**Non-Legislative Powers of Congress**

|  |  |  |  |
| --- | --- | --- | --- |
| **Power** | **Source of Power** | **House of Representatives** | **Senate** |
| **Power to appoint the president and vice president** | • Twelfth Amendment    • Twentieth Amendment, Sections 3 and 4      • Twenty-fifth Amendment, Section 2 | Twelfth Amendment    • A joint session of Congress counts the Electoral College votes.      • If no presidential candidate has a majority, House selects from top three candidates.      Twentieth Amendment    • House and Senate together pass legislation to deal with the death of a presidential or vice presidential candidate if the person died before taking office.      Twenty-fifth Amendment    • A majority vote of House and Senate must approve a nominee to replace a vice president who died or resigned. | Twelfth Amendment    • A joint session of Congress counts the Electoral College votes.      • If no vice presidential candidate has a majority, Senate selects from top two candidates.      Twentieth Amendment    • House and Senate together pass legislation to deal with the death of a presidential or vice presidential candidate if the person died before taking office.      Twenty-fifth Amendment    • A majority vote of House and Senate must approve a nominee to replace a vice president who died or resigned. |
| **Power to remove a federal official from office, including federal judges** | • Article II, Section 2, Clause 5: the House      • Article I, Section 3, Clause 6: the Senate | The House impeaches a federal official. This means the House finds enough evidence of wrongdoing to turn the official over to the Senate for trial. | The Senate tries the impeached official. If found guilty, the person is removed from office. |
| **Power to confirm federal nominees** | • Article II, Section 2, Clause 2 | No responsibilities | Senate must confirm presidential nominees for the    • heads of executive departments and their highest level of assistants    • heads of regulatory agencies.  • federal judges.  • major diplomatic positions.  • major military positions. |
| **Power to ratify treaties** | • Article II, Section 2, Clause 2 | No responsibilities | • Senate must approve any treaty with another nation by a two-thirds vote. |
| **Power to propose amendments to the Constitution** | • Article V | • This power is shared with the Senate.      • The House must propose an amendment by a two-thirds vote. | • This power is shared with the House.    • The Senate must propose an amendment by a two-thirds vote. |

* The House has only had to choose a president twice. In 1800, they chose Thomas Jefferson, and in 1824, they chose John Quincy Adams.
* In 1973, Congress confirmed Gerald Ford as vice president. He succeeded Spiro Agnew, who had resigned. Then, in 1974, Congress confirmed Nelson Rockefeller as vice president. He replaced Ford, who had become president when Richard Nixon resigned the presidency.
* In 2005, the Senate held confirmation hearings for the appointment of Alberto Gonzales as Attorney General.
* Since 1789, the House has impeached 17 federal judges, and the Senate has convicted seven. Congress has also impeached and tried two presidents, Andrew Johnson in 1868 and Bill Clinton in 1998. Both were acquitted.
* Confirmation power over presidential appointees belongs to the Senate alone. The Secretary of State and the Attorney General of the United States are examples of the heads of executive departments who are appointed. The Senate’s confirmation duties also include approving justices to the U.S. Supreme Court, some diplomats, and some top-level military positions.
* The executive branch has the responsibility to make treaties. The Senate alone has the power to ratify, or approve, treaties. This is part of the system of checks and balances.