

ADVOCATING FOR GULF COAST RESTORATION IN THE WAKE OF THE DEEPWATER HORIZON OIL SPILL

The Oxfam America RESTORE Act Campaign

By Duncan Green

We started with two senators and ended up with 74 senators supporting the bill. A House member said, "I didn't think Jesus could get 74 votes in this Congress".

Oxfam ally

The BP spill was an enabling event – it helped us focus our thinking even more, it gave us a crisis to galvanize around, and it gave us funding.

Former Deputy Director, Oxfam regional office

Oxfam America's domestic programme was already active in the Gulf Coast states when the 2010 BP oil spill occurred. Building on its community links, backed by adroit use of national advocacy, the programme was able to take advantage of a 'shock as opportunity', helping ensure that the subsequent wave of compensation and other support benefited local people and communities – in particular by lobbying for legislation to get jobs for local people in the reconstruction effort.

BACKGROUND

On April 20 2010 an explosion in the Deepwater Horizon oil well started a spill that would ultimately release 4.9 million barrels of oil into the Gulf of Mexico. Twenty-two months later, after an intensive advocacy effort by Oxfam America, its Coastal Communities Coalition (CCC) partners, the Gulf Renewal Project and a broad range of allies, President Barack Obama signed the Resource and Ecosystem Sustainability, Tourism Opportunities and Revised Economies of the Gulf Coast States (RESTORE) Act into law, in July 2012.

The final bill requires that 80 percent of civil fines (which may reach as much as \$20bn) are placed in a Gulf Coast Restoration Trust Fund, which will distribute funds directly to the five Gulf Coast states and to a newly created Gulf Coast Restoration Council that will oversee how funds are used in the impacted region. While the states retain significant decision-making authority, the law establishes a series of guidelines, restrictions and oversight mechanisms to ensure that the funds are allocated for economic and environmental restoration. During this effort, Oxfam and its Coastal Communities Initiative (CCI) partners represented the concerns of the poor, coastal communities disproportionately affected by the spill. They pressed an agenda that included focused investment in socially vulnerable communities, workforce development and preferential hiring of local people, and the establishment of participatory governance mechanisms.

Overall, stakeholders considered the passage of the bill a significant victory and Oxfam believes it made significant or better progress on half the measures it had prioritized, including workforce development and local hiring, and at least partial progress in the rest.

EXTERNAL CONTEXT

The Deepwater Horizon spill was a galvanizing event for those who lived, worked, and vacationed in the Gulf Coast states and affected many different groups – small-scale commercial fishing and oyster harvesting communities, recreational fisherman, the oil and gas industries, the tourism industry, and local environmentalists. It also further stimulated national organizations, particularly environmental ones that had become more deeply involved in Gulf Coast restoration after hurricanes Katrina and Rita in 2005.

Because the damage caused by the spill was so extensive and the drama of stopping the flow was covered by the media for many months, there was a significant degree of national public interest in and support for holding BP and its contractors accountable. Though state interests and initial perspectives differed, overall the issue had bipartisan support within the region, which has both Democrat and Republican senators in Washington (although Republicans are in the majority).

Beyond the interests at play between states and at the national level, were the concerns of the poor coastal communities that make their livelihoods from wetland and coastal resources, the stakeholders about whom Oxfam was most concerned. These communities historically have been economically and politically marginalized, particularly from policy making, creating a low level of trust in both state level and federal level policy processes and politicians. They were concerned that allocations made for Gulf Coast restoration should not repeat historic patterns of economic development that passed them by. Communities were

also wary of environmental projects and/or regulations that would impinge on their ability to make a living. In short, while there were factors at play that were favourable to progress, the politics of restoration were complicated, especially for the most socially vulnerable communities.

BUDGET AND RETURN ON INVESTMENT

Oxfam America estimates the investment in the campaign over two years to be approximately \$740,000 (Oxfam US Regional Office 2013). It asked Mather Economics to model the potential impact of this spending in the area most clearly attributable to the campaign – workforce development and local hiring. Among the national non-government organizations (NGOs) engaged in the campaign, workforce development was considered Oxfam’s niche area and the area in which it had the greatest influence.

Using a timed series evaluation of increased federal investments, Mather Economics created three models (conservative, moderate and aggressive) to project the average number of jobs that would be created over the first 10 years by the increased spending arising from the spill. The mid-range estimate was some 22,000 jobs. Looking at this strictly from an advocacy and influencing point of view, it translates into Oxfam spending \$34 for each job for which it successfully advocated. While undoubtedly other forces were at play to make this happen, and other social returns are not included, this proved to be a remarkable return on investment.

MONITORING, EVALUATION, LEARNING

An evaluation for Oxfam by LYV Consulting in January 2013 combined a document review with interviews of key staff, partners, allies and policy makers. It arrived at highly positive conclusions, arguing that the campaign should be considered a ‘best practice’ advocacy effort.

THEORY OF CHANGE

Power Analysis

Understanding the nature of Gulf Coast politics and power was an essential prerequisite for the campaign. Republicans, conservative Democrats and evangelical Christians dominate the political map. Political relations at local and state level are highly clientelistic, based on personal relationships. Working in this kind of environment was a challenge for an organization like Oxfam. According to Oxfam’s US Regional Director, Minor Sinclair,

...we spent \$120,000 on state and federal lobbyists, people with contacts with Republican leaders. At state level we had to take a higher profile as Oxfam because the politicians didn’t want to listen to the communities. You have to play the system, but that trade-off between outcomes and empowerment really challenged our own thinking about exclusion and power.

Change Hypothesis

The Gulf Coast campaign illustrates several aspects of ‘shock as opportunity’ – the idea that social and political change is often linked to disruptive events that open up new directions by weakening the powers that sustain the status quo, creating demands for change among both the public and leaders, and prompting dissatisfaction with ‘business as usual’ approaches.

The spill and the potentially mammoth, multi-billion dollar fines to be imposed on BP, provided motivation for a strong, co-ordinated case for local rebuilding.

The BP oil spill hit a region still recovering from the ravages of Hurricane Katrina in 2005. Katrina had also imparted several lessons, in terms of both failures and successes, upon which advocacy could build. One negative experience was the way that reconstruction had relied on shipped-in undocumented labourers, with few jobs going to local people. Local hiring emerged as one of the key demands of the campaign.

Oxfam’s change strategy

This was the first time we created a constituency with the private sector, faith-based groups and partners. We did it and maintained it because it really helped us to hedge our bets politically, which was particularly important given the nature of Louisiana and Mississippi politics and the fact that our core group is very politically marginalized.

Deputy Director, Oxfam Regional Office

Luck matters in campaigning. From the point of view of the subsequent campaign, the timing of the BP oil spill could not have been better, coming just a month after the launch of Oxfam’s CCI, focused on addressing both environmental destruction and poverty as two of the root causes of social vulnerability. Moreover, off the back of Hurricane Katrina, and prior to the BP spill, local communities had already formulated their demands for restoration. According to Minor Sinclair:

When we asked them, the communities said they wanted to pipe in sediment from the Mississippi river to replenish the land. We said “you’re crazy”, and worked out it would need \$4bn. Where’s that going to come from? At that point we saw our main job as tempering expectations. A month later the BP oil spill changed everything.

It meant that Oxfam had the staff and relationships already in place to react quickly to the disaster. Prior to the spill, in the spring of 2010, Oxfam had launched the Gulf Coast Environment and Livelihoods Program, working with the Coastal Communities Coalition, a group of six core partners in Louisiana and Mississippi. The core partners from Louisiana were Bayou Interfaith Shared Community Organizations (BISCO), Bayou Grace Community Services, Zion Travelers’ Cooperative Center (ZTCC), Terrebone Readiness and Assistance Coalition (TRAC); and from Mississippi, Coastal Women for Change (CWC) and the Steps Coalition. During the campaign, Oxfam added two additional groups – Asian Americans for Change and the Mary Queen of Vietnam Community Development Corporation. These partners were selected for their roots in their communities, their continuing concern about their vulnerability to coastal degradation and climate change, and their interest in advocacy.

As the January 2013 evaluation recalls:

In the first weeks after the explosion, Oxfam America made emergency grants to partners in the coalition for community outreach and as early as mid-May was co-hosting local leaders for a series of briefings on Capitol Hill and co-released an action agenda endorsed by nearly 100 Gulf Coast organizations. This work preceded the Obama administration's establishment of the National Commission on the BP Deepwater Horizon Oil Spill and Offshore Drilling in late May and his appointment in June of Ray Mabus to develop a spill recovery plan. Mabus almost immediately announced a series of town hall meetings, and Oxfam, working with partners, local community groups, the Sierra Club and the Gulf Restoration Network, prepared a series of talking points for the town hall meetings, which ultimately resulted in the publication, 'One Gulf, Resilient Gulf: A plan for coastal community recovery' (Oxfam America et al. 2010).

'Quick wins' of this kind are vital both in building campaign momentum, and because policy makers' openness to influence is at its greatest immediately after a shock. But this starts to diminish as policy responses and alliances subsequently become more established and fixed.

The change strategy had three main thrusts.

- Advocacy directed at the federal level in support of the RESTORE Act, which included extensive alliance-building and direct advocacy with policy makers in Washington, D.C. This includes Oxfam's involvement in the Walton Family Foundation-funded Gulf Renewal Project (GRP), a coalition of seven organizations, which was central to shaping the RESTORE Act legislation.
- State-level advocacy, which gained particular traction once momentum was built around passage of the RESTORE Act around workforce development and local hiring. Oxfam has played a central role in this. This advocacy ultimately resulted in the passage of the Jobs First bill in Mississippi and the Louisiana First Hiring Act.
- A third strand was support of partners' programmes, including local-level advocacy on issues that may not be directly related to the RESTORE Act, but which proved vital in establishing the relationships and partner capacity on which the campaign subsequently relied.

The issue of building alliances and coalitions represented a huge challenge. At a national level, Oxfam had few sympathisers among the conservative Democrats and even fewer among the conservative Republicans representing the Gulf Coast states in Congress. At a local level, state and city legislators were suspicious of the environmentalists who descended on the region in the wake of the spill.

Oxfam responded to this potential minefield with some astute tactics.

- Building alliances with 'unusual suspects' such as the private sector and conservative evangelical church leaders. Two 'fly-ins' to Washington by local representatives of these two groups, organized by Oxfam in June 2011, were seen as important moments in unblocking legislation that had become stuck in Congress. According to

one ally: ‘The Gulf Coast representatives see the importance of restoration; their constituents face the impacts of the spill on a daily basis. Our strategy was not to make this about the environment or climate change, but about people’s lives.’

- Employing the Picard Group, a local lobbying firm with long-established relationships with both the Louisiana Congressional delegation and the Governor’s office.
- Stressing its focus on the importance to any restoration plan of social, rather than purely environmental issues and its close partnerships with community-based organizations allowed Oxfam to build bridges with local politicians (who are, after all, elected by people, not ecosystems).
- High-quality research played a particularly important role in establishing the campaign’s bona fides with new groups of potential allies, and getting key policy positions into documents from the government and legislators early on, when their positions were most malleable.

Oxfam also made good use of its traditional strengths in national-level lobbying, and in the media. Working with allies, it was able to use the media to frame the RESTORE Act to both policy makers and the public as a bill that was relatively low cost (since the funds would come from the BP settlement) and aligned with Gulf Coast legislators’ and the public’s interests and/or values. Outside the Gulf Coast states, the administration’s backing for the details in the legislation, the support of progressive faith-based groups and the influential Center for American Progress, along with the concerted efforts of the environmental organizations, helped overcome Democratic policy makers’ resistance.

It was also able to work on multiple political fronts, essential in a political system as labyrinthine as that of the USA. The policy change process does not end once a bill becomes law. Money needs to be appropriated for implementation at the federal and state level, detailed rules and regulations related to implementation need to be written, personnel need to be assigned to enact the new policies, procedures and initiatives at the federal and state levels. There are many ways to derail a policy effort once a law has been passed – from challenging the constitutionality of a law, to failing to appropriate funds, to delaying hiring, to failing to sanction people who don’t enact provisions. In other words, the really hard work of policy change occurs after a piece of legislation is passed.

So at the same time that Oxfam America and the Coastal Communities Initiative were working for passage of RESTORE at the federal level, Oxfam was carrying out complementary state-level advocacy in Louisiana and Mississippi to pass workforce development and preferential hiring bills for local residents. Oxfam worked behind the scenes, but played a central role in making an economic case for local hiring and workforce development. Oxfam relied on some of the same private sector allies to lobby state legislators; it supported partners who mobilized towns and parishes to pass resolutions in support of local hiring; and it established high-level relationships with governors’ offices and/or appointees and key state legislators to gradually build support.

Critical Junctures

In one sense the entire campaign was about a critical juncture – a policy response to a massive man-made disaster, which transformed the politics and finances of social and

environmental protection in the region. What was particularly useful in this case was that Oxfam had already had a 'dummy run', in the form of responding to Hurricane Katrina, and was able to use that experience after the spill:

With the scale of Katrina, we were all over the place in terms of issues and location; with the restoration programme we were much more focused. We did a lot of thinking with staff and partners on what a long-term development strategy should be, how you could rebuild for the long term and what issues were of most concern. The BP spill was an enabling event – it helped us focus our thinking even more, it gave us a crisis to galvanize around, and it gave us funding.

Former deputy director, US Regional Office, Oxfam

RESULTS AND OUTCOMES

An upbeat January 2013 evaluation by LYV Consulting (see Monitoring, Evaluation, Learning) gave the campaign the following ratings against its initial objectives:

1. Ensuring adequate long-term federal funding for Gulf Coast restoration: largely achieved.
2. Investment in multiple resiliency strategies to create new livelihood opportunities and strengthen communities: largely achieved.
3. Investment in transitional workforce development: significantly achieved.
4. Contracting practices promoting access to opportunity: significantly achieved.
5. Community participation in governance and implementation at the local level: partially achieved.
6. Prioritizing investments protecting socially vulnerable communities: partially achieved.

With such a big event, and a large number of actors involved, attributing any given policy change to Oxfam's advocacy work is difficult. However, Oxfam was the only large social justice NGO working alongside a plethora of environmental NGOs, which makes attribution slightly more straightforward. The evaluation offered this on Oxfam's 'distinctive contribution':

When asked if a bill would have been passed without the presence of Oxfam in the process, the general consensus is that a bill would have passed, in large part because the Gulf States had too much to lose if one didn't pass. However, the final bill would have looked different. Two distinct possibilities existed. One was that the states would have retained significantly more decision-making autonomy, with more money flowing to economic development, with no guarantees regarding environmental standards or targeting. Another possible outcome, if the environmental organizations alone had dominated the advocacy, was the passage of a bill exclusively focused on environmental restoration, potentially at the expense of community livelihoods, and almost certainly without the emphasis on local workforce development targeted at the most vulnerable communities.

The paper also reviewed feedback from external allies and core partners, producing a useful list of the key factors contributing to the campaign's success. These were:

- Oxfam and partners' long-standing relationships with affected communities and their ability to co-ordinate constituency visits at critical moments from early on in the process;
- The campaign's ability to create a broad-based coalition, especially its work with faith-based groups and the private sector;
- Its framing of the economic argument as one of potential and opportunity for the Gulf states to be innovators in environmental restoration, while at the same time keeping its focus on socially vulnerable communities as key stakeholders;
- The quality of supporting research, including the widely used papers 'One Gulf, Resilient Gulf' (Oxfam America *et al.* 2010) and 'Beyond Recovery' (Gordon *et al.* 2011); Oxfam also kept enriching the argument and broadening its private sector engagement with subsequent research on the multiplier effects of restoration activities;
- Its lobbying capacity and 'relentless' and 'aggressive' focus on keeping Oxfam's issues in front of policy makers, along with its mastery of the issues;
- Its collaborative capacity – all respondents said they would be willing to work with Oxfam again, even those who had had some difficult conversations with Oxfam during this process.

Partners working closer to the ground in the Coastal Communities Initiative pointed to a slightly different set of factors:

- Intelligence from Washington, regularly conveyed to the Coastal Communities partners, about the political dynamics surrounding the RESTORE Act and progress on the bill;
- The research products that were developed in consultation with them and which conveyed in layman's terms their situation and policy positions. These were an important resource for partners' outreach efforts to community members and local officials;
- Advocacy capacity-building through training, what they learned through developing and executing a strategy, and through their experience participating in 'fly-ins' for meetings in Washington DC;
- Oxfam's focus on the 'hiring first' bills that partners were able to support through local parish and municipal resolutions.

For their part, Oxfam staff stressed the impact of working with non-traditional allies, especially from conservative evangelical churches and the private sector, and working with Republican lobbyists. This included:

- Getting its private sector allies to carry its economic benefits message to the offices of Senator Mary Landrieu and US Representative Steve Scalise (R, LA-1) which Oxfam believes was pivotal for incorporating key language in S1400 and HR 3096 and getting the bill moving in the House;
- Its use of the Picard lobbying firm, that helped introduce them to and gain access with Republican policy makers and potential allies, and greatly reduced Oxfam's learning curve on working with Gulf Coast delegations and State Houses.

Staff also highlighted the importance of media work, especially with the local press in Louisiana, and the many lessons learned from its Katrina advocacy, including:

- The need to engage in policy discussion immediately after an emergency, before deals ‘begin to be cut’, manifested in their first ‘fly-in’ just weeks after the spill and the early engagement with the White House and Mabus process;
- A better understanding of policy dynamics in the Gulf states;
- Knowledge about the sensitivities of working with local organizations as a ‘Northern’ (i.e. Boston and Washington, D.C.-based) national organization; respect for the capacities and commitment of local organizations and leaders.

COURSE CORRECTIONS: WHAT CHANGED ALONG THE WAY?

According to Minor Sinclair, the two major changes during the course of the campaign were the decision to spend \$120,000 on a firm of lobbyists with access to Republican politicians, and advocacy for local hiring to be made a requirement in restoration funding.

Hiring lobbyists was a trade-off between short-term opportunity of gaining access to policy makers for our ideas to be presented and adopted and the longer-term agenda of empowering communities to have stronger voice in decisions that affect their lives. The political exclusion of the communities we serve and the incredibly short time window made us rethink the efficacy of solely using a strict empowerment strategy, rather than directly lobbying state legislatures. In the end we did both.

Local hiring laws in Mississippi and Louisiana were a stroke of brilliance. They were born in county and parish-level resolutions that our partners and Oxfam promoted and which were passed in seven localities. Given that local hiring was actively passed over during the massive Katrina response – which left a lasting rancour in the local population – and given the state of the economy, a populist measure of hiring local people first was a natural win for Republican-controlled legislatures and governorships in these two states.

(Minor Sinclair)

Neither of these was foreseen at the outset of the campaign. Oxfam was fortunate to have staff in the region with exceptional political skills who saw the opportunity for state legislation to mandate local hiring preferences. As with the RESTORE campaigning, they hired local lobbyists to partner with staff to pass bills in both states within a very short timeframe.

While local state organizations and national environmental and poverty groups were all on board in securing the funding for RESTORE, after the law passed there was a breakdown between those who wanted to prioritize projects and spending based more narrowly on ecosystem restoration, and others (political leaders, Oxfam, communities) who wanted a slightly wider approach to include social vulnerability and community benefit. However, all sides worked together to bridge these differences, keeping all eyes on the greater prize.

WIDER LESSONS

The campaign had to navigate a number of what NGOs euphemistically term ‘challenges’. These include being part of a broad-based, very diverse coalition; and approaching

restoration issues through a community empowerment and social justice lens, rather than through the more environmental lens preferred by many environmental organizations involved in the response. Agreeing on policy positions that satisfied everyone's concerns required some delicate negotiations.

Once the RESTORE Act passed, the critical action passed from the federal level to the state level with painfully slow decision-making and budgetary authority at the discretion of state agencies. Generally, the legislatures did not have budgetary authority or oversight over the actions of these agencies – these were controlled by the governors' offices. The clientelistic nature of governance made the kind of civil society pressure and citizen-led accountability that Oxfam promotes worldwide quite challenging. Oxfam and its partners have been successful in influencing from within but have not been able, thus far, to contribute to a broader transparency and accountability initiative, along the lines of a citizen-led watchdog effort.

WHAT COMES NEXT

Once the policy wins were achieved, Oxfam's programme continued its multi-level, multi-sectoral approach, but shifted its focus to the proper implementation of the new laws, specifically to allow local residents to take advantage of skill training programmes and apply for new jobs that will be created in the emerging restoration economy. They are working to influence the plans and actions of the federal Gulf Coast Ecosystem Restoration Council, state decision-making bodies and state agencies that are implementing legislation passed in both Louisiana and Mississippi. This year, they are expanding to neighbouring Alabama to pass a first hire law there as well.

FURTHER READING

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ANNEX: TIMELINE

1994	Oxfam America's domestic programme begins work in the Gulf Coast.
2006	Start of five-year, \$12m programme focused on post-Katrina and post-Rita recovery, working with 25 local partners.
October 2009	Oxfam publishes 'Exposed: Social vulnerability and climate change in the US Southeast'.
March 2010	Oxfam launches Gulf Environment and Livelihoods Program and Coastal Community Coalition, as part of its domestic programme, following its engagement with post-Katrina restoration work.
20 April 2010	Deepwater Horizon starts spilling oil.
May 2010	President Obama appoints Ray Mabus to lead development of Gulf Coast recovery plan. Oxfam begins programme of mobilization and research to influence Mabus process.
August 2010	Oxfam publishes 'One Gulf, Resilient Gulf: A Plan for coastal community recovery'.
September 2010	Ray Mabus's report with many of Oxfam's recommendations adopted.
October 2010	Obama creates the Gulf Coast Ecosystem Restoration Task Force (GCERTF) as Gulf US Congressional delegation begins negotiations around RESTORE Act. These become focal points of Oxfam's advocacy work, including research and 'fly-ins' to Washington, D.C. by local communities as well as religious and business leaders.
February 2011	'Beyond Recovery' published by Center for American Progress and Oxfam America.
July 2011	After previous attempts fail to gather support of large enough portion of Gulf US Congressional delegation, S. 1400 RESTORE Act introduced by Sen Mary Landrieu (D-LA) and Sen Richard Shelby (R-AL), with key Oxfam provisions. Oxfam is one of eight NGOs invited to work with their offices to co-ordinate its passage.
December 2011	GCERTF releases recommendations with four out of five key Oxfam provisions.
March–July 2012	RESTORE Act passed by both Houses, reconciled and signed into law by President Obama.
March–June 2012	At state level, Mississippi and Louisiana both pass legislation on hiring local labour in restoration work.

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