certification for aliens pursuant to part 656 of title 20, Code of Federal Regulation (or any successor regulation). The Secretary may not delegate this function to any agency of a State.

(2) SCHEDULE FOR DETERMINATION.—Except as provided in paragraph (3), the Secretary of Labor shall provide a response to an employer's prevailing wage determination in no more than 20 calendar days from the date of receipt of such request. If the Secretary fails to reply during such 20-day period, the prevailing wage determination proposed by the employer shall be the valid prevailing wage rate.

(3) USE OF SURVEYS.—The Secretary of Labor shall maintain a website provided by the employer unless the Secretary determines that the wage component of the Occupational Employment Statistics Survey is more accurate for the occupation in the labor market area.

(b) PLACEMENT OF JOB ORDER.—The Secretary of Labor shall establish a website with links to the official website of each workforce agency of a State, and such official website shall contain instructions on the filing in order to satisfy the job order requirements of section 656.17(e)(1) of title 20, Code of Federal Regulation (or any successor regulation).

(c) TECHNICAL CORRECTIONS.—The Secretary of Labor shall establish a process by which employers seeking certification under section 212(a)(6) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(6)), and amendments made by section 1621(b), may make technical corrections to applications in order to avoid requiring employers to conduct additional recruitment to correct an initial technical error. A technical error shall include any error that would not have a material effect on the employer's prevailing wage certification of able, willing, and qualified United States workers.

(d) ADMINISTRATIVE APPEALS.—Motions to reconsider any administrative appeals of a denial of a permanent labor certification application, shall be decided by the Secretary of Labor not later than 60 days after the date of the filing of such motion or such appeal.

(e) APPLICATIONS UNDER PREVIOUS SYSTEM.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Labor shall process and issue decisions on all applications for permanent labor certification that were filed prior to March 28, 2002.

(f) EFFECTIVE DATE.—The provisions of this section shall take effect 90 days after the date of enactment of this Act, regardless of whether the Secretary of Labor has amended the regulations at part 656 of title 20, Code of Federal Regulation to implement such changes.

Subtitle D—Miscellaneous

SEC. 1641. COMPLETION OF BACKGROUND AND SECURITY CHECKS.

Section 103 of the Immigration and Nationality Act (8 U.S.C. 1324) is amended by adding at the end the following new subsection:

"(i) REQUIREMENT FOR BACKGROUND CHECKS.—Notwithstanding any other provision of law, until appropriate background and security checks, as determined by the Secretary of Homeland Security, have been completed, and the information provided to and accepted by the Secretary, the granting of any temporary status under this Act has been investigated and resolved, the Secretary of Homeland Security and the Attorney General may not be required to take action under this Act.

"(ii) REQUIREMENT TO RESOLVE FRAUD ALLEGATIONS.—Notwithstanding any other provision of law, any application or alien alleged to be engaging in fraud relating to the granting of any status (including the granting of adjustment of status), relief, protection from removal, or other benefit under this Act has been investigated and resolved, the Secretary of Homeland Security and the Attorney General may not be required to take action under this Act.

"(3) USE OF SURVEYS.—The Secretary of Labor shall accept an alternative wage survey provided by the employer unless the Secretary determines that the wage component of the Occupational Employment Statistics Survey is more accurate for the occupation in the labor market area.

The following Senators are subject to the provisions of S. Res. 105 (adopted April 13, 1989), as amended by S. Res. 149 (adopted October 5, 1993), as amended by Public Law 105-275, further amended by S. Res. 75 (adopted March 25, 1999), as amended by S. Res. 383 (adopted October 27, 2000), and amended by S. Res. 355 (adopted November 13, 2002), and further amended by S. Res. 480 (adopted April 20, 2007)