

# United States Senate

WASHINGTON, DC 20510

December 6, 2022

## VIA ELECTRONIC TRANSMISSION

The Honorable Jennifer Granholm  
Secretary  
United States Department of Energy

Dear Secretary Granholm:

I write to you today based on reports that Department of Energy (DoE) Deputy Assistant Secretary for Spent Fuel and Water Disposition, Samuel Otis Brinton, was charged with felony theft after reportedly stealing a Vera Bradley suitcase from a luggage carousel at the Minneapolis St. Paul Airport.<sup>1</sup> Brinton began working for DoE as a Senior Executive Service (SES) employee on June 19, 2022, and reportedly holds a “Q-Sensitive” security clearance.<sup>2</sup>

According to the criminal complaint, on September 16, 2022, security footage of the baggage carousel area apparently shows Brinton removing a suitcase from the carousel, removing the suitcase’s identifying tag, and putting that tag into Brinton’s own handbag.<sup>3</sup> Brinton is then alleged to have left the baggage carousel area “at a quick pace.”<sup>4</sup> Law enforcement officers state that the alleged victim confirmed that the bag Brinton carried outside of the airport was hers.<sup>5</sup> Records indicate that Brinton did not check a bag when flying into Minneapolis.<sup>6</sup> Brinton then allegedly returned to the Minneapolis airport for a flight to Washington, D.C., and checked the suitcase for that flight.<sup>7</sup>

When contacted by law enforcement, Brinton initially denied taking someone else’s personal items.<sup>8</sup> Brinton later admitted during an interview to taking the bag but denied the victim’s clothes were in the bag.<sup>9</sup> Two hours after the initial contact, Brinton called law

---

<sup>1</sup> See Thomas Catenacci, *Non-binary Biden nuclear official charged with stealing woman's luggage at airport*, FOX NEWS (Nov. 28, 2022 at 6:56 PM), <https://www.foxnews.com/politics/biden-non-binary-nuclear-official-charged-stealing-womans-luggage-airport>; see also Comp. at 1, *Minnesota v. Brinton*, No. 27-CR-22-21567 (Minn. D. Ct., 4<sup>th</sup> Jud. Dist. Oct. 27, 2022).

<sup>2</sup> See K. Christopher Powell, Natalie Winters, and Raheem J. Kassam, *Biden’s Energy Dept Drag Queen Gets Top Secret ‘Q Clearance’ Alongside Six-Figure Government Salary*, THE NATIONAL PULSE (July 12, 2022), <https://thenationalpulse.com/2022/07/12/exc-bidens-energy-dept-drag-queen-gets-top-secret-q-clearance-alongside-six-figure-government-salary/>.

<sup>3</sup> See Comp. at 2, *Minnesota v. Brinton*, No. 27-CR-22-21567 (Minn. D. Ct., 4<sup>th</sup> Jud. Dist. Oct. 27, 2022).

<sup>4</sup> *Id.*

<sup>5</sup> See *id.*

<sup>6</sup> See *id.*

<sup>7</sup> See *id.*

<sup>8</sup> See *id.*

<sup>9</sup> See Comp. at 2, *Minnesota v. Brinton*, No. 27-CR-22-21567 (Minn. D. Ct., 4<sup>th</sup> Jud. Dist. Oct. 27, 2022).

enforcement and apologized for not being forthcoming.<sup>10</sup> Brinton stated that the victim's clothes in the bag were emptied into a hotel dresser and left behind.<sup>11</sup> Brinton claimed to be nervous, thinking people would think the bag was stolen and did not know what to do.<sup>12</sup> As of the date of the criminal complaint, Brinton had not returned the bag to the victim.<sup>13</sup>

According to Section § 731.202 of the Code of Federal Regulations, an agency must take "criminal or dishonest conduct" into account when determining whether a person is suitable for federal employment.<sup>14</sup> Further, agencies must consider "the nature of the position for which . . . the person is employed," "the nature and seriousness of the conduct," and "the circumstances surrounding the conduct," among other factors when determining an individual's suitability for federal employment.<sup>15</sup> Section § 710.7 of the Code of Federal Regulations requires the DoE to consider the same factors in deciding whether to grant an employee a security clearance.<sup>16</sup>

At minimum, Brinton's actions demand an immediate investigation and a redetermination of suitability to maintain a federal position and hold a security clearance. The taxpayer deserves to have confidence in its federal workforce, and engaging in this type of behavior is clearly unbecoming of a federal employee, much less one that maintains a security clearance.

To that end, I request that you answer the following questions no later than December 23, 2022.

1. Please describe in detail DoE's process with respect to its security clearance evaluation process.
2. Does DoE conduct periodic reevaluations of an individual's trustworthiness and suitability? If so, how often? What guidelines or instructions does DoE give federal employees with respect to their suitability and trustworthiness?
3. Is Brinton's security clearance, including the Q-Sensitive clearance, still in good standing? Has Brinton's security clearance been suspended or revoked?
  - a. If Brinton's security clearance has been suspended or revoked, what duties is Brinton able to perform while his security clearance is adjudicated?
4. What investigative action has DoE taken with respect to Brinton? Please explain.
5. In the past 10 years, how many DoE employees have had their clearances suspended or revoked? For each, please list the employee and the basis for the suspension and revocation.

---

<sup>10</sup> *See id.*

<sup>11</sup> *See id.*

<sup>12</sup> *See id.* at 2-3.

<sup>13</sup> *See id.* at 3.

<sup>14</sup> 5 C.F.R. § 731.202.

<sup>15</sup> *Id.*

<sup>16</sup> *See* 10 C.F.R. § 710.7.

6. In the past 10 years, how many DoE employees have been terminated or suspended for criminal violations? For each, please list the employee and the basis for the termination or suspension.

Thank you for your prompt attention to this important matter. Should you have any questions, contact my Committee staff at (202) 224-5225.

Sincerely,



Charles E. Grassley  
Ranking Member  
Committee on the Judiciary