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.

Be it enacted by the Senate and House of Representa-

tives of the United States of America in Congress assembled,
SECTION 1. SHORT TITLE.

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

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

(a) Aliens Not Subject to Direct Numerical Limitations.—Section 201(b)(1) of the Immigration and Nationality Act (8 U.S.C. 1151(b)(1)) is amended by adding at the end the following:

“(F) Aliens who have earned a Ph.D. degree from a United States institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))) in a field of science, technology, engineering, or mathematics and who have an offer of employment from a United States employer in a field related to such degree.”.

(b) Procedure for Granting Immigrant Status.—Section 204(a)(1)(F) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(F)) is amended—

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

(2) by inserting “, or 201(b)(1)(F)” after “203(b)(3)”; and
(3) by striking “Attorney General” and inserting “Secretary of Homeland Security”.

SEC. 3. EXEMPTION FROM H–1B NUMERICAL LIMITATION FOR CERTAIN UNITED STATES EDUCATED NONIMMIGRANTS.

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

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

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

(3) by adding at the end the following:

“(D) has earned a Ph.D. degree from a United States institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))) in a field of science, technology, engineering, or mathematics and with respect to whom the petitioning employer requires such education as a condition for the employment.”.