

HR 1791 IH

111th CONGRESS

1st Session

H. R. 1791

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**March 30, 2009**

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 Representatives 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 2009' 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.'.

 FEEDBACK

(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.'.

END