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How Are Reporting Requirements Submitted to Congress?

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How Are Reporting Requirements Submitted to Congress?

Congress may direct federal agencies, commissions, and the President to prepare and submit required reports to Congress or its committees as a function of its oversight of the executive branch or to obtain information for the purpose of enacting legislation. These reporting requirements may be located in public laws, codified in the *United States Code*, or included in committee reports accompanying a bill.

Reports satisfying reporting requirements may be submitted to Congress in several ways:

- Agencies may submit physical copies of required reports to congressional committees or to Congress itself if no specified recipient is named.
- In cases where the required reporting is described as testimony, or a meeting, briefing, or other in-person or oral report, the report may be delivered in person before the respective recipients (i.e., committees, individuals, or Congress in general) with or without an accompanying written report.
- The timing of submissions may vary: reports and other information may be required to be submitted once (e.g., by a specified date), on a recurring basis (e.g., annually), or as specified circumstances arise (e.g., each time the agency head takes a particular action).

The specific details of the report submission process are unique to each chamber and are outlined in this CRS report. In general, written reports not submitted directly to congressional committees typically are submitted to the House and Senate as Executive Communications (ECs). The House and Senate Parliamentarians' offices examine these submissions and determine each report's committee referral. Next, the House Clerk's and the Senate Executive Clerk's offices record the EC submissions and create an abstract to be published in the *Congressional Record*. The actual documents are then transmitted to the House or Senate committee(s) of referral. Committees establish internal procedures for the filing and distribution of reports they have received.

As there is no single repository for reports submitted to Congress in response to reporting requirements, copies of these reports may be difficult to obtain. For more information on strategies for locating reporting requirements and reports submitted to Congress, please see CRS Report R46661, *Strategies for Identifying Reporting Requirements and Submitted Reporting to Congress*, by Kathleen E. Marchsteiner.

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Introduction

Congress may direct federal agencies, commissions, and the President to prepare and submit required reports to Congress or its committees as a function of its oversight of the executive branch or to obtain information for the purposes of enacting legislation. These reporting requirements may be located in public laws, codified in the *United States Code*, or included in committee reports accompanying a bill.¹

Reporting requirements and the reports submitted to satisfy them have a number of potentially valuable uses for Congress. They may serve to facilitate oversight, ensure agency compliance with congressional intent, and inform congressional decisionmaking.² For example,

- Information contained in required reports could be used in developing questions in advance of a hearing,
- Submitted reports themselves could confirm executive branch compliance with a previous requirement, and
- New reporting requirements could be considered on the basis of a perceived need for information not addressed by existing reporting requirements.

However, identifying reports due to Congress and which reports have been submitted is often difficult. Reporting requirements may vary widely in various aspects such as deadlines, requested content, and the congressional entities to which the reports are to be submitted. The forms in which reports are delivered, including the submission of written materials or in-person delivery through briefings or testimony, also may vary. Because of these variations, it is often not possible to identify all submitted reports or reporting requirements due from any given federal entity or on any given topic.³

To facilitate congressional use of required reports and understanding of the submission process, this CRS report describes the various methods by which reports are submitted to Congress and details the differences in the processes by which reports are submitted to the House and to the Senate.

¹ When found in statutes, reporting requirements are legally binding directives by Congress to federal entities. By contrast, when found in committee reports, reporting requirements do not carry the force of the law. Nonetheless, because committee reports are authoritative records and serve to establish congressional intent and need, federal entities may still choose to satisfy the reporting requirements due to the significance Congress has imparted upon them and to preserve their relationships with committees of jurisdiction. If a statute incorporates committee report language by reference and that incorporated language includes a reporting requirement, then the reporting requirement becomes legally binding.

² For more general information on congressionally mandated reports, see CRS Report R46357, *Congressionally Mandated Reports: Overview and Considerations for Congress*, by William T. Egar; CRS Report R42490, *Reexamination of Agency Reporting Requirements: Annual Process Under the GPRM Modernization Act of 2010 (GPRAMA)*, by Clinton T. Brass; and CRS Report RL30240, *Congressional Oversight Manual*, coordinated by Christopher M. Davis, Todd Garvey, and Ben Wilhelm.

³ For more information on locating reporting requirements and submitted reports, see CRS Report R46661, *Strategies for Identifying Reporting Requirements and Submitted Reporting to Congress*, by Kathleen E. Marchsteiner.

Overview of the Report Submission Process for the House and Senate

Individual reporting requirements may differ in the naming of report submitters and recipients, the form such a report will take, the types of actions that need to be taken to transmit the information, and the timing mechanisms that trigger the report submissions.

If a report is due to a specific congressional committee, to committee leadership, or to House or Senate leadership, agencies may submit the report directly to those recipients. In-person reports may be delivered through briefings, testimonies, or meetings.

Written reports that are due generally to Congress—and not to a particular committee—typically are submitted to the House and the Senate as Executive Communications (ECs). ECs are written statements presented to Congress in physical form by federal entities and other designated entities. The House and Senate Parliamentarians' offices examine these submissions and determine each report's committee referral. Next, the House Clerk's and the Senate Executive Clerk's offices record the EC submissions and create an abstract to be published in the *Congressional Record*. The documents are then transmitted to the congressional committee(s) of referral. If a written report is due generally to Congress, the House and Senate typically will each receive a copy.

Report Submission Process in the House of Representatives

In the House of Representatives,⁴ if a written report from a federal entity is not submitted directly to a committee, the report typically is first sent to the Speaker of the House's office in the form of an EC (see **Figure 1**).

The requirements for submission of an EC in the House include (1) a cover letter addressed to the Speaker of the House with an original signature and (2) a physical copy of the submitted item, including a summary. As such, when written reports are submitted as an EC to the House, the only copy of the report that is possessed by the House may be a physical or hard copy.

ECs submitted to the House typically first arrive in the Speaker's office by mail, though in some cases they are hand-delivered. The Speaker's office then sorts through them and sends them to the House Parliamentarian's office. To expedite the process, some federal entities hand-deliver reports—again in the form of ECs—directly to the House Parliamentarian's office instead of going through the Speaker's office. The House Parliamentarian's office stamps the document with the date of receipt and determines the committee to which the report will be referred.⁵

The House Parliamentarian's office then sends the EC to the House Clerk's office, where the Executive Clerk of the House records the submission and creates an abstract noting the entity submitting the report, the title of the communication, the date received, and the committee(s) to which it has been referred. This abstract is uploaded to the executive communications database in Congress.gov and is published in the *Congressional Record* to acknowledge the House's receipt of the item.⁶ The full text of the agency submission is not included in the *Congressional Record*.

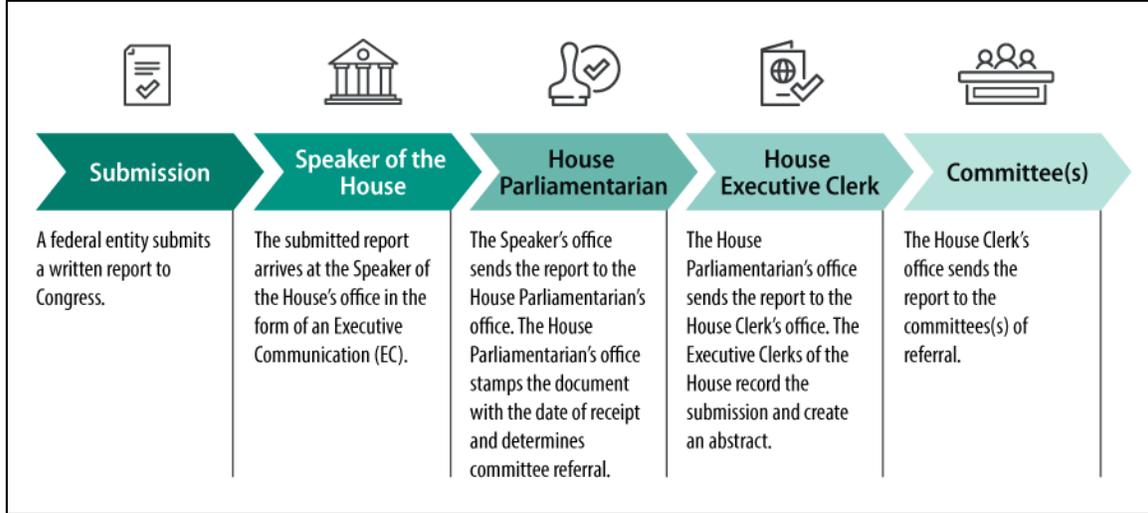
⁴ The House Parliamentarian's office and the House Clerk's office provided valuable input on this section of the report.

⁵ The House Parliamentarian's office acts as the Speaker's agent when making referrals under clause 8 of House Rule XII.

⁶ Executive Communications (ECs) are listed by communication number in the *Congressional Record*, which is

After recording the submission, the House Clerk’s office sends the report to the committee(s) of referral. The House Parliamentarian’s office and the House Clerk’s office do not retain copies of the submitted reports.

Figure 1. Typical Report Submission Process in the House of Representatives



Source: Congressional Research Service (CRS) analysis.

Note: This figure applies to written reports that are not sent directly to a committee.

Presidential Report Submission to the House of Representatives

When the President submits a report to Congress in response to a reporting requirement, the report may be submitted to the House as either an EC or a Presidential Message (PM). ECs are not formally laid before the House and follow the process previously outlined. However, if a PM is submitted when the House is in session, the House receives the White House messenger at the center aisle of the House chamber and halts other floor business to receive the PM. After receipt, the House Parliamentarian’s office reviews the communication and notes the committee(s) of jurisdiction. Then, the message is laid before the House and officially referred to the committee(s) of jurisdiction. If a PM is received when the House is not in session, the House Parliamentarian’s office accepts the communication and notes the committee(s) of jurisdiction; however, further action awaits the next session day, when the PM is laid before the House and officially referred to the committee(s) of jurisdiction.

available online from 1989-present at <https://www.congress.gov> and in printed form for previous years. In addition, the online version of the *Daily Digest* on Congress.gov provides a link to the *Congressional Record* page(s) that list that day’s executive communications. ECs within House and Senate Communications also are available for searching and browsing on Congress.gov at <https://www.congress.gov/>.

Report Submission Process in the Senate

In the Senate,⁷ if a written report is not submitted directly to a committee, the report typically is sent first to the Vice President of the United States in the form of an EC (see **Figure 2**).⁸

In the Senate, EC submissions must include a physical document with an original signature in order to be accepted, though the report itself may or may not be a physical document. In some cases, federal entities will transmit the EC in the form of a package that includes a cover letter with an original signature and an attached hard copy of a report that fulfills the reporting requirement. In other cases, the EC submission will simply be a physical cover letter with an original signature and an accompanying report that is included by reference to a website URL embedded in the cover letter text. Navigating to this URL leads to the submitted report that fulfills the reporting requirement. This second method of submission may be more likely to occur with lengthier reports.

ECs may be submitted to the Vice President's office by mail, though in some cases they are hand-delivered or sent by messenger. Upon receipt, the Vice President's office hand-delivers the ECs to the Senate Parliamentarian's office for referral.⁹ After the Senate Parliamentarian's office determines the appropriate committee referral, ECs are transferred to the Senate Executive Clerk's office, where the submission is recorded and given an EC number and an abstract is created to identify the EC.¹⁰ That information is uploaded to Congress.gov, and the abstract is published in the *Congressional Record* to acknowledge the Senate's receipt of the item.¹¹ The full text of ECs is not included in the *Congressional Record*.

After recording the submission, the Senate Executive Clerk's office sends the report to the committee(s) of referral. As in the House, the Senate Parliamentarian's office and the Senate Executive Clerk's office do not retain copies of the submitted reports.

⁷ The Senate Parliamentarian's office and the Secretary of the Senate's office provided valuable input on this section of the report.

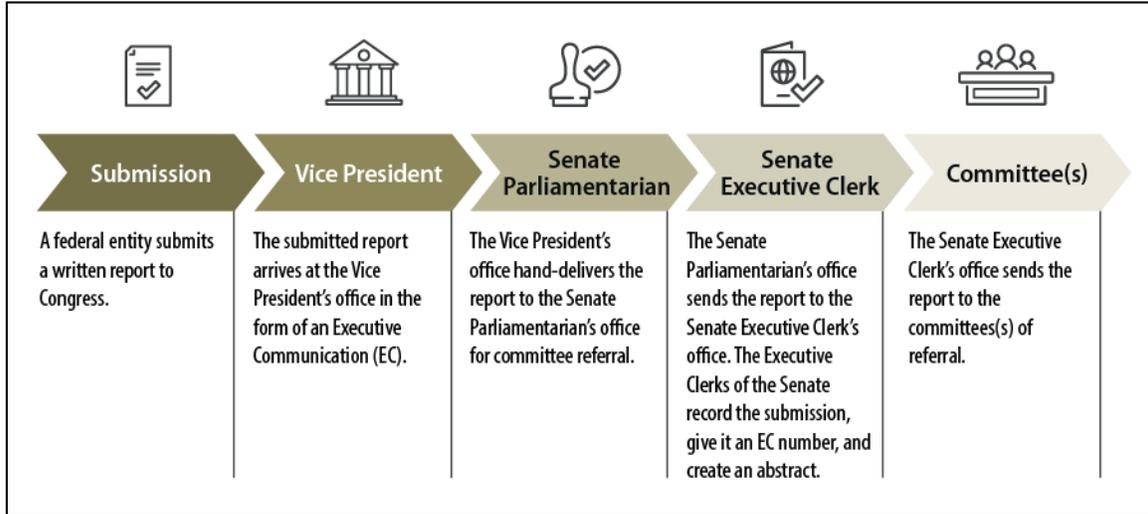
⁸ In some cases, reports due to the Senate will be sent to the President Pro Tempore of the Senate instead of the Vice President. An example of the type of reports submitted to the President Pro Tempore include reports pursuant to the War Powers Resolution, 50 U.S.C. 1544.

⁹ The Senate Parliamentarian's office acts on behalf of the presiding officer when making referrals under clause 1 of Senate Rule XVII.

¹⁰ In times of extended recess, ECs sent to the Senate do not progress beyond the Senate Parliamentarian's office; their submission is not recorded in the *Congressional Record* or on Congress.gov by the Senate Executive Clerk's office until the Senate returns. As such, these ECs are not sent to their respective committee(s) until the Senate returns from recess. This is the case even when the Senate meets in occasional pro forma sessions during such recesses.

¹¹ ECs are listed by communication number in the *Congressional Record*, which is available online from 1989-present at <https://www.congress.gov> and in printed form for previous years. In addition, the online version of the *Daily Digest* on Congress.gov provides a link to the *Congressional Record* page(s) that list that day's executive communications. ECs within House and Senate Communications also are available for searching and browsing on Congress.gov at <https://www.congress.gov/>.

Figure 2. Typical Report Submission Process in the Senate



Source: CRS analysis.

Note: This figure applies to written reports that are not sent directly to a committee.

Presidential Report Submission Process to the Senate

When the President submits a report to Congress in response to a reporting requirement while the Senate is in session, the report is submitted to the Senate as a PM. If the President submits the report while the Senate is not in session, the report is submitted to the Senate as an EC. If the report is sent as a PM, it will be submitted in an envelope from the White House and will be delivered directly to the Senate floor to be presented to the Senate. Unlike ECs, the full text of PMs is recorded in the *Congressional Record*.

Report Submission Process to Congressional Committees

While congressional committees often receive reports that satisfy reporting requirements through the aforementioned processes in the House and Senate, if a report is due to a specific congressional committee or to committee leadership, agencies sometimes may submit the report directly to those recipients.

The methods by which agencies submit reports directly to congressional committees vary by individual agency and by committee. As such, there is no standardized process by which reports are submitted directly from a report submitter to a committee.

Each committee has its own individualized procedures for how it processes and organizes submitted reports.

Sources for Finding Submitted Reports

Agencies may submit physical copies of required reports to congressional committees, committee leadership, or to Congress in general without a specified recipient. In cases where the required reporting is described in statute as a testimony, meeting, briefing, or other in-person or oral report, the report may be delivered in person before the respective recipients (i.e., committees, individuals, or Congress in general) with or without an accompanying written report.

There is no single repository or database for digitized or physical reports submitted to Congress.

Additionally, as stated previously, the House and Senate Parliamentarians' offices, the House Clerk's office, and the Senate Executive Clerk's office do not retain copies of submitted reports. As such, copies of reports submitted to Congress may be difficult to obtain. In some cases, it may be easier to verify that a report was submitted than to locate a copy of the report.

Potential sources for locating submitted reports include the following:

- *The Congressional Record* (although frequently not the full text);
- Member, committee, or agency websites;
- Hearing transcripts;
- Committee clerks;
- Congressional liaisons for federal agencies; and
- Freedom of Information Act inquiries.

In some instances, previously submitted reporting may not be readily available. In these instances, Congress has a variety of oversight tools it may use to obtain any information it requires and need not rely on information from previous reporting.¹²

For more information on strategies for locating reporting requirements and reports submitted to Congress, please see CRS Report R46661, *Strategies for Identifying Reporting Requirements and Submitted Reporting to Congress*, by Kathleen E. Marchsteiner.

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¹² For more information, please see CRS Report RL30240, *Congressional Oversight Manual*, coordinated by Christopher M. Davis, Todd Garvey, and Ben Wilhelm.