SEC. 802. LIMITATION.

Notwithstanding any other provision of this Act or the amendments made by this Act, title III of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6801 et seq.), as in effect on the day before the date of the enactment of this Act, and the authority of the Secretary to carry out English language learning programs under such title, is deemed to remain effect until the date on which the Secretary—

(1) determines that striking title III of Elementary and Secondary Education Act of 1965 (20 U.S.C. 6801 et seq.), as such title was in effect on the day before the date of the enactment of the Student Success Act, will not decrease the availability of Department of Education resources for the acquisition, enhancement, and achievement of the English language for English language learning students; and
(2) provides written notification to Congress of such determination.