

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.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 24, 2011

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

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## 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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