

112TH CONGRESS
1ST SESSION

H. R. 399

To amend the Immigration and Nationality Act to authorize certain aliens who have earned a Ph.D. degree from a United States institution of higher education in a field of science, technology, engineering, or mathematics to be admitted for permanent residence and to be exempted from the numerical limitations on H-1B nonimmigrants.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 24, 2011

Mr. FLAKE introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend the Immigration and Nationality Act to authorize certain aliens who have earned a Ph.D. degree from a United States institution of higher education in a field of science, technology, engineering, or mathematics to be admitted for permanent residence and to be exempted from the numerical limitations on H-1B nonimmigrants.

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

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Stopping Trained in
3 America Ph.D.s From Leaving the Economy Act of 2011”
4 or the “STAPLE Act”.

5 **SEC. 2. EXEMPTION FROM NUMERICAL LIMITATIONS ON**
6 **PERMANENT RESIDENTS FOR CERTAIN**
7 **UNITED STATES EDUCATED IMMIGRANTS.**

8 (a) ALIENS NOT SUBJECT TO DIRECT NUMERICAL
9 LIMITATIONS.—Section 201(b)(1) of the Immigration and
10 Nationality Act (8 U.S.C. 1151(b)(1)) is amended by add-
11 ing at the end the following:

12 “(F) Aliens who have earned a Ph.D. de-
13 gree from a United States institution of higher
14 education (as defined in section 101(a) of the
15 Higher Education Act of 1965 (20 U.S.C.
16 1001(a))) in a field of science, technology, engi-
17 neering, or mathematics and who have an offer
18 of employment from a United States employer
19 in a field related to such degree.”.

20 (b) PROCEDURE FOR GRANTING IMMIGRANT STA-
21 TUS.—Section 204(a)(1)(F) of the Immigration and Na-
22 tionality Act (8 U.S.C. 1154(a)(1)(F)) is amended—

23 (1) by striking “or” after “203(b)(2)”;

24 (2) by inserting “, or 201(b)(1)(F)” after
25 “203(b)(3)”; and

1 (3) by striking “Attorney General” and insert-
2 ing “Secretary of Homeland Security”.

3 **SEC. 3. EXEMPTION FROM H-1B NUMERICAL LIMITATION**
4 **FOR CERTAIN UNITED STATES EDUCATED**
5 **NONIMMIGRANTS.**

6 Section 214(g)(5) of the Immigration and Nationality
7 Act (8 U.S.C. 1184(g)(5)) is amended—

8 (1) in subparagraph (B), by striking “or”;

9 (2) in subparagraph (C), by striking the period
10 at the end and inserting a semicolon; and

11 (3) by adding at the end the following:

12 “(D) has earned a Ph.D. degree from a United
13 States institution of higher education (as defined in
14 section 101(a) of the Higher Education Act of 1965
15 (20 U.S.C. 1001(a))) in a field of science, tech-
16 nology, engineering, or mathematics and with re-
17 spect to whom the petitioning employer requires
18 such education as a condition for the employment.”.

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