or DOE Laboratory Call) carefully since it may contain unique requirements and include additional reviewer questions to address the unique requirement. Please see the *Things to Consider When Developing a PIER Plan*.

**▼ Are there efforts underway to educate the community on best practices in PIER Plans?**

The Office of Science has prepared an initial compendium of existing evidence-based practices in [publicly available reports](#) as an initial resource for the research communities. The Office of Science will continue to assess the content and quality of the PIER Plans received, will evaluate reviewer input and feedback, and will consult subject matter experts. Over time, we will consider what constitutes promising practices or best practices for elements of a good PIER Plan. We look forward to seeing how the community responds to this overall requirement and how those responses can inform future resources.

**▼ How “integrated” must a PIER Plan be with research overall? Can participation in STEM pathway development at the K-12 or undergraduate level be included in a proposal that is largely focused on research at the graduate level and beyond?**

A PIER Plan should describe the activities and strategies applicants will incorporate to promote diversity, equity, inclusion, and accessibility within their research projects. If the development of a STEM pathway is an integral part of the scope of proposals being solicited by the sponsoring Office of Science Program Offices, then the PIER Plan may include the activities and strategies the applicant will take to promote inclusion and equity within that scope of work.

**▼ Are there assessments required as part of a PIER Plan to determine if the proposed plan will be effective?**

Applicants are expected to establish their own milestones and measures to assess progress of their PIER Plans. Awardee’s assessment of progress towards implementing the PEIR plans should be included as part of the annual progress reports to the Office of Science. The Office of Science expects Principal Investigators to report on their progress with the PIER Plans with the same rigor that they report on the progress of their research. The success of PIER Plan activities may be evaluated as part of project performance reviews or as part of future renewal awards.

**▼ Are PIER Plans required for DOE National Laboratories that receive invitations to submit proposals via PAMS directly from a Program Manager, which do not typically include full FOA instructions?**

Yes. PIER Plans are required for invitational proposals by DOE National Labs. Program managers should be including that requirement as part of their instructions in invitations for proposals. If those instructions are not specifically included, please refer to the Office of Science [PIER Plan website](#) for guidance. PIER Plans should not exceed three pages (unless otherwise

specified in the solicitation or SC Program Office) and should be included as an appendix to the research proposal submitted to the Office of Science.

DOE Laboratory Field Work Proposals (FWP) submitted in response to the annual DOE Office of Science Budget Call *should not* include PIER Plans. PIER Plans should be submitted with the research proposal narrative per the official solicitation or specific invited research proposal request.

▼ **Where in the application should the PIER Plan be included?**

The PIER Plan should be submitted as part of the research proposal narrative in an appendix. It should be part of the single PDF that is submitted with the application materials.

▼ **What are the length and format requirements of a PIER Plan?**

The format of the PIER Plan should follow the format requirements in the solicitation guidance for the proposal narrative. If not otherwise specified, use 1-inch margins and font no smaller than 11-point. The length of the PIER Plan should not exceed three pages. The PIER Plan does not count toward the overall page limit of the research proposal narrative specified in the solicitation.

Be sure to read the solicitation (Notice of Funding Opportunity or DOE Laboratory Call) carefully since it may contain additional requirements. In rare instances, the solicitation may specify an increased page limit due to the size and the complexity of anticipated proposals.

▼ **Can I submit my institution's Diversity, Equity, and Inclusion (DEI) Plan as a PIER Plan?**

No. Institutional DEIA plans are not a substitute for a PIER Plan. PIER Plans are expected to be specific to the proposed research and an integral part of the scientific and technical merits of the proposed project. PIER Plans may incorporate or build upon existing diversity, equity, accessibility, and inclusion efforts of the project key personnel or applicant institution(s) but should not be a re-statement of standard institutional policies or broad principles.

Submitted PIER Plans that merely cut and paste part of the institution's DEI Plan tend to not receive positive evaluations in the merit review process.

▼ **Will you elaborate on how far the PIER Plan may refer to existing university, departmental, and/or institutional diversity, equity, inclusion, and accessibility (DEIA) policies?**

Applicants may leverage existing institutional or organizational programs, procedures, and initiatives as they relate to the proposed research in the application being submitted. However, the PIER Plan must describe the direct connection between the programs, procedures, or initiatives and how they will specifically be applied or leveraged by project personnel as part of the proposed research project to support diverse participants in the project and/or support professional, equitable, and inclusive learning and research environments.

Submitted PIER Plans that merely cut and paste part of the institution's DEI plan or policies tend to not receive positive evaluations in the merit review process.

**▼ Can a PIER Plan include relevant experiences I did not include in my proposal CV?**

Yes. Plans may incorporate or build upon existing diversity, equity, accessibility, and inclusion efforts of the project key personnel, so relevant experiences germane to the PIER Plan may be included. The PIER Plan should be developed to uniquely support the application, and it should provide sufficient relevant detail in order for reviewers to evaluate the PIER Plan consistent with the [merit review criterion's](#) guiding questions for reviewers.

In addition, be sure to read the solicitation you are responding to carefully since it may contain requirements unique to that solicitation.

**▼ If I am already leading outreach efforts that fall within the scope of an existing grant, can these be listed within the PIER Plan for the grant renewal or do they have to be new efforts?**

The activities proposed in a PIER Plan for the renewal proposal may build on existing efforts to promote inclusion and equity in research, but the scope of the PIER Plan must specifically describe strategies and activities that will be an integral part of the proposed renewal project.

**▼ If the Principal Investigator of the research proposal is already involved in other diversity, equity, inclusion, and accessibility efforts, can the PIER Plan build on that involvement in some way?**

There are no restrictions about whether the PIER Plan can leverage existing activities, but the PIER Plan submitted with the application needs to address strategies and activities unique to the submitted research proposal and involve the project personnel on the proposed project.

**▼ I forgot to include my PIER Plan; may I email it to the program manager?**

No. The PIER Plan must be submitted as an appendix in the single PDF containing the research proposal narrative. Do not email the PIER Plan to the program manager. If the application was submitted before the submission deadline, you may go back into PAMS and resubmit the complete application that includes the PIER Plan prior to the submission deadline. If it is past the submission deadline, the application will be considered incomplete and will not be evaluated.

**▼ If multiple institutions are partnering on a research proposal, does each partner institution need to submit a separate PIER Plan with the application?**

No. Only one PIER Plan should be submitted with the application and it should incorporate the roles, activities, and strategies of those institutions for promoting equity and inclusion as an intrinsic element of the research project.

**▼ If multiple institutions are submitting separate applications as part of a collaborative proposal, should each application submit a PIER Plan unique to their institution?**

No. Collaborative proposals must submit one, identical proposal research narrative for all submitting collaborating institutions. Likewise, the applications should include one identical PIER Plan with all collaborative proposals submitted. The single PIER Plan should incorporate the roles, activities, and strategies of the collaborating institutions for promoting equity and inclusion on the research project.

**▼ Are PIER Plans required for non-lead DOE National Labs in a collaborative proposal among DOE Labs?**

No. A single overall PIER Plan should be included with the research proposal submitted by the lead DOE Lab. The PIER Plan should refer to planned efforts by, or expectations of collaborating partners, including DOE Labs, if they are known at the time of application.

**▼ For Principal Investigators who are members of a large community collaboration, can a collaboration-wide standard DEI plan be submitted in place of PIER Plans that are submitted with each individual proposal?**

No, a tailored PIER Plan must be submitted with each research proposal submitted to SC. Large community collaborations may be funded through multiple separate award agreements and by multiple agencies. While the PIER Plan may refer to how the proposed DEIA efforts on the proposed research project are linked to or leverage a larger community collaboration's efforts to advance DEIA among the collaboration, each research application to SC must provide a PIER Plan specific to the scope of research being proposed in the application and the proposed project personnel.

**▼ It is well established that much of the inclusion and equity work within departments is carried out by faculty who themselves belong to underrepresented or marginalized groups and who tend to be more junior, resulting in a disproportionate workload. For university “umbrella proposals” that include many faculty, how will the PIER Plan format and evaluation ensure that the PIER efforts will be distributed equitably across all key personnel?**

Proposals supporting a large team of investigators, broken into multiple sub-projects or tasks must ensure that all key personnel are engaged such that the entire project promotes an equitable, inclusive, and accessible research environment.

For large team proposals awarded under a cooperative agreement, the sponsoring Office of Science Program Office may require additional details on the PIER Plan post-award as part of the overall management plan to ensure equitable roles and responsibilities of key personnel. For large team proposals awarded under standard grant terms and conditions, the sponsoring Office of Science Program Office will evaluate progress reports on PIER Plans to assess whether responsibilities have been shared in an equitable manner.

Program Offices may include additional guidance in the solicitation that requires clarification of roles and responsibilities for the PIER Plan among key personnel. This may include the evaluation of equitable roles and responsibilities in the implementation of past plans as part of the evaluation of renewal proposals.

► **Is it permissible to include costs related to the PIER Plan in the budget of my application?**

▼ **Will allocation of research funds directly towards staff scientist outreach to primary and secondary schools be encouraged?**

No, there is not a specific type of activity being emphasized over others to be included in PIER Plans. Applicants may include costs related to the development and implementation of their PIER Plan in the budget, and those costs will vary based on the scope of the plan. The PIER Plan should describe the activities and strategies applicants will incorporate to promote diversity, equity, inclusion, and accessibility within the scope of their research projects and in the research environment. Outreach may be part of a PIER Plan but is not a required element. Proposed outreach efforts should be integral to advancing diverse participants in the project and/or support professional, equity, and inclusive, learning and research environments within the project to be considered within scope and merit funding.

Please see the *Things to Consider When Developing a PIER Plan*.

▼ **I am only requesting support for myself as a PI, do I still need to submit a PIER Plan with my research proposal?**

Yes, all applications for funding to the Office of Science, with the exception of supplemental proposals and conference proposals, must include the PIER Plan proposal element. All applicants are encouraged to consider what contributions they can make to broadening diverse participation in the field and/or to creating more equitable and inclusive research environments. It is expected that the complexity and detail of a PIER Plan for a single PI submission would be less than that for a larger research project.

▼ **I am only requesting support for one graduate student; do I still need to submit a PIER Plan?**

Yes, all applications for funding to the Office of Science, with the exception of supplemental proposals and conference proposals, must include the PIER Plan proposal element. All applicants are encouraged to consider what contributions they can make to broadening diverse participation in the field and/or to creating more equitable and inclusive research environments. It is expected that the complexity and detail of a PIER Plan for a smaller research project and fewer project personnel would be less than that for a larger research project.

▼ **I am submitting a proposal for funding to host a session at a scientific conference. Do I need a PIER Plan?**

No. Applications requesting SC funding to support a conference do not require a PIER Plan. However, SC established [new requirements for conference proposals](#) beginning in FY 2023. Please see the FY 2024 SC Open Call ([FY 2024 Continuation of Solicitation for the Office of Science Financial Assistance Program](#) ) for specific information on those requirements for financial assistance awards; requests for conference support from DOE National Laboratories are subject to similar requirements.

#### ▼ **Is the PIER Plan weighted more significantly than other review criteria in the merit review process?**

In general, SC's merit review criteria are established as the following in descending order of importance (weight), unless otherwise specified in the solicitation (Notice of Funding Opportunity or DOE Laboratory Call):

- Scientific and/or Technical Merit of the Project;
- Appropriateness of the Proposed Method or Approach;
- Competency of Applicant's Personnel and Adequacy of Proposed Resources;
- Reasonableness and Appropriateness of the Proposed Budget; and
- Quality and Efficacy of the Plan for Promoting Inclusive and Equitable Research.

Read the solicitation carefully to determine the relative significance (or weight) of the criteria for the merit review process associated with the particular solicitation.

#### ▼ **Does the PIER Plan guidance include information about how to document the proposed PIER-related activities?**

The Office of Science has not provided specific guidance on documenting the progress or outcomes of activities proposed in the PIER Plan. SC anticipates the scope and detail of PIER Plans to vary across applications and solicitations. When developing a PIER Plan, applicants should consider identifying major milestones for proposed activities, related metrics, and how they will track those activities over time. Principal Investigators on funded awards are required to report progress on carrying out their PIER Plans as part of their annual reports to the Office of Science following the standard research progress report formats.

#### ▼ **How will the PIER Plan be evaluated by merit reviewers?**

The standard merit review criterion for the evaluation of the PIER Plan is, [Quality and Efficacy of the Plan for Promoting Inclusive and Equitable Research](#).

The standard guiding questions for reviewers in the evaluation of this criterion may include the following:

- How well integrated is the Promoting Inclusive and Equitable Research (PIER) Plan with the proposed project?
- What aspects of the PIER Plan are likely to contribute to the goal of creating and maintaining an equitable, inclusive, encouraging, and

professional training and research environment and supporting a sense of belonging among project personnel?

- Are all aspects of the PIER Plan actionable and are the goals attainable during the project's period of performance?
- How does the proposed plan include intentional mentorship of project personnel and are the associated mentoring resources reasonable and appropriate?
- How are the proposed resources and budget for the PIER Plan reasonable and appropriate?
- To what extent is the PIER Plan likely to lead to participation of individuals from diverse backgrounds, including individuals historically underrepresented in the research community?
- *For renewal applications only:* How does the proposed plan build or expand upon actions and strategies to promote diversity and professional, inclusive research environments in the currently supported research?

Please refer to the guiding reviewer questions posted in the solicitation (Notice of Funding Opportunity or DOE Laboratory Call) as some questions may be tailored to the scope and objectives of the solicitation. Plans should include sufficient detail for reviewers to evaluate the plan against the above questions.

#### ▼ How will reviewers be trained to evaluate the PIER Plans?

Reviewers for the Office of Science will be provided standardized guidance for the evaluation of PIER Plans as part of required reviewer orientation materials, including an overview of the application requirements and the broad range of the possible scope areas that could be included in a PIER Plan. Reviewers will be provided [example guiding questions](#) for the review, as well as [information made available to the community](#) to help guide applicants in the development of their PIER Plans.

Reviewers are also encouraged to review the entire list of [Q&As for Applicants](#) as well as the [Q&As for Reviewers](#).

#### ▼ Will my application still be considered and evaluated if it does not include a PIER Plan?

No. If an application is missing a PIER Plan, it will be considered an incomplete application and will not be evaluated. Applicants should consider whether it would be in their best interests to withdraw the application.

#### ▼ I am submitting an application in response to a DOE Laboratory Announcement. Do I need to submit a PIER Plan?

Yes. Applications submitted in response to a DOE Laboratory Announcement must include a PIER Plan. Please refer to the detailed language in the DOE Laboratory Announcement regarding the PIER Plan requirements.

DOE Laboratory Field Work Proposals (FWP) submitted in response to the annual DOE Office of Science Budget Call *should not* include PIER Plans. PIER Plans should be submitted with the research proposal narrative per the official solicitation or specific invited research proposal request.



**▼ I am a Principal Investigator of an SC-sponsored DOE Laboratory core lab base research program, or science focus area. At the request of my sponsoring SC Program Office, I am submitting a renewal proposal to SC, do I need to include a PIER Plan with my proposal?**

Yes. All research proposals submitted to SC from the DOE National Laboratories beginning in FY 2023, whether submitted to a Laboratory Announcement or in response to Program-specific invitation, must include a PIER Plan. Please refer to [the general guidance language](#) on the SC website in addition to the guidance provided by the SC Program Office.

**▼ Do current awardees need to provide a PIER Plan for the continuation of their existing multi-year award?**

If your current Office of Science award was funded prior to FY 2023, you do not need to submit a separate PIER Plan. However, any renewal proposal submitted to the Office of Science will require a PIER Plan as part of the application.

**▼ Do renewal proposals require a PIER Plan?**

Yes, renewal proposals submitted to the Office of Science (SC) starting in FY 2023 require a PIER Plan. This includes all Notices of Funding Opportunity, the FY 2024 SC Open Call ([FY 2024 Continuation of Solicitation for the Office of Science Financial Assistance Program](#) ), DOE Laboratory Announcements, or a proposal submitted to SC in response to a specific SC Program invitational request to a DOE Laboratory for new or renewal funding (e.g., renewal of DOE laboratory base research program, or Science Focus Area proposals).

DOE Laboratory Field Work Proposals (FWP) submitted in response to the annual DOE Office of Science Budget Call *should not* include PIER Plans. PIER Plans should be submitted with the research proposal narrative per the official solicitation or specific invited proposal request.

**▼ My current award was funded prior to FY 2023, do I need to submit a PIER Plan for an application for supplemental funding on my current award?**

No, proposals for supplemental funding on existing awards do not require a PIER Plan.

**▼ Who should I contact if I have additional questions about the solicitation and the PIER Plan requirement?**

Investigators should always direct their questions to their institutional Office of Sponsored Research (or equivalent). This office is responsible for the content and submission of any applications. Technical SC program managers can always offer advice about the scientific intent of any FOA or Laboratory Announcement. General administrative questions may be sent to [sc.grantsandcontracts@science.doe.gov](mailto:sc.grantsandcontracts@science.doe.gov).



## **Exhibit 1-e**

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## Q&As for Reviewers - PIER Plans

In preparation for evaluating PIER Plans as part of the merit review process, Reviewers are strongly encouraged to read through all of the [informational materials regarding](#) the PIER Plan proposal element, including the [Things to Consider When Developing a PIER Plan](#), and the [Q&As for Applicants](#) as well as the Q&As for Reviewers below.

### ▼ What are the guiding reviewer questions for evaluating a PIER Plan?

- How well integrated is the Promoting Inclusive and Equitable Research (PIER) Plan with the proposed project?
- What aspects of the PIER Plan are likely to contribute to the goal of creating and maintaining an equitable, inclusive, encouraging, and professional training and research environment and supporting a sense of belonging among project personnel?
- Are all aspects of the PIER Plan actionable and are the goals attainable during the project's period of performance?
- How does the proposed plan include intentional mentorship of project personnel and are the associated mentoring resources reasonable and appropriate?
- How are the proposed resources and budget for the PIER Plan reasonable and appropriate?
- To what extent is the PIER Plan likely to lead to participation of individuals from diverse backgrounds, including individuals historically underrepresented in the research community?
- *For renewal applications only:* How does the proposed plan build or expand upon actions and strategies to promote diversity and professional, inclusive research environments in the currently supported research?

### ▼ Where can I find information about how to review a PIER Plan?

During the merit review process, the lead SC Program Manager is the best resource for additional information or guidance regarding evaluating the PIER Plan. General information on the PIER Plan requirement is available on the [SC website](#). PIER Plans should address the guiding questions listed in the solicitation under the relevant review criterion: *Quality and Efficacy of the Plan for Promoting Inclusive and Equitable Research*. The guiding reviewer questions include:

- How well integrated is the Promoting Inclusive and Equitable Research (PIER) Plan with the proposed project?

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- What aspects of the PIER Plan are likely to contribute to the goal of creating and maintaining an equitable, inclusive, encouraging, and professional training and research environment and supporting a sense of belonging among project personnel?
- Are all aspects of the PIER Plan actionable and are the goals attainable during the project's period of performance?
- How does the proposed plan include intentional mentorship of project personnel and are the associated mentoring resources reasonable and appropriate?
- How are the proposed resources and budget for the PIER Plan reasonable and appropriate?
- To what extent is the PIER Plan likely to lead to participation of individuals from diverse backgrounds, including individuals historically underrepresented in the research community?
- *For renewal applications only:* How does the proposed plan build or expand upon actions and strategies to promote diversity and professional, inclusive research environments in the currently supported research?

Additional reviewer questions may be included in the solicitation if applicable to the scope of the solicitation and history of the research efforts; those additional reviewer questions should be provided by the SC Program Offices as part of the overall guidance to reviewers.

**▼ I'm not an expert in diversity, equity, inclusion, and accessibility issues, am I qualified to review a PIER Plan?**

Yes, all reviewers have the ability to assess a PIER Plan. Topics and issues involving broadening access and creating safe, inclusive, professional learning and research environments are critical to the success of institutions and their employees, trainees, and students. As members of the scientific community who work in institutions with a commitment to promoting employee, student, and faculty diversity and inclusive learning or workplace cultures, reviewers should be able to evaluate PIER Plans. Reviewers should use the guiding reviewer questions provided to assist them as they evaluate plans that will achieve equitable and inclusive research environments and enhance the scientific merit of the proposed research.

**▼ Is the PIER Plan weighted more significantly than other review criteria in the merit review process?**

In general, SC's merit review criteria are established as the following in descending order of importance (weight), unless otherwise specified in the solicitation (Notice of Funding Opportunity or DOE Laboratory Call):

- Scientific and/or Technical Merit of the Project;
- Appropriateness of the Proposed Method or Approach;
- Competency of Applicant's Personnel and Adequacy of Proposed Resources;
- Reasonableness and Appropriateness of the Proposed Budget; and

- Quality and Efficacy of the Plan for Promoting Inclusive and Equitable Research.

In general, the order of the merit review criteria listed in the solicitation (Notice of Funding Opportunity or DOE Laboratory Announcement) conveys the relative significance (or weight) of the criteria in descending order of importance.

Every SC Program Office has its own established processes and guidance for reviewers regarding how applications will be evaluated and scored (e.g., numerically and/or adjectivally) in the merit review process for a particular solicitation. The order of importance (i.e., weight) of a particular review criterion relative to other review criteria are specified in the solicitation, and the reviewer guidance relative to their consideration of the review criteria should be consistent with that published order of importance. The lead SC Program Manager is the best resource for information about the relative weighting and scoring rubric for the review you are participating in.

**▼ What are the elements of a PIER Plan? Are there examples available to read?**

No examples of PIER Plans are provided to encourage applicants to think innovatively about their PIER Plans and tailor their plans to their unique research proposal. The general guidance to applicants about the scope of PIER Plans can be found on the [PIER Plan website](#) and the [Things to Consider When Developing a PIER Plan](#) site. Each PIER Plan is expected to be tailored to the research project and thus unique and integral to the scientific and technical merit of the proposed research. Applicants are discouraged from simply cutting and pasting their institutional policies or plans, PIER Plans must be tailored to the research.

## **Exhibit 1-f**



U.S. DEPARTMENT OF  
**ENERGY**

Office of  
Science

## Q & As

### Contents

- [General Questions](#)
- [Definitions](#)

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### General Questions

#### **What is the purpose of the DOE Office of Science Diversity, Equity & Inclusion (DEI) Policies webpage? Has the DOE or the Office of Science established any new DEI policies?**

This site was established to communicate the DOE Office of Science's (SC) continued commitment to diversity, equity, and inclusion, and in support of this commitment, make DOE's existing policies, regulations, and procedures regarding discrimination and harassment more accessible to the scientific community and the institutions and individuals receiving DOE SC funding.

Currently, this site consists of existing DOE policies already in effect. If and when new DOE or SC policies, practices, resources, and communications are developed or existing policies updated, SC will update this website and/or link to new information.

#### **What is harassment?**

**Harassment** includes any unwelcome conduct or reprisal (verbal, written, or physical) that is based on an individual's race, color, sex (including pregnancy, gender identity, and sexual orientation), religion, national origin, age, disability (physical or mental), genetic information, or participation in protected equal employment opportunity (EEO) activities including making reports or allegations of harassment or providing information related to such allegations. (10 CFR 1040, 1041, and 1042)

Harassing behaviors can be non-sexual or sexual, including bullying, intimidation, violence, threats of violence, retaliation, and other disruptive behaviors or unwelcome conduct that: (1) has the purpose or

## Contact Office of Scientific Workforce and Integrity

### Address

U.S. Department of  
Energy  
SWI/Germantown  
Building  
1000 Independence  
Ave., SW  
Washington, DC  
20585

### Email

Send us a message

[sc.swi@science.doe.gov](mailto:sc.swi@science.doe.gov)

effect of unreasonably interfering with an employee's work performance; (2) creates an intimidating, hostile, or offensive work environment; or (3) affects an employee's employment opportunities or compensation.

### **What is sexual-harassment?**

**Sexual harassment** is any unwelcome behavior of a sexual nature including, but not limited to, unwelcome sexual advances, requests for sexual favors (i.e., sexual coercion, including quid pro quo), physical conduct of a sexual nature, or other similar behavior. Sexual harassment also includes verbal and nonverbal behaviors that convey hostility, objectification, exclusion, or second-class status about members of a particular gender (e.g., gender harassment) (NAS 2018).

### **What is discrimination?**

**Discrimination** refers to the treatment or consideration of, or making a distinction in favor of or against, a person or thing based on the group, class, or category to which that person or thing belongs rather than on individual merit. Discrimination can be the effect of law or established practice that confers privileges on a certain class or denies privileges to a certain class. DOE prohibits discrimination based on an individual's race, color, sex (including pregnancy, gender identity, and sexual orientation), religion, national origin, age, disability (physical or mental), genetic information, or participation in protected equal employment opportunity (EEO) activities.

### **What is retaliation?**

**Retaliation** can be a form of discrimination or harassment where an individual is subjected to an adverse employment action or harassment, solely because he or she filed a charge of discrimination or harassment, participated in an EEO investigation, proceeding, or hearing, or took other similar action in opposition to unlawful discrimination or harassment.

### **Where can I find more information about DOE's policies for addressing discrimination and sexual harassment?**

Information about DOE's policies and regulations can be found on the DOE Office of Science's Diversity, Equity, and Inclusion website, or on the website of DOE's Office of Civil Rights and Diversity (OCRD).

**Does the Department of Energy have the authority and a process for investigating allegations of sexual harassment reported directly to DOE?**

Yes. DOE's Office of Civil Rights and Diversity (OCRD) is responsible for monitoring and enforcing compliance with civil rights regulations that apply to DOE financial assistance recipients. Financial assistance recipients may be colleges or universities, non-profit or for-profit organizations. OCRD has established authorities and procedures for receiving and investigating complaints involving discrimination or harassment, including complaints of sexual and non-sexual harassment.

OCRD also has responsibility for receiving and investigating complaints by DOE federal employees involving discrimination or harassment.

DOE has broad authorities for investigating any issues regarding its National Laboratories or sites. For the 16 DOE national laboratories operated under a Management & Operating (M&O) contracts, the Department of Labor's Office of Federal Contract Compliance Programs (OFCCP) also conducts compliance evaluations of federal contractors and subcontractors personnel policies and procedures. The office also conducts complaint investigations.

**What is federal financial assistance?**

**Federal financial assistance** includes grants and cooperative agreements. It is payment, grant, or disbursement of Federal funds, property, or services received or administered by a non-Federal entity to accomplish a public purpose of support or stimulation as authorized by Federal statute. For the purposes of this policy, the forms of assistance are those given in 2 CFR 200.40(a), Federal Financial Assistance.

**Does DOE require academic institutions to notify DOE when a university has put a Principal Investigator on administrative leave due to a pending investigation regarding sexual harassment or final determination of sexual harassment, similar to the new Term and Condition policy of the National Science Foundation ?**

DOE does not currently have a Term and Condition policy similar to the NSF policy. Recipients of DOE financial assistance awards (grants or cooperative agreement) are currently required to notify the DOE contracting officer whenever a Principal Investigator or approved project director must be absent from the project for more than three months, or



when there is a 25 percent reduction in time devoted to the project, for any reason including administrative leave.

The Department is engaged in internal discussions regarding options for pursuing a requirement similar to that required in the NSF Term and Condition policy.

### **What is a DOE National Laboratory Management & Operating (M&O) contract?**

Sixteen of DOE's National Laboratories are Federally Funded Research and Development Centers (FFRDCs) operated by private sector organizations under sponsoring agreements known as **management and operating (M&O) contracts**. The M&O contracts are unique in that they are long-term partnerships due to the ongoing and sustained nature of work performed at the laboratories. The work performed under M&O contracts is intimately related to DOE's mission, is of a long-term and continuing nature, and, among other things, includes special requirements for work direction, safety, security, cost controls, and site management.

The DOE Office of Science stewards 10 of the 16 DOE National Laboratories managed under M&O contracts. The combination of the FFRDC designation and M&O contracting mechanism allows DOE to partner with universities, non-profit, and private entities, and enables the flexibility needed to operate laboratories on the frontier of science and technology while safely and efficiently stewarding the national laboratories as federal R&D resources.

The policies and regulations that apply to DOE M&O contracts are set by federal contracting regulations and DOE regulations, directives, and policies.

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## **DEFINITIONS**

### **Diversity**

*Diversity* describes an environment where unique talents and differences of all employees are recognized, respected and valued for professional and mission success. Diversity includes a broad spectrum of characteristics including, but not limited to, race, color, ethnicity, national origin, age, religion, culture, language, disability, sexual orientation, gender identity, socioeconomic status, family structure, geographic location, diversity of thought, technical expertise, and life

experiences. Tapping into this broad spectrum of diversity will enable DOE to deliver on its mission to address energy, environmental, and nuclear challenges on behalf of the American people.

## Equity

*Equity* is an approach that ensures everyone has access to the same opportunities and distribution of resources. It is a process, or collection of processes, that acknowledges uneven starting places and continues to correct and address the imbalance.

## Inclusion

*Inclusion* is an outcome of intentional engagement in which all individuals and groups are treated fairly and respectfully, are welcome and supported, and are made to feel valued as being essential to the mission and success of the institution.

## Underrepresented

*Underrepresented* is a relative term and it has no meaning without knowing the baseline comparison. It is a more inclusive term that incorporates demographic factors beyond gender, race, and ethnicity, such as disability or socioeconomic status. There are several different baselines that can be used to define “underrepresented” for a particular context. Depending on the focus or goals of an SC Program Office’s effort, any of these might be appropriate:

- The National Science Foundation National Center for Science and Engineering Statistics data from the report on, which uses the U.S. population as a baseline for determining whether women, minorities, or persons with disabilities are [Women, Minorities, and Persons with Disabilities in STEM](#) underrepresented across STEM fields at various education and career stages.
- [Department of Education National Center for Education Statistics data](#) on the demographics of undergraduates by STEM degree at the time of graduation.
- The demographics of the U.S. population based on [U.S. Census Data](#) .

## **Exhibit 2**

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION**

NATIONAL ASSOCIATION OF  
SCHOLARS, OF

Plaintiff,

v.

UNITED STATES DEPARTMENT OF  
ENERGY, JENNIFER GRANHOLM in her  
official capacity as Secretary of Energy, and  
GERALDINE RICHMOND, in her official  
capacity as Under Secretary for Science and  
Innovation,

Defendants.

Case No. 25-cv-00077

**DECLARATION OF PETER WOOD**

---

I, Peter W. Wood, declare as follows:

1. I have personal knowledge of the facts set forth in this declaration and, if called as a witness, could and would competently testify the same.

2. I am resident of New York, and have been so for the past 12 years.

3. I have been a member of the National Association of Scholars (“NAS”) for 17 years and am currently the President of the NAS and have been so for the past 15 years.

4. From 2007 to 2008, I served as the Executive Director of NAS, and I served as the provost of King’s College in New York City from 2005 to 2007.

5. I was a tenured faculty member of the Anthropology Department at Boston University for over 9 years, and also served in a variety of administrative positions, including associate provost.

6. I received a bachelor’s degree in 1975 from Haverford College, and a Master’s in Library Science from Rutgers University in 1977. I received a Ph.D. in anthropology in 1987 from the University of Rochester.

7. In addition to scholarly research and publications, I frequently publish opinion pieces in publications such as the Wall Street Journal and Chronicle of Higher Education.

8. The NAS is a 501(c)(3) tax-exempt organization with over 3000 members that seeks to reform higher education.

9. I am intimately familiar with the mission and goals of the NAS, which is to uphold the traditional standards of a liberal arts education that fosters intellectual freedom, searches for truth, and promotes virtuous citizenship.

10. In pursuit of its mission, the NAS defends academic freedom of faculty members, students, and others through issue advocacy, investigative research, and the publication of a quarterly journal and reports that highlight issues pertaining to higher education. NAS also engages in litigation to defend the freedom of speech and conscience of educators and students, including submitting amicus briefs in court cases.

11. An area that the NAS has focused attention and resources is the expansion of Diversity, Equity and Inclusion (“DEI”) within college and university campuses over the past several years. NAS believes that DEI is an vague and ill-defined ideology that results in individuals being treated as a member of groups, and imposes a hierarchy of victims and oppressors based race, gender, and sexual orientation.

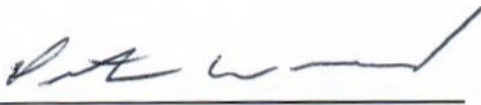
12. NAS opposes DEI programs and requirements within higher education, such as mandatory DEI statements for faculty job applicants or requiring mandatory DEI statements for tenure or promotion, because it believes that DEI is counter to the mission and goals of the NAS. NAS opposes DEI programs and requirements in higher education because it believes that they undermine academic freedom and are counter to academic excellence and individual merit and achievement.

13. Over the past five years, NAS has conducted research and published reports critical of DEI efforts within higher education and continues to advocate for discontinuing DEI programs and requirements within higher education. NAS continues to advocate for the elimination of DEI programs and requirements within academia, including the requirement of DEI statements for obtaining faculty positions or research grant funding.

14. When given the opportunity, NAS submits comment letters or pursues other forms of advocacy to oppose DEI programs or requirements in higher education.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on December 17, 2024, in New York City, New York.

  
\_\_\_\_\_  
Peter W. Wood

## **Exhibit 3**

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION**

NATIONAL ASSOCIATION OF  
SCHOLARS, OF

Plaintiff,

v.

UNITED STATES DEPARTMENT OF  
ENERGY, JENNIFER GRANHOLM, in her  
official capacity as Secretary of Energy, and  
GERALDINE RICHMOND, in her official  
capacity as Under Secretary for Science and  
Innovation,

Defendants.

Case No. 25-cv-00077

**DECLARATION OF NAS MEMBER A**

---



I, [REDACTED] declare as follows:

1. I have personal knowledge of the facts set forth in this declaration and, if called as a witness, could and would competently testify the same.

2. I am resident of Texas, within the Austin Division of the Western District of Texas, and have been so for the past 24 years.

3. I have been a member of the National Association of Scholars (“NAS”) for 13 years and believe in the mission and goals promoted by NAS.

4. I am a professor of electrical engineering at a large public university in Texas and have been a faculty member there for over 24 years.

5. Over the past 30 years I have applied for and received grants for scientific research from various federal agencies including the Department of Energy, the National Science Foundation and the Department of Defense.

6. I have received research funding from the Department of Energy regarding technology transfer issues which resulted in the publication of academic papers.

7. In 2023 I applied for a research grant from the United States Air Force, but later I was informed that the Air Force lacked funding for the research so I never received the grant.

8. In my career, as Principal Investigator I have received research funding from federal agencies for three research projects.

9. I am currently conducting preliminary research on a unique atmospheric phenomenon that I believe would be a research topic that could merit funding from the Department of Energy.

10. I will not seek funding from the Department of Energy because I refuse to submit a Diversity, Equity and Inclusion (“DEI”) statement and I believe the Department’s Office of Science Promoting Inclusive and Equitable Research (PIER) plan requirement is a DEI statement.

11. I don't believe in DEI statements or the promotion of DEI in higher education because I believe it politicizes science and is contrary to individual merit and achievement, and is also contrary to equality of opportunity, which I fully support.

12. I believe that the promotion of DEI goals and principles frequently undermines the pursuit of scientific and academic excellence.

13. I fully support the efforts of NAS to investigate and report on DEI within higher education and especially within the Science, Technology, Engineering and Math ("STEM") disciplines.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on January 2, 2025, in [REDACTED] Texas.

[REDACTED]  
[REDACTED] (Member A)

# **Exhibit 4**

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION**

NATIONAL ASSOCIATION OF  
SCHOLARS, OF

Plaintiff,

v.

UNITED STATES DEPARTMENT OF  
ENERGY, JENNIFER GRANHOLM, in her  
official capacity as Secretary of Energy, and  
GERALDINE RICHMOND, in her official  
capacity as Under Secretary for Science and  
Innovation,

Defendants.

Case No. 25-cv-00077

**DECLARATION OF NAS MEMBER B**

---

I, [REDACTED], declare as follows:

1. I have personal knowledge of the facts set forth in this declaration and, if called as a witness, could and would competently testify the same.

2. I have been a member of the National Association of Scholars (“NAS”) for approximately 20 years and believe in the mission and goals promoted by NAS.

3. I am a professor of engineering at a well-known Tier 1 research university and a have been a faculty member there for over 25 years.

4. Over the past 27 years I have applied for and received grants for scientific research from various federal agencies including the Department of Energy, the National Institutes of Health, and the National Science Foundation.

5. In my career I have received research funding from federal agencies for at least 6 research projects.

6. Much of my research funding has come from private sources, but in the past 5 years, I have received multiple grants from federal agencies, and I am interested in pursuing additional research funding from federal agencies for certain research projects that I believe are a good fit for federal research grant funding.

7. Specifically, I am interested in getting funded to perform research on a topic related to research I did several years ago that was funded by a grant from the Department of Energy. Although in the preliminary stages, this is a project that I think could merit funding from the Department of Energy.

8. I will not seek funding from the Department of Energy because I refuse to submit a Diversity, Equity and Inclusion (“DEI”) statement, and I believe the Department’s Office of Science Promoting Inclusive and Equitable Research (“PIER”) plan requirement is a DEI statement.

9. I do not think that DEI statements should be needed, nor do I think that DEI should be promoted in higher education because it politicizes science, is contrary to individual merit and achievement, and is also contrary to equality of opportunity, which I fully support.

10. I think that the promotion of DEI goals and principles frequently undermines the pursuit of scientific and academic excellence.

11. I fully support the efforts of NAS to investigate and report on DEI within higher education and especially within the Science, Technology, Engineering and Math (“STEM”) disciplines.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on January 22, 2025, in [REDACTED].

[REDACTED]

[REDACTED] (Member B)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

National Association of Scholars

(b) County of Residence of First Listed Plaintiff New York, NY (EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Hamilton Lincoln Law Institute, 1629 K Street, NW, Suite 300. Washington, DC 20005, Neville Hedley (312)

DEFENDANTS

United States Department of Energy, Secretary of Energy Jennifer Granholm; Undersecretary of Energy Geraldine County of Residence of First Listed Defendant Washington, DC (IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff, 2 U.S. Government Defendant, 3 Federal Question (U.S. Government Not a Party), 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- Citizen of This State, Citizen of Another State, Citizen or Subject of a Foreign Country, PTF DEF, 1 1, 2 2, 3 3, 4 4, 5 5, 6 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

Table with columns: CONTRACT, REAL PROPERTY, CIVIL RIGHTS, PRISONER PETITIONS, FORFEITURE/PENALTY, LABOR, IMMIGRATION, BANKRUPTCY, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES. Includes codes like 110 Insurance, 210 Land Condemnation, 310 Airplane, 422 Appeal, etc.

V. ORIGIN (Place an "X" in One Box Only)

- 1 Original Proceeding, 2 Removed from State Court, 3 Remanded from Appellate Court, 4 Reinstated or Reopened, 5 Transferred from Another District, 6 Multidistrict Litigation - Transfer, 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION: Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): 28 U.S.C. Sec. 1331, 5 U.S.C. Secs. 553, 701-706. Brief description of cause: agency action that violates First Amendment of U.S. Constitution and the Administrative Procedures Act

VII. REQUESTED IN COMPLAINT: CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$ CHECK YES only if demanded in complaint: JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY (See instructions): JUDGE DOCKET NUMBER

DATE: January 16, 2025 SIGNATURE OF ATTORNEY OF RECORD: s/ Neville S. Hedley

FOR OFFICE USE ONLY: RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE



**INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44**

## Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
- (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
- (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.  
 United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here. United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.  
 Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.  
 Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- V. Origin.** Place an "X" in one of the seven boxes.  
 Original Proceedings. (1) Cases which originate in the United States district courts.  
 Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441.  
 Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.  
 Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.  
 Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.  
 Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.  
 Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.  
**PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7.** Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service.
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.  
 Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.  
 Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

**Date and Attorney Signature.** Date and sign the civil cover sheet.