

Crescent Dunes: Biden DOJ Covered Up Solar Energy Scandal that Cost Taxpayers Hundreds of Millions



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Outgoing President Joe Biden's Justice Department moved on election night on Nov. 5 to essentially ensure the cover-up of a potentially massive green energy scandal, Breitbart News has learned exclusively.

This story has tentacles back through, not just the Biden administration, but all the way back to the Obama administration, and it could be something that jeopardizes the broader green energy agenda and the future of leftist solar projects on federal lands. At least one congresswoman is already formally pressing the DOJ for answers, and more members of Congress are likely to get involved soon. It could even have major implications for the incoming administration's energy policy.

On Nov. 5, at 5:20 p.m. ET, less than an hour before the first polls closed and when it had become clear from the exit polls that Democrat presidential candidate Vice President Kamala Harris was likely to lose, an attorney with the Justice Department emailed lawyers for plaintiffs in a qui tam lawsuit aimed at recouping significant losses the taxpayers allegedly incurred from a failed solar plant in Nevada. A qui tam lawsuit is when a private plaintiff sues on behalf of the U.S. Government to recoup taxpayer dollars — often alleging fraud, misuse, or theft of taxpayer dollars.

The email from the DOJ stated what plaintiffs started hearing through the grapevine as the election neared and it became clear the Harris campaign was in trouble. The email said that the DOJ intended to dismiss a lawsuit that it had previously allowed to proceed, thereby undercutting the private push to recoup significant losses for American taxpayers.

"The United States intends to intervene in this case for the purpose of dismissing the qui tam claims under 31 U.S.C. 3730(c)(2)(A)," Anthony Gill, a trial lawyer for the U.S. Department of Justice's Civil Division Fraud Section, emailed attorneys for CMB Export, LLC, an EB-5 visa firm that had filed the qui tam lawsuit in question. "The United States has determined that dismissal is commensurate with the public interest and that the matter does not warrant the continued expenditure of government resources. The anticipated discovery and litigation obligations associated with the continued litigation of this case will impose an undue burden on the U.S. Department of the Treasury, U.S. Department of Energy, and U.S. Department of Justice."

"We intend to file our motion this week," Gill added in the email, obtained by Breitbart News. "There is not more I can add to the United States' decision to seek dismissal under 3730(c)(2)(A), but feel free to let us know if you have any questions."

This decision was shocking to plaintiffs because it represented a major reversal of the position the very same Biden Justice Department had previously taken. The Justice Department had, after years of inexplicable delays, previously declined to intervene in the qui tam suit per a filing on June 1, 2023 — it took the Department years to finally get to this point — and then the case was unsealed finally on Jan. 24, 2024 — eleven months ago — after a battle on that front in court. In laymen’s terms, what the Justice Department formally declining to intervene in a qui tam suit and then the suit getting unsealed by the court means is the plaintiffs in the qui tam suit can proceed with litigation against the defendants.

This story begins back during Obama’s administration, when leftists and environmentalists supercharged a crazed push towards so-called renewable energy sources. The federal government under Obama backed what was called the Crescent Dunes Solar Energy Project with \$737 million in guaranteed loans. The plant was a \$1 billion project.

Ostensibly, what Crescent Dunes was building was a 1,600-acre plant in the Nevada desert designed to use mirrors to capture sunlight to heat molten salt in a giant tower to create energy. “The plant was supposed to generate clean energy using more than 10,000 mirrors to heat molten salt in a 640-foot-high tower,” the *Las Vegas Review Journal* [wrote](#) in a 2020 editorial about the project’s failures. “The superheated salt would then boil water, creating steam to produce power. Making this endeavor even more exciting was that salt was supposed to be able to store heat and produce electricity after sunset.”

Then-Senate Majority Leader Harry Reid, a Democrat from Nevada, had talked for years about making the Silver State “the Saudi Arabia of geothermal and solar energy.” This fit the bill. Reid, who has since retired and passed away, now has the Las Vegas airport named after him. While he is gone, the U.S. taxpayer is still allegedly out with what sources familiar with the details of the lawsuit say is more than \$200 million, and could be as high as \$700 million or even more depending on factors such as depreciation and loan guarantees.

The plant went into bankruptcy in 2020 after years of failing to return any profit, but as of 2021, it was reportedly operating again somewhat under a different ownership structure per a local news report from 8NewsNow in Nevada. That story detailed some of the problems with the technology as well.

“In addition to its struggles to turn a profit, the plant also was criticized because birds were dying in the intense heat produced by the panels. Some reports indicated that birds had burst into flames in mid-flight,” the 8NewsNow [report](#) from 2021 from a Las

Vegas television station reads. “Another problem surrounded a report that workers were hospitalized after they were exposed to nitrogen dioxide — a gas emitted from the hot salt tank.”

These and other major problems with the technology and operations at the Crescent Dunes plant that significantly delayed its launch — and even took the plant offline for a year — call into question the legitimacy of cash grants, guaranteed loans, and depreciation benefits and whether American taxpayers were essentially bilked out of the cash and are now owed money.

That is what the qui tam lawsuit aimed to rectify, and that is where CMB Export, LLC comes in. CMB’s interest is, as an EB-5 visa firm, they say they are out tens of millions of dollars because of the failed project. So, they began investigating what happened and uncovered these major concerns with regard to how the Obama administration awarded these grants and other taxpayer-funded benefits, which are the basis for the qui tam lawsuit. The Biden Justice Department slow-walked it for years but finally approved the case to move forward procedurally. Everything was going smoothly until just before the election, a couple days out from Trump’s triumph over Harris, when CMB began hearing that the Biden Justice Department may reverse its support for the lawsuit.

Notice of that reversal is what formally came in those Election Night emails from the DOJ official, followed by a filing the next day in court seeking the dismissal of the qui tam case. The timing begs questions regarding why the Biden Justice Department would — from all appearances — seek to cover this up before Donald Trump would win the Presidential Election and Republicans would control both houses in Congress.

There is growing interest in Congress about getting answers from the DOJ.

Rep. Carol Miller (R-WV) wrote on Monday to Attorney General Merrick Garland to demand answers about the election night reversal.

“I am writing to express my concern regarding the Department of Justice’s recent decision to intervene and dismiss the qui tam case filed by CMB Export, LLC, under the False Claims Act against Tonopah Solar Energy, LLC, Cobra Energy Investment, and other associated parties,” Miller wrote to Garland in the letter, a copy of which was obtained by Breitbart News. “This case, centered on allegations of significant fraud and misrepresentation regarding the Crescent Dunes Project, raises serious questions about the use of taxpayer funds and the federal government’s commitment to holding parties accountable for alleged misconduct. The timing of the Department’s decision to dismiss this case is particularly troubling. After three and a half years of investigation, during which the case was under seal, the Department chose to allow CMB Export to proceed with prosecution as of August 2023. However, on November 6, 2024—just one day after

the presidential election—the Department reversed course, intervening to dismiss the case with no clear justification provided beyond vague references to ‘public interest’ and the ‘expenditure of government resources.’”

Breitbart News reached out to Congressman Miller, who gave the following exclusive comment:

On November 5th, the American people rejected the Biden administration’s radical green new deal agenda and voted for affordable energy. If this project isn’t fulfilling its commitment, the DOJ needs to fully investigate. There must be accountability and transparency for every taxpayer dollar spent by the government, and I look forward to hearing from AG Garland.

Breitbart News has also learned that other members of Congress have been made aware of the matter.

There are major implications as well for the incoming Trump administration. Of course, this matter cuts across several federal government departments — from Justice to Interior to Energy to Treasury. The Justice Department is at the center of things, so incoming Attorney General Pam Bondi, will be in position to evaluate the matter and make a decision about how to proceed. Incoming Energy Secretary Chris Wright and incoming Secretary of the Interior Doug Burgum will also need to look at solar and other green energy policies. Earlier this year, for example, the Biden administration’s Interior Department announced an expanded push for more solar energy projects like Crescent Dunes on federal lands.

“Officials at the federal Bureau of Land Management announced Aug. 29 they had finalized a plan to add Oregon, Idaho, Montana, Washington and Wyoming to its existing Western Solar Plan – an Obama-era project that expanded permitting for solar projects on federal land,” the Oregon Capital Chronicle’s Alex Baumhardt [wrote](#) in September. “When it was first implemented in 2012, it only included Arizona, California, Colorado, Nevada, New Mexico and Utah.”

This expansion includes millions and millions of federal land acres across these major wide-open western states, and it will be critical how Secretaries Burgum and Wright handle all of this.

As for Treasury, incoming Secretary Scott Bessent — just announced last week as Trump’s pick to lead the important Treasury Department — will have to decide if his Department was lied to by the Energy Department when the cash grants were made during the Obama administration.

The newly-formed Department of Government Efficiency (DOGE), to be led by businessmen Elon Musk and Vivek Ramaswamy, could also end up weighing in on the bloated bureaucracy and waste of taxpayer resources on projects such as Crescent Dunes.

Trump himself of course has promised to revitalize American energy and has regularly criticized green Leftist projects like this.