

Table 1. Spearman’s Rho Correlation between *Mens Rea* Provision and Congressional Action

	Referred to Judiciary Committee	Judiciary Committee Hearing	Markup by Judiciary	Amended by Judiciary	Reported by Judiciary	Passed	Enacted	N
House	0.05	0.05	0.14*	0.07	0.15*	0.05	0.01	277
Senate	0.02	0.04	0.02	0.04	0.04	-0.10	-0.07	169
Both	0.02	0.04	0.10*	0.06	0.10*	-0.01	-0.03	446

*p < 0.05 (The p-value represents the probability that the calculations are falsely rejecting the hypothesis of no correlation.)

Note: Calculations by The Heritage Foundation Center for Data Analysis

Table 1 presents the findings of a Spearman’s rho correlation analysis of the relationship between the strength of *mens rea* requirements and the specified congressional actions. Spearman’s rho measures the direction and strength of the relationship between two variables. A Spearman’s rho of -1.0 represents a strong, perfectly negative relationship between two variables, while a Spearman’s rho of 1.0 represents a strong, perfectly positive relationship. A Spearman’s rho of 0 represents no relationship.

For the criminal offenses introduced in the U.S. House of Representatives, the strength of the *mens rea* requirement has weak, positive correlation (rho = 0.14) when the legislation is marked-up by the House Judiciary Committee. In addition, the *mens rea* requirement has a positive, weak correlation (rho = 0.15) with legislation being reported by the House Judiciary Committee. While these associations are weak, the stronger the *mens rea* requirements, the more likely the legislation will be marked up and reported. These correlations are statistically significant. For the other specified House actions, the correlations are statistically insignificant, meaning that the strength of the *mens rea* requirements is not correlated with the remaining House actions. In the U.S. Senate, the strength of the *mens rea* requirement failed to have statistically significant correlations with any of the Senate actions.

When the House and Senate data are analyzed together, the strength of the *mens rea* requirement had statistically significant correlations with two congressional actions. The strength of the *mens rea* requirement has weak, positive correlation (rho = 0.10) when the legislation is marked up by the House or Senate Judiciary Committee. The *mens rea* requirement has a positive, weak correlation (rho = 0.10) with legislation being reported by the House or Senate Judiciary Committee. While these associations are weak, the stronger the *mens rea* requirements, the more likely the legislation will be marked up and reported. However, these results appear to be driven by the association in the House of Representatives, rather than actions in the Senate.

Table 2. Kendall’s tau-a Correlations between *Mens Rea* Provision and Congressional Action

	Referred to Judiciary Committee	Judiciary Committee Hearing	Markup by Judiciary	Amended by Judiciary	Reported by Judiciary	Passed	Enacted	N
House	0.03	0.01	0.05*	0.02	0.05*	0.02	0.003	277
Senate	0.01	0.01	0.01	0.01	0.01	-0.04	-0.02	169
Both	0.01	0.01	0.03*	0.02	0.03*	-0.004	-0.01	446

*p < 0.05 (The p-value represents the probability that the calculations are falsely rejecting the hypothesis of no correlation.)

Note: Calculations by The Heritage Foundation Center for Data Analysis

In addition to the Spearman’s rho analysis, Kendall’s tau-a correlations were estimated. Like Spearman’s rho, Kendall’s tau-a measures the direction and strength of the relationship between two variables. A Spearman’s rho of -1.0 represents a strong, perfectly negative relationship between two variables, while a Spearman’s rho of 1.0 represents a strong, perfectly positive relationship. However, Kendall’s tau-a is specifically designed for ordinal variables such as the variables used in this analysis.

The results presented in Table 2 are similar to the results in Table 1. In the House of Representatives, the strength of the *mens rea* requirement has weak, positive correlation (tau = 0.05) when the legislation is marked up by the House Judiciary Committee. In addition, the *mens rea* requirement has a positive, weak correlation (tau = 0.05) with legislation being reported by the House Judiciary Committee. While these associations are weak, the stronger the *mens rea* requirements, the more likely the legislation will be marked up and reported. These correlations are statistically significant. For the other specified House actions, the correlations are statistically insignificant, meaning that the strength of the *mens rea* requirements is not correlated with the remaining House actions. In the Senate, the strength of *mens rea* requirements failed to have a statistically significant correlation with any of the Senate actions.

When the House and Senate data are analyzed together, the strength of the *mens rea* requirement had statistically significant correlations with two congressional actions. In the House and Senate, the strength of the *mens rea* requirement has weak, positive correlation (tau = 0.03) when the legislation is marked up by the House or Senate Judiciary Committee. The *mens rea* requirement has a positive, weak correlation (tau = 0.03) with legislation being reported by the House or Senate Judiciary Committee. While these associations are weak, the stronger the *mens rea* requirements, the more likely the legislation will be marked up and reported. However, these results appear to be driven by the association in the House of Representatives, rather than actions in the Senate.