

119TH CONGRESS
2^D SESSION

H. R. 9219

To direct the Secretary of Defense to assess and address risks to fuel supply infrastructure supporting military installations in California and to improve the resilience of fuel supply chains critical to national defense.

IN THE HOUSE OF REPRESENTATIVES

JUNE 9, 2026

Mr. HUNT introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To direct the Secretary of Defense to assess and address risks to fuel supply infrastructure supporting military installations in California and to improve the resilience of fuel supply chains critical to national defense.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This subtitle may be cited as the “National Defense
5 Infrastructure Protection Act of 2026”.

6 **SEC. 2. DEFINITIONS.**

7 In this subtitle:

1 (1) CERTIFIED INFRASTRUCTURE.—The term
2 “certified infrastructure” means any infrastructure
3 that the Secretary of Defense has deemed necessary
4 to ensure the continuity of military fuel supply, mili-
5 tary readiness, or defense-related logistical support
6 of the Armed Forces of the United States.

7 (2) COVERED ACTION.—The term “covered ac-
8 tion” means any civil action, special proceeding, ad-
9 ministrative enforcement proceeding, application for
10 equitable relief, or petition for judicial review of a
11 Federal agency decision, brought by a State, polit-
12 ical subdivision of a State, Tribal government, other
13 governmental entity, or any private party, that seeks
14 to halt, condition, vacate, remand, or materially re-
15 strict the construction, operation, or Federal author-
16 ization of certified infrastructure.

17 (3) OPERATOR.—The term “operator” means
18 the entity holding operating authority over certified
19 infrastructure under applicable Federal permits and
20 authorizations, and any successor operator.

21 (4) SECRETARY.—The term “Secretary” means
22 the Secretary of Defense.

1 **SEC. 3. SECRETARY OF DEFENSE MILITARY NECESSITY**
2 **CERTIFICATION.**

3 (a) **AUTHORITY.**—The Secretary may certify any in-
4 frastructure upon a written determination that—

5 (1) the infrastructure is necessary to ensure the
6 continuity of military fuel supply, military readiness,
7 or defense-related logistical support of the Armed
8 Forces of the United States; and

9 (2) interference with the infrastructure’s con-
10 struction or operations would materially impair mili-
11 tary readiness, military fuel supply chains, or the
12 Department of Defense’s ability to sustain military
13 operations.

14 (b) **FORM AND EFFECT.**—A certification under this
15 section shall be issued in writing, signed by the Secretary
16 of Defense, transmitted to the Committees on Armed
17 Services of the Senate and the House of Representatives,
18 and filed with the clerk of each Federal district court in
19 the district in which the certified infrastructure is located.
20 A certification takes effect upon filing and shall remain
21 in effect unless terminated in accordance with this sub-
22 section.

23 (1) **TERMINATION.**—The Secretary may termi-
24 nate a certification only upon a written determina-
25 tion, supported by substantial evidence in the admin-
26 istrative record, that the infrastructure no longer

1 satisfies the criteria set forth in subsection (a). Any
2 determination terminating a certification shall—

3 (A) be transmitted to the Committees on
4 Armed Services of the Senate and the House of
5 Representatives not less than 180 days before
6 taking effect;

7 (B) include detailed findings explaining the
8 basis for termination;

9 (C) constitute final agency action review-
10 able exclusively in the United States Court of
11 Appeals for the District of Columbia Circuit;
12 and

13 (D) be stayed automatically during the
14 pendency of any timely petition for judicial re-
15 view filed within 60 days of transmission to the
16 Committees on Armed Services.

17 (2) PROHIBITION ON TERMINATION DURING
18 PENDING COVERED ACTION.—No certification may
19 be terminated while a covered action involving the
20 certified infrastructure remains pending in any Fed-
21 eral or State court.

22 (3) REBUTTABLE PRESUMPTION.—There shall
23 be a rebuttable presumption that infrastructure pre-
24 viously certified under this section continues to sat-
25 isfy the requirements of subsection (a). The Sec-

1 retary bears the burden of establishing by substan-
2 tial evidence that the criteria of subsection (a) are
3 no longer satisfied before a termination determina-
4 tion may take effect.

5 (c) INITIAL CERTIFICATIONS.—Not later than 30
6 days after the date of enactment of this subtitle, the Sec-
7 retary shall review existing domestic energy infrastructure
8 and issue certifications under this section for any infra-
9 structure the Secretary determines satisfies the criteria of
10 subsection (a). In conducting such review, the Secretary
11 shall give priority consideration to infrastructure that, as
12 of the date of enactment of this subtitle—

13 (1) is subject to a pending civil action or ad-
14 ministrative proceeding by a State, local government,
15 Tribal government, or other governmental entity
16 seeking to halt or condition its operations;

17 (2) constitutes the sole domestic transportation
18 link between a domestic crude oil production facility
19 and a petroleum refinery supplying refined petro-
20 leum products to Department of Defense installa-
21 tions; or

22 (3) is operating pursuant to a Federal order or
23 directive issued within the preceding 24 months on
24 the basis of national defense, military readiness, or
25 defense logistics.

1 The Secretary shall transmit a list of all infrastructure
2 certified under this section to the Committees on Armed
3 Services of the Senate and the House of Representatives
4 within 45 days of enactment.

5 (d) JUDICIAL REVIEW.—A certification issued under
6 this section is a final agency action for purposes of chapter
7 7 of title 5, United States Code, and is reviewable in the
8 United States Court of Appeals for the District of Colum-
9 bia Circuit. No court other than the United States Court
10 of Appeals for the District of Columbia Circuit shall have
11 jurisdiction to review, enjoin, set aside, suspend, or deter-
12 mine the validity of a certification issued under this sec-
13 tion. The court of appeals shall give priority consideration
14 to any petition for review of a certification under this sec-
15 tion and shall endeavor to issue a final decision within 180
16 days of the date on which the petition is filed. A certifi-
17 cation issued under this section shall remain in full force
18 and effect during the pendency of any judicial review pro-
19 ceeding. No court may stay a certification except upon a
20 finding by clear and convincing evidence that the peti-
21 tioner is substantially likely to prevail on the merits and
22 that the stay would not impair military readiness or de-
23 fense-related logistical support.

24 (e) LEGAL EFFECT OF CERTIFICATION.—In any cov-
25 ered action, a certification issued under this subtitle shall

1 constitute conclusive evidence that the Secretary of De-
2 fense has determined that interruption of the certified in-
3 frastructure would materially impair military readiness,
4 military fuel supply, or defense-related logistical support
5 of the Armed Forces. No officer, employee, or agency of
6 the United States may contest the existence of the deter-
7 mination reflected in a certification issued under this sub-
8 title unless such certification has been terminated pursu-
9 ant to subsection (b). Nothing in this subsection shall be
10 construed to limit the authority of the Department of Jus-
11 tice to represent the interests of the United States, to en-
12 force Federal law, or to participate in litigation concerning
13 issues not resolved by the certification.

14 (f) REQUEST FOR REVIEW.—Any operator of energy
15 infrastructure that believes such infrastructure satisfies
16 the criteria of subsection (a) may submit a written request
17 for review to the Secretary, together with supporting docu-
18 mentation demonstrating how the infrastructure satisfies
19 such criteria. The Secretary shall issue a written deter-
20 mination granting or denying certification within 90 days
21 of receipt of a complete request. A denial shall include a
22 written explanation of the basis for the determination and
23 shall constitute a final agency action reviewable in the
24 United States Court of Appeals for the District of Colum-
25 bia Circuit pursuant to subsection (d).

1 **SEC. 4. MODIFIED STANDARD FOR PRELIMINARY INJUNC-**
2 **TIVE RELIEF AGAINST CERTIFIED INFRA-**
3 **STRUCTURE.**

4 (a) MODIFIED STANDARD.—In any covered action in-
5 volving certified infrastructure, no court of the United
6 States and no State court shall issue a temporary restrain-
7 ing order, preliminary injunction, or other form of prelimi-
8 nary equitable relief halting, conditioning, or materially
9 restricting the operation of certified infrastructure unless
10 the court finds, on the basis of clear and convincing evi-
11 dence presented in the record, that—

12 (1) the party seeking relief is substantially like-
13 ly to succeed on the merits of its underlying claim;

14 (2) the relief sought would not impair the abil-
15 ity of the Department of Defense to supply refined
16 petroleum products to military installations on the
17 West Coast of the United States; and

18 (3) the balance of harms and the public inter-
19 est, including the national defense interests identi-
20 fied in the findings of this subtitle, clearly favor the
21 issuance of preliminary relief.

22 (b) BURDEN OF PROOF.—The burden of establishing
23 each element required under subsection (a) rests upon the
24 party seeking preliminary relief. Failure to establish any
25 single element by clear and convincing evidence shall be
26 grounds for denial of preliminary relief.

1 (c) CERTIFICATION AS CONCLUSIVE EVIDENCE.—A
2 certification issued under this subtitle constitutes conclu-
3 sive evidence that interruption of the certified infrastruc-
4 ture’s construction or operations would impair military
5 readiness or defense-related logistical support. No party
6 seeking preliminary relief against certified infrastructure
7 may introduce evidence to rebut or contradict this deter-
8 mination. The party seeking relief bears the burden of es-
9 tablishing by clear and convincing evidence all other ele-
10 ments required under subsection (a).

11 (d) EXPEDITED REVIEW.—In any covered action in-
12 volving certified infrastructure, the United States or the
13 operator may seek expedited appellate review of any order
14 granting preliminary relief against certified infrastructure.
15 The court of appeals shall give priority consideration to
16 such review and shall endeavor to issue a decision within
17 30 days of the filing of the notice of appeal.

18 (e) DECLARATORY RELIEF.—The modified standard
19 established by this section applies to any declaratory judg-
20 ment or other equitable relief that would have the practical
21 effect of halting or materially conditioning the operation
22 of certified infrastructure, regardless of how such relief
23 is characterized by the party seeking it.

1 **SEC. 5. EXPEDITED PROCEEDINGS IN COVERED ACTIONS.**

2 (a) TRIAL COURT PRIORITY.—In any covered action
3 pending in a United States district court, the court shall
4 accord the proceeding priority on its docket over other civil
5 matters and shall—

6 (1) give priority consideration to any motion for
7 temporary restraining order and endeavor to issue a
8 ruling at the earliest practicable date, and in no
9 event later than 10 days of filing;

10 (2) give priority consideration to any motion for
11 preliminary injunctive relief and endeavor to issue a
12 ruling within 30 days of filing;

13 (3) give priority to establishing a scheduling
14 order and endeavor to do so within 30 days of re-
15 moval or initial filing, providing for completion of all
16 discovery and briefing within 12 months; and

17 (4) endeavor to conduct any trial or final hear-
18 ing within 18 months of the date of removal or ini-
19 tial filing.

20 (b) APPELLATE EXPEDITED REVIEW.—In any cov-
21 ered action, the court of appeals having appellate jurisdic-
22 tion shall—

23 (1) give priority consideration to any appeal of
24 an order granting or denying preliminary injunctive
25 relief and endeavor to issue a decision within 30
26 days of the filing of the notice of appeal;

1 the operator, to the United States district court for the
2 district in which the operator maintains its principal place
3 of business. The operator or the United States may file
4 a notice of removal under this section not later than 60
5 days after service of the initial pleading or any subsequent
6 pleading first raising a claim involving certified infrastruc-
7 ture.

8 (b) EFFECT OF REMOVAL.—Upon removal under this
9 section—

10 (1) the State court shall have no further juris-
11 diction over any aspect of the covered action;

12 (2) any temporary restraining order, prelimi-
13 nary injunction, or other relief issued by the State
14 court prior to removal shall be reviewed de novo by
15 the Federal district court within 10 days of removal;
16 and

17 (3) the Federal district court shall apply Fed-
18 eral law to all claims in the covered action.

19 (c) OPERATOR STANDING.—For purposes of this sec-
20 tion, the operator of certified infrastructure shall have
21 standing to remove any covered action and to appear as
22 a party in interest in any Federal proceeding arising from
23 a covered action involving the certified infrastructure,
24 without regard to whether the operator is a named party
25 in the original State court action.

1 (d) **EXCLUSIVE VENUE FOR FUTURE FEDERAL COV-**
2 **ERED ACTIONS.**—Any civil action brought in a United
3 States district court by a State, political subdivision of a
4 State, Tribal government, or other governmental entity
5 that constitutes a covered action shall be brought exclu-
6 sively in the United States district court for the district
7 in which the operator maintains its principal place of busi-
8 ness. Any such action filed in any other United States dis-
9 trict court shall be transferred to such proper court upon
10 motion of the operator or the United States, without re-
11 gard to the convenience of the parties or witnesses. No
12 United States district court other than the court des-
13 ignated by this subsection shall have jurisdiction over a
14 covered action brought by a governmental entity after the
15 date of enactment of this subtitle.

16 **SEC. 7. ENFORCEMENT.**

17 (a) **EXPRESS CAUSE OF ACTION.**—The operator shall
18 have an express cause of action to enforce any provision
19 of this subtitle and may seek declaratory relief, temporary
20 relief, preliminary relief, permanent injunctive relief, spe-
21 cific performance, and such other relief as a court of com-
22 petent jurisdiction determines appropriate.

23 (b) **VENUE.**—The operator may bring an action
24 under subsection (a) in any United States district court

1 of competent jurisdiction, including in the district in which
2 the operator maintains its principal place of business.

3 (c) NO EXHAUSTION REQUIREMENT.—No plaintiff
4 bringing an action under this section shall be required to
5 exhaust State administrative remedies prior to seeking re-
6 lief in Federal court.

7 (d) ATTORNEY FEES.—In any action brought by the
8 operator under this section in which the operator substan-
9 tially prevails, the court shall award the operator reason-
10 able attorney fees and costs against the governmental enti-
11 ty that brought or enforced the challenged action.

12 (e) ATTORNEY GENERAL INTERVENTION.—The At-
13 torney General may intervene as a matter of right in any
14 covered action in any Federal or State court in which the
15 United States has an interest in protecting certified infra-
16 structure from State or local governmental interference.

17 (f) PRESUMPTION OF IRREPARABLE HARM.—In any
18 action brought by the operator under this section, inter-
19 ference with the operation of certified infrastructure shall
20 constitute irreparable harm for purposes of equitable re-
21 lief. No operator seeking relief under this section shall be
22 required to separately demonstrate irreparable harm.

23 **SEC. 8. RULE OF CONSTRUCTION.**

24 Nothing in this subtitle shall be construed—

1 (1) to create any Federal property interest in
2 any certified infrastructure;

3 (2) to authorize the Secretary of Defense to di-
4 rect the operations of any certified infrastructure or
5 to impose operational requirements on the operator
6 beyond those imposed by applicable Federal law;

7 (3) to preempt any Federal environmental,
8 pipeline safety, or occupational health and safety law
9 applicable to certified infrastructure;

10 (4) to affect any pending Federal criminal pro-
11 ceeding; or

12 (5) to limit the authority of a Federal court to
13 issue injunctive relief in an action brought by the
14 United States or the operator to enforce Federal law
15 or protect Federal interests related to certified infra-
16 structure.

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