LEGAL UPDATES

PUBLISHED: NOVEMBER 2, 2022

DOE Office of Science Adds Diversity, Equity and Inclusion Requirement to Solicitation Process

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The Department of Energy (DOE) through the Office of Science (SC) hasannounced that beginning in FY 2023, all DOE funding solicitations, including the Office of Science Funding Opportunity Announcements (FOAs) and DOE National Lab Announcements, will require applicants to submit as an appendix to proposal narratives, a "Promoting Inclusive and Equitable Research (PIER) Plan." The purpose of the PIER Plan is to "describe the activities and strategies applicants will incorporate to promote diversity, equity, inclusion and accessibility in their research projects." According to the Office of Science's announcement, the Office of Science will evaluate PIER Plans as "part of the merit review process," and they "will be used to inform funding decisions." Applications without PIER Plans will be considered "incomplete" and "will not be evaluated."

PIER Plan requirements

The PIER Plan requirement is the federal government's latest diversity, equity and inclusion initiative to promote the employment or education of individuals with diverse backgrounds. All applications for funding to the SC, with the exception of the supplemental proposals, conference proposals, and proposals to SBIR/STTR Programs (at this time), will require a PIER Plan. As such, DOE SC-funded research applications from entities such as universities, nonprofits, and private entities, will be required to describe the following activities and strategies of the proposing institution and the associated research group:

Strategies for enhanced recruitment of undergraduate students, graduate students, and early-stage investigators (postdoctoral researchers and others),

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including individuals from diverse backgrounds and groups historically underrepresented in the research community;

Strategies for creating and sustaining positive, inclusive, safe, and professional research and training environment that fosters a sense of belonging among all research personnel; and

Training, mentoring and professional development opportunities.

Factors to address in PIER Plan

TheFAQs describe inclusion as "intentional and ongoing efforts 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." The DOE SC does not intend to provide sample PIER Plans. Instead, it lists the following factors that should be addressed:

The composition of the research team;

The responsibilities among research participants; and

The distribution of leadership activities of research personnel.

Merit review criterion

An applicant's PIER Plan will be included in the merit review process as a new criterion under 10 C.F.R. 605.10(d), according to the SC's published information about PIER Plans. In evaluating the PIER Plan, the reviewer will consider the following "guiding questions:"

Whether the PIER Plan is suitable for the size and complexity of the project and an integral component of the project;

Whether the plan is likely to lead to participation of individuals from diverse backgrounds, including underrepresented communities;

Which aspects of the 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; and

How the Plan includes intentional mentorship and whether associated mentoring resources are reasonable and appropriate.

What this means to you

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The PIER Plan requirement is a new diversity, equity and inclusion initiative quietly rolled out by the federal government to encourage research communities to contribute to "broadening" participation in science, by "promoting people of all backgrounds, including individuals from groups and communities historically minoritized in STEM fields and careers." We will monitor this important regulatory development and advise on compliance best practices.

Contact us

To obtain additional information regarding the DOE SC PIER Plan requirements or other compliance obligations for federal government contractors, contact Tracey O'Brien, Michael Schrier or your Husch Blackwell attorney.

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