

Congress of the United States
House of Representatives
Washington, DC 20515-4305

May 12, 2026

The Honorable Pete Hegseth
Secretary of War
U.S. Department of War
1000 Defense Pentagon
Washington, DC 20301

Dear Secretary Hegseth,

Over the past few weeks, we have watched our NATO ally Spain attempt to hinder our military efforts in curtailing the world's largest state sponsor of terrorism. Given Spain's increasing non-cooperation and unreliability as a military partner, it might be wise to reconsider existing arrangements with Spanish entities, especially major government contracts benefitting Spanish companies at the expense of the American taxpayer. I write to express serious concern regarding one such arrangement under the Obama administration for the failed Crescent Dunes solar energy project near Tonopah, Nevada, involving the ACS Group, Spain's largest construction company.

The failed Crescent Dunes solar energy project resulted in substantial financial exposure incurred by American taxpayers following years of federal support for what increasingly appears to have been one of the largest green energy scandals of the Obama era.¹ The project was operated through Tonopah Solar Energy LLC and received significant federal backing during the Obama Administration, including \$737 million from Department of Energy-backed financing and federal stimulus support. The facility allegedly began limited operations in 2016 to qualify for a reported \$275 million Treasury grant, before suffering catastrophic operations failures and shutdowns.²

The project then entered bankruptcy proceedings in 2020, leaving American taxpayers exposed to potentially hundreds of millions of dollars in losses. In January 2020, a whistleblower filed a qui tam False Claims Act lawsuit alleging that entities connected to the project, including ACS Group, improperly obtained federal funds and misrepresented the project's financing. The lawsuit targeted ACS Group affiliates, while bankruptcy proceedings raised broader questions regarding the role of Banco Santander and other entities involved in the financing and restructuring of the project.

¹ Matthew Boyle, "Exclusive — Crescent Dunes: Biden DOJ Moved on Election Night to Cover Up Alleged Solar Energy Scandal that Cost Taxpayers Hundreds of Millions," *Breitbart*, November 25, 2024, <https://www.breitbart.com/politics/2024/11/25/exclusive-crescent-dunes-biden-doj-moved-election-night-cover-up-alleged-solar-energy-scandal/>.

² "Judge approves Chapter 11 plan for Tonopah Solar Energy," *Pahrump Valley Times*, December 16, 2020, <https://pvtimes.com/news/judge-approves-chapter-11-plan-for-tonopah-solar-energy-93652/>.

For over three years, the Biden Administration investigated these underlying allegations before quietly dismissing the lawsuit on November 6, 2024.³ The Biden Department of Justice's (DOJ) decision to dismiss the lawsuit, filed overnight during the 2024 presidential election, raises concerns of possible political interference and corruption by the previous administration.⁴

Despite the seriousness of these allegations and the magnitude of taxpayer exposure, public records do not appear to indicate that DOJ opened a separate fraud investigation into the underlying claims. These unresolved allegations are particularly troubling given that ACS Group and its affiliates continue to receive substantial U.S. government contracts, including a \$2.7 billion contract with the U.S. Navy and other infrastructure projects through the U.S. Army Corps of Engineers.⁵

At a time when the Administration is reassessing aspects of the U.S.-Spain relationship and allied cooperation, the American people deserve assurance that foreign corporations benefiting from federal contracts and taxpayer-backed financing are being held to the highest standards of transparency, accountability, and compliance with U.S. law.

Accordingly, I respectfully urge the Administration to consider:

1. Reviewing the Department of Justice's handling of the Crescent Dunes-related allegations and litigation;
2. Appropriately pausing all active federal contracts with ACS-affiliated entities until a review of the allegations against their misuse of taxpayer funds is complete; and
3. Ensuring all available avenues for taxpayer recovery are being fully pursued.

Any conspiracy by ACS Group and Banco Santander to defraud American taxpayers out of hundreds of millions of dollars should be met with the strictest federal scrutiny these serious allegations deserve. I appreciate your consideration of this matter.

Sincerely,



Lance Gooden
Member of Congress

³ "Release: Gooden Urges DOJ to Investigate Fraud Cover-Up in \$275 Million Green Energy Scandal," *Congressman Lance Gooden*, February 7, 2025, https://gooden.house.gov/press-releases?ContentRecord_id=CF2E8808-80A9-4BB2-919A-26BE90E90862; See also: "DOJ Faces Scrutiny Over Election Night Dismissal of Solar Plant Fraud Case," *American Faith*, November 26, 2024, <https://americanfaith.com/doj-faces-scrutiny-over-election-night-dismissal-of-solar-plant-fraud-case/>.

⁴ Id.

⁵ "ACS wins €2.7 billion contract for nuclear submarine dock at Pearl Harbor," *The Corner*, March 13, 2023, <https://thecorner.eu/54/acs-wins-2-7-billion-contract-for-nuclear-submarine-dock-at-pearl-harbor/104984/>; See Also: "FlatironDragados to construct Howard A. Hanson Dam Additional Water Storage," *ACS Grupo Press Room*, March 10, 2026, <https://pressroom.grupoacs.com/en/news/flatirondragados-to-construct-howard-a-hanson-dam-additional-water-storage>.

Cc:

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